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PROCLAMATION

*By the State President of the Republic of
South Africa*

No. R. 150, 1972

**CONDUCT OF ELECTIONS OF ELECTED
MEMBERS OF THE BOPHUTHATSWANA LEGIS-
LATIVE ASSEMBLY**

Whereas the area for which the Tswana Legislative Assembly was established by Proclamation R. 87, dated 30 April 1971, has by the Bophuthatswana Constitution Proclamation 1972 (Proclamation R. 131 of 1972), been declared a self-governing territory under the name of Bophuthatswana;

And whereas it is necessary to make provision for the conduct of elections of elected members of the Bophuthatswana Legislative Assembly, as constituted by the said Bophuthatswana Constitution Proclamation 1972;

And whereas the Tswana Legislative Assembly has been consulted in this connection as provided for in section 2 of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971);

Now, therefore, under and by virtue of the powers vested in me by section 2 of the said Bantu Homelands Constitution Act 1971, I hereby declare that the provisions contained in the Schedule hereto shall apply in regard to the conduct of elections of elected members of the Bophuthatswana Legislative Assembly.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighth day of June, One thousand Nine hundred and Seventy-two.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

SCHEDULE

PART I

Definitions

1. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), the Bantu Authorities Act, 1951

PROKLAMASIE

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. R. 150, 1972

**HOU VAN VERKIESINGS VAN DIE VERKOSE
LEDE VAN DIE BOPHUTHATSWANA- WET-
GEWENDE VERGADERING**

Nademaal die gebied waarvoor die Tswana- Wetgewende Vergadering by Proklamasie R. 87, gedateer 30 April 1971, ingestel is, by die Bophuthatswana-grondwetproklamasie, 1972 (Proklamasie R. 131 van 1972) tot 'n self-regerende gebied onder die naam Bophuthatswana verklaar is;

En nademaal dit nodig is om voorsiening te maak vir die hou van verkiesings van verkose lede van die Bophuthatswana- Wetgewende Vergadering, soos saamgestel by genoemde Bophuthatswana-grondwetproklamasie, 1972;

En nademaal die Tswana- Wetgewende Vergadering in hierdie verband geraadpleeg is soos bepaal by artikel 2 van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971);

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 2 van genoemde Grondwet van die Bantoetuislande, 1971, hierby verklaar dat die bepalings vervat in die Bylae hiervan met betrekking tot die hou van verkiesings van verkose lede van die Bophuthatswana- Wetgewende Vergadering van toepassing is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hierdie Agtste dag van Junie Eenduisend Negehoenderd Twee-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

BYLAE

DEEL I

Woordomskrywings

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), die Wet op Bantoe-owerhede, 1951

(Act 68 of 1951), and the Bophuthatswana Constitution Proclamation 1972 (Proclamation R. 131 of 1972), shall bear that meaning and—

(i) "agent" means a person appointed an agent of a candidate in terms of section 14; (ii)

(ii) "Assembly" or "Legislative Assembly" means the Bophuthatswana Legislative Assembly, referred to in section 3 of the Constitution Proclamation; (xvi)

(iii) "Bantu Affairs Commissioner" means a Bantu Affairs Commissioner appointed in terms of the Bantu Administration Act, 1927 (Act 38 of 1927) and includes and an Assistant Bantu Affairs Commissioner; (iii)

(iv) "Constitution Proclamation" means the Bophuthatswana Constitution Proclamation, 1972 (Proclamation R. 131 of 1972); (vii)

(v) "district control officer" means a Bantu Affairs Commissioner or Magistrate who is a district control officer in terms of section 4; (vi)

(vi) "division" or "electoral division" means an electoral division referred to in section 4 of the Constitution Proclamation; (i)

(vii) "duly elected" includes returned unopposed; (iv)

(viii) "electoral officer" means an officer appointed in terms of section 2; (xvii)

(ix) "Magistrate" means a Magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act 32 of 1944), and includes an Additional and an Assistant Magistrate; (x)

(x) "member" means an elected member of the Legislative Assembly; (xi)

(xi) "Minister" means the member of the Cabinet to whom the control of the Department of the Interior has been assigned, acting in consultation with the Cabinet; (xii)

(xii) "nomination court" means a nomination court referred to in section 9; (xiii)

(xiii) "polling district" means the area of jurisdiction of a Bantu Affairs Commissioner or Magistrate; (xiv)

(xiv) "polling officer" means a person appointed a polling officer in terms of section 5; (xv)

(xv) "prescribed" means prescribed by or under this Proclamation; (xviii)

(xvi) "reference book" means a reference book referred to in section 3 (1) (b) (i) of the Bantu (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952), and includes any duplicate of such book issued under the said Act; (v)

(xvii) "returning officer" means the district control officer who is a returning officer in terms of section 4; (viii)

(xviii) "voter" means a person who is a citizen of Bophuthatswana in terms of section 3 of the Bantu Homelands Citizenship Act, 1970 (Act 26 of 1970), and who is entitled to vote in an electoral division in Bophuthatswana at an election of members of the Bophuthatswana Legislative Assembly. (ix)

PART II

PRELIMINARY PROVISIONS

Electoral Officer

2. (1) The Minister shall appoint an electoral officer for Bophuthatswana who shall be an officer of the Bophuthatswana Government Service or an officer of the Public Service of the Republic who has been designated in terms of section 5 (4) of the Bantu Homelands Constitution Act, 1971 (Act 21 of 1971), to assist the Cabinet of Bophuthatswana.

(2) The electoral officer shall be responsible for the conduct of elections of members of the Legislative Assembly.

(Wet 68 van 1951), en die Bophuthatswana-grondwetproklamasie, 1972 (Proklamasie R. 131 van 1972), geheg is, daardie betekenis en beteken—

(i) "afdeling" of "kiesafdeling" 'n kiesafdeling in artikel 4 van die Grondwetproklamasie genoem; (vi)

(ii) "agent" 'n persoon wat ingevolge artikel 14 as agent van 'n kandidaat aangestel is; (i)

(iii) "Bantoesakekommissaris" 'n Bantoesakekommissaris aangestel kragtens die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en ook 'n Addisionele en Assistent-Bantoesakekommissaris; (iii)

(iv) "behoorlik verkose" of "behoorlik verkies" ook onbestrede verkose of onbestrede verkies; (vii)

(v) "bewysboek" 'n bewysboek in artikel 3 (1) (b) (i) van die Bantoes (Afskaffing van Passe en Koördinering van Dokumente) Wet, 1952 (Wet 67 van 1952), genoem en ook enige duplikaat van genoemde bewysboek ingevolge genoemde Wet uitgereik; (xvi)

(vi) "distriksbeheerbeampte" 'n Bantoesakekommissaris of Landdros wat kragtens artikel 3 'n distriksbeheerbeampte is; (v)

(vii) "Grondwetproklamasie" die Bophuthatswana-grondwetproklamasie, 1972 (Proklamasie R. 131 van 1972); (iv)

(viii) "kiesbeampte" die distriksbeheerbeampte wat kragtens artikel 4 'n kiesbeampte is; (xvii)

(ix) "kieser" 'n persoon wat kragtens artikel 3 van die Wet op Burgerskap van Bantoetuislande, 1970 (Wet 26 van 1970), 'n burger van Bophuthatswana is en wat geregtig is om te stem in 'n kiesafdeling in Bophuthatswana by 'n verkiesing van lede van die Bophuthatswana-Wetgewende Vergadering; (xviii)

(x) "Landdros" 'n Landdros aangestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), en ook 'n Addisionele en Assistent-landdros; (ix)

(xi) "lid" 'n verkose lid van die Wetgewende Vergadering; (x)

(xii) "Minister" die lid van die Kabinet aan wie die beheer oor die Departement van Binnelandse Sake toegewys is en wat in oorleg met die Kabinet optree; (xi)

(xiii) "nominasiehof" 'n nominasiehof in artikel 9 genoem; (xii)

(xiv) "stemdistrik" die regsgebied van 'n Bantoesakekommissaris of Landdros; (xiii)

(xv) "stemopnemer" 'n persoon kragtens artikel 5 as stemopnemer aangestel; (xiv)

(xvi) "Vergadering" of "Wetgewende Vergadering" die Bophuthatswana-Wetgewende Vergadering in artikel 3 van die Grondwetproklamasie genoem; (ii)

(xvii) "verkiesingsbeampte" 'n beampte kragtens artikel 2 aangestel; en (viii)

(xviii) "voorgeskrif" by of kragtens hierdie Proklamasie voorgeskryf. (xv)

DEEL II

VOORAFGAANDE BEPALINGS

Verkiesingsbeampte

2. (1) Die Minister stel 'n verkiesingsbeampte vir Bophuthatswana aan wat 'n beampte van die Bophuthatswanaregeringsdiens is of wat 'n beampte is van die Staatsdiens van die Republiek wat ingevolge artikel 5 (4) van die Grondwet van die Bantoetuislande, 1971 (Wet 21 van 1971), aangewys is om die Kabinet van Bophuthatswana by te staan.

(2) Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Wetgewende Vergadering.

District Control Officer

3. Every Bantu Affairs Commissioner or Magistrate shall *ex officio* be the district control officer for the area over which he exercises jurisdiction: Provided that, where both a Magistrate and a Bantu Affairs Commissioner exercise jurisdiction over the same area, the Bantu Affairs Commissioner shall be the district control officer in respect of such area.

Returning Officers

4. (1) The district control officer shall *ex officio* be the returning officer for the area over which he exercises jurisdiction.

(2) The returning officer may appoint as many deputy returning officers as he may deem necessary to assist him during elections.

Polling Officers and Witnesses

5. Every returning officer shall in writing appoint as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station in his area of jurisdiction and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

Polling Stations

6. There shall be a polling station—

(a) at the seat of the returning officer; and

(b) at such other place or places within his area of jurisdiction as he may deem necessary.

Members to be Elected

7. The number of members to be elected in each electoral division shall be as provided by section 3 of the Constitution Proclamation.

Fixing of Nomination and Polling Dates

8. (1) Whenever an election is to take place the Minister of Bantu Administration and Development shall, subject to the provisions of subsection (2), by notice in the *Gazette*—

(a) fix a day on which and a place at which a nomination court shall sit in each electoral division to receive nominations for candidates for election in each division;

(b) if, in accordance with the provisions of section 10 poll is to take place, state the hours at which poll shall commence and close on each polling day and may fix different times in respect of individual polling districts; and

(c) state the number of members to be elected in each electoral division.

