



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1280.

7 Julie 1982.

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

No. 97 van 1982: Wet op Vokstemmings, 1982.

No. 1280.

7 July 1982.

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

No. 97 of 1982: Referendums Act, 1982.

WET

Om voorsiening te maak vir die hou van volkstemmings ten einde die sienswyse van kiesers in die Republiek of enige deel daarvan aangaande enige aangeleentheid te bepaal.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1982.)

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ACT

To provide for the holding of referendums in order to ascertain the view of voters in the Republic or any part thereof as to any matter.

(English text signed by the State President.)
(Assented to 23 June 1982.)

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WET OP VOLKSTEMMINGS, 1982

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

Woordomskeywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „aangebode stembrief” ’n stembrief bedoel in artikel 41 (1); (xlii)
- (ii) „afdeling”—
 - (a) wanneer dit met betrekking tot die Volksraad gebruik word, of vir sover ’n bepaling waarin dit gebruik word, toegepas word op of met betrekking tot iemand wat ’n Blanke is, ’n kiesafdeling soos van tyd tot tyd ooreenkomstig artikels 42 tot 45 van die Grondwet vir die verkiesing van ’n lid van die Volksraad afgebaken;
 - (b) wanneer dit met betrekking tot die Verteenwoordigende Kleurlingraad gebruik word, of vir sover ’n bepaling waarin dit gebruik word, toegepas word op of met betrekking tot iemand wat ’n Kleurling is, ’n kiesafdeling soos van tyd tot tyd ooreenkomstig artikel 8 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), afgebaken;
 - (c) wanneer dit met betrekking tot die Suid-Afrikaanse Indiërraad gebruik word, of vir sover ’n bepaling waarin dit gebruik word, toegepas word op of met betrekking tot iemand wat ’n Indiër is, ’n kiesafdeling soos van tyd tot tyd afgebaken ooreenkomstig artikel 29 van die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977), of, na die herroeping van daardie Wet, ooreenkomstig artikel 13B van die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968);
 - (d) vir sover ’n bepaling waarin dit gebruik word, toegepas word op of met betrekking tot iemand wat ’n Sjinees is, ’n kiesafdeling bedoel in artikel 5 (4); (xv)
- (iii) „betaling” enige geldelike of ander beloning; (xxviii)
- (iv) „bevoegde getuie”—
 - (a) iemand wie se naam op ’n lys verskyn wat op die tydstop wanneer hy as getuie optree ’n geldige kierserslys is; en
 - (b) met betrekking tot iemand wat sy vaste woonplek in ’n onafhanklike Staat het, ook ’n regterlike beampte van die betrokke onafhanklike Staat of ’n beampte wat in opdrag en onder beheer van so ’n regterlike beampte optree; (ix)
- (v) „Blanke” iemand wat as ’n Blanke geklassifiseer is ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xlvii)

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

1. In this Act, unless the context otherwise indicates—

Definitions.

- (i) "ballot paper envelope" means an envelope referred to in section 12 (1) (d); (xxxvi)
- (ii) "chief electoral officer" means the chief electoral officer referred to in section 4; (ix)
- (iii) "Chinese" means a person classified as a member of the Chinese Group in terms of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxxi)
- (iv) "Chinese voter" means a Chinese who is enrolled on a voters' list referred to in section 5 (4); (xxxii)
- (v) "Coloured person" means a person classified as a member of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act No. 30 of 1950); (xviii)
- (vi) "Coloured Persons Representative Council" means the Coloured Persons Representative Council established by the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964); (xliv)
- (vii) "Coloured voter" means a Coloured person who is enrolled on a voters' list prepared in terms of the Electoral Act for a division of the Coloured Persons Representative Council; (xix)
- (viii) "committee room" does not include any house, room or premises occupied by a referendum agent at a referendum as a dwelling, by reason only of his transacting therein or thereon business with his agents in relation to that referendum, or any house, room or premises by reason only of the referendum agent's or any agent of the referendum agent's addressing therein or thereon voters, committee men or others; (xx)
- (ix) "competent witness"—
 - (a) means a person whose name appears on a list which at the time when he acts as a witness is a valid voters' list; and
 - (b) includes, in relation to any person having his home in an independent State, a judicial officer of the independent State concerned or an officer acting on the instructions and under the control of such a judicial officer; (iv)
- (x) "Constitution Act" means the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (viii)
- (xi) "declaration ballot paper" means a ballot paper referred to in subsection (5) of section 36 or in that subsection read with subsection (9) of the said section; (xli)
- (xii) "declaration ballot paper envelope" means a blank envelope referred to in subsection (5) of section 36 or in that subsection read with subsection (9) of the said section; (xlii)

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- (vi) „Blanke kieser” ’n Blanke wie se naam op ’n kieserslys; opgestel ingevolge die Kieswet vir ’n kiesafdeling van die Volksraad, opgeneem is; (xlviii)
- (vii) „die hof”; met betrekking tot enige aangeleentheid in verband met die hou van ’n volkstemming, die gepaste provinsiale afdeling van die Hooggeregshof van Suid-Afrika; (xlv)
- (viii) „Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (x)
- (ix) „hoofverkiesingsbeampte” die hoofverkiesingsbeampte 10 bedoel in artikel 4; (ii)
- (x) „hulpagent” ’n hulpagent kragtens artikel 60 aangestel; (xli)
- (xi) „identiteitsdokument” ’n identiteitsdokument soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 15 (Wet No. 30 van 1950), maar nie ook ’n persoonskaart nie; (xix)
- (xii) „identiteitsnommer” ’n identiteitsnommer soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 20 (Wet No. 30 van 1950); (xx)
- (xiii) „Indiër” iemand wat as ’n Indiër geklassifiseer is ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xxii)
- (xiv) „Indiërkieser” ’n Indiër wie se naam op ’n kieserslys, opgestel ingevolge die Kieswet vir ’n afdeling van die 25 Suid-Afrikaanse Indiërraad, opgeneem is; (xxiii)
- (xv) „kiesbeampte”, met betrekking tot ’n afdeling, die persoon of ampsbekleder wat kragtens of uit hoofde van artikel 7 (1) (c) as kiesbeampte vir daardie afdeling aangestel is; (xxxvii) 30
- (xvi) „kieserslys” ’n lys bedoel in artikel 5; (xlv)
- (xvii) „Kieswet”, met betrekking tot—
 - (a) Blankes, die Kieswet, 1979 (Wet No. 45 van 1979);
 - (b) Indiërs, die Kieswet, 1979, of indien dit by die hou van ’n volkstemming nog nie op die verkiesing van 35 lede van die Suid-Afrikaanse Indiërraad van toepassing is nie, die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977);
 - (c) Kleurlinge, die Kieswet, 1979, of indien dit by die hou van ’n volkstemming nog nie op die verkiesing 40 van lede van die Verteenwoordigende Kleurlingraad van toepassing is nie, die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964); (xvi)
- (xviii) „Kleurling” iemand wat as ’n lid van die Kaapse Kleurling-, Maleier- of Griekwagroep of die groep Ander Gekleurdes geklassifiseer is ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (v)
- (xix) „Kleurlingkieser” ’n Kleurling wie se naam op ’n kieserslys, opgestel ingevolge die Kieswet vir ’n afdeling 50 van die Verteenwoordigende Kleurlingraad, opgeneem is; (vii)
- (xx) „komiteekamer” nie ook ’n huis, kamer of perseel deur ’n volkstemmingsagent by ’n volkstemming as ’n woning geokkupeer, slegs omdat hy daarin of daarop 55 met sy agente in verband met daardie volkstemming besigheid verrig nie, of ’n huis, kamer of perseel, slegs omdat die volkstemmingsagent of ’n agent van die volkstemmingsagent daarin of daarop kiesers, komiteelede of andere toespreek nie; (viii) 60
- (xxi) „landdros”—
 - (a) ook ’n addisionele landdros of ’n assistent-landdros of ’n waarnemende landdros of ’n Kommissaris bedoel in artikel 2 (2) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), of ’n spesiale 65 vredereger wat ’n beampte in die Staatsdiens is; of
 - (b) in die geval van ’n onafhanklike Staat, ’n regterlike beampte van so ’n onafhanklike Staat of ’n beampte wat in opdrag en onder beheer van so ’n regterlike beampte optree; (xxv)

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- (xiii) "declaration envelope" means an envelope referred to in subsection (4) of section 36 or in that subsection read with subsection (9) of the said section, in which an envelope containing a marked declaration ballot paper is placed; (xl)
- (xiv) "declaration votes list" means a list referred to in subsection (6) of section 36 or in that subsection read with subsection (9) of the said section; (xliii)
- (xv) "division"—
- (a) when used in relation to the House of Assembly, or in so far as any provision in which it is used is applied to or in relation to any person who is a White person, means an electoral division as delimited from time to time in accordance with sections 42 to 45 of the Constitution Act for the election of a member of the House of Assembly;
- (b) when used in relation to the Coloured Persons Representative Council, or in so far as any provision in which it is used is applied to or in relation to any person who is a Coloured person, means any electoral division as delimited from time to time in accordance with section 8 of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964);
- (c) when used in relation to the South African Indian Council, or in so far as any provision in which it is used is applied to or in relation to any person who is an Indian, means an electoral division as delimited from time to time in accordance with section 29 of the Electoral Act for Indians, 1977 (Act No. 122 of 1977), or, after the repeal of that Act, in accordance with section 13B of the South African Indian Council Act, 1968 (Act No. 31 of 1968);
- (d) in so far as any provision in which it is used is applied to or in relation to any person who is a Chinese, means an electoral division referred to in section 5 (4); (ii)
- (xvi) "Electoral Act", in relation to—
- (a) White persons, means the Electoral Act, 1979 (Act No. 45 of 1979);
- (b) Indians, means the Electoral Act, 1979, or, if it does at the holding of a referendum not yet apply to the election of members of the South African Indian Council, the Electoral Act for Indians, 1977 (Act No. 122 of 1977);
- (c) Coloured persons, the Electoral Act, 1979, or if it does at the holding of a referendum not yet apply to the election of members of the Coloured Persons Representative Council, the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964); (xvii)
- (xvii) "electoral officer" means an electoral officer referred to in section 4; (xxxix)
- (xviii) "identity card" means an identity card as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); (xxviii)
- (xix) "identity document" means an identity document as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), but excluding an identity card; (xi)
- (xx) "identity number" means an identity number as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950); (xii)
- (xxi) "independent State" means a territory which formed part of the Republic and became an independent State in terms of an Act of Parliament; (xxv)
- (xxii) "Indian" means a person classified as a member of the Indian Group in terms of the Population Registration Act, 1950 (Act No. 30 of 1950); (xliii)

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- (xxii) „lys van aangebode stemme” ’n lys bedoel in artikel 41 (2); (xliii)
- (xxiii) „Minister” die Minister van Binnelandse Aangeleenthede; (xxvi)
- (xxiv) „munisipaliteit” ook ’n gebied as „borough” bekend; 5 (xxvii)
- (xxv) „onafhanklike Staat” ’n gebied wat deel van die Republiek uitgemaak het en ingevolge ’n Wet van die Parlement ’n onafhanklike Staat geword het; (xxi)
- (xxvi) „openbare vervoermiddel” ’n vervoermiddel wat— 10
 - (a) aan die Staat behoort; of
 - (b) onder kontrak namens die Staat vir die vervoer van passasiers of goedere gebruik word; of
 - (c) vir die vervoer van passasiers langs ’n vasgestelde roete binne, na of van die gebied van ’n plaaslike 15 bestuur gebruik word; (xxxii)
- (xxvii) „persoonlike onkoste”, met betrekking tot ’n volkstemmingsagent by ’n volkstemming, die redelike reiskoste van daardie volkstemmingsagent en die redelike koste van sy verblyf in hotelle of elders, vir die doeleinde van en in verband met daardie volkstemming; (xxix)
- (xxviii) „persoonskaart” ’n persoonskaart soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950); (xviii) 25
- (xxix) „regterlike amp” ook die amp van vrederegter en van kommissaris van ede; (xxiv)
- (xxx) „regulasie” ’n regulasie kragtens hierdie Wet uitgevaardig; (xxxvi)
- (xxxi) „Sjinees” iemand wat ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), as ’n lid van die Sjinese groep geklassifiseer is; (iii) 30
- (xxxii) „Sjinese kieser” ’n Sjinees wie se naam op ’n kieserslys bedoel in artikel 5 (4) opgeneem is; (iv)
- (xxxiii) „spesiale kieser” iemand wat ’n aansoek kragtens artikel 16 gedoen het of so ’n aansoek wil doen; (xl) 35
- (xxxiv) „spesiale omslagkoevert” ’n koevert bedoel in artikel 12 (1) (c); (xxxix)
- (xxxv) „stem” of „’n stem uitbring” om ’n sienswyse in artikel 7 (1) (a) bedoel, te verstrek; (xlv) 40
- (xxxvi) „stembriefkoevert” ’n koevert bedoel in artikel 12 (1) (d); (i)
- (xxxvii) „stemdag” die dag bepaal kragtens artikel 7 (1); (xxx)
- (xxxviii) „Suid-Afrikaanse Indiërraad” die Suid-Afrikaanse Indiërraad ingestel deur die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968); (xxxviii) 45
- (xxxix) „verkiesingsbeampte” ’n verkiesingsbeampte bedoel in artikel 4; (xvii)
- (xl) „verklaringskoevert” ’n koevert bedoel in subartikel (4) van artikel 36 of in daardie subartikel saamgelees 50 met subartikel (9) van bedoelde artikel, waarin ’n koevert wat ’n gemerkte verklaringstembrief bevat, geplaas word; (xiii)
- (xli) „verklaringstembrief” ’n stembrief bedoel in subartikel (5) van artikel 36 of in daardie subartikel saamgelees 55 met subartikel (9) van bedoelde artikel; (xi)
- (xlii) „verklaringstembriefkoevert” ’n onbeskrewen koevert bedoel in subartikel (5) van artikel 36 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel; (xii) 60
- (xliii) „verklaringstemlys” ’n lys bedoel in subartikel (6) van artikel 36 of in daardie subartikel saamgelees met subartikel (9) van bedoelde artikel; (xiv)
- (xliv) „Verteenwoordigende Kleurlingraad” die Verteenwoordigende Kleurlingraad ingestel deur die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964); (vi) 65
- (xlv) „volkstemming” ’n stemming in artikel 7 bedoel; (xxxiii)
- (xlvi) „volkstemmingsagent” ’n volkstemmingsagent kragtens artikel 59 (1) aangestel; (xxxiv)

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- (xxiii) "Indian voter" means an Indian who is enrolled on a voters' list prepared in terms of the Electoral Act for a division of the South African Indian Council; (xiv)
- 5 (xxiv) "judicial office" includes the offices of justice of the peace and commissioner of oaths; (xxix)
- (xxv) "magistrate"—
- 10 (a) includes an additional magistrate or an assistant magistrate or an acting magistrate or a Commissioner referred to in section 2 (2) of the Black Administration Act, 1927 (Act No. 38 of 1927), or a special justice of the peace who is an officer in the public service; or
- 15 (b) in the case of an independent State, means a judicial officer of such an independent State or any officer acting on the instructions and under the control of such a judicial officer; (xxi)
- (xxvi) "Minister" means the Minister of Internal Affairs; (xxiii)
- 20 (xxvii) "municipality" includes an area known as a borough; (xxiv)
- (xxviii) "payment" includes any pecuniary or other reward; (iii)
- 25 (xxix) "personal expenses", in relation to any referendum agent at a referendum, means the reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in connection with that referendum; (xxvii)
- (xxx) "polling day" means the day fixed under section 7 (1); (xxxvii)
- 30 (xxxi) "presiding officer for votes of special voters"—
- (a) means an electoral officer or a returning officer or magistrate or an additional, assistant or acting magistrate or any officer in the employment of the State designated as such presiding officer by the returning officer after consultation with the referendum agent concerned and with authorized representatives of organizations having an interest in the referendum, if such representatives ask to be consulted, or any officer acting on the directions and under the control of any of the said officers;
- 35 (b) in relation to a special voter having his home in an independent State with which the Government of the Republic has entered into an agreement in connection with special voters, includes a judicial officer or an officer acting on the directions and under the control of any such judicial officer; and
- 40 (c) in relation to a special voter referred to in section 13 (g), the senior officer stationed at the place outside the Republic where the voter concerned is employed or resides and, to enable the senior officer to give his vote, includes any other officer stationed at that place and designated for the purpose by the said senior officer; (xlvi)
- 45 (xxxii) "public conveyance" means a conveyance which—
- (a) is the property of the State; or
- 50 (b) is used under contract to the State for the conveyance of passengers or goods; or
- (c) is used for the conveyance of passengers along a fixed route within, to or from the area of a local authority; (xxvi)
- 60 (xxxiii) "referendum" means a referendum referred to in section 7; (xlv)
- (xxxiv) "referendum agent" means a referendum agent appointed under section 59 (1); (xlvi)
- 65 (xxxv) "referendum expenses", in relation to a referendum agent at a referendum in any division, includes all moneys expended and expenses incurred by or on behalf of or in the interests of that referendum agent, on account of or in respect of the holding of that referendum in that division; (xlvii)

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- (xlvii) „volkstemmingskoste”; met betrekking tot ’n volkstemmingsagent by ’n volkstemming in ’n afdeling, ook alle geld wat uitgegee is en koste wat aangegaan is deur of ten behoeve of in belang van daardie volkstemmingsagent vanweë of ten opsigte van die hou van daardie volkstemming in daardie afdeling; (xxxv) 5
- (xlviii) „voorsittende beampte vir stemme van spesiale kiesers”—
- (a) ’n verkiesingsbeampte, kiesbeampte, landdro, adisionele landdro, assistent-landdro of waarnemende landdro, of ’n beampte in die diens van die Staat wat deur die kiesbeampte, na raadpleging met die betrokke volkstemmingsagent en met gemagtigde verteenwoordigers van organisasies wat belang het by die volkstemming, indien sodanige verteenwoordigers versoek om geraadpleeg te word, aangewys is as sodanige voorsittende beampte, of ’n beampte wat in opdrag en onder beheer van enigeen van genoemde beamptes optree; 10 20
- (b) met betrekking tot ’n spesiale kieser wat sy vaste woonplek in ’n onafhanklike Staat het met wie die Regering van die Republiek kragtens die bepalings van die Kieswet ’n ooreenkoms in verband met spesiale kiesers aangegaan het, ook ’n regterlike beampte of ’n beampte wat in opdrag en onder beheer van so ’n regterlike beampte optree; en 25
- (c) met betrekking tot ’n spesiale kieser bedoel in artikel 13 (g), die senior beampte gestasioneer op die plek buite die Republiek waar die betrokke kieser in diens of woonagtig is, en, om die senior beampte in staat te stel om sy stem uit te bring, ’n ander beampte wat op daardie plek gestasioneer is en wat genoemde senior beampte vir dié doel aanwys. (xxxi) 30 35

Toepassing van
Wet.

2. (1) Die bepalings van hierdie Wet is van toepassing ten opsigte van ’n volkstemming wat bepaal is by proklamasie kragtens artikel 7.

(2) Ondanks die bepalings van dié Wet op die Suid-Afrikaanse Kleurlingraad, 1980 (Wet No. 24 van 1980), word ’n verwysing in hierdie Wet na die Verteenwoordigende Kleurlingraad nie geag ’n verwysing na die Suid-Afrikaanse Kleurlingraad, ingestel by artikel 1 van genoemde Wet, te wees nie. 40

HOOFSTUK I

STEMREG EN KIESERSLYSTE

45

Stemreg.

3. (1) Elke Blanke, Indiër- en Kleurlingkieser wie se naam opgeneem is op ’n kieserslys opgestel onderskeidelik vir ’n afdeling van die Volksraad, die Suid-Afrikaanse Indiërraad en die Verteenwoordigende Kleurlingraad ingevolge die Kieswet, 1979 (Wet No. 45 van 1979), en van krag by die hou van ’n volkstemming, is geregtig om in daardie afdeling by daardie volkstemming te stem. 50

(2) Indien by die hou van ’n volkstemming die Kieswet, 1979, nog nie op die Suid-Afrikaanse Indiërraad of die Verteenwoordigende Kleurlingraad van toepassing is nie, is elke Indiër- of Kleurlingkieser wie se naam opgeneem is op ’n kieserslys opgestel onderskeidelik vir ’n afdeling van die Suid-Afrikaanse Indiërraad of die Verteenwoordigende Kleurlingraad ingevolge die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977), of die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), en van krag by die hou van daardie volkstemming, geregtig om in daardie afdeling by genoemde volkstemming te stem. 55

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- (xxxvi) "regulation" means a regulation made under this Act; (xxx)
- (xxxvii) "returning officer", in relation to any division, means the person or office-bearer appointed under or by virtue of section 7 (1) (c) as returning officer for that division; (xv)
- (xxxviii) "South African Indian Council" means the South African Indian Council established by the South African Indian Council Act, 1968 (Act No. 31 of 1968); (xxxviii)
- (xxxix) "special covering envelope" means an envelope referred to in section 12 (1) (c); (xxxiv)
- (xl) "special voter" means any person who has made or is desirous of making an application under section 16; (xxxiii)
- (xli) "sub-agent" means a sub-agent appointed under section 60; (x)
- (xlii) "tendered ballot paper" means a ballot paper referred to in section 41 (1); (i)
- (xliii) "tendered votes list" means a list referred to in section 41 (2); (xxii)
- (xliv) "the court", in relation to any matter connected with the holding of a referendum, means the appropriate provincial division of the Supreme Court of South Africa; (vii)
- (xlv) "vote" or "give a vote" or "record a vote" means to give a view contemplated in section 7 (1) (a); (xxxv)
- (xlv) "voters' list" means a list referred to in section 5; (xvi)
- (xlvii) "White person" means a person classified as a White person in terms of the Population Registration Act, 1950 (Act No. 30 of 1950); (v)
- (xlviii) "White voter" means a White person who is enrolled on a voters' list prepared in terms of the Electoral Act for a division of the House of Assembly. (vi)

2. (1) The provisions of this Act shall apply in respect of a referendum determined by proclamation under section 7. Application of Act.

(2) Notwithstanding the provisions of the South African Coloured Persons Council Act, 1980 (Act No. 24 of 1980), any reference in this Act to the Coloured Persons Representative Council shall not be deemed to be a reference to the South African Coloured Persons Council established by section 1 of the said Act.

CHAPTER I

FRANCHISE AND VOTERS' LISTS

3. (1) Every White, Indian and Coloured voter enrolled on a voters' list prepared for a division of the House of Assembly, the South African Indian Council and the Coloured Persons Representative Council, respectively, in terms of the Electoral Act, 1979 (Act No. 45 of 1979), and in force at the holding of a referendum, shall be entitled to vote in that division at that referendum. Franchise.

(2) If the Electoral Act, 1979, does at the holding of a referendum not yet apply to the South African Indian Council or the Coloured Persons Representative Council, every Indian or Coloured voter enrolled on a voters' list prepared for a division of the South African Indian Council or the Coloured Persons Representative Council in terms of the Electoral Act for Indians, 1977 (Act No. 122 of 1977), or the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), respectively, and in force at that referendum, shall be entitled to vote in that division at the said referendum.

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(3) Elke Sjinees wat 'n Suid-Afrikaanse burger is, 18 jaar of ouer is, wie se naam in die register bedoel in artikel 2 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), opgeneem is en wat deur geen onbevoegdheid vermeld in artikel 4 (1) of (2) van die Kieswet, 1979, geraak word nie, is geregtig om in 'n afdeling van die Volksraad volgens voorskrif van artikel 5 (4) van hierdie Wet as kieser vir die doeleindes van 'n volkstemming geregistreer te word, en om in daardie afdeling by 'n volkstemming te stem.

Hoofverkie-
singsbeampte
en verkies-
singsbeampte.

4. Die hoofverkie-singsbeampte en 'n verkiesingsbeampte kragtens die Kieswet, 1979 (Wet No. 45 van 1979), aangestel, word geag kragtens hierdie artikel as sodanig vir die doeleindes van 'n volkstemming aangestel te gewees het.

Kieserslyste.

5. (1) Kieserslyste opgestel vir die afdelings van die Volksraad, die Verteenwoordigende Kleurlingraad en die Suid-Afrikaanse Indiërraad ingevolge die Kieswet is kieserslyste vir die doeleindes van 'n volkstemming.

(2) By die toepassing van hierdie Wet word 'n herafbakening of nuwe vasstelling van afdelings kragtens artikel 45 van die Grondwet, artikel 8 van die Wet op die Verteenwoordigende Kleurlingraad, 1964 (Wet No. 49 van 1964), of artikel 13B van die Wet op die Suid-Afrikaanse Indiërraad, 1968 (Wet No. 31 van 1968), geag in werking te tree op die datum waarop die kieserslyste vir die nuwe of veranderde afdelings kragtens artikel 6A (3) van die Kieswet van krag word, en is bedoelde kieserslyste die kieserslyste vir bedoelde afdelings vir die doeleindes van 'n volkstemming.

(3) Indien by die hou van 'n volkstemming die Kieswet nog nie op die Verteenwoordigende Kleurlingraad of die Suid-Afrikaanse Indiërraad van toepassing is nie, is die kieserslyste opgestel ingevolge die Wet op die Verteenwoordigende Kleurlingraad, 1964, of die Kieswet vir Indiërs, 1977, en wat by die hou van daardie volkstemming van krag is, die kieserslyste vir die afdelings van onderskeidelik die Verteenwoordigende Kleurlingraad of die Suid-Afrikaanse Indiërraad vir die doeleindes van genoemde volkstemming: Met dien verstande dat Indiërkiesers wat nie Suid-Afrikaanse burgers is nie, nie geag word opgeneem te wees in sodanige kieserslyste opgestel ingevolge die Kieswet vir Indiërs, 1977, nie.

(4) Die hoofverkie-singsbeampte stel vir elke kiesafdeling van die Volksraad 'n afsonderlike lys van Sjinese persone (as daar is) op wat geregtig is om kragtens artikel 3 (3) by 'n volkstemming te stem.

(5) Die hoofverkie-singsbeampte verstrek so gou doenlik na die uitvaardiging kragtens artikel 7 van 'n proklamasie, afskrifte van die kieserslyste in subartikels (1), (2), (3) en (4) van hierdie artikel bedoel aan—

- (a) 'n verkiesingsbeampte bedoel in artikel 4, indien die volkstemming gehou moet word binne die gebied waarvoor hy geag word aangestel te gewees het, ten opsigte van die afdelings in daardie gebied;
- (b) iemand wat kragtens genoemde proklamasie as kiesbeampte by daardie volkstemming aangestel is; en
- (c) iemand wat kragtens artikel 59 (1) as volkstemmingsagent ten opsigte van enige afdeling deur genoemde volkstemming geraak, aangestel is.

(6) Indien deur 'n ongeluk, per abuis of deur onoplettendheid iets wat regens by die opstel van 'n kieserslys in subartikel (1), (2), (3) of (4) bedoel, gedoen moet word, verkeerd gedoen word of nie gedoen word nie, maak dit die kieserslys nie ongeldig nie, en kan die hoofverkie-singsbeampte die stappe doen wat nodig is om die fout reg te stel of om die versuim te herstel.

Druk van
kieserslyste vir
doeleindes van
volkstemming.

6. (1) Nie later nie as 30 dae voordat 'n volkstemming gehou word, laat die hoofverkie-singsbeampte die kieserslyste vir die betrokke afdelings, soos gewysig tot die dag ingevolge subartikel (2) bepaal, vir die doeleindes van daardie volkstemming druk.

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(3) Every Chinese person who is a South African citizen, is of or over the age of 18 years, whose name has been included in the register referred to in section 2 of the Population Registration Act, 1950 (Act No. 30 of 1950), and who is not subject to any disqualification mentioned in section 4 (1) or (2) of the Electoral Act, 1979, shall be entitled to be registered in a division of the House of Assembly, as provided in section 5 (4) of this Act, for the purposes of a referendum, and to vote in that division at a referendum.

10 4. The chief electoral officer and any electoral officer appointed under the Electoral Act, 1979 (Act No. 45 of 1979), shall be deemed to have been appointed as such under this section for the purposes of a referendum.

Chief electoral officer and electoral officers.

15 5. (1) Voters' lists prepared for the divisions of the House of Assembly, the Coloured Persons Representative Council and the South African Indian Council in terms of the Electoral Act, 1979 (Act No. 45 of 1979), shall be voters' lists for the purposes of a referendum.

Voters' lists.

20 (2) For the purposes of this Act any redelimitation or new delimitation of divisions under section 45 of the Constitution Act, section 8 of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or section 13B of the South African Indian Council Act, 1968 (Act No. 31 of 1968), shall be deemed to come into operation on the date on which the voters' lists for the altered or new divisions come into operation under section 6A (3) of the Electoral Act, 1979, and such voters' lists shall be the voters' lists for the said divisions for the purposes of a referendum.

30 (3) If the Electoral Act, 1979, does at the holding of a referendum not yet apply to the Coloured Persons Representative Council or the South African Indian Council, the voters' lists prepared in terms of the Coloured Persons Representative Council Act, 1964, or the Electoral Act for Indians, 1977, and in force at the holding of that referendum, shall be the voters' lists for the divisions of the Coloured Persons Representative Council or the South African Indian Council, respectively, for the purposes of the said referendum: Provided that Indian voters who are not South African citizens shall not be deemed to be enrolled on such voters' lists prepared in terms of the Electoral Act for Indians, 1977.

40 (4) The chief electoral officer shall prepare for every electoral division of the House of Assembly a separate list of Chinese persons (if any) who are entitled under section 3 (3) to vote at a referendum.

45 (5) The chief electoral officer shall as soon as practicable after the issuing of a proclamation under section 7 furnish copies of the voters' lists referred to in subsections (1), (2), (3) and (4) of this section to—

- 50 (a) any electoral officer referred to in section 4, if the referendum is to be held within the area for which he is deemed to have been appointed, in respect of the divisions in that area;
- (b) any person appointed under the said proclamation as returning officer at that referendum; and
- 55 (c) any person appointed as referendum agent under section 59 (1) in respect of any division affected by the said referendum.

60 (6) If through accident, inadvertence or oversight anything required by law to be done in the preparation of any voters' list referred to in subsection (1), (2), (3) or (4) is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby, and the chief electoral officer may take or cause to be taken such steps as are necessary to rectify the error or omission.

65 6. (1) Not later than 30 days before a referendum is held, the chief electoral officer shall cause the voters' lists for the divisions concerned, as amended up to the day determined in accordance with subsection (2), to be printed for the purposes of that referendum.

Printing of voters' lists for purposes of referendum.

(2) Die dag in subartikel (1) beoog, is die laaste dag van die voorlaaste maand wat die maand voorafgaan waarin die betrokke proklamasie in artikel 7 bedoel, uitgevaardig word.

(3) Sodra 'n kieserslys vir 'n afdeling ingevolge subartikel (1) gedruk is, het enigiemand die reg om teen betaling van die gelde en onderworpe aan die voorwaardes wat by regulasie voorgeskrif is, 'n redelike aantal eksemplare van daardie lys te verkry: Met dien verstande dat kleiner gelde aldus voorgeskrif kan word vir die verkryging van eksemplare van 'n kieserslys deur 'n volkstemmingsagent, 'n statutêre liggaam soos omskryf in artikel 101 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet.

(4) Wanneer 'n kieserslys vir 'n afdeling ingevolge subartikel (1) gedruk is, moet eksemplare daarvan vir insae deur die publiek gehou word op die plekke in daardie afdeling wat deur die betrokke verkiesingsbeampte bepaal word.

(5) 'n Kieserslys vir 'n afdeling ingevolge subartikel (1) gedruk, is afdoende wat die reg betref van elke persoon wat op daardie lys ten opsigte van daardie afdeling geregistreer is, om 20 sy stem in daardie afdeling uit te bring.

HOOFSTUK II

UITVAARDIGING VAN PROKLAMASIE INSAKE VOLKSTEMMING EN SPECIALE VOORSIENING AANGAANDE KIESBEAMPTES

Proklamasie ter bepaling van volkstemming.

7. (1) Die Staatspresident kan by proklamasie in die *Staatskoerant*— 25

(a) bepaal dat 'n stemming van Blanke, Indiër-, Kleurling- en Sjiniese kiesers, of kiesers van een of meer van bedoelde bevolkingsgroepe, in die Republiek of in 'n bepaalde streek van die Republiek, op 'n datum in die 30 proklamasie aangegee, gehou word om vas te stel wat die sienswyse van genoemde kiesers is met betrekking tot 'n aangeleentheid in die proklamasie vermeld;

(b) bepaal welke vorm die stembrief ten opsigte van die verskillende bedoelde bevolkingsgroepe vir die doeleinde 35 des van genoemde stemming moet aanneem; en

(c) voorsiening maak vir die aanstelling van aangewese persone of ampsbekleders as kiesbeamptes vir afdelings vir die doeleinde van genoemde stemming.

(2) Die hoofverkiesingsbeampte kan indien hy dit dienstig ag 40 iemand as assistent-kiesbeampte aanwys, wat sy werksaamhede onderworpe aan die beheer en voorskrifte van die betrokke kiesbeampte verrig.