(2) The day fixed under subsection 1 (a) shall be—

(a) not less than 21 days and not more than 28 days from the date of publication of the notice referred to in the said subsection;

(b) after the date fixed for the designation of designated members in terms of section 3 (1) (a) of the Constitution Proclamation; and

(c) not less than 60 days before the date fixed for the election in terms of section 7 (2) (b) of the Constitution Proclamation.

(3) The place fixed for holding a nomination court shall be within the particular electoral division.

Nomination of Candidates for Election

9. (1) On the day and at the place fixed in terms of section 8 (1) (a) in respect of any division the returning officer for that division shall hold a public court to be known as a nomination court for the nomination of candidates for election in that division.

(2) Subject to the provisions of subsection (3), any person who is not disqualified in terms of section 6 (1) of the Constitution Proclamation may be nominated as a candidate.

Distriksbeheerbeamptes

3. Iedere Bantoesakekommissaris of Landdros is ampshalwe die distriksbeheerbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen: Met dien verstande dat waar beide 'n Landdros en 'n Bantoesakekommissaris oor dieselfde gebied regsbevoegdheid uitoefen, die Bantoesakekommissaris die distriksbeheerbeampte ten opsigte van sodanige gebied is.

Kiesbeamptes

4. (1) Die distriksbeheerbeampte is ampshalwe die kiesbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen.

(2) Die kiesbeampte kan soveel adjunk-kiesbeamptes as wat hy nodig ag, aanstel om hom gedurende verkiesings behulpzaam te wees.

Kiesbeamptes en Getuies

5. Iedere kiesbeampte stel skriftelik soveel stemopnemers en getuies aan as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo in die gebied waaroor hy regsbevoegdheid uitoefen, en stel soveel telbeamptes aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

Stemburo's

6. Daar moet 'n stemburo wees—

(a) by die setel van die kiesbeampte; en

(b) op sodanige ander plek of plekke binne sy regsgebied as wat hy nodig ag.

Lede wat Verkieë moet word

7. Die getal lede wat in elke kiesafdeling verkies moet word, is soos bepaal by artikel 3 van die Grondwetproklamasie.

Bepaling van Nominasie- en Stemdatums

8. (1) Wanneer 'n verkiesing moet plaasvind, moet die Minister van Bantoe-administrasie en -ontwikkeling, behoudens die bepalings van subartikel (2), by kennisgewing in die *Staatskoerant*—

(a) 'n dag en plek bepaal waarop 'n nominasiehof in elke kiesafdeling moet sit om nominasies van kandidate vir verkiesing in elke afdeling te ontvang;

(b) indien 'n stemming ingevolge die bepalings van artikel 10 moet plaasvind, die ure bepaal wanneer die stemming op elke stemburo moet begin en eindig en kan hy verskillende tye ten opsigte van afsonderlike stemburowe bepaal; en

(c) die getal lede wat in elke kiesafdeling verkies moet word, vermeld.

(2) Die dag kragtens subartikel 1 (a) bepaal, moet—

(a) minstens 21 dae en hoogstens 28 dae wees na die datum van publikasie van die kennisgewing in genoemde subartikel vermeld;

(b) na die datum wees wat bepaal is vir die aanwysing van aangewese lede kragtens artikel 3 (1) (a) van die Grondwetproklamasie; en

(c) minstens 60 dae wees voor die datum bepaal vir die verkiesing kragtens artikel 7 (2) (b) van die Grondwetproklamasie.

(3) Die plek wat vir die hou van 'n nominasiehof bepaal word, moet binne die bepaalde kiesafdeling wees.

Nominasie van Kandidate vir Verkieëing

9. (1) Op die dag en op die plek kragtens artikel 8 (1) (a) ten opsigte van enige afdeling bepaal, hou die kiesbeampte vir daardie afdeling 'n openbare hofsitting, wat as 'n nominasiehof bekend staan, vir die nominasie van kandidate vir verkiesing in daardie afdeling.

(2) Behoudens die bepalings van subartikel 3 kan enige persoon wat nie kragtens die bepalings van artikel 6 (1) van die Grondwetproklamasie onbevoeg is nie, as kandidaat genomineer word.

(3) No person shall be nominated as a candidate for election in any electoral division unless—

(a) he is proposed by a person who is a voter in that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part I of Annexure A hereto;

(b) he is seconded by a person who is a voter in that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part II of Annexure A hereto; and

(c) he has accepted nomination and has made a declaration under oath or an affirmation in the form contained in Part III of Annexure A hereto.

(4) A candidate may withdraw his consent to nomination in writing at any time before the close of the sitting of the nomination court by lodging with the returning officer a notice of withdrawal and thereupon the nomination shall lapse: Provided that, after the close of the sitting of the nomination court, the withdrawal by a candidate of his candidature shall not be considered, and such candidate's name shall be published in the list of candidates for election, and if he does not obtain the prescribed number of votes his deposit shall be forfeited or his security enforced.

(5) The nomination court shall sit from nine o'clock in the forenoon until 12 o'clock noon: Provided that if at the latter hour any person present has been proposed as a candidate and his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding one hour as may be necessary to enable such candidate to be duly nominated.

Result at the Close of a Sitting of a Nomination Court

10. If at the close of a sitting of a nomination court—

(a) only a number of candidates equal to the number of members to be elected for that division have been duly nominated, the electoral officer shall forthwith declare that such candidate(s) have been returned unopposed as members of the Legislative Assembly for that division as from the close of the polling period; or

(b) a lesser number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall forthwith declare the candidates so nominated to be duly elected members of the Legislative Assembly as from the close of the polling period and that a number of casual vacancies, equal to the difference between the number of candidates declared elected and the number of members to be elected for that division, exist in that division; or

(c) a greater number of candidates than the number of members to be elected have been duly nominated, poll shall take place during the period of polling in the manner hereinafter provided.

Deposit by or on Behalf of Persons Nominated

11. (1) If at a sitting of a nomination court a greater number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall before the close of the sitting of the nomination court require that there be deposited with him, by or on behalf of each person so nominated, the sum of R75 or such security for that sum as the returning officer may deem sufficient.

(2) If when the returning officer requires any such deposit to be made, or security to be given by or on behalf of a person so nominated, the requirement is not forthwith complied with, such person shall, notwithstanding anything in section 10 contained, be deemed not to be duly nominated as a candidate.

(3) Geen persoon word as kandidaat vir verkiesing in 'n kiesafdeling genomineer nie, tensy—

(a) hy voorgestel word deur 'n persoon wat 'n kieser van daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel I van Aanhangsel A hiervan;

(b) hy gesekondeer word deur 'n persoon wat 'n kieser van daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel II van Aanhangsel A hiervan; en

(c) hy die nominasie aanvaar het en 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel III van Aanhangsel A hiervan.

(4) 'n Kandidaat kan sy toestemming tot die nominasie te eniger tyd voor die einde van die sitting van die nominasiehof skriftelik terugtrek deur 'n kennisgewing van terugtrekking in te dien by die kiesbeampste, en daarop vervat die nominasie: Met dien verstande dat, na die einde van die sitting van die nominasiehof, die terugtrekking deur 'n kandidaat van sy kandidatuur nie oorweeg word nie, en sodanige kandidaat se naam in die lys van kandidate vir verkiesing gepubliseer word, en indien hy nie die voorgeskrewe getal stemme kry nie hy sy deposito verbeur of sy sekerheid afgedwing word.

(5) Die nominasiehof sit van 9-uur in die voormiddag tot 12-uur middag: Met dien verstande dat as 'n aanwesige persoon om laasgenoemde uur as kandidaat voorgestel is en sy nominasie nie voltooi is nie, die kiesbeampste die sitting moet voortsit vir sodanige tydperk, van hoogstens een uur, as wat nodig is om sodanige kandidaat in staat te stel om behoorlik genomineer te word.

Uitslag by die Einde van 'n Sitting van 'n Nominasiehof

10. Indien daar by die einde van die sitting van 'n nominasiehof—

(a) slegs soveel kandidate as wat daar lede in daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampste onverwyld dat sodanige kandidaat (kandidate) onbestrede verkies is tot lede van die Wetgewende Vergadering vir daardie afdeling vanaf die sluiting van die stemtydperk; of

(b) minder kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampste onverwyld die aldus genomineerde kandidate behoorlik verkose lede van die Wetgewende Vergadering vanaf die sluiting van die stemtydperk, en dat daar 'n getal toevallige vakatures gelyk aan die verskil tussen die getal kandidate wat verkose verklaar is en die getal lede wat vir daardie afdeling verkies moet word in daardie afdeling bestaan; of

(c) meer kandidate as die getal lede wat verkies moet word, behoorlik genomineer is, word 'n stemming op die wyse hieronder bepaal gedurende die stemtydperk gehou.

Deposito Deur of Namens Genomineerde Persone

11. (1) Indien by 'n sitting van 'n nominasiehof 'n groter getal kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, moet die kiesbeampste voor die einde van die sitting van die nominasiehof vereis dat daar deur of ten behoeve van iedere sodanige genomineerde persoon by hom die bedrag van R75 gestort word of sodanige sekerheid vir daardie bedrag gestel word as wat die kiesbeampste voldoende ag.

(2) Wanneer die kiesbeampste vereis dat sodanige deposito gestort of sodanige sekerheid gestel word deur of ten behoeve van 'n aldus genomineerde persoon en daar nie dadelik aan die vereiste voldoen word nie, word sodanige persoon, ondanks die bepalings van artikel 10, geag nie behoorlik as kandidaat genomineer te wees nie.

(3) If poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than half of the number of votes received by the successful candidate who received the lowest number of votes, the sum deposited or security given by or on behalf of such unsuccessful candidate shall be forfeited or enforced, as the case may be, and shall be paid into the Bophuthatswana Revenue Fund.

(4) Save as in this section expressly provided, the sum deposited shall be returned to the depositor, or if security has been given, it shall be cancelled.

Publication of Names and Particulars of Candidates in Gazette

12. (1) At the close of a sitting of a nomination court the returning officer shall forthwith, in the form contained in Annexure B hereto, notify the electoral officer of—

(a) any declaration he may have made in terms of section 10 (a) or (b); or

(b) the particulars of every duly nominated candidate if poll is to take place in terms of section 10 (c).

(2) The electoral officer shall cause the particulars of every candidate in respect of every electoral division to be published in the *Gazette* as soon as possible, but in any case not later than 30 days before the commencement of the polling period.