(3) Indien 'n toevallige vakature in die amp van 'n kiesbeampte ontstaan of indien 'n kiesbeampte om een of ander 45 rede nie in staat is om op te tree nie, stel die Minister 'n ander persoon aan as kiesbeampte of om, na gelang van die geval, in die plek van die kiesbeampte op te tree: Met dien verstande dat indien die persoon wat sy amp van kiesbeampte ontruim of wat nie in staat is om op te tree nie 'n verkiesingsbeampte of land- 50 dros is of was, die hoofverkiesingsbeampte iemand wat in die plek van daardie verkiesingsbeampte of landdros aangestel is of optree, kan aanwys as kiesbeampte of om, na gelang van die geval, in die plek van die kiesbeampte op te tree.

HOOFSTUK III

55

STEMDISTRIKTE EN STEMBURO'S

Stemdistrikte.

8. Die stemdistrikte waarin die onderskeie afdelings van die Volksraad, Verteenwoordigende Kleurlingraad en Suid-Afrikaanse Indiërraad kragtens die bepalings van die Kieswet verdeel is, is die stemdistrikte vir daardie afdelings vir die doeleinde 60 des van 'n volkstemming.

Stemburo's.

9. Ten einde die kiesers wie se name wat op die kieserslyste bedoel in artikel 5 vir 'n afdeling of afdelings opgeneem is, in

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(2) The day contemplated in subsection (1) is the last day of the second-last month preceding the month in which the relevant proclamation referred to in section 7 is issued.

(3) As soon as any voters' list for any division has been printed in terms of subsection (1), any person shall be entitled to obtain, on payment of such charges and subject to such conditions as may be prescribed by regulation, a reasonable number of copies of that list: Provided that lower charges may be so prescribed for the obtaining of copies of any voters' list by any referendum agent, any statutory body as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or any institution or body contemplated in section 84 (1) (f) of the Constitution Act.

(4) Whenever a voters' list for a division has been printed in terms of subsection (1), copies thereof shall be kept for inspection by the public at such places in that division as the electoral officer concerned may determine.

(5) A voters' list printed for a division in terms of subsection (1) shall be conclusive as to the right to record his vote in that division of every person who is registered on that list in respect of that division.

CHAPTER II

ISSUE OF PROCLAMATION WITH REGARD TO REFERENDUM AND SPECIAL PROVISION AS TO RETURNING OFFICERS

25 7. (1) The State President may by proclamation in the *Gazette*— Proclamation determining referendum.

(a) determine that a referendum of White, Indian, Coloured and Chinese voters or voters of one or more of such population groups, in the Republic or in a particular region of the Republic, shall be held on a date specified in the proclamation, for the purpose of ascertaining the view held by the said voters in relation to any matter stated in the proclamation;

(b) determine the form of the ballot paper in respect of such different population groups for the purposes of the said referendum; and

(c) provide for the appointment of specified persons or office-bearers as returning officers for divisions for the purposes of the said referendum.

40 (2) The chief electoral officer may if he deems it expedient designate any person as assistant returning officers, who shall perform his functions subject to the control and directions of the returning officer concerned.

(3) If a casual vacancy occurs in the office of a returning officer, or if for any reason a returning officer is unable to act, the Minister shall appoint another person as returning officer or to act in the stead of the returning officer, as the case may be: Provided that if the person vacating the office of returning officer or who is unable to act is or was an electoral officer or a magistrate, the chief electoral officer may designate any person who has been appointed as or who acts in the stead of that electoral officer or magistrate, as returning officer or to act in the stead of the returning officer, as the case may be.

CHAPTER III

55 POLLING DISTRICTS AND POLLING STATIONS

8. The polling districts into which the different divisions of the House of Assembly, the Coloured Persons Representative Council and the South African Indian Council are divided under the Electoral Act, shall be the polling districts for those divisions for the purposes of a referendum. Polling districts.

9. For the purposes of enabling the voters enrolled on the voters' lists, referred to in section 5, for a division or divisions, to Polling stations.

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staat te stel om hul stemme op 'n gerieflike wyse in daardie afdeling of afdelings uit te bring, moet daar een stemburo binne elke stemburo bedoel in artikel 8 wees: Met dien verstande dat indien die hoofverkiesingsbeamppte van mening is dat die hou van 'n volkstemming daardeur vergemaklik sal word, hy die kiesbeamppte kan gelas om meer as een stemburo in een of ander stemburo in daardie afdeling in te rig vir kiesers wie se name op die kieserslys verskyn teenoor volgnommers deur hom ten opsigte van elke sodanige stemburo vermeld, of om een stemburo ten opsigte van twee of meer stemburo's in te rig, of om die ligging van 'n stemburo te verander.

Bekendmaking
deur kiesbeamppte
en hoofverkiesingsbeamppte.

10. (1) So spoedig doenlik na sy aanstelling—

(a) vaardig die kiesbeamppte 'n openbare kennisgewing uit van—

- (i) die stemburo; 15
- (ii) die ure wat kragtens artikel 34 vir die begin en einde van die stemming voorgeskryf is; en
- (iii) die plek waar elke stemburo in die betrokke afdeling geleë is;

(b) maar nie later nie as vieruur in die namiddag van die dag wat volg op sy aanstelling, verwittig die kiesbeamppte die hoofverkiesingsbeamppte telegrafies op die wyse by regulasie voorgeskryf van die ligging van elke stemburo in elke stemburo in daardie afdeling.

(2) Na ontvangs van die telegrafiese berig in subartikel (1) (b) bedoel, stuur die hoofverkiesingsbeamppte so spoedig doenlik aan elke kieser wie se naam in die kieserslys vir daardie afdeling verskyn, 'n kennisgewing in die by regulasie voorgeskrewe vorm—

(a) waarin vermeld word— 30

- (i) die kieser se volgnommer;
- (ii) sy van en onmiddellik daarna sy voorname en, in die geval van 'n vroulike kieser, as sy getroud is of was, haar nooiensvan; 35
- (iii) sy adres;
- (iv) die naam van die betrokke afdeling;
- (v) die toepaslike stemburo nommer;
- (vi) die stemburo;
- (vii) die ure wat kragtens artikel 34 vir die begin en einde van die stemming voorgeskryf is; en 40
- (viii) die ligging van die stemburo ingerig vir kiesers wie se name verskyn in die kieserslys vir die betrokke stemburo; en

(b) waarin vervat is—

- (i) 'n versoek aan die kieser om een of ander van die by artikel 37 (1) voorgeskrewe bewyse van identiteit saam te bring wanneer die stemburo besoek word met die doel om te stem; en 45
- (ii) 'n waarskuwing dat die kennisgewing self nie bewys van identiteit by die toepassing van artikel 37 (1) is nie. 50

HOOFSTUK IV

VOORSIENING VAN UITRUSTING EN AANSTELLING VAN BEAMPTES

Voorsiening van
uitrusting en aanstelling van
beamptes.

11. (1) 'n Kiesbeamppte voorsien by 'n volkstemming ten opsigte van die afdeling waarvoor hy aangestel is kompartemente, stembusse, papiere, werktuie om op stembriewe die offisiële merk aan te bring, stempels, afskrifte van kieserslyste en ander dinge, stel voorsittende beamptes, stemopnemers en telbeamptes aan, en verrig die ander handelinge en tref die reëlins ter vergemakliking van die hou van die stemming wat raadsaam geag mag word om die volkstemming doeltreffend te hou. 60

(2) Die koste deur die kiesbeamppte ten opsigte van alle sodanige handelinge, sake en voorwerpe aangegaan, word bestry uit die Staatsinkomstefonds.

(3) Elke afskrif van 'n kieserslys wat ingevolge subartikel (1) 65

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vote conveniently in that division or those divisions, there shall be one polling station within each polling district referred to in section 8: Provided that if the chief electoral officer is of opinion that the holding of a referendum will be facilitated thereby, he may direct the returning officer to establish more than one polling station in any polling district in that division for voters whose names appear on the voters' list opposite serial numbers specified by him in respect of each such polling station, or to establish one polling station in respect of two or more polling districts, or to change the situation of a polling station.

10. (1) As soon as practicable after his appointment—

(a) the returning officer shall give public notice of—

Public notice by returning officer and chief electoral officer.

- (i) polling day;
- (ii) the hours prescribed under section 34 for the commencement and close of the poll; and
- (iii) the situation of each polling station in the division concerned;

(b) but not later than four o'clock in the afternoon of the day following upon his appointment, the returning officer shall notify the chief electoral officer by telegraphic message and in the manner prescribed by regulation, of the situation of each polling station in each polling district in that division.

(2) After receipt of the telegraphic message referred to in subsection (1) (b), the chief electoral officer shall as soon as practicable send to every voter whose name appears in the voters' list for that division, a notice in the form prescribed by regulation—

(a) in which shall be specified—

- (i) the voter's serial number;
- (ii) his surname and immediately thereafter his christian names and, in the case of a female voter, if she is or has been married, her maiden name;
- (iii) his address;
- (iv) the name of the division concerned;
- (v) the applicable polling district number;
- (vi) the polling day;
- (vii) the hours prescribed under section 34 for the commencement and close of the poll; and
- (viii) the situation of the polling station established for voters whose names appear in the voters' list for the polling district concerned; and

(b) in which shall be contained—

- (i) a request to the voter to bring with him one or other of the proofs of identity prescribed by section 37 (1) when visiting the polling station for purposes of voting; and
- (ii) a caution that the notice itself does not constitute proof of identity for the purposes of section 37 (1).

CHAPTER IV

50 PROVISION OF EQUIPMENT AND APPOINTMENT OF OFFICERS

11. (1) For a referendum a returning officer shall provide in respect of the division for which he has been appointed compartments, ballot boxes, papers, instruments for marking ballot papers with the official mark, seals, copies of voters' lists and other things, shall appoint presiding officers, polling officers and counting officers and shall do such other acts and things and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectually holding the referendum.

Provision of equipment and appointment of officers.

(2) The expenditure incurred by the returning officer in respect of all such acts, matters and things shall be defrayed out of the State Revenue Fund.

(3) Every copy of a voters' list provided under subsection (1),

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voorsien word, word deur of namens die verkiesingsbeampte gesertifiseer 'n juiste afskrif te wees van die kieserslys vir die afdeling.

(4) Die kiesbeampte kan 'n landdros of verkiesingsbeampte opdrag gee om ten behoeve van hom in die hele afdeling of in 'n deel daarvan enige van die pligte te vervul wat deur hierdie artikel aan hom in verband met die reëlins vir die hou van die stemming opgelê word.

HOOFSTUK V

SPESIALE KIESERS

10

Voorsiening van volkstemmingstukke aan voorsittende beamptes vir stemme van spesiale kiesers.

12. (1) Voor die datum sewe dae na die datum waarop die in artikel 7 bedoelde proklamasie uitgevaardig word, voorsien die hoofverkiesingsbeampte elke voorsittende beampte vir stemme van spesiale kiesers van—

- (a) aansoekvorms om as spesiale kiesers te stem; 15
- (b) stembriewe soos bepaal by die in artikel 7 bedoelde proklamasie;
- (c) koeverte gemerk „Spesiale Kieser—deur posbeamptes aangeteken te word—posvry/Special voter—for registration by postal authorities—post free”; 20
- (d) kleiner koeverte waarop die woorde „spesiale stembrieffkoevert” en „special ballot paper envelope” gedruk is; en
- (e) 'n lys of lyste bevattende in alfabetiese volgorde die name van die afdelings waarin 'n stemming gaan plaasvind en, onder die naam van elke afdeling, die adres van die kiesbeampte vir daardie afdeling aangestel.

(2) 'n Afskrif van die lys bedoel in subartikel (1) (e) moet op versoek deur die betrokke voorsittende beampte aan 'n volkstemmingsagent verstrek word. 30

(3) Wanneer 'n kiesbeampte 'n voorsittende beampte vir stemme van spesiale kiesers aangewys het, voorsien hy sodanige beampte van die volkstemmingstukke in subartikel (1) bedoel.

Aansoeke om as spesiale kiesers te stem.

13. Iemand wat op die kieserslys vir 'n afdeling geregistreer is en wat— 35

- (a) weens sy siekte of liggaamlike swakheid of liggaamlike gebrek of hoë ouderdom of, in die geval van 'n vrou, haar swangerskap, nie in staat sal wees om 'n stemburo in daardie afdeling op die stemburg te besoek nie; of
- (b) op die stemburg te alle tye gedurende die stemure in die Republiek maar buite die afdeling waarin hy geregistreer is, sal wees; of 40
- (c) op die stemburg te alle tye gedurende die stemure op Bird-eiland of in die Oostelike Caprivi Zipfel of op die Prince Edward-eilande sal wees; of 45
- (d) vanweë die feit dat hy op 'n openbare vervoermiddel diens doen of dat hy noodsaaklike hospitaal-, polisie- of brandweerpligte moet verrig, of uit hoofde van sy ampspligte in verband met die volkstemming of sy pligte ten behoeve van 'n volkstemmingsagent by daardie volkstemming te gener tyd op die stemburg gedurende die stemure in staat sal wees om 'n stemburo in die stemburgdistrik waarin hy geregistreer is, te besoek nie; of
- (e) op die stemburg te alle tye gedurende die stemure nie binne vyftig kilometer met die kortste bruikbare pad van die stemburo in die stemburgdistrik ten opsigte waarvan hy geregistreer is, sal wees nie; of 55
- (f) vanweë 'n verpligting om 'n ander persoon vanweë daardie persoon se siekte of liggaamlike swakheid of liggaamlike of geestelike gebrek of hoë ouderdom of swangerskap op te pas of te versorg, te gener tyd op die stemburg gedurende die stemure in staat sal wees om 'n stemburo te besoek nie; of 60
- (g) in die Republiek gedomisileer is en in diens is van die Staat (met inbegrip van 'n provinsiale administrasie, 65

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shall be certified by or on behalf of the electoral officer as a correct copy of the voters' list for the division.

(4) The returning officer may depute any magistrate or electoral officer to perform on his behalf throughout the division or in any portion thereof, any of the duties imposed upon him by this section in regard to the arrangements for the taking of the poll.

CHAPTER V

SPECIAL VOTERS

10 12. (1) Prior to the date seven days after the date on which the proclamation referred to in section 7 is issued, the chief electoral officer shall furnish every presiding officer for votes of special voters with—

Furnishing of election documents to presiding officers for votes of special voters.

- (a) forms of application to vote as special voters;
- 15 (b) ballot papers as determined by the proclamation referred to in section 7;
- (c) envelopes marked "Special voter—for registration by postal authorities—post free/Spesiale kieser—deur pos-beamptes aangeteken te word—posvry";
- 20 (d) smaller envelopes on which the words "special ballot paper envelope" and "spesiale stembriefkoevert" are printed; and
- (e) a list or lists containing, in alphabetical order, the names of the divisions in which a poll is to be held and, below the name of every division, the address of the returning officer appointed for that division.

25 (2) A copy of the list referred to in subsection (1) (e) shall on request be supplied by the presiding officer concerned to the referendum agent.

30 (3) Whenever a returning officer has designated a presiding officer for votes of special voters, he shall furnish such officer with the electoral documents referred to in subsection (1).

35 13. Any person who is enrolled upon the voters' list for any division and who—

Applications to vote as special voters.

- (a) because of his serious illness or physical infirmity or physical disability or advanced age or, in the case of a female, her pregnancy, will not be able to attend at any polling station on polling day; or
- 40 (b) will throughout the hours of polling on polling day be within the Republic but outside the division in which he is registered; or
- (c) will be on Bird Island or in the Eastern Caprivi Zipfel or on the Prince Edward Islands throughout the hours of polling on polling day; or
- 45 (d) by reason of the fact that he is employed on a public conveyance, or that he must perform essential hospital, police or fire brigade services, or on account of his official duties in connection with the referendum or his duties on behalf of a referendum agent at that referendum, will not be able to attend at a polling station within the polling district in which he is registered, at any time during the hours of polling on polling day; or
- 50 (e) will throughout the hours of polling on polling day not be within fifty kilometres by the shortest practicable road from the polling station in the polling district in respect of which he is enrolled; or
- 55 (f) by reason of any duty to look after or care for any other person because of such person's illness or physical infirmity or physical or mental disability or advanced age or pregnancy, will not be able to attend at a polling station at any time during the hours of polling on polling day; or
- 60 (g) is domiciled in the Republic and is in the service of the State (including any provincial administration, the
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die Suid-Afrikaanse Vervoerdienste en die Departement van Pos- en Telekommunikasiewese), of 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet, en werksaamhede buite die Republiek verrig of aan die diens van die regering van 'n ander land afgestaan is, en, terwyl hy sodanige diens verrig, te gener tyd op die stemburo te besoek nie, of die eggenote of volwasse kind van so iemand is en by hom woon; of

- (h) sy vaste woonplek in 'n onafhanklike Staat het en te gener tyd op die stemburo te besoek nie, kan op die in artikel 14 voorgeskrewe wyse aansoek doen om as 'n spesiale kieser te stem.

Vorm van aansoek om as spesiale kieser te stem.

14. (1) Elke aansoek om as 'n spesiale kieser te stem, moet in tweevoud voltooi word en daarin moet vermeld word watter van die gronde vir 'n aansoek om as 'n spesiale kieser te stem wat in artikel 13 beoog word, op die aansoeker van toepassing is.

(2) Albei afskrifte van elke sodanige aansoek—

- (a) moet deur die aansoeker self onderteken word in die teenwoordigheid van 'n voorsittende beampte vir stemme van spesiale kiesers, wat ook elke afskrif van die aansoek moet onderteken;
- (b) moet deur bedoelde voorsittende beampte van 'n volgnommer voorsien word en deur hom geëndosseer word met die datum en tydstop waarop hy daardie aansoek onderteken het en moet die voorsittende beampte se adres vermeld en sy kantoorstempel dra;
- (c) moet die naam van die afdeling waarin die aansoeker geregistreer is en ten opsigte waarvan hy aansoek doen om as 'n spesiale kieser te stem, sowel as die adres ten opsigte waarvan hy glo hy aldus geregistreer is, vermeld;
- (d) moet die identiteitsnommer van die aansoeker, indien dit beskikbaar is, vermeld;
- (e) moet 'n verklaring bevat met die strekking dat die aansoeker glo dat hy die beweerde kieser is wie se naam voorkom in die kieserslys van die afdeling waarna in die aansoek verwys word en dat hy nie tevore as 'n spesiale kieser in daardie afdeling of in enige ander afdeling gedurende die betrokke volkstemming gestem het nie;
- (f) moet die huidige woonadres en posadres van die aansoeker vermeld en of dit permanent of tydelik is;
- (g) moet onmiddellik na voltooiing deur die aansoeker, oorhandig word aan die voorsittende beampte vir stemme van spesiale kiesers bedoel in paragraaf (a):

Met dien verstande dat indien so 'n aansoek deur iemand gedoen word wat nie kan lees nie of, weens sy blindheid of liggaamlike swakheid of gebrek, nie kan skryf nie, die aansoekvorms deur 'n ander volwasse persoon in die teenwoordigheid van die aansoeker en van die voorsittende beampte vir stemme van spesiale kiesers namens hom voltooi en geteken kan word, en in so 'n geval moet daar op die vorms geëndosseer word—

- (i) 'n verklaring deur die persoon wat die vorms namens die aansoeker teken, waarin die aard van die ongeschiktheid of liggaamlike swakheid of gebrek vermeld word, asook dat hy deur die aansoeker gemagtig is om die aansoek namens hom te teken; en
- (ii) 'n verklaring deur die voorsittende beampte vir stemme van spesiale kiesers dat die aansoek in die teenwoordigheid van die aansoeker voltooi en geteken is en dat die inhoud aan die aansoeker verduidelik is en dat die aansoeker bevestig het dat hy bedoelde inhoud verstaan en daarmee instem.

(3) Geen sodanige aansoek word voor die sewende dag na die

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South African Transport Services and the Department of Posts and Telecommunications), or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body contemplated in section 84 (1) (f) of the Constitution Act, and performs any functions outside the Republic or has been seconded to the service of the government of any other country and while engaged in such service will not be able to attend at a polling station at any time during the hours of polling on polling day, or is the wife or adult child of any such person who resides with him; or

(h) has his home in an independent State and will not be able to attend at a polling station at any time during the hours of polling on polling day,

may make application in the manner prescribed in section 14 to vote as a special voter.

14. (1) Every application to vote as a special voter shall be completed in duplicate and it shall be specified therein which of the grounds for an application to vote as a special voter which are contemplated in section 13 is applicable to the applicant.

Form of application to vote as special voter.

(2) Both copies of every such application—

(a) shall be signed by the applicant in his own handwriting in the presence of a presiding officer for votes of special voters, who shall also sign each copy of the application;

(b) shall be provided with a serial number by the presiding officer concerned and endorsed by him with the date on which and the time at which he signed that application and shall state the address of the presiding officer and bear his office stamp;

(c) shall state the name of the division in which the applicant is registered and in respect of which he is applying to vote as a special voter, and the address in respect of which he believes he is so registered;

(d) shall state the identity number of the applicant, if available;

(e) shall contain a declaration to the effect that the applicant believes that he is the alleged voter whose name appears on the voters' list of the division referred to in the application and that he has not previously voted as a special voter in that division or in any other division during the relevant referendum;

(f) shall state the present residential and postal address of the applicant and whether it is permanent or temporary;

(g) shall immediately after completion by the applicant be delivered to the presiding officer for votes of special voters referred to in paragraph (a):

Provided that if any such application is made by a person who is unable to read or, because of his blindness or physical infirmity, is unable to write, the forms of application may be completed and signed on his behalf by any other adult person in the presence of the applicant and of the presiding officer for votes of special voters, and in that event there shall be endorsed on the forms—

(i) a statement by the person signing the forms on behalf of the applicant, setting forth the nature of the disability or physical infirmity and that he has been authorized by the applicant to sign the application on his behalf; and

(ii) a statement by the presiding officer for votes of special voters that the application has been completed and signed on behalf of the applicant in the presence of the applicant and himself and that the contents have been explained to the applicant and that the applicant has confirmed that he understood and approved such contents.

(3) No such application shall be signed by an applicant prior

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datum van uitvaardiging van die in artikel 7 bedoelde proklamasie deur 'n aansoeker onderteken nie.

(4) Indien die aansoek nie later nie as nege-uur in die namiddag op die dag onmiddellik voor die stembag deur 'n voorsittende beampte vir stemme van spesiale kiesers ontvang word, is die aansoeker geregtig op die uitreiking aan hom van 'n stembrief vir die betrokke afdeling, en om sy stem daar en dan uit te bring op die wyse in hierdie Wet ten opsigte van spesiale kiesers voorgeskryf.

(5) Iemand wat in 'n aansoek om as 'n spesiale kieser te stem of in 'n verklaring in so 'n aansoek vervat, 'n valse verklaring doen of 'n ander persoon oorhaal om dit te doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie gevangenisstraf.

Diensure van voorsittende beamptes vir stemme van spesiale kiesers.

15. (1) (a) 'n Voorsittende beampte vir stemme van spesiale kiesers moet te alle tye gedurende—

(i) sy gewone diensure;

(ii) die ander ure gedurende die tydperk wat die hoofverkie-
singsbeampte, na oorlegpleging, deur middel
van die betrokke verkiesingsbeampte, met die
volkstemmingsagente, of die betrokke verkiesings-
beampte na oorlegpleging met die volkstemmings-
agente, bepaal,

die nodige stappe doen om kiesers wat daarop geregtig
is, in staat te stel om onverwyld, behalwe op Sondae en
openbare feesdae, as spesiale kiesers hul stemme uit te
bring.

(b) Wanneer die hoofverkie-
singsbeampte 'n bepaling ingevolge paragraaf (a) (ii)
gedoen het, stel hy die betrokke voorsittende beampte
vir stemme van spesiale kiesers en al die volkstem-
mingsagente gelyktydig daarvan in kennis.

(2) Benewens die voorsittende beampte vir stemme van spe-
siale kiesers en sy assistente, kan 'n gemagtigde verteenwoordiger
van elke volkstemmingsagent aanwesig wees by die verrig-
tings in verband met die uitreiking van stembriewe aan spesiale
kiesers, en niemand anders nie.

(3) Die naam en adres van elke voorsittende beampte vir
stemme van spesiale kiesers deur die kiesbeampte ingevolge die
bepalings van die omskrywing van voorsittende beampte vir
stemme van spesiale kiesers in artikel 1 aangewys, word onver-
wyld deur die kiesbeampte openbaar bekend gemaak.

Oorweging deur
voorsittende
beampte van aan-
soek om as spesiale
kieser te stem.

16. (1) 'n Kieser wat aansoek doen om as 'n spesiale kieser te stem—

(a) moet sy identiteit aan die voorsittende beampte vir
stemme van spesiale kiesers bewys deur die oorlegging
van sy persoonskaart, identiteitsdokument, bestuur-
derslisensie of paspoort of 'n ander bewys van identiteit
met die naam en identiteitsnommer of geboortedatum
en 'n foto van die spesiale kieser daarop wat aan hom
uitgereik is, of, indien hy nie in staat is om enigeen van
genoemde dokumente oor te lê nie, moet sy identiteit
bewys word deur 'n beëdigde verklaring wat in die by
regulasie voorgeskrewe vorm voor bedoelde voorsit-
tende beampte afgelê is deur iemand wie se identiteit
deur die oorlegging van enige van genoemde doku-
mente aan daardie beampte bewys is; en

(b) moet, behoudens die voorbehoudsbepaling by artikel 60
14 (2), sy aansoek eiehandig voor bedoelde voorsit-
tende beampte onderteken.

(2) Nadat die spesiale kieser ingevolge die bepaling van sub-
artikel (1) sy identiteit bewys en sy aansoek om as 'n spesiale
kieser te stem, onderteken het, moet die voorsittende beampte
bedoel in daardie subartikel daardie aansoek aanvaar en onder-
teken sonder om die waarheid van enige verklaring wat be-
doelde kieser in sy aansoek doen of die bestaan van enige
gronde wat die spesiale kieser uit hoofde van die bepaling van

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to the seventh day after the date on which the proclamation referred to in section 7 is issued.

(4) If the application is received by a presiding officer for votes of special voters not later than nine o'clock in the afternoon on the day immediately preceding polling day, the applicant shall be entitled to have a ballot paper issued to him and to record his vote there and then in the manner provided for in this Act in respect of special voters.

(5) Any person who makes or induces any other person to make any false statement in an application to vote as a special voter or in a declaration contained in any such application, shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

15 15. (1) (a) Any presiding officer for votes of special voters shall at all times during—

Hours of duty of
presiding officers
for votes of special
voters.

(i) his ordinary hours of duty;

20 (ii) such other hours during such period as the chief electoral officer may after consultation, through the electoral officer concerned, with the referendum agents, or the electoral officer concerned may after consultation with the referendum agents, determine,

25 take the necessary steps to enable voters who are entitled thereto to vote forthwith, except on Sundays or public holidays, as special voters.

(b) When the chief electoral officer or an electoral officer has made a determination in terms of paragraph (a) (ii), he shall notify the presiding officer for votes of special voters concerned and all the referendum agents simultaneously thereof.

30 (2) In addition to the presiding officer for votes of special voters and his assistants, there may be present at the proceedings in connection with the issue of ballot papers to special voters an authorized representative of every referendum agent, and no other person.

35 (3) The returning officer shall forthwith give public notice of the name and address of every presiding officer for votes of special voters designated as such by such returning officer in terms of the provisions of the definition of presiding officer for votes of special voters in section 1.

16. (1) A voter who makes application to vote as a special voter—

Consideration by
presiding officer of
application to vote
as special voter.

45 (a) shall establish his identity before the presiding officer for votes of special voters through the production of his identity card, identity document, driver's licence, passport or any other proof of identity on which the name, identity number or date of birth and a photograph of the special voter appear, issued to him, or, if he is unable to produce any of the said documents, his identity shall be established by means of an affidavit made in the form prescribed by regulation before the said presiding officer by a person whose identity has been established before that officer through the production of any of the said documents; and

55 (b) shall, subject to the proviso to section 14 (2), sign his application in his own handwriting before the said presiding officer.

60 (2) After the special voter has in terms of the provisions of subsection (1) established his identity and signed his application to vote as a special voter, the presiding officer referred to in that subsection shall accept and sign the said application without questioning the truth of any statement made by the said voter in his application or the existence of any grounds specified by the special voter in his application by virtue of the provisions of sec-

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artikel 14 (1) in sy aansoek vermeld, te bevraagteken, tensy be-
doelde beampte na oorlegpleging met die gemagtigde verteen-
woordigers van die volkstemmingsagente wat teenwoordig is en,
indien dit na sy oordeel nodig is, ondersoek, oortuig is dat be-
doelde verklaring nie waar is nie of dat bedoelde gronde nie be-
staan nie: Met dien verstande dat indien enige beswaar deur
enige van genoemde verteenwoordigers of deur die betrokke
spesiale kieser, na gelang van die geval, gemaak word teen die
aanvaarding of weiering, ingevolge hierdie subartikel, van 'n
aansoek, genoemde voorsittende beampte die feit dat so 'n be-
swaar gemaak is op die aansoek moet aanteken.

Vorm van stem-
briewe vir spesiale
kiesers.

17. Stembriewe aan spesiale kiesers uitgereik, het dieselfde
vorm en is van dieselfde kleure as dié aan ander kiesers uitge-
reik, maar in plaas van die offisiële merk bedoel in artikel 38
(b), plaas die voorsittende beampte vir stemme van spesiale
kiesers sy ampstempel en naamtekening op die agterkant van
elke sodanige stembrief.

Stukke wat ten op-
sigte van spesiale
kiesers oorhandig
moet word.

18. (1) Nadat albei afskrifte van 'n aansoek om as 'n spesiale
kieser te stem aan hom oorhandig is, vul die voorsittende
beampte vir stemme van spesiale kiesers, na raadpleging van die
lys of lyste bedoel in artikel 12 (1) (e) en vir sover die betrokke
besonderhede onvolledig is, onverwyld—

- (a) op die teenblad van die stembrief bedoel in artikel 12
(1) (b) die naam in van die betrokke afdeling en die ge-
registreerde nommer van die kieser of, as die kieser nie
in staat is om daardie nommer te verstrek nie, sy van
en voorletters;
- (b) op die agterkant van genoemde stembrief die naam in
van die betrokke afdeling; en
- (c) op die voorkant van die koevert bedoel in artikel 12 (1)
(c), die volledige adres in van die betrokke kies-
beampte,

en plaas hy sy ampstempel in die ruimte bedoel vir die offisiële
merk en sy naamtekening en die datum van die stembdag (indien
dit ontbreek) in die ruimtes daarvoor aangedui.

(2) Onmiddellik nadat hy die in subartikel (1) bedoelde stappe
gedoen het, oorhandig die voorsittende beampte aan die be-
trokke kieser—

- (a) 'n stembrief en koevert;
- (b) een van die afskrifte van daardie kieser se aansoek om
as 'n spesiale kieser te stem; en
- (c) 'n stembriefkoevert,

en bedoelde spesiale kieser moet daarop onmiddellik volgens
voorskrif van artikel 19 handel.

(3) Indien 'n voorsittende beampte vir stemme van spesiale
kiesers by die uitreiking van 'n stembrief in subartikel (1) be-
doel, 'n fout begaan en dientengevolge daardie stembrief moet
kanselleer, teken hy die kansellering op die teenblad van die be-
trokke stembrief aan en stuur hy daardie stembrief aan die be-
trokke kiesbeampte met 'n verduideliking waarom hy die stem-
brief gekanselleer het.

Wyse waarop spe-
siale kieser sy stem
uitbring.

19. (1) Die voorsittende beampte vir stemme van spesiale
kiesers verleen aan 'n spesiale kieser alle moontlike hulp wat nie
in stryd met hierdie Wet is nie, en deel die kieser mee dat hy in
die geheim moet stem en niemand mag toelaat om te sien hoe hy
gestem het nie, en verseker dat daar geskikte fasiliteite beskik-
baar is waar die kieser sy stem in die geheim kan uitbring.

(2) Die spesiale kieser bring sy stem uit deur op die stembrief
op die wyse daarop aangewys, aan te dui wat sy sienswyse is met
betrekking tot die aangeleentheid vermeld in die toepaslike pro-
klamasie kragtens artikel 7 uitgevaardig.

(3) Die spesiale kieser mag niemand toelaat om te sien hoe hy
gestem het nie.

(4) Onmiddellik nadat hy gestem het, plaas die spesiale kieser
in die teenwoordigheid van die voorsittende beampte vir stemme
van spesiale kiesers, maar sonder om te laat blyk hoe hy gestem
het, die gemerkte stembrief in 'n stembriefkoevert en maak hy

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tion 14 (1), unless the said officer is, after consultation with the authorized representatives of referendum agents who are present and, if necessary in his opinion, investigation, satisfied that the said statement is untrue or that the said grounds do not exist: Provided that if any objection is raised by any of the said representatives or by the special voter concerned, as the case may be, against the acceptance or rejection, in terms of this subsection, of an application, the said presiding officer shall record the fact that such an objection has been raised, on the application.

17. Ballot papers issued to special voters shall be in the same form and of the same colours as those issued to other voters, but instead of the official mark referred to in section 38 (b) the presiding officer for votes of special voters shall place his stamp of office and signature on the back of every such ballot paper.

Form of special voter's ballot paper.