Public Notice by Every Returning Officer

13. Whenever poll shall take place in accordance with the provisions of section 10 (c) each returning officer shall, as soon as practicable after nomination day, give public notice of—

(a) the polling period;

(b) the hours fixed in terms of section 8 (1) (b) for the commencement and close of the poll;

(c) the full name and address of each candidate nominated for election in each electoral division;

(d) the number of members to be elected for each electoral division at the said election;

(e) the situation of each polling station within his area of jurisdiction.

PART III

MISCELLANEOUS PROVISIONS IN CONNECTION WITH THE CONDUCT OF ELECTIONS

Appointment of Agents by Candidates

14. (1) Any duly nominated candidate at an election of members of the Legislative Assembly may, if he so desires, in the form contained in Annexure C hereto, appoint one or more agents in respect of any polling district to assist him and shall advise the district control officer in writing of the names and addresses of such agents.

(2) Only one agent per candidate shall be allowed to be present inside any polling station or any place where votes are counted.

(3) A district control officer shall inform any agent who has been appointed and whose name and address have been advised in terms of subsection (1) of the places where and dates on which poll is to take place and the date on which and the place where the counting of votes is to commence.

(4) Any person appointed an agent in terms of subsection (1) shall produce his letter of appointment to the polling officer or returning officer, as the case may be, if required to do so.

(3) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as die helfte van die getal stemme van die suksesvolle kandidaat wat die minste stemme gekry het, word die bedrag of sekerheid wat deur of ten behoeve van die verslane kandidaat gestort of gestel is, verbeur of afgedwing, na gelang van die geval, en in die Bophuthatswana-inkomstefonds gestort.

(4) Behoudens die uitdruklike bepalings van hierdie artikel, word die gestorte bedrag aan die deponeerder terugbetaal of, as sekerheid gestel is, word dit gekanselleer.

Aankondiging van Name en Besonderhede van Kandidate in Staatskoerant

12. (1) Aan die einde van 'n sitting van 'n nominasiehof moet die kiesbeampte onverwyld die verkiesingsbeampte in die vorm vervat in Aanhangel B hiervan in kennis gestel van—

(a) enige verklaring wat hy ingevolge artikel 10 (a) of (b) gedoen het; of

(b) die besonderhede van iedere behoorlik genomineerde kandidaat indien 'n stemming ingevolge artikel 10 (c) gehou moet word.

(2) Die verkiesingsbeampte laat die besonderhede van iedere kandidaat ten opsigte van elke kiesafdeling so gou moontlik, maar in elk geval nie later nie as 30 dae voor die aanvang van die stemtydperk, in die *Staatskoerant* publiseer.

Openbare Kennisgewing deur Iedere Kiesbeampte

13. Wanneer 'n stemming ooreenkomstig die bepalings van artikel 10 (c) moet plaasvind, publiseer elke kiesbeampte so spoedig doenlik na nominasiedag, 'n openbare kennisgewing van—

(a) die stemtydperk;

(b) die ure wat vir die begin en die einde van die stemming kragtens artikel 8 (1) (b) vasgestel is;

(c) die volle naam en adres van elke kandidaat wat vir verkiesing in iedere kiesafdeling genomineer is;

(d) die getal lede wat vir iedere kiesafdeling by genoemde verkiesing verkies moet word; en

(e) waar elke stemburo binne sy regsgebied geleë is.

DEEL III

DIVERSE BEPALINGS IN VERBAND MET DIE HOU VAN VERKIESINGS

Aanstelling van Agente deur Kandidate

14. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Wetgewende Vergadering kan, indien hy dit verlang, in die vorm vervat in Aanhangel C hiervan, een of meer agente ten opsigte van enige stembedstrik aanstel om hom behulpsaam te wees, en hy moet die distriksbeheerbeampte skriftelik in kennis stel van die name en adresse van sodanige agente.

(2) Slegs een agent per kandidaat word toegelaat om binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

(3) 'n Distriksbeheerbeampte moet iedere agent wat ingevolge subartikel (1) aangestel is en van wie se naam en adres hy ingevolge daardie subartikel in kennis gestel is, inlig omtrent die plekke waar, en datums waarop stemming gaan plaasvind en die datum waarop en die plek waar die telling van stemme 'n aanvang gaan neem.

(4) 'n Persoon wat ooreenkomstig subartikel (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die stemopnemer of kiesbeampte, na gelang van die geval, indien dit van hom verlang word.

Notice by District Control Officer to Electoral Officer as to his Requirements of Ballot Papers, Polling and Counting Officers

15. (1) Every district control officer shall, upon request by the electoral officer whenever an election is to be held, furnish the electoral officer with the following particulars:

- (a) The estimated number of ballot papers required;
- (b) the number of deputy returning officers, polling officers, witnesses and counting officers required for effectually taking poll and the counting of votes; and
- (c) any further information which he may deem necessary to bring to the notice of the electoral officer.

Provision of Equipment

16. (1) For all elections the electoral officer shall provide ballot boxes, ballot papers, instruments for marking ballot papers and voters' reference books, and other requirements, and shall do such other acts and make such arrangements to facilitate the taking of poll as may be necessary for effectually conducting the election.

(2) The expenditure incurred by the electoral officer on all such acts, matters and requirements in connection with any election shall be defrayed out of the Bophuthatswana Revenue Fund.

(3) The electoral officer may depute any district control officer to perform on his behalf, in respect of his area of jurisdiction, any of the duties imposed upon the electoral officer by this section in regard to the arrangements for taking poll.

At which Polling Station a Voter shall Vote

17. Any voter may during the polling period vote at any other polling station if he is not in a position to vote at a polling station in his electoral division.

Procedure at Ballot

18. (1) The polling officer shall daily at the close of poll, in the presence of such candidates and/or agents as may be present, seal the opening in the ballot box, and shall break the seal only at the commencement of poll on the following morning in the presence of such candidates and/or their agents as may be present: Provided that after he has sealed the ballot box at the close of polling on the final day of the polling period he shall not reopen it but shall deliver it to the returning officer.

(2) The polling officer shall be responsible for the safekeeping of the ballot box and ballot papers during the polling period.

Declaration of Secrecy

19. Every returning officer, polling officer, candidate or his agent, witness or any other person or official (except a policeman) entitled to attend at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make in the form contained in Annexure D hereto, a declaration of secrecy under oath before a justice of the peace or a commissioner of oaths, or if he is not a returning officer, before a returning officer who is hereby authorised to administer such oath.

Powers of the Polling Officer at a Polling Station

20. (1) The polling officer shall keep order at a polling station, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the returning officer, the candidates or their agents, and policemen and other officials on duty.

(2) Save as is excepted in subsection (1), the polling officer may require any person (other than a person recording his vote) to leave the polling station and any

Kennisgewing deur Distriksbeheerbeampte aan Verkiegingsbeampte aangaande sy Behoeftes aan Stembriewe, Stemopnemers en Telbeamptes

15. (1) Iedere distriksbeheerbeampte moet op versoek van die verkiesingsbeampte, wanneer 'n verkiesing gehou gaan word, hom van die volgende besonderhede voorsien:

- (a) Die geraamde getal stembriewe wat nodig is;
- (b) die getal adjunk-kiesbeamptes, stemopnemers, getuies en telbeamptes wat nodig is vir die doeltreffende hou van die stemming en die tel van stemme; en
- (c) enige verdere inligting wat hy nodig ag om onder die verkiesingsbeampte se aandag te bring.

Verskaffing van Uitrusting

16. (1) Die verkiesingsbeampte verskaf vir alle verkiesings stembusse, stembriewe, instrumente om 'n merk op stembriewe en bewysboeke aan te bring en ander benodigdhede, en verrig sodanige ander handelinge en tref sodanige reëlins ter vergemakliking van die hou van die stemming as wat nodig is vir die doeltreffende hou van die verkiesing.

(2) Die uitgawe deur die verkiesingsbeampte aan alle sodanige handelinge, aangeleenthede en benodigdhede in verband met enige verkiesing aangegaan, word uit die Bophuthatswana-inkomstefonds bestry.

(3) Die verkiesingsbeampte kan enige distriksbeheerbeampte opdrag gee om namens hom, ten opsigte van sy regsgebied, enige van die pligte te vervul wat hierdie artikel die verkiesingsbeampte opleë in verband met die reëlins vir die hou van 'n stemming.

By watter Stemburo 'n Kieser moet Stem

17. Enige kieseer kan gedurende die stemtydperk by enige ander stemburo stem, indien hy nie in staat is om by 'n stemburo binne sy kiesafdeling te stem nie.

Prosedure by Stemming

18. (1) Die stemopnemer moet daagliks by die sluiting van die stemming en in teenwoordigheid van sodanige kandidaat en/of agente as wat teenwoordig is, die opening van die stembus verseël, en moet slegs by die aanvang van die stemming die volgende more in teenwoordigheid van sodanige kandidaat en/of hul agente as wat teenwoordig is, die seël breek: Met dien verstande dat hy, nadat hy die stembus by die sluiting van die stemming op die finale dag van die stemtydperk verseël het, dit nie weer mag oopmaak nie maar aan die kiesbeampte moet aflewer.

(2) Die stemopnemer is verantwoordelik vir die veilige bewaring van die stembus en stembriewe gedurende die stemtydperk.

Verklaring van Geheimhouding

19. Iedere kiesbeampte, stemopnemer, kandidaat of sy agent, getuie of enige ander persoon of beampte (uitgesonderd 'n polisiebeampte) wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elk telbeampte moet voor die aanvang van die tel van stemme, in die vorm vervat in Aanhangsel D hiervan 'n beëdigde verklaring van geheimhouding aflê voor 'n vrederegter of 'n kommissaris van ede, of, as hy nie 'n kiesbeampte is nie, voor 'n kiesbeampte wat hierby gemagtig word om sodanige eed af te neem.

Bevoegdheid van Stemopnemer by 'n Stemburo

20. (1) Die stemopnemer moet orde hou by 'n stemburo, moet reël hoeveel kiesers tegelyk binnegelaat word, en alle ander persone, uitgesonderd die kiesbeampte, die kandidaat of hulle agente en polisiebeamptes en ander beamptes op diens, buite hou.

(2) Behoudens die uitsonderings wat by subartikel (1) gemaak word, kan die stemopnemer enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die

person who fails to leave the polling station when so required may be arrested without a warrant on the order of the polling officer and shall be guilty of an offence and liable on conviction to a fine not exceeding R20.