18. (1) After both copies of an application to vote as a special voter have been delivered to him, the presiding officer for votes of special voters shall, after reference to the list or lists referred to in section 12 (1) (e) and in so far as the particulars concerned may be incomplete, forthwith enter—

Documents to be delivered in respect of special voter.

- (a) on the counterfoil of the ballot paper referred to in section 12 (1) (b), the name of the division concerned and the registered number of the voter or, if the voter is unable to furnish that number, his surname and initials;
- (b) on the back of the said ballot paper, the name of the division concerned; and
- (c) on the front of the envelope referred to in section 12 (1) (c), the full address of the returning officer concerned,

and place his stamp of office in the space intended for the official mark, and his signature and the date of polling day (if it is wanting) in the spaces provided therefor.

(2) Immediately after he has taken the steps referred to in subsection (1), the presiding officer shall deliver to the voter concerned—

- (a) the ballot paper and envelope;
 - (b) one of the copies of that voter's application to vote as a special voter; and
 - (c) a ballot paper envelope;
- and the special voter concerned shall thereupon without delay proceed as provided in section 19.

(3) If a presiding officer for votes of special voters makes a mistake while issuing a ballot paper referred to in subsection (1) and in consequence thereof has to cancel that ballot paper, he shall note the cancellation on the counterfoil of the ballot paper concerned and shall send that ballot paper to the returning officer concerned along with an explanation why he cancelled the ballot paper.

19. (1) The presiding officer for votes of special voters shall render to a special voter all possible assistance not in conflict with this Act, and shall inform the voter that he must vote in secret and may not allow any person to see how he has voted, and shall ensure that suitable facilities are available where the voter can record his vote in secret.

Manner in which special voter records his vote.

(2) The special voter shall vote by indicating on the ballot paper in the manner shown thereon, the view held by him in relation to the matter stated in the relevant proclamation issued under section 7.

(3) The special voter shall not allow any person to see how he has voted.

(4) Immediately after voting the special voter shall in the presence of the presiding officer for votes of special voters, but without disclosing how he has voted, place the marked ballot paper in the ballot paper envelope and fasten it up, and shall then

dit toe, en plaas hy dan die stembriefkoevert, tesame met die afskrif van sy aansoek om as 'n spesiale kieser te stem deur bedoelde beampte aan hom oorhandig, in die spesiale omslagkoevert wat aan die kiesbeampte geadresseer is, en oorhandig hy daardie omslagkoevert, nadat hy dit toegemaak het en, indien 5 hy dit verkies, nadat hy sy handtekening op die agterkant daarvan aangebring het, aan die voorsittende beampte vir stemme van spesiale kiesers, wat dit, tensy dit aan hom as kiesbeampte geadresseer is, onverwyld of as aangetekende brief per pos afstuur of persoonlik aflewer aan die kiesbeampte en, as dit aan 10 hom as kiesbeampte geadresseer is, dit bewaar en ooreenkomstig die bepalings van hierdie Wet daarmee handel: Met dien verstande dat die voorsittende beampte vir stemme van spesiale kiesers bedoelde omslagkoevert aan die voorsittende beampte by enige stemburo in die betrokke afdeling kan aflewer 15 of deur 'n ander voorsittende beampte vir stemme van spesiale kiesers aldus kan laat aflewer in plaas van volgens voorskrif van voorgaande bepalings in verband daarmee te handel.

(5) Indien 'n spesiale kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beampte vir stemme van spesiale 20 kiesers teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy aan hom 'n ander stembrief en kanselleer hy die bedorwe stembrief, en nadat hy die kansellering op die teenblad van die bedorwe stembrief aangeteken het, stuur hy daardie stembrief aan die betrokke kiesbeampte met 'n verduideliking 25 waarom die stembrief gekanselleer is.

(6) 'n Omslagkoevert bedoel in subartikel (4) wat aan die kiesbeampte geadresseer is en in die bewaring van posbeamptes kom sonder om aangeteken te wees vir versending per pos, word onverwyld aldus aangeteken en gestuur aan die kiesbeampte aan 30 wie dit geadresseer is.

(7) Versuim om so 'n koevert aan te teken, maak die stem van die spesiale kieser nie ongeldig nie.

(8) Die bepalings van artikel 40 is *mutatis mutandis* van toepassing in die geval van 'n spesiale kieser wat weens sy onvermoë om te lees of sy blindheid of liggaamlike swaakheid of gebrek nie in staat is om sy stem persoonlik uit te bring nie, en vir dié doel word 'n verwysing daarin na 'n voorsittende beampte as 'n verwysing na 'n voorsittende beampte vir stemme van spesiale 40 kiesers uitgelê.

Spesiale kiesers wat nie voorsittende beamptes kan besoek nie.

20. (1) 'n Voorsittende beampte vir stemme van spesiale kiesers kan—

- (a) enige spesiale kieser wat volgens sy oordeel nie in staat is om 'n voorsittende beampte vir stemme van spesiale kiesers te besoek nie, te eniger tyd gedurende die tydperk 45 vanaf sewe-uur in die voormiddag van die sewende dag na die datum van uitvaardiging van die in artikel 7 bedoelde proklamasie tot en met nege-uur in die namiddag van die dag onmiddellik voor die stemburg by enige adres op versoek van daardie kieser besoek om bedoelde kieser in staat te stel om as 'n spesiale kieser te stem;
- (b) te eniger tyd gedurende die tydperk in paragraaf (a) bedoel, enige plek besoek ten einde 'n spesiale kieser wat aldaar aansoek doen om as 'n spesiale kieser te 55 stem, in staat te stel om as so 'n kieser te stem, mits daar aan die gemagtigde verteenwoordiger van elke volkstemmingsagent in die afdeling waarin daardie plek geleë is, vooraf kennis gegee is van bedoelde voorsittende beampte se voorneme om daardie plek vir gemelde doel te besoek en van die adres waar en die datum waarop en tyd wanneer hy daar aanwesig sal wees.

(2) Indien bedoelde voorsittende beampte volgens sy oordeel nie in staat is om aan die betrokke kieser se versoek te voldoen nie of om 'n ander sodanige beampte te stuur om daaraan te 65 voldoen nie, stel hy bedoelde kieser onverwyld in kennis van sy onvermoë om aan die versoek te voldoen.

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place the ballot paper envelope, together with the copy of his application to vote as a special voter delivered to him by such officer, in the special covering envelope addressed to the returning officer, and shall after he has fastened that covering envelope and, if he so desires, after he has affixed his signature on the back thereof, deliver it to the presiding officer for votes of special voters, who shall, unless it is addressed to himself as returning officer, without delay either despatch it by registered post or deliver it personally to the returning officer, and if it is addressed to him as returning officer, keep it in his custody and deal with it in accordance with the provisions of this Act: Provided that the presiding officer for votes of special voters may deliver such covering envelope to the presiding officer at any polling station in the division concerned or cause it to be so delivered by any other presiding officer for votes of special voters instead of dealing with it in the manner prescribed in the preceding provisions.

(5) If a special voter inadvertently spoils a ballot paper, he may return it to the presiding officer for votes of special voters, who shall, if satisfied of the inadvertence, give him another ballot paper and cancel the spoiled ballot paper and who shall, after having noted the cancellation upon the counterfoil of the spoiled ballot paper, send that ballot paper to the returning officer concerned along with an explanation why the ballot paper was cancelled.

(6) Any covering envelope referred to in subsection (4) and addressed to the returning officer which is received into the custody of the postal authorities without being registered for transmission through the post, shall forthwith be so registered and transmitted to the returning officer to whom it is addressed.

(7) Failure to register any such envelope shall not invalidate the vote of the special voter.

(8) The provisions of section 40 shall *mutatis mutandis* apply in the case of a special voter who, because of his inability to read or his blindness or physical infirmity, is unable personally to record his vote, and for that purpose a reference therein to a presiding officer shall be construed as a reference to a presiding officer for votes of special voters.

20. (1) A presiding officer for votes of special voters may—
 (a) at the request of a special voter who in his opinion is unable to attend before a presiding officer for votes of special voters, call upon that voter at any time during the period from seven o'clock in the forenoon of the seventh day after the date on which the proclamation referred to in section 7 is issued up to and including nine o'clock in the afternoon of the day immediately preceding polling day, at any address in order to enable that voter to vote as a special voter;
 (b) at any time during the period mentioned in paragraph (a) visit any place in order to enable a special voter applying at that place to vote as a special voter, to vote as such a voter, provided prior notice of such presiding officer's intention to visit that place for the said purpose and of the address at which and the date on which and the time when he will be present thereat, has been given to the authorized representative of every referendum agent in the division in which such place is situated.

Special voters who are unable to attend before presiding officers.

(2) If such presiding officer is, in his opinion, unable to comply with the request of the voter concerned or to send any other such officer to comply therewith, he shall forthwith advise that voter of his inability to comply with the request.

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Hou van afskrif van
aansoek.

21. (1) (a) Een afskrif van elke aansoek om as 'n spesiale kieser te stem, lê tot en met die stembdag op die kantoor van die voorsittende beampte vir stemme van spesiale kiesers deur wie daardie aansoek ontvang is ter kostelose publieke insae. 5
- (b) Op die dag onmiddellik na die stembdag stuur die voorsittende beampte al bedoelde aansoeke en alle teenblaaië van stembriewe deur hom uitgereik aan die hoofverkiesingsbeampte, wat daardie aansoeke en teenblaaië bewaar vir 'n tydperk van een jaar vanaf die datum van die volkstemming, en daarna word, tensy die hof anders gelas, met genoemde aansoeke en teenblaaië na goëddunke van die hoofverkiesingsbeampte gehandel. 10

(2) Op die dag onmiddellik na die stembdag stuur elke voorsittende beampte vir stemme van spesiale kiesers aan die hoofverkiesingsbeampte 'n lys waarin aangegee word die naam en identiteitsnommer van elke kieser ten opsigte van wie van die stukke bedoel in artikel 12 uitgereik is, en die naam van die afdeling waarin daardie kieser as 'n spesiale kieser gestem het, en 20 bedoelde lyste is ter kostelose publieke insae beskikbaar by die kantoor van die hoofverkiesingsbeampte gedurende 'n tydperk van 30 dae na die stembdag.

Stembus vir spesiale
kiesers.

22. (1) Die kiesbeampte verskaf 'n stembus vir die ontvangs van stembriëfkoëverte wat aansoeke om as spesiale kiesers te stem, vergesel het, wanneer daardie aansoeke deur hom aanvaar word. 25

(2) Bedoelde stembus word onmiddellik voordat die eerste stembriëfkoëvert daarin geplaas word, oop en leeg aan al die aanwesige persone vertoon, en word daarna met die seël van die kiesbeampte verseël, asook met die seëls van die volkstemmingsagente of persone deur hulle ingevolge artikel 23 (2) aangewys, wat hul seëls wil aanheg, en gemerk „stembus vir spesiale kiesers”, en die kiesbeampte maak voorsiening vir die veilige bewaring van bedoelde stembus. 35

Oorweging van spesiale
stemme deur
kiesbeampte.

23. (1) Die kiesbeampte maak op die datum agt dae na die datum van uitvaardiging van die in artikel 7 bedoelde proklamasie elke spesiale omslagkoëvert wat deur hom voor daardie datum ontvang is, afsonderlik oop, en maak voorts elke spesiale omslagkoëvert wat na daardie datum deur hom ontvang word, afsonderlik oop nie later as die dag na ontvangs daarvan nie. 40

(2) Die kiesbeampte gee aan elke volkstemmingsagent in die betrokke afdeling voldoende kennis van die tyd wanneer en die plek waar bedoelde omslagkoëverte oopgemaak gaan word ten einde hom of iemand deur hom aangewys in staat te stel om teenwoordig te wees. 45

(3) Nadat die kiesbeampte so 'n omslagkoëvert oopgemaak het—

- (a) stempel hy die datum van ontvangs op die aansoek om as 'n spesiale kieser te stem; 50
- (b) plaas hy 'n volgnommer op elke sodanige aansoek en dieselfde volgnommer op die stembriëfkoëvert, as daar is, wat saam met daardie aansoek in dieselfde spesiale omslagkoëvert ingesluit is;
- (c) skryf hy op 'n afsonderlike lys die posnummer van aantekening in op elke spesiale omslagkoëvert, asook die kantoor van afsending van elke sodanige koëvert wat per pos ontvang is, en die woorde „persoonlik afgelewer deur” gevolg deur die naam van die persoon deur wie aflewering geskied het ten opsigte van elke ander sodanige koëvert, en die naam van die kieser wie se aansoek om as 'n spesiale kieser te stem daarin ontvang is; 55
- (d) vergelyk hy die posnummer van aantekening op elke sodanige omslagkoëvert met die posnummers wat ingeskrif is op die lys van spesiale omslagkoëverte wat ontvang is; en 60
- (e) as hy bevind dat die aansoek behoorlik voltooi en deur 65

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21. (1) (a) One copy of every application to vote as a special voter shall, up to and including polling day, be open to public inspection free of charge at the office of the presiding officer for votes of special voters by whom that application was received. Retaining of copy of application.
- 5 (b) On the day immediately following polling day the presiding officer shall transmit all the said applications and all counterfoils of ballot papers issued by him to the chief electoral officer, who shall keep the said applications and counterfoils in his custody for a period of one year from the date of the referendum, and thereafter the said applications and counterfoils shall, unless the court otherwise directs, be dealt with as the chief electoral officer may deem fit.
- 10 (2) On the day immediately following polling day, every presiding officer for votes of special voters shall furnish the chief electoral officer with a list showing the name and identity number of every voter in respect of whom any of the documents referred to in section 12 were issued, and the name of the division in which that voter voted as a special voter, and such lists shall be open for public inspection free of charge at the office of the chief electoral officer during a period of 30 days after polling day.
- 15 22. (1) The returning officer shall provide a ballot box for the reception of ballot paper envelopes which accompanied applications to vote as special voters, when such applications are accepted by him. Ballot box for special voters.
- (2) The said ballot box shall immediately before the first ballot paper envelope is placed therein, be shown open and empty to all the persons present, and shall thereafter be sealed with the seal of the returning officer and the seals of such referendum agents, or persons nominated by them in terms of section 23 (2), as desire to affix their seals, and shall be marked "ballot box for special voters", and the returning officer shall make provision for the safe custody of such ballot box.
- 20 23. (1) The returning officer shall on the date eight days after the date on which the proclamation referred to in section 7 is issued, open separately every special covering envelope received by him prior to that date, and shall further, not later than the day after the day of receipt thereof, open separately every special covering envelope received by him after that date. Consideration of special votes by returning officer.
- (2) The returning officer shall give every referendum agent in the division concerned sufficient notice of the time when and the place where the covering envelopes concerned will be opened, in order to enable him or a person nominated by him to be present.
- 25 (3) After the returning officer has opened such a covering envelope—
- (a) he shall stamp the date of receipt on the application to vote as a special voter;
- 30 (b) he shall place a serial number on each such application and the same serial number on the ballot paper envelope, if any, received with such application in the same special covering envelope;
- 35 (c) he shall record on a separate list the postal registered number on every special covering envelope and the office of origin of every such envelope received through the post, and the words "personally delivered by" followed by the name of the person by whom delivery was effected in respect of every other such envelope, and the name of the voter whose application to vote as a special voter was received therein;
- 40 (d) he shall compare the postal registered number on every such covering envelope with the postal numbers entered on the list of special covering envelopes received; and
- 45 (e) if he is satisfied that the application was properly com-
- 50
- 55
- 60
- 65

die aansoeker en die betrokke voorsittende beampte onderteken is en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, aanvaar hy daardie aansoek as dit die enigste aansoek is wat deur hom ten opsigte van die selfde kieser ontvang is en plaas hy die betrokke stembriefkoevert in die stembus vir spesiale kiesers, sonder om die waarheid van enige verklaring wat die aansoeker in sy aansoek doen of die bestaan van enige gronde wat die aansoeker uit hoofde van die bepalings van artikel 14 (1) in sy aansoek vermeld, te bevraagteken, tensy hy, na oorlegpleging met die volkstemmingsagente en, indien dit na sy oordeel nodig is, ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie.

(4) Die kiesbeampte oorhandig op aanvraag aan 'n volkstemmingsagent 'n afskrif van die lys in subartikel (3) (c) bedoel.

(5) Alle aansoeke om as spesiale kiesers te stem, deur 'n kiesbeampte ontvang en aanvaar, word deur hom bewaar en is oop vir kostelose publieke insae tot na afkondiging van die uitslag van die stemming, en daarna word daarmee gehandel soos in artikel 31 bepaal.

(6) Indien die volkstemmingsagent of die persoon bedoel in subartikel (2) deur hom aangewys, 'n kiesbeampte versoek om die oorweging van so 'n aansoek uit te stel, bewaar die kiesbeampte, tensy hy die redes vir bedoelde versoek aangevoer onvoldoende ag, die betrokke stukke en oorweeg hy nie daardie aansoek nie voor die verstryking van 'n tydperk van 24 uur na die tydstop waarop daardie versoek tot hom gerig is: Met dien verstande dat die kiesbeampte die oorweging van so 'n aansoek nie uitstel tot 'n tydstop na die tydstop waarop daar met die tel van stemme begin word nie.