(3) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

No Voter to Vote More than Once

21. No voter shall be entitled to vote more than once at any election or to vote in more than one electoral division.

Ballot Papers

22. Every ballot paper to be used for voters who wish to vote shall be in the form contained in Annexure E hereto.

Manner of Voting

23. (1) Any person claiming to vote at any election of members of the Legislative Assembly may at any time before or during such election produce his reference book to any Magistrate, Bantu Affairs Commissioner, district control officer, returning officer, or polling officer, who shall, if he is satisfied that such person is a citizen of Bophuthatswana and is not subject to the disqualifications referred to in section 6 (1) (c), (d), (e) and (f) of the Constitution Proclamation—

(a) by interrogation of the voter and with due regard to the provisions of section 5 (2) of the Constitution Proclamation, determine the electoral division in which such voter is entitled to vote; and

(b) make an entry in the form contained in Annexure F hereto in Section E of such reference book, in the case of a male voter, or in Section D of such reference book, in the case of a female voter.

(2) At any election the polling officer shall, upon production by any person of a reference book containing an entry referred to in subsection (1) to the effect that such person is entitled to vote and after determining that no ballot paper has already been issued to such voter at such election, stamp the secret mark used at such election in Section E or Section D, as the case may be, of the voter's reference book and endorse the date across the stamp in the book, stamp the secret mark on the back of a ballot paper containing the relevant particulars in respect of the electoral division in which such voter is entitled to vote and hand such ballot paper to the voter.

(3) When a person claiming to vote has received a ballot paper he shall without delay signify the candidate(s) for whom he desires to vote by secretly affixing his cross in the space provided opposite the name of the candidate(s) and then fold the ballot paper so that the secret mark is visible and the names of the candidates are not visible and, having held up the ballot paper so that the officer in charge of the ballot box can recognise the secret mark, he shall put the ballot paper into the ballot box placed in front of such officer.

(4) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(5) Every voter shall exercise a number of votes equal to the number of members to be elected at the election for the electoral division in which he is entitled to vote.

stemburo te verlaat en enige persoon wat versuim om die stemburo te verlaat wanneer dit van hom vereis word om dit te doen, kan op bevel van die stemopnemer, sonder lasbrief in hegtenis geneem word, en begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R20.

(3) Die bevoegdheid by hierdie artikel verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.

Kiesers Mag nie Meer as Een Maal Stem nie

21. Geen kieser is geregtig om meer as een keer by enige verkiesing te stem of om in meer as een kiesafdeling te stem nie.

Stembriewe

22. Iedere stembrief wat gebruik moet word deur kiesers wat wil stem, moet in die vorm voorgeskryf in Aanhangel E hiervan wees.

Wyse Waarop Gestem Word

23. (1) Enige persoon wat daarop aanspraak maak om by 'n verkiesing van lede van die Wetgewende Vergadering te stem, kan te eniger tyd voor of gedurende so 'n verkiesing sy bewysboek toon aan enige Landdros, Bantoesakekommissaris, distriksbeheerbeampte, kiesbeampte of stemopnemer wat, indien hy daarvan oortuig is dat so 'n persoon 'n burger van Bophuthatswana is en nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d), (e) en (f) van die Grondwetproklamasie onderhewig is nie, moet hy—

(a) deur ondervraging van die kieser en met inagneming van die bepalinge van artikel 5 (2) van die Grondwetproklamasie die kiesafdeling waarin die kieser geregtig is om te stem, bepaal; en

(b) 'n inskrywing in die vorm vervat in Aanhangel F hiervan maak in Afdeling E van die bewysboek, in die geval van 'n manlike kieser, of in Afdeling D van die bewysboek, in die geval van 'n vroulike kieser.

(2) By 'n verkiesing moet die stemopnemer by voorlegging van hom deur enige persoon van 'n bewysboek wat 'n inskrywing in subartikel (1) genoem, bevat dat daardie persoon geregtig is om te stem en nadat hy vasgestel het dat geen stembrief reeds aan die kieser by daardie verkiesing uitgereik is nie, die geheime merk wat by daardie verkiesing gebruik word in Afdeling E of D, na gelang van die geval, van die kieser se bewysboek aanbring en die datum oor die stempel in die boek endosseer, die geheime merk agterop 'n stembrief aanbring wat die betrokke besonderhede bevat ten opsigte van die kiesafdeling waarin die kieser geregtig is om te stem en die stembrief aan die kieser oorhandig.

(3) Wanneer die persoon wat wil stem 'n stembrief ontvang het, dui hy, sonder versuim, die kandidaat (of kandidate) vir wie hy wil stem aan deur in die geheim 'n kruis in die ruimte teenoor die naam (name) van sodanige kandidaat (of kandidate) te maak, vou die stembrief dan sodat die geheime merk sigbaar is en die name van die kandidate nie sigbaar is nie en, nadat hy die stembrief so opgehou het dat die beampte in die beheer van die stembus die geheime merk kan herken, plaas hy die stembrief in die stembus wat voor die beampte staan.

(4) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

(5) Iedere kieser moet 'n getal stemme uitbring wat gelyk is aan die getal lede wat by die verkiesing verkies moet word vir die kiesafdeling waarin hy geregtig is om te stem.

Voters who are Unable to Vote in the Manner Prescribed

24. (1) Any voter who is unable to vote in the prescribed manner may request the polling officer to complete his ballot paper on his behalf.

(2) Such polling officer shall thereupon, with due regard to the maintenance of secrecy and in the presence of two official witnesses and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular electoral division and affix a cross in the space provided on the ballot paper opposite the name(s) of the candidate or candidates selected by word of mouth by such voter and shall thereafter fold the ballot paper and put it into the ballot box.

(3) In the performance of his functions under this section such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

Spoiled Ballot Papers

25. If a voter inadvertently spoils a ballot paper he may return to it the polling officer, who shall if satisfied of the inadvertence, give him another ballot paper and retain the spoiled ballot paper, whereupon the spoiled ballot paper shall be immediately cancelled.

PART IV

DISPOSAL OF ELECTORAL MATTER, COUNTING OF VOTES AND DETERMINATION OF RESULT OF ELECTION

Sealing of Ballot Boxes etc.

26. (1) Every polling officer shall, immediately after the close of the poll, in the presence of such candidates or their agents (if any) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers; and
- (c) the declarations of secrecy,

and shall forthwith deliver or cause to be delivered the packets to the returning officer.

(2) The packets shall be accompanied by a statement made by the polling officer, in the form contained in Annexure G hereto, showing the number of ballot papers entrusted to him and accounting for them under the heads of "Ballot papers in the ballot box", "Unused ballot papers" and "Spoiled ballot papers".

(3) A label in the form contained in Annexure H hereto shall be affixed to each of the packets mentioned in subsection (1) and to the statement mentioned in subsection (2).

Action to be taken by a Returning Officer upon Receipt of Ballot Papers

27. Every returning officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes when they shall be dealt with as prescribed in section 28 to 32 inclusive.

Verification of Ballot Paper Statement

28. (1) The returning officer shall, upon receipt of all the packets and ballot boxes from every polling officer in his polling district and not before, examine whether the seals are in order and afford such candidates or their agents as may be attendance an opportunity to do the same and after that, in the presence of such candidates

Kiesers wat nie in Staat is om op die Voorgeskrewe Wyse te Stem nie

24. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige stemopnemer moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van twee amptelike getuies en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidate vir die bepaalde afdeling voorlees en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam (of name) van die kandidaat (of kandidate) wat mondeling deur sodanige kieser gekies is en vou daarna die stembrief en plaas dit in die stembus.

(3) By die verrigting van sy werksaamhede ingevolge hierdie artikel, moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in sy besit is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

Bedorwe Stembrieffies

25. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die stemopnemer teruggee, en as laasgenoemde daarvan oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief en daarna word die bedorwe stembrief onmiddellik gekanselleer.

DEEL IV

BESKIKKING OOR VERKIESINGSTUKKE, TEL VAN STEMME EN BEPALING VAN DIE UITSLAG VAN VERKIESING

Verseëling van Stembusse, ens.

26. (1) Iedere stemopnemer maak onmiddellik na die sluiting van die stemming, in die teenwoordigheid van sodanige kandidate of hulle agente (as daar is) as wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidate of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

- (a) elke stembus wat aan hom toevertrou is, onoopgemaak;
- (b) die ongebruikte en bedorwe stembriewe; en
- (c) die verklarings van geheimhouding;

en lewer die pakkette onverwyld aan die kiesbeampte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die vorm vervat in Aanhangsel G hiervan deur die stemopnemer verstrek waarin hy die getal stembriewe aan hom toevertrou, noem en waarin hy van hulle rekenskap gee onder die hoofde "Stembriewe in die stembus", "Ongebruikte stembriewe" en "Bedorwe stembriewe".

(3) Elkeen van die pakkette in subartikel (1) genoem en die opgawe in subartikel (2) genoem, word voorsien van 'n etiket in die vorm vervat in Aanhangsel H hiervan.

Optrede deur Kiesbeampte by Ontvangs van Stembriewe

27. Iedere kiesbeampte moet by ontvangs van kiesers se stembriewe sodanige stembriewe onoopgemaak in veilige bewaring hou totdat die stemme getel word en dan moet daarmee gehandel word soos in artikels 28 tot en met 32 voorgeskryf.

Verifiëring van Stembriefopgawe

28. (1) By ontvangs deur die kiesbeampte van al die pakkette en stembusse van iedere stemopnemer in sy stembus, en nie eerder nie, ondersoek hy of die seëls in orde is en gee hy sodanige kandidate of hulle agente as wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy in die teenwoordigheid van sodanige kandidate

or their agents, open the sealed packets containing the unused and spoiled ballot papers and the packet containing the ballot paper account and shall open each ballot box and verify the ballot paper statement given by each polling officer by comparing it with the number of ballot papers in each such ballot box and the number of unused and spoiled ballot papers in his possession.

(2) When the returning officer has completed the verification of a ballot paper account for each polling station in his electoral division, and whether or not such accounts are found to be correct, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The returning officer after scrutinising the official mark on the ballot papers shall proceed to count the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

How Votes are to be Counted

29. The ballot papers shall, for the purposes of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

Which Ballot Papers shall be Rejected

30. (1) The returning officer shall reject and not count any ballot paper—

- (a) which does not bear the official mark;
- (b) on which votes are cast for more candidates than the number of members to be elected for that division at the said election;
- (c) which is unmarked or invalid owing to uncertainty;
- (d) which bears any writing or mark by which a voter can be identified otherwise than in this Proclamation prescribed.

(2) The returning officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

Determination of Result of Election by Returning Officer

31. After completion of the counting of votes the returning officer shall forthwith advise the electoral officer by registered post in a sealed envelope of the outcome of the election in his district in the form contained in Annexure H hereto.

Disposal of Electoral Matter by Returning Officer after the Counting of Votes has been Completed

32. (1) The returning officer shall after the completion of the counting of votes in respect of his district make up into separate packets the following:

- (a) All unused and spoiled ballot papers used at each polling station;
- (b) all counted ballot papers;
- (c) all rejected ballot papers; and
- (d) all ballot paper statements duly endorsed with his findings on the verification of such statements.

(2) The returning officer shall—

- (a) affix a label in the form of Annexure "I" hereto to each of the packets mentioned in subsection (1);
- (b) seal each such packet with his own seal and with the seals of such candidates and agents (if any) as may desire to affix their seals; and
- (c) retain such packets for a period of six months and thereafter destroy them: Provided that any unused blank ballot papers shall not be destroyed but shall be forwarded by registered post to the electoral officer.

of hulle agente die verseëde pakkette oop wat die ongebruikte en bedorwe stembriewe bevat asook die pakket wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieer hy die opgawe van stembriewe wat deur elke stemopnemer ingelewer is, deur dit met die getal stembriewe in elke sodanige bus en die getal ongebruikte en bedorwe stembriewe in sy besit te vergelyk.

(2) Wanneer die kiesbeampte die verifiëring van die opgawe van stembriewe van elke stemburo in sy kiesafdeling voltooi het, maak hy, afgesien daarvan of sodanige opgawes juis bevind is al dan nie, in die teenwoordigheid van sodanige kandidate of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse op so 'n wyse deurmaak dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die amptelike merk op die stembriewe nagegaan het, gaan die kiesbeampte oor tot die tel van die stemme en terwyl hy die stemme tel, laat hy die stembriewe met hulle voorkant na bo hou.

Hoe Stemme Getel moet word

29. Vir die doel van die tel van stemme word die stembriewe in pakkette van 50 vasgebind (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

Watter Stembriewe Verwerp Word

30. (1) Die kiesbeampte verwerp en tel nie 'n stembrief nie—

- (a) wat nie die amptelike merk daarop het nie;
- (b) waarop stemme op meer kandidate uitgebring is as die getal lede wat by genoemde verkiesing vir daardie afdeling verkies moet word;
- (c) wat ongemerk of weens onsekerheid ongeldig is;
- (d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Proklamasie voorgeskryf, geïdentifiseer kan word.

(2) Die kiesbeampte endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.

Bepaling van Uitslag van Verkiesing deur Kiesbeampte

31. Nadat die tel van stemme voltooi is, stel die kiesbeampte die verkiesingsbeampte onverwyld in die vorm vervat in Aanhangsel H hiervan per geregistreerde pos in 'n verseëde kovert in kennis van die uitslag van die verkiesing in sy distrik.

Beskikking oor Verkiesingstukke deur Kiesbeampte na Afloop van Tel van Stemme

32. (1) Na afloop van die tel van die stemme ten aansien van sy distrik maak die kiesbeampte die volgende in afsonderlike pakkette op:

- (a) Alle ongebruikte en bedorwe stembriewe wat by elke stemburo gebruik is;
- (b) alle getelde stembriewe;
- (c) alle verworpe stembriewe; en
- (d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings betreffende die verifiëring van sodanige opgawes.

(2) Die kiesbeampte—

- (a) voorsien elke pakket genoem in subartikel (1) van 'n etiket in die vorm vervat in Aanhangsel "I" hiervan;
- (b) verseël elke sodanige pakket met sy eie seël en met die seëls van sodanige kandidate en agente (as daar is) as wat hulle seëls ook daarop wil afdruk; en
- (c) bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna: Met dien verstande dat enige ongebruikte blanko stembriewe nie vernietig word nie, maar per geregistreerde pos aan die verkiesingsbeampte gestuur word.

Disposal of Seal and Marking Instruments

33. The brass seal and instruments for the official marks shall be returned by registered post to the electoral officer.

Determination of Result of Election by Electoral Officer

34. (1) Upon receipt of the results from all returning officers the electoral officer shall in the presence of two witnesses, who shall be Magistrates, proceed to open the sealed envelopes referred to in section 31 and determine the result of the election and the electoral officer and such witnesses shall, in writing, certify that the result so determined is correct.

(2) The electoral officer shall as soon as possible thereafter declare the number of candidates, equal to the number of members to be elected in respect of each electoral division, who have received the greater number of votes to be duly elected members of the Legislative Assembly at the said election.

(3) If the full number of members so to be declared elected cannot be determined by reason of an equality of votes the electoral officer shall forthwith declare such number of candidates as can be determined to be duly elected and the electoral officer shall in the presence of the witnesses referred to in subsection (1) proceed to designate by lot in the manner determined by him the candidate(s), from among those candidates who obtained an equality of votes, who shall be declared to be duly elected.

Publication of Names of Elected Members

35 (1) As soon as the names and addresses of the persons duly elected for the several divisions of Bophuthatswana at a general election are known the electoral officer shall cause to be published by notice in the *Gazette* the full name and address of every member so returned together with the date on which he was duly elected, the name of the division which such member represents and the total number of votes cast in favour of such member.

(2) A notice published in terms of subsection (1) shall also reflect the names of the unsuccessful candidates in respect of each electoral division and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each electoral division.

(3) The electoral officer shall convey the particulars mentioned in subsection (1) to the Secretary of the Legislative Assembly.

PART V

GENERAL AND SUPPLEMENTARY

Immaterial Mistakes not to Affect Validity of Election

36. No election shall be invalid by reason of any mistake or non-compliance with the provisions of this Proclamation if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

Evidence of Election being Held

37. Upon any charge of a corrupt or illegal practice or any other offence under this Proclamation alleged to have been committed at or in connection with an election, the certificate of the returning officer that the election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

Beskikking oor Seël en Merkinstrumente

33. Die geelkoperseël en instrumente vir die amptelike merke moet per geregistreerde pos aan die verkiesingsbeampte teruggestuur word.

Bepaling van Uitslag van Verkiezing deur die Verkiezingsbeampte

34. (1) By ontvangs van die uitslae vanaf alle kiesbeampes moet die verkiesingsbeampte, in die teenwoordigheid van twee getuies, wat Landdroste moet wees daartoe oorgaan om die verseëde koeverte waarna in artikel 31 verwys word, oop te maak en die uitslag van die verkiezing bepaal en die verkiesingsbeampte en sodanige getuies moet skriftelik sertifiseer dat die uitslag aldus bepaal korrek is.

(2) Die verkiesingsbeampte moet so gou moontlik daarna die getal kandidate, gelykstaande met die getal lede wat ten opsigte van iedere kiesafdeling verkies moet word, wat by die verkiezing die meeste stemme gekry het, behoorlik verkose lede van die Wetgewende Vergadering verklaar.

(3) As die volle getal kandidate wat aldus verkose verklaar moet word, weens 'n staking van stemme nie bepaal kan word nie verklaar die verkiesingsbeampte die getal kandidate wat wel bepaal kan word onverwyld behoorlik verkose en gaan hy in die teenwoordigheid van die getuies genoem in subartikel (1) daartoe oor om deur loting, op die wyse deur hom bepaal, uit die geledere van die kandidate wat ewe veel stemme gekry het, die kandidaat of kandidate aan te wys wat behoorlik verkose verklaar moet word.

Bekendmaking van Name van Verkose Lede

35. (1) Sodra die name en adresse van die persone by 'n algemene verkiezing behoorlik verkies vir die onderskeie afdelings van Bophuthatswana bekend is, moet die verkiesingsbeampte by kennisgewing in die *Staatskoerant* die volle naam en adres van iedere sodanige verkose lid tesame met die datum waarop hy behoorlik verkies is, die naam van die afdeling wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, laat publiseer.

(2) 'n Kennisgewing ingevolge subartikel (1) gepubliseer, dui ook die name van die onsuksesvolle kandidate ten opsigte van elke kiesafdeling en die totale getal stemme aan wat ten opsigte van elke sodanige kandidaat uitgebring is, asook die getal bedorwe stembriewe ten opsigte van elke kiesafdeling.

(3) Die verkiesingsbeampte moet die inligting in subartikel (1) gemeld aan die Sekretaris van die Wetgewende Vergadering oordra.

DEEL V

ALGEMEEN EN AANVULLEND

Onbelangrike Foute raak nie Geldigheid van Verkiezing nie

36. Geen verkiezing is weens 'n fout of nie-nakoming van die bepalings van hierdie Proklamasie ongeldig nie, indien die verkiezing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

Bewys dat Verkiezing Gehou is

37. By 'n aanklag van 'n korrupte of onwettige praktyk of van 'n ander misdryf ingevolge hierdie Proklamasie, wat volgens bewering by of in verband met 'n verkiezing begaan is, is die sertifikaat van die kiesbeampte dat die verkiezing daarin gemeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkiezing aan die gang was of gehou is.

Vacation of Seats

38. If the seat of an elected member of the Legislative Assembly becomes vacant in terms of the provisions of section 8 of the Constitution Proclamation it shall be filled in terms of the provisions of section 9 of the said Proclamation.

Notification of Vacancy to the Bophuthatswana Legislative Assembly

39. The Chairman of the Legislative Assembly shall whenever he is satisfied that a vacancy has occurred announce the fact to the Legislative Assembly if it is then in session and if the Legislative Assembly is not in session, at the commencement of the next ensuing session, and should such vacancy have in the interim been filled advise the Legislative Assembly accordingly.

Publication and Service of Notices

40. A public notice required to be given in terms of this Proclamation shall, except where it is expressly directed to be published in the *Gazette* or in any other particular manner, be sufficiently given if it is published in a newspaper circulating in the division intended to be affected by the notice or if it is posted next to the main outer door of the office of every district control officer or at any other place which the electoral officer may prescribe.

Sundays and Public Holidays

41. Whenever under this Proclamation anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under a law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Exemption from Stamp Duty

42. Notwithstanding anything to the contrary in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorisation issued in connection with elections in Bophuthatswana.

Use of Rubber Stamps

43. Whenever in terms of this Proclamation, a certificate is required to be given by any officer, a rubber stamp or other impression shall not be used in signing such certificate.