(7) (a) Indien die kiesbeampte so 'n aansoek afwys, deel hy die aansoeker telegrafies die redes mee waarom dit afge-wys is en versoek hy hom, as die tydperk waarbinne 'n kieser aansoek kan doen om as 'n spesiale kieser te stem nog nie verstryk het nie, om weer aansoek te doen om as 'n spesiale kieser te stem.

(b) Indien die gebrek in die aansoek klaarblyklik te wyte is aan die nalatigheid van die betrokke kieser of van die voorsittende beampte vir stemme van spesiale kiesers, stel die kiesbeampte oorweging van daardie aansoek uit tot nadat hy in verbinding getree het met daardie voorsittende beampte, en as bedoelde beampte in staat is om die gebrek aan te suiwer, verstrekk hy die ontbrekende besonderhede of 'n verduideliking van die gebrek of telefonies of persoonlik aan die kiesbeampte, wat bedoelde besonderhede of verduideliking op die aansoek aanteken en parafeer.

(c) As die kiesbeampte na oorlegpleging met al die volkstemmingsagente of die persone bedoel in subartikel (2) deur hulle aangewys, van oordeel is dat bedoelde besonderhede of verduideliking aanvaarbaar is, oorweeg hy die betrokke aansoek mits daardie besonderhede of verduideliking deur hom ontvang word voor die tydstop waarop daar met die tel van die stemme begin word.

(d) Indien bedoelde besonderhede of verduideliking nie voor die tydstop waarop daar met die tel van die stemme begin word, ontvang word nie, aanvaar die kiesbeampte, na oorlegpleging met die volkstemmingsagente, bedoelde aansoek, indien die gebrek in daardie aansoek klaarblyklik te wyte is aan die nalatigheid van die betrokke kieser of van die voorsittende beampte vir stemme van spesiale kiesers: Met dien verstande dat bedoelde aansoek nie aldus aanvaar word nie—

(i) indien die betrokke kieser nie ingevolge die bepalings van artikel 16 (1) sy identiteit bewys het of sy aansoek om as 'n spesiale kieser te stem, onderteken het nie; of

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5 pleted and signed by the applicant and the presiding
officer concerned and that the name of the applicant
appears on the voters' list of the division for which he is
the returning officer, he shall accept that application if
10 it is the only application received by him in respect of
the same voter and place the ballot paper envelope
concerned in the ballot box for special voters, without
questioning the truth of any statement made by the ap-
plicant in his application or the existence of any
15 grounds specified by the applicant in his application by
virtue of the provisions of section 14 (1), unless after
consultation with the referendum agents and, if neces-
sary in his opinion, investigation, he is satisfied that the
said statement is untrue or that the said grounds do not
exist.

(4) The returning officer shall on demand furnish any referen-
dum agent with a copy of the list referred to in subsection (3)
(c).

20 (5) All applications to vote as special voters received and ac-
cepted by a returning officer shall be kept in his custody and
shall be open to public inspection, free of charge, until after the
declaration of the result of the poll, when they shall be dealt
with as provided in section 31.

25 (6) If the referendum agent or the person referred to in sub-
section (2) nominated by him, requests a returning officer to
postpone consideration of such an application, the returning
officer shall, unless he considers the reasons advanced for such
request to be inadequate, keep the documents concerned in his
custody and shall not consider that application before the expira-
30 tion of a period of 24 hours after the time at which that request
was submitted to him: Provided that the returning officer shall
not postpone consideration of such an application to a time after
the commencement of the counting of votes.

35 (7) (a) If the returning officer rejects such an application, he
shall inform the applicant by telegraph of the reasons
for the rejection and request him, if the period during
which a voter may make application to vote as a special
voter has not expired, to make a fresh application to
vote as a special voter.

40 (b) If the defect in the application is clearly due to the neg-
ligence of the voter concerned or of the presiding of-
ficer for votes of special voters, the returning officer
shall postpone consideration of that application until
after he has communicated with that presiding officer,
45 and if that officer is able to remedy the defect, he shall
either by telephone or personally furnish the missing
particulars or an explanation of the defect to the re-
turning officer, who shall endorse and initial the said
particulars or explanation on the application.

50 (c) If after consultation with all the referendum agents or
the persons referred to in subsection (2) nominated by
them, the returning officer is of the opinion that the
said explanation is acceptable, he shall consider the
said application, provided the said particulars are or
55 the said explanation is received by him prior to the
commencement of the counting of the votes.

60 (d) If the said particulars are not or the said explanation is
not received prior to the commencement of the count-
ing of the votes, the returning officer shall, after con-
sultation with the referendum agents, accept the said ap-
plication if the defect in that application is clearly due
to the negligence of the voter concerned or of the pre-
siding officer for votes of special voters: Provided that
the said application shall not be so accepted—

65 (i) if the voter concerned has failed to establish his
identity or to sign his application to vote as a
special voter in terms of the provisions of section
16 (1); or

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- (ii) indien vermelde aansoek nie ingevolge die bepalings van artikel 16 (2) deur bedoelde voorsittende beampte onderteken is nie of nie soos by artikel 14 (2) (b) vereis die kantoorstempel van bedoelde voorsittende beampte dra nie. 5
- (8) (a) Wanneer 'n kiesbeampte twee of meer aansoeke om as 'n spesiale kieser te stem van dieselfde kieser ontvang het, vergelyk hy die aansoeke met mekaar, en indien hy oortuig is dat die aansoeke van dieselfde kieser ontvang is, handel hy met die vroegste voltooië aansoek waarin daar geen gebrek is nie en met die stembrieffkoevert wat tesame met die betrokke aansoek ontvang is ooreenkomstig die bepalings van paragraaf (e) van subartikel (3). 10
- (b) Die ander aansoeke ten opsigte van dieselfde kieser ontvang, word deur die kiesbeampte verwerp en mee gehandel ooreenkomstig die bepalings van subartikel (9). 15
- (9) (a) Indien die kiesbeampte 'n aansoek om as 'n spesiale kieser te stem, afwys, endosseer hy op die aansoek „verwerp” en heg hy die stembrieffkoevert, sonder om daardie koevert oop te maak, of, as daar nie so 'n koevert is nie, die stembrief, daaraan, en as daar deur of ten behoeve van 'n volkstemmingsagent teen sy besluit beswaar geopper word, voeg hy die woorde „beswaar geopper teen verwerping” by die endossement. 25
- (b) Die kiesbeampte hou alle verwerpe aansoeke met die aangehegte koeverte of stembriewe, na gelang van die geval, apart van ander stukke en handel daarmee soos in artikel 31 bepaal. 30
- (c) Wanneer 'n stembrieffkoevert blyk nie afsonderlik vergesel te wees van 'n aansoek om as 'n spesiale kieser te stem nie, maak die kiesbeampte die stembrieffkoevert oop, en as hy vind dat dit bedoelde aansoek bevat, haal hy die aansoek uit en verseël hy die stembrief weer in die stembrieffkoevert en handel hy met die aansoek en stembrieffkoevert ooreenkomstig die bepalings van hierdie artikel. 35
- (d) 'n Aansoek om as 'n spesiale kieser te stem wat by ontvangs deur 'n kiesbeampte nie van 'n stembrief vergesel is nie en 'n stembrief wat nie van so 'n aansoek vergesel is nie, word gemerk „verwerp”. 40

Geheimhouding
van stemming.

24. (1) Behoudens die bepalings van artikel 19 (8), mag die voorsittende beampte vir stemme van spesiale kiesers nie na die stem wat 'n spesiale kieser uitgebring het, kyk of enige kennis daaromtrent verkry nie, en laat hy niemand, behalwe die spesiale kieser, toe om die spesiale kieser se stem te sien of daarmee bekend te raak of om die spesiale kieser te help om sy stem uit te bring of om hom op enige wyse met die spesiale kieser met betrekking tot sy stem te bemoei nie. 50

(2) 'n Voorsittende beampte vir stemme van spesiale kiesers wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

Pligte van aanwesige persone wanneer spesiale kieser sy stem uitbring.

25. (1) Iemand wat teenwoordig is wanneer 'n spesiale kieser voor 'n voorsittende beampte vir stemme van spesiale kiesers verskyn ten einde as 'n spesiale kieser te stem, moet— 55

- (a) alle bevels van die voorsittende beampte vir stemme van spesiale kiesers gehoorsaam; 60
- (b) hom onthou van enige mededeling hoegenaamd aan die spesiale kieser in verband met sy stem; 60
- (c) hom onthou van enige hulp aan die spesiale kieser of enige bemoeiing met hom in verband met sy stem; en
- (d) hom daarvan onthou om na die spesiale kieser se stem te kyk of om enigiets te doen waardeur hy met die spesiale kieser se stem bekend sou kan raak. 65

(2) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig.

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- (ii) if the said application has not been signed by the said presiding officer in terms of the provisions of section 16 (2), or does not bear the office stamp of the said presiding officer as required by section 14 (2) (b).
- 5 (8) (a) Where a returning officer has received two or more applications to vote as a special voter from the same voter, he shall compare the applications and if he is satisfied that the applications were received from the same voter, he shall deal in accordance with the provisions of paragraph (e) of subsection (3) with the earliest completed application in which there is no defect and the ballot paper envelope received in conjunction with that application.
- 10 (b) The other applications received in respect of the same voter shall be rejected by the returning officer and dealt with as provided in subsection (9).
- 15 (9) (a) If the returning officer rejects an application to vote as a special voter, he shall endorse the application "rejected" and shall attach thereto the ballot paper envelope without opening such envelope, or if there is no such envelope, the ballot paper, and if objection to his decision is made by or on behalf of any referendum agent he shall add to the endorsement the words "rejection objected to".
- 20 (b) The returning officer shall keep all rejected applications with the attached envelopes or ballot papers, as the case may be, separate from other documents and shall deal with them as provided in section 31.
- 25 (c) Where an application to vote as a special voter does not appear to accompany any ballot paper envelope, the returning officer shall open the ballot paper envelope and if it is found that it contains the application concerned, he shall remove it and again seal the ballot paper in the ballot paper envelope and deal with the application and ballot paper envelope as provided in this section.
- 30 (d) Any application to vote as a special voter which on receipt by a returning officer is not accompanied by a ballot paper, and any ballot paper or ballot papers not accompanied by such an application, shall be marked "rejected".
- 35 40

24. (1) Save as provided in section 19 (8), the presiding officer for special votes shall not look at or make himself acquainted with the vote given by the special voter, and shall not permit any person, other than the special voter, to see or become acquainted with the special voter's vote, or to assist the special voter to vote or to interfere in any way with the special voter in relation to his vote.
- 45 50 (2) Any presiding officer for special votes who contravenes any provision of subsection (1) shall be guilty of an offence.

Secrecy at voting.

25. (1) Any person present when a special voter appears before a presiding officer for special votes for the purpose of voting as a special voter shall—
- 55 (a) obey all directions of the presiding officer for special votes;
- (b) refrain from making any communication whatever to the special voter in relation to his vote;
- (c) refrain from assisting the special voter or in any way interfering with him in relation to his vote; and
- 60 (d) refrain from looking at the special voter's vote or from doing anything whereby he might become acquainted with the special voter's vote.
- (2) Any person who contravenes any provision of subsection (1) shall be guilty of an offence.
- 65

Duties of persons present when special voter votes.

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WET OP VOLKSTEMMING. 1982

Poslys van afgelewerde spesiale omslagkoeverte.

26. (1) Die amptenaar in bevel van die poskantoor waaruit 'n spesiale omslagkoevert voor die sluiting van die stemming aan die kiesbeampte afgelewer is, stuur aan die kiesbeampte, nie later nie as 24 uur na die sluiting van die stemming, 'n lys waarin die posnommer van aantekening en kantoor van afsending van elke spesiale omslagkoevert aldus afgelewer, aangegee word. 5

(2) Die lys van spesiale omslagkoeverte wat ontvang is, lê, totdat met die tel van stemme ingevolge artikel 44 begin word, en tesame met die in subartikel (1) bedoelde lys, gedurende 'n tydperk van een maand na die afkondiging van die uitslag van die stemming op die kantoor van die kiesbeampte ter kostelose publieke insae. 10

Spesiale kieser nie geregtig om by stemlokaal te stem nie.

27. Iemand ten opsigte van wie 'n stembrief kragtens artikel 18 uitgereik of oorhandig is, is behoudens die bepalings van artikel 36 (9) nie geregtig om sy stem by 'n stemlokaal uit te bring nie. 15

Dood van spesiale kieser voor begin van stemming.

28. (1) Indien 'n volkstemmingsagent of 'n kieser in 'n afdeling, by of voor die tel van stemme, voor die kiesbeampte 'n beëdigde of bevestigde verklaring aflê of aan hom 'n sterftesertifikaat voorlê wat toon dat 'n kieser wat sy stem in daardie afdeling as 'n spesiale kieser uitgebring het, voor die aanvang van die stemming oorlede is, spoor die kiesbeampte, indien hy oortuig is dat die afgestorwe persoon die persoon is wat sy stem as spesiale kieser uitgebring het, die stembrief op wat deur die afgestorwe persoon gemerk is, en verwerp hy dit. 20 25

(2) Iemand wat in so 'n verklaring 'n valse bewering doen, wetende dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf. 30

(3) Die kiesbeampte handel *mutatis mutandis* volgens voorskrif van subartikel (1) met betrekking tot 'n stembrief gemerk deur 'n kieser wat sy stem in die betrokke afdeling as 'n spesiale kieser uitgebring het, en ten opsigte van wie die hoofverkiesingsbeampte of 'n verkiesingsbeampte bedoelde kiesbeampte in kennis gestel het dat daardie kieser se naam uit die kieserslys van bedoelde afdeling geskrap is. 35

Koeverte wat na sluiting van stemming ontvang word.

29. Wanneer spesiale omslagkoeverte na die sluiting van die stemming deur die kiesbeampte of ingevolge artikel 19 (4) deur 'n voorsittende beampte ontvang word, maak die kiesbeampte die koeverte oop, gaan hy die inhoud na en verseël hy hulle in afsonderlike pakkette. 40

Tel van stemme van spesiale kiesers.

30. Die kiesbeampte maak, onmiddellik na nege-uur in die namiddag op stemdag nadat hy nagegaan het of die in artikel 22 (2) bedoelde seëls in orde is en hy die volkstemmingsagente 'n geleentheid gegee het om dieselfde te doen, die aanvaarde ongeopende stembriefkoeverte oop, verwyder die stembriewe uit die stembriefkoeverte en tel die stembriewe en die stemme deur spesiale kiesers ooreenkomstig artikel 19 (2) uitgebring en deel die uitslag van die telling mee aan die volkstemmingsagente wat aanwesig is: Met dien verstande dat die kiesbeampte te eniger tyd na vier-uur in die namiddag op stemdag met die toestemming van die volkstemmingsagente die aanvaarde ongeopende stembriefkoeverte kan oopmaak en die stembriewe sonder om dit na te gaan of te tel, in 'n verseëlde stembus kan plaas tot om onmiddellik na nege-uur in die aand op dieselfde dag, waarna daar met daardie stembriewe ooreenkomstig bogenoemde bepalings van hierdie artikel gehandel word. 50 55

Verseëling van sekere stukke in afsonderlike pakkette.

31. Die kiesbeampte verseël in afsonderlike pakkette—

- (a) die aanvaarde aansoeke om as spesiale kiesers te stem; 60
- (b) alle verwerpe aansoeke om as spesiale kiesers te stem met die stembriefkoeverte (as daar is) daarby aangeheg; en
- (c) alle stembriewe wat ingevolge artikel 28 verwerp is.

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26. (1) The officer in charge of the post office from which any special covering envelope has been delivered to the returning officer before the close of the poll shall, not later than 24 hours after the close of the poll, send to the returning officer a list showing the postal registered number and office of origin of every special covering envelope so delivered to the returning officer.

Postal list of special covering envelopes delivered.

(2) The list of special covering envelopes received shall, until the commencement of the counting of the votes in terms of section 44, and together with the list referred to in subsection (1), during a period of one month after the declaration of the result of the poll, be open to public inspection at the office of the returning officer, without payment of any fee.

27. A person in respect of whom a ballot paper has been issued or delivered in terms of section 18 shall, subject to the provisions of section 36 (9), not be entitled to vote at a polling station.

Special voters not entitled to vote at polling station.