Forms Prescribed

44. The forms to be used in connection with the conduct of elections shall be those prescribed by this Proclamation.

PART VI

OFFENCES AND PENALTIES

Interrupting or Disturbing Proceedings at Elections

45. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of this Proclamation, or who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence and liable upon conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding three months.

Ontruiming van Setels

38. Indien die setel van 'n verkose lid van die Wetgewende Vergadering ingevolge die bepalings van artikel 8 van die Grondwetproklamasie vakant raak, moet dit ingevolge die bepalings van artikel 9 van genoemde Proklamasie aangevul word.

Kennisgewing van Vakature aan Bophuthatswana-Wetgewende Vergadering

39. Wanneer die Voorsitter van die Wetgewende Vergadering hom van die ontstaan van 'n vakature vergewis het, maak hy dit aan die Wetgewende Vergadering bekend as dit dan in sitting is en, as die Wetgewende Vergadering nie in sitting is nie, by die aanvang van die eersvolgende sitting en indien sodanige vakature intussen aangevul is, stel hy die Wetgewende Vergadering dienooreenkomstig in kennis.

Publikasie en Betekening van Kennisgewings

40. Behalwe waar publikasie in die *Staatskoerant* of op 'n ander bepaalde wyse uitdruklik voorgeskryf is, is dit voldoende as 'n openbare kennisgewing wat ooreenkomstig hierdie Proklamasie gepubliseer moet word, gepubliseer word in 'n nuusblad wat in die afdeling waarop dit die voorneme is dat die kennisgewing betrekking moet hê, sirkuleer of as dit aangeplak word langs die hoofbuite deur van die kantoor van iedere distriksbeheerbeampte of op enige ander plek wat die verkiesingsbeampte voorskryf.

Sondae en Openbare Feesdae

41. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Proklamasie begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

Vrystelling van Seëlreg

42. Ondanks andersluidende bepaling in enige wet betreffende seëlregte, is daar op 'n verklaring wat afgeleë word of 'n magtiging wat uitgereik word in verband met verkiesings in Bophuthatswana geen seëlreg verskuldig nie.

Gebruik van Rubberstempels

43. 'n Rubberstempel of ander afdruk mag nie gebruik word by die ondertekening van 'n sertifikaat wanneer sodanige sertifikaat ooreenkomstig hierdie Proklamasie deur enige beampte uitgereik moet word nie.

Voorgeskrewe Vorms

44. Die vorms vir gebruik in verband met die hou van verkiesings moet wees soos deur hierdie Proklamasie voorgeskryf.

DEEL VI

OORTREDINGS EN BOETES

Onderbreking of Steuring van Verrigtings by Verkiegings

45. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalings van hierdie Proklamasie, onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreker gebruik of enige optog van, of betoging deur persone, vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Fraudulent Ballot Papers, etc.

46. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper;

(b) without due authority supplies a ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and upon conviction liable, if he is a returning officer or an officer in attendance at a polling station, to imprisonment for a period not exceeding two years, and if he is any other person, to imprisonment for a period not exceeding nine months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and official marking instruments at an election, the property in such boxes, papers and instruments, as well as the property in the counterfoils, may be stated to be in the returning officer at such election.

(3) If the returning officer is so indicted or charged, such property may be stated to be in the Minister.

(4) Proof that a greater number of ballot papers is found in a ballot box or is returned as having been received at a polling station than the number of voters who voted at that polling station shall be *prima facie* evidence that the polling officer of such polling station was guilty of the commission or aiding and abetting the commission of an offence under this section.

Infringement of Secrecy

47. (1) Every officer, candidate or his agent in attendance at a polling station or at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in this Proclamation provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under this Proclamation.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote(s) on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

Bedrog met Stembriewe ens.

46. (1) 'n Persoon wat—

(a) 'n stembrief of die amptelike merk op 'n stembrief vervals, namaak of met opset om te bedrieg, vernietig;

(b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;

(c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;

(d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of

(e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei,

begaan 'n misdryf en is by skuldigbevinding strafbaar, as hy 'n kiesbeampde of 'n beampde aanwesig in 'n stemburo is, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en as hy 'n ander persoon is, met gevangenisstraf vir 'n tydperk van hoogstens nege maande.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en amptelike merkinstrumente by 'n verkiesing kan verklaar word dat die eiendomsreg op die busse, stembriewe of instrumente, asook op die teenblaai, by die kiesbeampde by die verkiesing berus.

(3) Word die kiesbeampde aldus beskuldig of aangekla, kan verklaar word dat die eiendomsreg by die Minister berus.

(4) Bewys dat 'n groter getal stembriewe in 'n stembus gevind is, of volgens opgawe by 'n stemburo ontvang is, as die getal kiesers wat by daardie stemburo gestem het, is *prima facie* bewys dat die stemopnemer van sodanige stemburo skuldig was aan die pleeg, of die verlening van hulp en bystand by die pleeg, van 'n misdryf ingevolge hierdie artikel.

Skending van Geheimhouding

47. (1) Iedere beampde, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme, aanwesig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan geen persoon, uitgesonderd vir die een of ander regtens geoorloofde doel, enige inligting meedeel wat waarskynlik die geheimhouding van die stemming sal verydel nie.

(2) Behoudens die bepalinge van hierdie Proklamasie, mag geen persoon hom met 'n kieser bemoei, of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Proklamasie probeer om te wete te kom vir watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of ter eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitgebring is nie.

(6) A person who has, in carrying out his duties under this Proclamation, obtained knowledge as to the candidate for whom any other person has voted shall not except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 12 months.

Neglect by Returning Officer or Other Officer to Perform his Duties

48. Any returning officer or any other officer or person who wilfully fails to perform any of the duties which under the provisions of this Proclamation he is required to perform, shall be guilty of an offence and in the case of a returning officer liable on conviction to a fine not exceeding R400 and in the case of any other officer or person to a fine not exceeding R200.

PART VII

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Definition of Corrupt Practice

49. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation.

Treating

50. Any person who corruptly by himself or by any other person, either before, during or after an election, 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 cast or refrain from casting his vote at an election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Undue Influence

51. (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 in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to cast or to refrain from casting his vote at any election, shall be guilty of the offence of undue influence.

Bribery

52. (1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election; or

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Proklamasie te wete gekom het op watter kandidaat enige ander persoon sy stem uitbring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtinge in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Pligsversuim deur Kiesbeamppte of ander Beamppte

48. 'n Kiesbeamppte of 'n ander beamppte of persoon wat opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hierdie Proklamasie aan hom opgelê is, begaan 'n misdryf en is by skuldigbevinding strafbaar, in die geval van 'n kiesbeamppte, met 'n boete van hoogstens R400 en, in die geval van enige ander beamppte of persoon, met 'n boete van hoogstens R200.

DEEL VII

KORRUPTIE EN ONWETTIGE BEDRYWIGHEDE EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Omskrywing van Korrupte Bedrywigheid

49. "Korrupte bedrywigheid" beteken enige van die misdrywe van trakteerdery, onbehoorlike beïnvloeding, omkoperij en uitgee vir 'n ander.

Trakteerdery

50. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning 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 korruptelik te beïnvloed om sy stem by die verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitbring het of gaan uitbring al dan nie, begaan die misdryf van trakteerdery.

Onbehoorlike Beïnvloeding

51. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek teen enige persoon geweld of dwang gebruik of dreig om te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitbring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel, die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

Omkoperij

52. (1) 'n Persoon begaan die misdryf van omkoperij indien hy, self of deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders, gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied, belooft of beloof om dit te verkry of om te probeer om dit te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitbring het al dan nie; of

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election; or

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election; or

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election; or

(e) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

(f) before or during any election, receives, or contracts for any money or loan, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election; or

(g) after any election receives any money on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

Personation

53. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper,

shall be guilty of the offence of personation.

Penalties for Corrupt Practices and Consequences of Conviction

54. (1) Any person guilty of the offence of personation shall be liable on conviction to imprisonment for a period not exceeding two years.

(2) Any person guilty of any corrupt practice (other than personation) shall be liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkom om dit te gee of te leen, of dit aanbied, of belooft om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing; of

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrek, doen of aangaan, ten einde sodanige persoon te beweeg om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry; of

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belooft of probeer om dit te verkry; of

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkoperij bestee is; of

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou; of

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon beweeg het om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal, of betrokke is by die betaal van enige geld, aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te beweeg om sy stem uit te bring al dan nie.

(2) Geen bepaling van hierdie artikel mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens bona fide en wettige aangeane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

Uitgee vir 'n Ander

53. 'n Persoon wat—

(a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of

(b) nadat hy eenmaal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen,

begaan die misdryf van hom vir 'n ander uit te gee.

Strawwe vir Korrupte Bedrywighede en Gevolge van Skuldigbevinding

54. (1) 'n Persoon wat die misdryf begaan van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) 'n Persoon wat 'n ander korrupte bedrywigheid as die van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met 'n boete van hoogstens R1 000 of met beide sodanige boete en sodanige gevangenisstraf.

(3) Any person convicted of any corrupt practice may, in addition to any punishment herein provided, be declared by the court incapable during a period not exceeding five years from the date of his conviction—

(a) of voting at any election; or

(b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

PART VIII

ILLEGAL PRACTICES

Corrupt Procurement of Candidature or Withdrawal Thereof

55. No person shall—

(a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or promise of any nature; or

(b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or

(c) before or during an election publish a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false.

Bills, Placards, etc., to Bear Publisher's Name

56. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subsection (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, and is inserted in any newspaper or otherwise produced and is published in Bophuthatswana or the Republic of South Africa on or after the date of commencement of such election of members to the Bophuthatswana Legislative Assembly, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

(a) any such newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;

(3) 'n Persoon wat aan 'n korrupte bedrywigheid skuldig bevind word, kan, benewens die straf hierin bepaal, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van skuldigbevinding—

(a) om by 'n verkiesing 'n stem uit te bring; of

(b) om 'n openbare of regterlike amp te beklee, en as hy enige sodanige amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

DEEL VIII

ONWETTIGE BEDRYWIGHED

Korrupte Verkryging van Kandidatuur of Terugtrekking Daarvan

55. Geen persoon mag—

(a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek nie; of

(b) as gevolg daarvan dat hy aldus beweeg of oorgehaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek nie; of

(c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

Biljette, Plakkate, ens., Moet Naam van Uitgewer Dra

56. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer duidelik dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingstof bevat, vir die opneming waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingstof" in subartikel (3) gebezig, omvat alles wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander drukwerk (hieronder in hierdie subartikel nuusbladartikels genoem) wat, na die skyn geoordeel bedoel of bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede vir die Bophuthatswana-Wetgewende Vergadering in Bophuthatswana of die Republiek van Suid-Afrika gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of geproduseer is: Met dien verstande dat—

(a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;

(b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purpose of this subsection if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purpose of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subsection (5) no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article, which fails to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this section an election shall be deemed to commence on the date of publishing of the notice referred to in section 8 (1).

Meetings on Premises where Sale of Liquor Usually takes Place

57. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised by licence (whether the licence be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association,

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subsection (1) or (2) shall be nul and void.

Penalties for Illegal Practices

58. Any person guilty of an illegal practice shall be liable on conviction—

(a) in a case of an illegal practice under section 56 (3) to a fine not exceeding R100;

(b) in the case of any other illegal practice to a fine not exceeding R200 and may, where no incapacity is specially provided for any particular class of person under this Proclamation, further be declared by the court incapable during a period not exceeding two years from the date of the conviction of filling a public office or judicial office and if he then holds a public office or judicial office, the court may declare that the office shall be vacated by him as from the said date: Provided that no person shall be convicted of an illegal practice under section 56 (2), if he proves that he acted in ignorance of the requirements of the law.

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subartikel is as die verslag in sy geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakkate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subartikel is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalings van voorbehoudsbepaling (c) van subartikel (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir doeleindes van hierdie artikel word 'n verkiesing geag te begin op die datum van publikasie van die kennisgewing genoem in artikel 8 (1).

Vergaderings op Persele waar Gewoonlik Drank Verkoop Word

57. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelmende drank, by wyse van groothandel of kleinhandel, deur 'n lisensie gemagtig is (ongeach of dit 'n lisensie is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelmende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging,

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelling van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlins wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subartikel (1) of (2) gesluit is, is van nul en gener waarde.

Strawwe vir Onwettige Bedrywigheide

58. 'n Persoon wat aan 'n onwettige bedrywigheid skuldig is is by skuldigbevinding strafbaar—

(a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 56 (3), met 'n boete van hoogstens R100;

(b) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens R200 en kan, waar geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone kragtens hierdie Proklamasie voorgeskryf word nie, ook deur die hof verklaar word, gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding, onbevoeg te wees om 'n openbare of regterlike amp te beklee, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê: Met dien verstande dat geen persoon aan 'n onwettige bedrywigheid ingevolge artikel 56 (2) skuldig bevind word nie, as hy bewys dat hy onkundig omtrent die wetsvoorskrifte gehandel het.

Consequences to the Candidate

59. (1) (a) If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member to the Legislative Assembly by or with the knowledge and consent or approval of any candidate at that election, the election of that candidate shall be void and a casual vacancy shall exist.

(b) Any person found guilty of a corrupt or illegal practice in connection with an election may in addition to any penalty imposed, be declared by the court incapable for a period not exceeding five years next after the date of the finding of being elected to or sitting as a member of the Bophuthatswana Legislative Assembly or of being appointed or elected to any public office or judicial office and if he then holds a public or judicial office the court may declare that the office shall be vacated by him from the said date.

(2) Subject to such exceptions as may be allowed under this Proclamation any person who contravenes or fails to comply with any of the provisions of sections 55 to 58 inclusive shall be guilty of an illegal practice.

Penalties where Not Expressly Provided

60. Where no penalties are expressly provided for an offence against this Proclamation or for the contravention of any provision thereof or failure to comply therewith, the offender shall be liable on conviction to a fine not exceeding R100.

Cases for which No Provision is Made

61. In every case not provided for in this Proclamation or in the Constitution Proclamation, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members to the Parliament of the Republic of South Africa which shall be followed in so far as they can be applied or adapted to the conduct of elections of members to the Bophuthatswana Legislative Assembly.

ANNEXURE A
BOPHUTHATSWANA

PART I
DECLARATION BY PROPOSER

I,
(Ref. Book/Cert. of Citizenship No.)
of (address)
.....
do hereby nominate
(Ref. Book/Cert. of Citizenship No.)
..... (occupation)
of (address)
.....
as a candidate for election in the Electoral Division of
..... and I hereby solemnly* declare under oath* that
I am a voter in the said Electoral Division.

Proposer

The deponent has acknowledged that he/she knows and understands the contents of this affidavit/declaration.

Signed and sworn to/affirmed before me at
this day of 19.....

Commissioner of Oaths

Area
Capacity

Gevolge vir Kandidaat

59. (1) (a) As dit by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid vir die Wetgewende Vergadering deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat nietig en bestaan daar 'n toevallige vakature.

(b) 'n Persoon wat skuldig bevind word aan 'n korrupte of onwettige bedrywigheid in verband met 'n verkiesing kan, benewens enige straf wat hom opgelê word, deur die hof verklaar word, vir 'n tydperk van hoogstens vyf jaar onmiddellik na die datum van die bevinding, onbevoeg te wees om as lid van die Bophuthatswana- Wetgewende Vergadering verkies te word of daarin sitting te neem, of om in 'n openbare of regterlike amp aangestel of daartoe verkies te word, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

(2) Behoudens die uitsonderings wat kragtens hierdie Proklamasie toegelaat word, is enige persoon wat enige van die bepalings van artikels 55 tot en met 58 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Strawwe waar Uitdruklike Voorsiening Ontbreek

60. Waar daar nie uitdruklike voorsiening gemaak word vir strawwe weens 'n misdryf ingevolge hierdie Proklamasie of weens 'n oortreding van enige bepaling daarvan of versuim om daaraan te voldoen nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Gevalle Waarvoor Nie Voorsiening Gemaak Is Nie

61. In iedere geval waarvoor nie in hierdie Proklamasie of die Grondwetproklamasie voorsiening gemaak is nie, moet die bepalings van die toepaslike wette en regulasies en die gebruike met betrekking tot die hou van verkiesings van lede vir die Parlement van die Republiek van Suid-Afrika gevolg word vir sover dit toegepas kan word op of aangepas kan word by die hou van verkiesings van lede vir die Bophuthatswana- Wetgewende Vergadering.

AANHANGSEL A
BOPHUTHATSWANA

DEEL I
VERKLARING DEUR VOORSTELLER

Ek,
(Bewysboek/Sertifikaat van Burgerskap No.)
adres
.....
nomineer hierby
(Bewysboek/Sertifikaat van Burgerskap No.)
beroep
adres
.....
as kandidaat vir verkiesing in die kiesafdeling
en verklaar plegtig* onder eed* dat ek 'n kieser in genoemde kiesafdeling is.

Voorsteller

Die verklaarder het erken dat hy/sy vertrouwd is met die inhoud van hierdie beëdigde verklaring/verklaring en dit begryp.

Geteken en beëdig/bevestig voor my te
hierdie dag van 19.....

Kommissaris van Ede

Gebied
Hoedanigheid

**PART II
DECLARATION BY SECONDER**

I,
(Ref. Book/Cert. of Citizenship No.)
of (address)

do hereby second the nomination in Part I hereof and I hereby solemnly* declare under oath* that I am a voter in the said electoral division.

.....
Secunder

The deponent has acknowledged that he/she knows and understands the contents of this affidavit/declaration.

Signed and sworn to/affirmed before me at
this day of 19.....

.....
Commissioner of Oaths

Area
Capacity

**PART III
DECLARATION BY CANDIDATE**

I,
(Ref. Book/Cert. of Citizenship No.)
do hereby consent to and accept the nomination above and I hereby solemnly* declare under oath* that I am not subject to the disqualifications mentioned in section 6 (1) of the Bophuthatswana Constitution Proclamation, 1972 (Proclamation R. 131 of 1972).

.....
Candidate

The deponent has acknowledged that he/she knows and understands the contents of this affidavit/declaration.

Signed and sworn to/affirmed before me at
this day of 19.....

.....
Commissioner of Oaths

Area
Capacity

*Delete whichever is not applicable.

**ANNEXURE B
BOPHUTHATSWANA
NOMINATION COURT RETURN**

The Electoral Officer,

I have to report that at the conclusion of the nomination court held by me at this day of 19.....

(a) the candidate(s) mentioned below was/were duly nominated for election as member(s) of the Legislative Assembly for the Electoral Division of

*(b) I declared, in terms of section 10 (a) of Proclamation R. 150 of 1972, that the candidate(s) mentioned below had been returned unopposed as from the close of the polling period, as member(s) of the Legislative Assembly for the said Electoral Division;

*(c) I declared, in terms of section 10 (b) of Proclamation R. 150 of 1972—

(i) the candidate(s) mentioned below to be duly elected member(s) of the Legislative Assembly for the said electoral division as from the close of the polling period; and

(ii) that a casual vacancy (vacancies) existed in the said electoral division.

.....
Returning Officer

Candidates Nominated

Surname	Names in full	Address	Occupation

*Delete whichever is not applicable.

**DEEL II
VERKLARING DEUR SEKONDANT**

Ek,
(Bewysboek/Sertifikaat van Burgerskap No.)
adres

sekondeer hierby die nominasie in Deel I hiervan en verklaar plegtig* onder eed* dat ek 'n kieser in genoemde kiesafdeling is.

.....
Sekondant

Die verklaarder het erken dat hy/sy vertrouwd is met die inhoud van hierdie beëdigde verklaring/verklaring en dit begryp.

Geteken en beëdig/bevestig voor my te
hierdie dag van 19.....

.....
Kommissaris van Ede

Gebied
Hoedanigheid

**DEEL III
VERKLARING DEUR KANDIDAAT**

Ek,
(Bewysboek/Sertifikaat van Burgerskap No.)
stem hierby toe en aanvaar die nominasie hierbo en verklaar hierby plegtig* onder eed* dat ek nie onderhewig is aan enige van die disqualifikasies vermeld in artikel 6 (1) van die Bophuthatswana-grondwetproklamasie, 1972 (Proklamasie R. 131 van 1972), nie.

.....
Kandidaat

Die verklaarder het erken dat hy/sy vertrouwd is met die inhoud van hierdie beëdigde verklaring/verklaring en dit begryp.

Geteken en beëdig/bevestig voor my te
hierdie dag van 19.....

.....
Kommissaris van Ede

Gebied
Hoedanigheid

*Skrap wat nie van toepassing is nie.

**AANHANGSEL B
BOPHUTHATSWANA
NOMINASIEHOFOPGAWE**

Die Verkiegingsbeampte

Ek wens te berig dat by die afsluiting van die nominasiehof deur my gehou te op hierdie dag van 19.....