28. (1) If in any division, at or prior to the counting of the votes, any referendum agent or any voter makes before the returning officer a sworn or affirmed declaration or produces to the returning officer a death certificate showing that a voter who has voted in that division as a special voter, died before the commencement of the poll, the returning officer, if satisfied as to the identity of the deceased person with the person who voted as an absent voter, shall trace and reject the ballot paper marked by the deceased person.

Death of special voter before opening of poll.

(2) Any person who in such a declaration makes any false statement, knowing the statement to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

(3) The returning officer shall act *mutatis mutandis* as prescribed in subsection (1) with reference to any ballot paper marked by a voter who has voted in the division concerned as a special voter, and in respect of whom the chief electoral officer or an electoral officer has advised that returning officer that such voter's name has been deleted from the voters' list of the said division.

29. Where special covering envelopes are received by the returning officer or in terms of section 19 (4) by a presiding officer, after the close of the poll, the returning officer shall open such envelopes, check the contents and seal them up into separate packets.

Envelopes received after close of poll.

30. The returning officer shall, immediately after nine o'clock on polling day after having examined whether the seals referred to in section 22 (2) are in order and having afforded the referendum agents an opportunity to do the same, open the accepted unopened ballot paper envelopes, remove the ballot papers from the ballot paper envelopes, and count the ballot papers and votes given by special voters in accordance with section 19 (2), and advise the referendum agents who may be present of the result of the count: Provided that the returning officer may at any time after four o'clock in the afternoon on polling day, with the consent of the referendum agents open the accepted unopened ballot paper envelopes and place the ballot papers, without examining or counting them, in a sealed ballot box till immediately after nine o'clock in the evening of the same day, after which those ballot papers shall be dealt with in accordance with the above provisions of this section.

Counting of votes of special voters.

31. The returning officer shall seal up in separate packets—
 (a) any accepted applications to vote as special voters;
 (b) any rejected applications to vote as special voters with the ballot paper envelopes (if any) attached thereto; and
 (c) any ballot papers rejected in terms of section 28.

Sealing up of certain documents into separate packets.

Wet No. 97, 1982

WET OP VOLKSTEMMINGS, 1982

Verantwoordelik-
heid van kies-
beampte vir veilige
bewaring van
stukke.

32. (1) Die kiesbeampte is verantwoordelik vir die veilige be-
waring van die in artikels 29 en 31 bedoelde verseelde pakkette
en van die lyste, aansoeke en briewe bedoel in artikels 21, 23 en
26.

(2) Die kiesbeampte behou genoemde pakkette (uitgesonderd 5
pakkette wat teenblaai van stembriewe bevat) en die lyste en
koeverte ongeopen vir 'n tydperk van een jaar vanaf die datum
van die volkstemming, en daarna word, tensy die hof anders ge-
las, met genoemde pakkette, lyste en koeverte volgens voorskrif
van die hoofverkiegingsbeampte gehandel. 10

Verhindering van
voorsittende
beamptes om pligte
te verrig.

33. Iemand wat opsetlik 'n voorsittende beampte vir stemme
van spesiale kiesers verhinder om sy pligte ingevolge hierdie
Wet te verrig, is aan 'n misdryf skuldig.

HOOFSTUK VI

UITBRING VAN STEMME BY STEMBURO'S

15

Stemure.

34. Die stemming begin om sewe-uur in die oggend en sluit
om nege-uur in die aand van die stemdag, maar die voorsittende
beampte laat toe dat elke kieser wat op laasgenoemde uur binne
die kamer is waarin die stembus is, sy stem uitbring voordat die
stemming sluit. 20

Bevoegdhede van
voorsittende
beampte by stem-
buro.

35. (1) Die voorsittende beampte en ander beamptes by die
stemburo hou daar orde, reël die aantal kiesers wat tegelyk bin-
negelaat word, en hou alle ander persone buite, behalwe die
kiesbeampte, die volkstemmingsagente, die stemopnemers, die
stemagente van elke volkstemmingsagent wat ooreenkomstig arti- 25
kel 61 vir die stemdistrik aangestel is, een bode vir elke volk-
stemmingsagent wie se dienste deur die stemagente van daardie
volkstemmingsagent gebruik mag word om die lede van die
volkstemmingsagent se organisasie te verwittig van die geregi-
streerde nommers van die persone wat gestem het, en die diens- 30
doende polisiebeamptes.

(2) Behoudens die bepalings van subartikel (1) kan die voor-
sittende beampte enige persoon (behalwe 'n persoon wat sy stem
uitbring) aansê om die stemburo te verlaat, en enige aldus aan-
gesegde persoon wat versuim om die stemburo te verlaat, kan 35
op bevel van die voorsittende beampte sonder lasbrief in hegte-
nis geneem word, en is aan 'n misdryf skuldig en by skuldigbe-
vinding strafbaar met 'n boete van hoogstens R50.

(3) Die voorsittende beampte kan enige stappe doen wat hy
na oorlegpleging met diensdoende polisiebeamptes raadsaam ag 40
ter beskerming van homself en ander beamptes of ter beëindi-
ging of voorkoming van geweldpleging in of in die omgewing
van 'n stemburo.

(4) Die kragtens hierdie artikel verleende bevoegdhede word
nie so uitgeoefen nie dat 'n kieser wat andersins geregtig is om 45
by 'n stemburo sy stem uit te bring, die geleentheid ontnem
word om sy stem by daardie stemburo uit te bring.

Waar kieser sy stem
moet uitbring.

36. (1) Behoudens die bepalings van hierdie artikel en artikel
19 word niemand toegelaat om sy stem op 'n ander plek uit te
bring nie as by die stemburo vir die afdeling, of as die afdeling in 50
stemdistrikte verdeel is, by die stemburo vir die stemdistrik ten
opsigte waarvan hy geregistreer is: Met dien verstande dat in-
dien meer as een stemburo kragtens die voorbehoudsbepaling by
artikel 9 in 'n afdeling of stemdistrik ingerig is, die kiesers vir
wie 'n stemburo ingerig is, by daardie stemburo moet stem en by 55
geen ander nie.

(2) (a) Iemand wat in 'n afdeling geregistreer is wat nie geheel
en al binne een munisipaliteit of binne twee of meer
munisipaliteite geleë is nie, iemand wat sy vaste woon-
plek in 'n onafhanklike Staat het en enige voorsittende 60
beampte word, met inagneming van die bepalings van
paragraaf (b), van hierdie subartikel, toegelaat om sy

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32. (1) The returning officer shall be responsible for the safe custody of the sealed packets referred to in sections 29 and 31 and of the lists, applications and letters referred to in sections 21, 23 and 26.

Responsibility of returning officer for safe custody of documents.

5 (2) The returning officer shall retain the said packets (not being packets containing counterfoils of ballot papers), lists and envelopes unopened for a period of one year from the date of the referendum, and thereafter the said packets, lists and envelopes shall, unless the court otherwise directs, be disposed of
10 as directed by the chief electoral officer.

33. Any person who wilfully prevents a presiding officer for votes of special voters from performing his duties in terms of this Act shall be guilty of an offence.

Prevention of presiding officers from performing duties.

CHAPTER VI

15

VOTING AT POLLING STATIONS

34. The poll shall commence at seven o'clock in the morning and shall close at nine o'clock in the evening of the polling day, but the presiding officer shall permit every voter who is, at the last-mentioned hour, inside the room in which the ballot box is,
20 to record his vote before closing the poll.

Hours of poll.

35. (1) The presiding officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the returning officer, the referendum agents, the
25 polling officers, the polling agents of each referendum agent appointed for the polling district as provided in section 61, one messenger for each referendum agent whose services may be employed by the polling agents of that referendum agent to notify the members of the referendum agent's organization of the
30 registered numbers of the persons who have voted, and the police officials on duty.

Powers of presiding officer at polling station.

(2) Subject to the provisions of subsection (1), the presiding officer may require any person (other than a person recording his vote) to leave the polling station, and any person who fails to
35 leave the polling station when so required, may be arrested without warrant on the order of the presiding officer, and shall be guilty of an offence and liable on conviction to a fine not exceeding R50.

(3) The presiding officer may take any steps which he may,
40 after consultation with any police officials on duty, consider advisable for the protection of himself and other officials or for stopping or preventing violence in or in the vicinity of a polling station.

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

36. (1) Subject to the provisions of this section and section 19, no person shall be permitted to record his vote elsewhere than at
50 the polling station for the division or, if a division is divided into polling districts, elsewhere than at the polling station for the polling district in respect of which he is registered: Provided that if more than one polling station in any division or polling district has been established under the proviso to section 9, the voters
55 for whom any polling station has been established shall vote at that polling station and at no other.

Where voter to record his vote.

(2) (a) Any person who is registered in any division which is not wholly situated within one municipality or within
60 two or more municipalities, any person who has his home in an independent State and any presiding officer shall, subject to the provisions of paragraph (b) of this subsection, be permitted to vote at any polling station in the division for which he is registered, if before vot-

stem uit te bring by enige stemburo in die afdeling waarvoor hy geregistreer is, mits hy, voordat hy sy stem uitbring, 'n verklaring in die by regulasie voorgeskrewe vorm onderteken met die strekking dat hy nie reeds by die volkstemming in daardie afdeling of in enige ander afdeling gestem het nie, en dat hy die persoon is wie se naam op die kieserslys vir 'n ander stemdistrik van dieselfde afdeling voorkom.

(b) Elke verklaring in paragraaf (a) vermeld (behalwe een deur die voorsittende beampte afgelê) word op die stembag afgelê voor en onderteken deur die voorsittende beampte van die stemburo waar bedoelde persoon wil stem, en word, indien deur 'n voorsittende beampte afgelê, op of voor die stembag afgelê voor en onderteken deur die kiesbeampte of 'n kommissaris van ede.

(3) (a) Die kiesbeampte vir 'n afdeling wat in twee of meer stemdistrikte verdeel is, kan, indien hy van mening is dat die hou van 'n volkstemming daardeur vergemaklik sal word, met die instemming van die betrokke volkstemmingsagente gelas dat die bepalinge van subartikel (2) ten opsigte van die stemming in daardie afdeling nie van toepassing is nie, en daarop geld die bepalinge van daardie subartikel nie ten opsigte van iemand wat in daardie afdeling as kieser geregistreer is nie.

(b) So 'n lasgewing word deur die kiesbeampte aangekondig so gou doenlik na uitvaardiging van die in artikel 7 bedoelde proklamasie.

(4) Die verklaring in subartikel (2) (a) vermeld, word voorop 'n koevert onderteken, en in dié koevert word die koevert geplaas wat die gemerkte verklaringstembrief bevat soos in subartikel (5) bepaal.

(5) Die stembrief wat gemerk is deur 'n kieser wat die in hierdie artikel bedoelde verklaring onderteken het, word nie in die stembus geplaas nie, maar word, in die teenwoordigheid van die voorsittende beampte en sonder dat dit oopgevou word, deur die kieser in 'n koevert geplaas, wat hy toemaak en aan die voorsittende beampte oorhandig, en laasgenoemde plaas dit in die verklaringskoevert, wat hy toemaak en eenkant sit in 'n afsonderlike pakket of stembus.

(6) Die naam van die kieser en sy nommer op die kieserslys, asook die nommer van die stemdistrik waarin hy geregistreer is, word op 'n lys ingeskrywe.

(7) Die voorsittende beampte laat gedurende die stemure die volkstemmingsagente toe om die verklaringstemlys kosteloos in te sien.

(8) Iemand wat in 'n in hierdie artikel bedoelde verklaring 'n valse verklaring doen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens op meened gestel is.

(9) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n spesiale kieser wat 'n verklaring in die by regulasie voorgeskrewe vorm onderteken met die strekking dat hy nie as spesiale kieser by die betrokke volkstemming gestem het nie.

Kieser mag nie meer as een maal stem nie.

37. (1) 'n Kieser is, ongeag of sy naam op meer as een kieserslys of meer as een maal op dieselfde kieserslys voorkom of nie, geregtig om by 'n volkstemming slegs een stem ooreenkomstig artikel 19 (2) uit te bring, en geen kieser is geregtig om te stem nie tensy hy sy persoonskaart, identiteitsdokument, bestuurderslisensie, paspoort of ander bewys van identiteit, met die naam, identiteitsnommer of geboortedatum en 'n foto van die kieser daarop, wat aan hom uitgereik is, as bewys van sy identiteit aan 'n stemopnemer oorlê of, indien hy nie in staat is om enigeen van genoemde dokumente aldus oor te lê nie, 'n ander kieser wat geregistreer is in dieselfde afdeling as dié waarin eersgenoemde kieser geregistreer is en wat homself deur sy persoonskaart, identiteitsdokument, bestuurderslisensie, paspoort of bovermelde ander bewys van identiteit oor te lê aan die voor-

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ing he signs a declaration in the form prescribed by regulation to the effect that he has not already voted at the referendum in that division or in any other division and that he is the person whose name appears on the voters' list for another polling district of the same division.

(b) Every declaration mentioned in paragraph (a) (except one made by a presiding officer) shall be made on the polling day before and signed by the presiding officer of the polling station at which such person desires to vote and, if made by a presiding officer, shall be made on or prior to the polling day, before and signed by the returning officer or a commissioner of oaths.

(3) (a) The returning officer for a division divided into two or more polling districts may, if he is of opinion that the holding of a referendum will be facilitated thereby, with the concurrence of the referendum agents concerned direct that the provisions of subsection (2) shall not apply in respect of the polling in that division, and thereupon the provisions of that subsection shall not apply in respect of any person registered as a voter in that division.

(b) Any such direction shall, as soon as practicable after the issuing of the proclamation referred to in section 7, be made known by the returning officer.

(4) The declaration mentioned in subsection (2) (a) shall be signed on the front of an envelope, in which shall be placed the envelope containing the marked declaration ballot paper as provided in subsection (5).

(5) The ballot paper marked by a voter who has signed the declaration mentioned in this section shall not be placed in the ballot box, but shall, in the presence of the presiding officer and without being unfolded, be enclosed by the voter in an envelope, which he shall fasten up and hand to the presiding officer, who shall enclose it in the declaration envelope, which he shall fasten up and set aside in a separate packet or ballot box.

(6) The name of the voter and his number on the voters' list, and the number of the polling district in which he is registered, shall be entered in a list.

(7) The presiding officer shall during the hours of the poll permit the referendum agents to inspect the declaration votes list without payment of any fee.

(8) Any person who makes any false statement in any declaration mentioned in this section shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(9) The provisions of this section shall *mutatis mutandis* apply in respect of a special voter who signs a declaration in the form prescribed by regulation to the effect that he has not voted as a special voter at the referendum concerned.

50 37. (1) A voter shall, whether or not his name appears on more than one voters' list or more than once on the same list, be entitled to give at a referendum one vote only in accordance with section 19 (2), and no voter shall be entitled to vote unless he has produced to a polling officer his identity card, identity document, driver's licence, passport or other proof of identity issued to him on which the name, identity number or date of birth and photograph of the voter appear in proof of his identity or, if he is unable so to produce any of the said documents, any other voter who is registered in the same division as that in which the first-mentioned voter is registered and who has identified himself to the presiding officer or to a polling officer designated by the presiding officer for that purpose by producing his identity card, identity document, driver's licence, passport or the above-mentioned other proof of identity, makes before the presiding officer

No voter to vote more than once.

sittende beampte of aan 'n stemopnemer vir die doel deur die voorsittende beampte aangewys, geïdentifiseer het, voor die voorsittende beampte of so 'n stemopnemer 'n beëdigde verklaring in die by regulasie voorgeskrewe vorm aflê waarin bewys van die identiteit van eersgenoemde kieser gelewer word. 5

(2) Behoudens die bepalinge van artikel 42 word by 'n volkstemming geen navraag gedoen omtrent iemand se identiteit of sy reg om te stem nie, behalwe dat die voorsittende beampte nadat iemand sy identiteit op die wyse in subartikel (1) beoog, bewys het, en voordat hy toegelaat word om te stem, hom een van 10 of albei die volgende vrae, en geen ander nie, uit eie beweging kan, en op versoek van 'n volkstemmingsagent moet, stel, naamlik:

- (a) Is u die persoon wie se naam as A. B. op die kieserslys van hierdie afdeling voorkom? 15
- (b) Het u reeds by hierdie volkstemming in hierdie of in 'n ander afdeling gestem?

(3) Iemand wat versuim om sy identiteit op die wyse in subartikel (1) beoog, te bewys of wat nie die eerste vraag duidelik en sonder voorbehoud bevestigend en die tweede duidelik en son- 20 der voorbehoud ontkenkend beantwoord nie, word nie toegelaat om te stem nie.

(4) Iemand wat op enigeen van daardie vrae 'n vals antwoord gee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat in artikel 70 (1) op die misdryf van hom vir 25 'n ander uit te gee, gestel is.