(a) die kandidaat (kandidate) hieronder vermeld behoorlik genomineer is vir verkiesing tot lid (lede) van die Wetgewende Vergadering vir die kiesafdeling

*(b) ek kragtens artikel 10 (a) van Proklamasie R. 150 van 1972 verklaar het dat die kandidaat (kandidate) hieronder vermeld onbestrede verkies is tot lid (lede) van die Wetgewende Vergadering vir genoemde kiesafdeling vanaf die sluiting van die stemtydperk;

*(c) ek kragtens artikel 10 (b) van Proklamasie R. 150.....van 1972 verklaar het—

(i) dat die kandidaat (kandidate) hieronder vermeld behoorlik verkies is tot lid (lede) van die Wetgewende Vergadering vanaf die sluiting van die stemtydperk; en

(ii) dattoevallige vakature(s) vir genoemde kiesafdeling bestaan.

.....
Kiesbeampte

GENOMINEERDE KANDIDATE

Van	Voorname voluit	Adres	Beroep

*Skrap wat nie van toepassing is nie.

**ANNEXURE C
BOPHUTHATSWANA
APPOINTMENT OF AGENT**

This is to certify that I have appointed.....
(Ref. Book/Cert. of Citizenship No.....)
of (address).....

as my agent to attend on my behalf at polling station.....
in the Electoral Division of.....on*/during the period*

Candidate

(Ref. Book/Cert. of Citizenship
No.....)

Address of candidate.....

Date.....

*Delete whichever is not applicable.

**ANNEXURE D
BOPHUTHATSWANA
DECLARATION OF SECRECY**

I.....
do hereby solemnly promise and declare that I will not at this election
of a member(s) of the Bophuthatswana Legislative Assembly
for the Electoral Division of.....do
anything forbidden by section 47 of Proclamation R. 150 of 1972,
which I have read and which I fully understand.

Address:

*Returning Officer

*Polling Officer

*Counting Officer

*Candidate

*Agent

*Official witness

Date.....

The above declaration was made and subscribed before me this
.....day of, 19.....

Place.....

*Returning Officer

*Justice of the Peace

*Commissioner of Oaths

Date.....

*Delete whichever is not applicable.

**ANNEXURE E
BOPHUTHATSWANA
BALLOT PAPER
(Form of front of ballot paper)**

Counterfoil No.....	Note.—Vote for candidates only.	Full name, address and occupation of candidate
Election of mem- ber(s) of Bophutha- swana Legislative Assembly.		
Electoral Division of.....		
Date/Period..... Ref. Book/Cert. of Citizenship number of voter..... Note.—Vote for..... candidates only.		

(Form of back of ballot paper)

No.....	No..... Election of..... member(s) for the Bophuthatswana Legislative Assembly for the Electoral Divi- sion of.....	Secret mark
No.....		
No.....		
No.....		

**AANHANGSEL C
BOPHUTHATSWANA
AANSTELLING VAN AGENT**

Hierby word gesertifiseer dat ek (naam).....
(Bewysboek/Sertifikaat van Burgerskap No.....)
adres.....

aangestel het as agent om namens my teenwoordig te wees by stemburo
.....in die kiesafdeling.....
op/gedurende die tydperk*.....

Kandidaat

(Bewysboek/Sertifikaat van
Burgerskap No.....)

Adres van kandidaat:

Datum.....

*Skrap wat nie van toepassing is nie.

**AANHANGSEL D
BOPHUTHATSWANA
VERKLARING VAN GEHEIMHOUDING**

Ek,
beloof hierby plegtig en verklaar dat ek by hierdie verkiesing van 'n
lid/lede* van die Bophuthatswana- Wetgewende Vergadering vir die
kiesafdeling.....niks sal doen nie
wat verbode is by artikel 47 van Proklamasie R. 150 van 1972, wat
ek gelees het en volkome begryp.

Adres.....

*Kiesbeampte

*Stemopnemer

*Telbeampte

*Kandidaat

*Agent

*Amptelike getuie

Datum.....

Bostaande verklaring is voor my afgelê en onderteken op hierdie
.....dag van19.....

Plek.....

*Kiesbeampte

*Vrederegter

*Kommissaris van Ede

Datum.....

*Skrap wat nie van toepassing is nie.

**AANHANGSEL E
BOPHUTHATSWANA
STEMBRIEF
(Vorm van voorkant van stembrief)**

Teenblad No.....	Let wel.—Stem vir slegs kandidate.	Volle naam, adres en beroep van van kandidaat
Verkiezing van lid/ lede van Bophutha- swana- Wetgewende Vergadering.		
Kiesafdeling		
Datum/Tydperk.....		
Bewysboek/Burger- skapsertifikaat- nommer van kieser		
Let wel.—Stem vir slegs..... kandidate.		

(Vorm van agterkant van stembrief)

No.....	No..... Verkiezing van lid/lede vir die Bophuthatswana- Wetge- wende Vergadering vir die kies- afdeling.....	Geheime merk
No.....		
No.....		
No.....		

ANNEXURE F
BOPHUTHATSWANA LEGISLATIVE ASSEMBLY—ELECTION
OF MEMBERS

I, declare that
..... is a citizen of
Bophuthatswana and entitled to vote in the Electoral Division of
.....

Signature

Capacity.....

District of.....
Date.....

ANNEXURE G
BOPHUTHATSWANA
BALLOT PAPER ACCOUNT

Election of a member(s) of the Legislative Assembly for the Electoral
Division of..... held on*/during the period*
..... Polling Station.....
Polling District.....

Ballot papers received	Number	Ballot papers accounted for	Number
Ballot papers:		Ballot papers in ballot box.....	
Nos.....		Ballot papers un- used:	
to.....		Nos.....	
inclusive		to.....	
		inclusive	
		Ballot papers spoiled.....	
Total number received.....		Total number accounted for...	

I hereby certify that the above is a correct statement of all the ballot
papers supplied to me.

Dated this..... day of..... 19.....
Place.....

Returning Officer

* Delete whichever is not applicable.

ANNEXURE H
BOPHUTHATSWANA
STATEMENT OF NUMBER OF VOTES POLLED
Electoral Division.....

The Electoral Officer,

I hereby certify that at the election held on*/during the period*
..... for the election of a member(s) of
the Legislative Assembly for the above-mentioned Electoral Division,
in my polling district the following candidates polled the number of
votes stated opposite his/their *name(s):

Name	Reference Book/Cert. of Citizenship No.	No. of votes

Total number of votes.. ..
Number of rejected
ballot papers.....

Date.....

Returning Officer

Polling District.....

* Delete whichever is not applicable.

AANHANGSEL F
BOPHUTHATSWANA- WETGEWENDE VERGADERING.—
VERKIESING VAN LEDE

Ek,
verklaar dat..... 'n burger van
Bophuthatswana is en geregtig is om te stem in die kiesafdeling
.....

Handtekening

Hoedanigheid

Distrik.....
Datum.....

AANHANGSEL G
BOPHUTHATSWANA
STEMBRIEFVERSLAG

Verkiesing van 'n lid/lede* van die Wetgewende Vergadering vir
die kiesafdeling..... gehou op*/gedurende die
tydperk*..... Stemburo.....
..... Stemdistribik.....

Stembriewe ontvang	Getal	Verantwoorde stembriewe	Getal
Stembriewe:		Stembriewe in in stembus.....	
Nos.....		Ongebruikte stem- briewe:	
tot en met.....		Nos.....	
		tot en met.....	
		Bedorwe stem- briewe.....	
Totale getal ont- vang.....		Totale getal ver- antwoord.....	

Ek verklaar hierby dat bostaande 'n juiste opgawe is van alle
stembriewe aan my verskaf.

Gedateer hierdie..... dag van.....
19.....

Plek.....
..... Kiesbeampte

* Skrap wat nie van toepassing is nie.

AANHANGSEL H
BOPHUTHATSWANA
OPGAWE VAN GETAL STEMME UITGEBRING
Kiesafdeling.....

Die Verkiesingsbeampte

Ek verklaar hierby dat by die hou van die verkiesing op*/gedurende
die tydperk*..... vir die verkiesing van
'n lid/lede van die Wetgewende Vergadering vir bovermelde kies-
afdeling in my stemdistrik die volgende kandidaat/kandidate die getalle
stemme teenoor sy/hulle* name genoem, gekry het:

Naam	Bewysboek/Sert. van Burgerskap No.	Getal stemme

Totale getal stemme... ..
Getal verworpe stem-
briewe.....

Datum.....

Kiesbeampte

Stemdistribik.....

* Skrap wat nie van toepassing is nie.

ANNEXURE I
BOPHUTHATSWANA
LABEL

*The Returning/Electoral Officer,

Electoral Division of.....
Contents.....
Date* /Period* of poll.....
Date of dispatch.....

*Polling Officer
*Returning Officer

* Delete whichever is not applicable.

AANHANGSEL I
BOPHUTHATSWANA
ETIKET

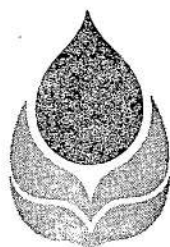
*Die Kiesbeampse/Verkiesingsbeampse,

Kiesafdeling.....
Inhoud.....
Datum/tydperk van stemming*.....
Datum van versending.....

*Stemopnemer
*Kiesbeampse

* Skrap wat nie van toepassing is nie.

Use it.

Don't abuse  it.
water is for everybody

Werk mooi daarmee.

Ons leef  daarvan

Registered mail carries no insurance.

Send valuables by

INSURED PARCEL POST

and

Money by means of a POSTAL ORDER or

MONEY ORDER.



Use air mail parcel post

———*It's quicker!*



CONSULT YOUR LOCAL POSTMASTER.

Geregistreeerde pos is nie verseker nie.

Stuur waardevolle artikels per

VERSEKERDE PAKKETPOS

en

Geld deur middel van 'n POSORDER of

POSWISSEL.



Stuur u pakkette per lugpos

———*dis vinniger!*



RAADPLEEG U PLAASLIKE POSMEESTER.

CONTENTS*No.**Page***PROCLAMATION**

- R. 150. Conduct of elections of elected members
of the Bophuthatswana Legislative
Assembly 1

INHOUD*No.**Bladsy***PROKLAMASIE**

- R. 150. Hou van verkiesings van die verkose lede
van die Bophuthatswana- Wetgewende
Vergadering 1