(5) Die voorsittende beampte kan by 'n ander voorsittende beampte by 'n stemburo in dieselfde of in 'n ander afdeling navraag doen ten einde die waarheid van 'n antwoord op enige van voormelde vrae te toets, en kan verder beveel dat enig- 30 iemand wat hy op redelike gronde verdink daarvan dat hy op enige van bedoelde vrae 'n vals antwoord gegee het, of van die misdryf van hom vir 'n ander uit te gee soos in artikel 69 omskryf, sonder lasbrief in hegtenis geneem word.

(6) Elkeen wat regtens bevoeg is tot inhegtenisneming, voer 35 so 'n bevel van die voorsittende beampte uit.

Wyse waarop by stemburo gestem word.

38. By elke volkstemming word die stemme by stembrief uitgebring, en wel in hoofsaak en sover doenlik op die volgende wyse:

- (a) Elke stembrief is in albei amptelike tale en het die 40 vorm soos voorgeskryf by die in artikel 7 bedoelde proklamasie.
- (b) Die voorsittende beampte of 'n stemopnemer deur hom vir dié doel aangewys, merk op die stemburo in die stemburo elke stembrief in 'n stembriefboek op die ag- 45 terkant daarvan met die offisiële merk voordat daardie stembriefboek oorhandig word aan 'n stemopnemer vir oorhandiging van stembriewe aan persone wat by die volkstemming wil stem.
- (c) Die voorsittende beampte of 'n stemopnemer by die 50 stemburo vergewis hom, deur die kieserslys vir die afdeling na te gaan, dat die persoon wat wil stem, iemand is wat op daardie lys ingeskryf is en, behoudens die bepalinge van artikel 36, ook ingeskryf is op die kieserslys vir die stemburo waarvoor die stemburo ingestel is. 55
- (d) Nadat die voorsittende beampte of 'n stemopnemer hom aldus vergewis het dat bedoelde persoon aldus ingeskryf is en wat sy nommer op die kieserslys is, skryf hy daardie nommer op die teenblad in die stembriefboek, skeur dan die stembrief uit wat by daardie teen- 60 blad hoort, en oorhandig die stembrief, nadat hy homself daarvan vergewis het dat dit agterop met die offisiële merk gemerk is, aan die persoon wat wil stem, en trek dan 'n streep met potlood of ink deur die nommer en van van die kieser op die kieserslys, as bewys dat 65 die kieser 'n stembrief ontvang het.
- (e) Wanneer die persoon wat wil stem die stembrief ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, bring ooreenkomstig artikel 19 (2) sy

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or such polling officer an affidavit in the form prescribed by regulation in which proof of the identity of the first-mentioned voter is furnished.

(2) Subject to the provisions of section 42, no enquiry shall be made at any referendum as to the identity of any person or his right to vote, except that the presiding officer may himself, and if so required by any referendum agent shall, after any person has established his identity in the manner contemplated in subsection (1), and before he is allowed to vote, put to him either

10 or both of the following questions, but no other, namely:

(a) Are you the person whose name appears as A. B. on the list of voters in this division?

(b) Have you already voted at this referendum in this or any other division?

15 (3) Any person who fails to establish his identity in the manner contemplated in subsection (1) or who does not answer the first question distinctly and absolutely in the affirmative and the second question distinctly and absolutely in the negative, shall not be permitted to vote.

20 (4) Any person who makes a false answer to either of those questions shall be guilty of an offence and liable on conviction to the penalties prescribed in section 70 (1) for the offence of personation.

(5) The presiding officer may make enquiry of any other presiding officer at a polling station in the same or any other division for the purpose of verifying an answer to either of the two questions aforesaid, and may further order the arrest without warrant of any person who is suspected by him on reasonable grounds of making a false answer to either of such questions or

30 of the offence of personation as defined by section 69.

(6) Every person empowered by law to make arrests shall carry out such an order of the presiding officer.

38. The voting at every referendum shall be by ballot, which shall be conducted in substance and as nearly as possible in the following manner: Manner of voting at polling station.

35

(a) Every ballot paper shall be in both official languages, in the form as prescribed in the proclamation referred to in section 7.

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

45 (c) The presiding officer or a polling officer at the polling station shall ascertain, by reference to the voters' list for the division, that the person claiming to vote is a person enrolled upon that list and, subject to the provisions of section 36, is also enrolled on the voters' list for the polling district for which such polling station has been established.

50 (d) The presiding officer or a polling officer, having so ascertained that such person is so enrolled and his number on the voters' list, shall enter that number upon the counterfoil in the ballot paper book, shall then tear out the ballot paper corresponding to such counterfoil, and having ascertained that the ballot paper is marked on the back with the official mark, shall hand it to the person claiming to vote, and shall then draw a line in pencil or ink through the number and surname of the voter on the voters' list as evidence that the voter has received a ballot paper.

55 (e) When the person claiming to vote has received the ballot paper, he shall take it to the compartment provided for the purpose, record his vote secretly thereon in accordance with section 19 (2), and then fold the ballot

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stem in die geheim daarop uit, en vou die stembrief dan so op dat die offisiële merk sigbaar is en die wyse waarop hy sy stem uitgebring het nie sigbaar is nie, en nadat hy die stembrief so opgehou het dat die voorsittende beamppte of 'n deur hom aangewese stemopnemer in elke geval die offisiële merk kan herken, laat hy die stembrief in die stembus val wat voor die voorsittende beamppte of so 'n stemopnemer staan. 5

- (f) Indien die kieser sy naam op 'n stembrief teken of enige merk maak of woord skryf waardeur sy stembrief 10 uitgeken sou kan word, word daardie stembrief by die tel van die stemme as oningevul beskou en buite rekening gelaat.
- (g) Ten einde vas te stel of 'n stuk papier wat 'n kieser in 'n stembus gaan laat val, 'n offisieel uitgereikte stembrief is, beveel die voorsittende beamppte hom om hom die agterkant van die stuk papier op so 'n wyse te toon dat, as die stuk papier 'n offisieel uitgereikte stembrief is, die nommer en offisiële merk daarop sigbaar sou wees maar die stem uitgebring deur die kieser nie sigbaar sou wees nie. 15
- (h) Die voorsittende beamppte of 'n deur hom aangewese stemopnemer oorhandig op aanvraag aan een stemagent van elke volkstemmingsagent 'n lys bevattende die volgnommers op die kieserslys van alle kiesers aan wie stembriewe uitgereik is sedert die laaste vorige sodanige lys aldus oorhandig is. 25

Bedorwe stembriewe.

39. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die voorsittende beamppte teruggee, en as laasgenoemde oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief, waarop die bedorwe stembrief onmiddellik gekanselleer word en die kansellering op die teenblad daarvan aangeteken word. 30

Kiesers wat nie kan lees nie of weens blindheid of ander liggaamlike oorsaak nie in staat is om te stem nie.

40. (1) Op persoonlike aansoek van 'n kieser wat nie kan lees nie of wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by die ander bepalings van hierdie Wet voorgeskryf, uit te bring nie, bring die voorsittende beamppte dadelik voor die stemagente van die volkstemmingsagente wat aanwesig mag wees, die stem van daardie kieser op die stembrief op die wyse deur die kieser verlang uit, en plaas hy 40 die stembrief in die stembus.

(2) Op persoonlike aansoek van 'n kieser wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse by die ander bepalings van hierdie Wet voorgeskryf, uit te bring nie, wat nie aansoek gedoen het om sy stem deur die voorsittende beamppte ingevolge subartikel (1) te laat uitbring nie en wat deur 'n ander persoon vergesel is, moet die voorsittende beamppte, indien hy oortuig is dat daardie persoon die vader, moeder, broer, suster, man, vrou, seun, dogter of vriend van die kieser is en die ouderdom van agtien jaar bereik het, daardie kieser verlof verleen om te stem met die hulp van die persoon wat hom vergesel, en nadat bedoelde verlof verleen is, kan enigiets wat volgens voorskrif van hierdie Wet aan of deur genoemde kieser in verband met die uitbring van sy stem gedoen moet word, gedoen word aan of met die hulp van die persoon wat 55 hom vergesel.

(3) Die naam en nommer op die kieserslys van elkeen wie se stem ingevolge hierdie artikel uitgebring is, en die rede waarom dit aldus uitgebring is, word op 'n afsonderlike lys ingeskryf.

Aangebode stembriewe.

41. (1) Indien iemand wat voorgee dat hy 'n bepaalde kieser is, om 'n stembrief aansoek doen nadat 'n ander persoon in sy naam gestem het, of indien so iemand aldus aansoek doen en daar by ondersoek van die kieserslys vasgestel word dat sy naam van die kieserslys deur die verkiesingsbeamppte ingevolge 'n bepaling van die Kieswet verwyder is, is die aansoeker, nadat hy 65 behoorlik geantwoord het op die vrae wat volgens artikel 37 tydens die stemming aan kiesers gestel mag word, geregtig om sy

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5 paper so that the official mark is visible, and his manner of voting not visible, and having held up the ballot paper so that the presiding officer or a polling officer designated by him can in each case recognize the official mark, he shall drop the ballot paper in the ballot box placed in front of the presiding officer or such polling officer.

10 (f) If the voter signs his name on any ballot paper or makes any mark or writes any word by which his ballot paper would become recognizable, that ballot paper shall, when the votes are counted, be considered blank and not taken into account.

15 (g) For the purpose of ascertaining whether any paper which any voter is about to drop into a ballot box is a ballot paper officially issued, the presiding officer shall require him to show him the back of the paper in such a manner that if the paper were a ballot paper officially issued, the number and the official mark thereon would be visible but the vote recorded by the voter would not be visible.

20 (h) The presiding officer or a polling officer designated by him shall on demand deliver to one polling agent of each referendum agent a list containing the serial numbers on the voters' list of all voters to whom ballot papers have been issued since the last previous such list was so delivered.

25 39. If a voter inadvertently spoils a ballot paper he may return it to the presiding officer, who shall, if satisfied of the inadvertence, give him another paper and retain the spoiled paper, whereupon the spoiled paper shall be immediately cancelled and the fact of the cancellation shall be noted upon the counterfoil thereof.

Spoiled ballot papers.

35 40. (1) The presiding officer, on the application in person of any voter who is unable to read or of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by the other provisions of this Act, shall then and there, before such polling agents of the referendum agents as may be present, record the vote of that voter on the ballot paper in the manner directed by the voter, and place the ballot paper in the ballot box.

Voters who cannot read or are incapacitated by blindness or other physical cause.

40 (2) The presiding officer, on the application in person of any voter who is incapacitated by blindness or other physical cause from voting in the manner prescribed by the other provisions of this Act, who has not applied to have his vote recorded by the presiding officer in terms of subsection (1), and who is accompanied by another person, shall, if he is satisfied that such person is the father, mother, brother, sister, husband, wife, son, daughter or friend of the voter and has attained the age of eighteen years, permit such voter to vote with the assistance of the person accompanying him, and upon such permission being granted anything which is by this Act required to be done to or by the said voter in connection with the giving of his vote may be done to or with the assistance of the person accompanying him.

45 (3) The name and number on the voters' list of every person whose vote is recorded in pursuance of this section and the reason why it is so recorded shall be entered on a separate list.

50 41. (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, or if such person so applies and on examination of the voters' list it is found that his name has in terms of any provision of the Electoral Act been removed from the voters' list by the electoral officer, the applicant shall, upon duly answering the questions permitted by section 37 to be asked of voters at the time of polling, be entitled to record his vote on a ballot paper

Tendered ballot papers.

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stem op 'n stembrief uit te bring op dieselfde wyse as enige ander kieser, maar die stembrief word nie in 'n stembus geplaas nie, maar word aan die voorsittende beampte gegee en deur hom eenkant gesit in 'n afsonderlike pakket en nie deur die kies-beampte getel nie.

(2) Die naam van die kieser en sy nommer op die kieserslys word op 'n afsonderlike lys ingeskryf.

Omstandighede
waaronder voorsit-
tende beampte 'n
stembrief kan
weier.

42. (1) Indien 'n volkstemmingsagent of die stemagent van 'n volkstemmingsagent of 'n kieser voor die voorsittende beampte 'n beëdigde verklaring aflê dat iemand wat op die kieserslys in- 10 geskryf is, oorlede is of dat so iemand weens siekte, afwesigheid of om 'n ander rede onmoontlik by die stemburo teenwoordig kan wees om by die volkstemming wat dan gehou word sy stem uit te bring, weier die voorsittende beampte om 'n stembrief uit te reik aan iemand wat daarom aansoek doen in naam van die 15 persoon op wie die verklaring betrekking het, tensy die persoon wat aldus aansoek doen sy identiteit op die wyse in artikel 37 (1) beoog, bewys of voor die voorsittende beampte 'n beëdigde verklaring aflê dat hy die persoon is wie se naam op die kieserslys vir die afdeling voorkom en dat die bewerings in eersbedoelde 20 verklaring (wat aan hom voorgelees moet word) vals is.

(2) Aan die voorsittende beampte word hierby die bevoegdheid verleen en die verpligting opgelê om 'n in subartikel (1) be- doelde eed af te neem.

(3) Iemand wat in 'n in subartikel (1) bedoelde verklaring 'n 25 valse verklaring doen, wetende dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe wat regtens op meened gestel is.

(4) In 'n beëdigde verklaring ingevolge subartikel (1) afgelê, kan na meer as een persoon verwys word, mits die rede waarom 30 elkeen van die persone na wie verwys word, nie by die stemburo teenwoordig kan wees nie, duidelik met die persoon op wie die verklaring betrekking het, verbind kan word.

Verseëling van
stembusse.

43. (1) Elke voorsittende beampte maak, onmiddellik na die sluiting van die stemming, in teenwoordigheid van die aanwesige 35 stemagente van die volkstemmingsagente, afsonderlike pak- kette, verseël met sy eie seël en met die seëls van die agente (as daar is) wat verlang om hul seëls aan te heg, van—

- (a) elke stembus wat aan hom toevertrou is, ongeopen;
- (b) die ongebruikte en bedorwe stembriewe, bymekaar ge- 40 plaas;
- (c) die aangebode stembriewe;
- (d) die gemerkte afskrifte van die kieserslys;
- (e) die teenblaaie van stembriewe;
- (f) die lys van aangebode stemme, die verklaringstemlys 45 en die lys van stemme wat ingevolge artikel 40 deur die voorsittende beampte of metgeselle van kiesers uitge- bring is, met 'n opgawe van die aantal kiesers wie se stemme aldus deur die voorsittende beampte uitgebring is, onder die hoofde „blindheid of liggaamlike gebrek” 50 of „onvermoë om te lees”, en die verklarings (as daar is) van onvermoë om te lees;
- (g) die verklaringskoeverte wat die verklaringstembriewe bevat wat in die verklaringstembriefkoeverte toege- 55 maak is; en
- (h) die ingevolge artikel 19 (4) aan hom oorhandigde koe- verte wat stembriewe bevat of heet te bevat,

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

(2) Die pakkette gaan vergesel van 'n opgawe waarin die 60 voorsittende beampte van die aantal stembriewe aan hom toe- vertrou rekenskap gee onder die hoofde van stembriewe in die stembus en verklaring-, ongebruikte, bedorwe en aangebode stembriewe.

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in the same manner as any other voter, but the ballot paper shall not be put into a ballot box but shall be given to the presiding officer, set aside by him in a separate packet and shall not be counted by the returning officer.

- 5 (2) The name of the voter and his number on the voters' list shall be entered on a separate list.

42. (1) If any referendum agent or his polling agent or any voter makes before the presiding officer a declaration on oath stating that a person enrolled on the voters' list is dead or is so incapacitated by sickness, absence or otherwise, that it is impossible that such person could be present at the polling station to record his vote at the referendum then being held, the presiding officer shall refuse to hand a ballot paper to any person who applies therefor in the name of the person who is the subject of the declaration, unless the person so applying proves his identity in the manner contemplated in section 37 (1), or makes a declaration on oath before the presiding officer that he is the person whose name appears on the voters' list for the division and that the statements made in the first-mentioned declaration (which shall be read to him) are false.

Circumstances under which ballot paper may be refused by presiding officer.

(2) The presiding officer is hereby authorized and required to administer any such oath as is described in subsection (1).

(3) Any person who makes any false statement in any declaration mentioned in subsection (1), knowing the statement to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(4) More than one person may be referred to in any declaration on oath made under subsection (1), provided the reason why each of the persons referred to is unable to attend at a polling station can be clearly connected with the person to whom the declaration relates.

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

Sealing up of ballot boxes.

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers placed together;
- (c) the tendered ballot papers;
- 40 (d) the marked copies of the voters' list;
- (e) the counterfoils of the ballot papers;
- (f) the tendered votes list, the declaration votes list, and the list of votes recorded by the presiding officer or companions of voters under section 40, and a statement of the number of voters whose votes are so recorded by the presiding officer under the heads "blindness or physical incapacity" or "inability to read", and the declarations (if any) of inability to read;
- 45 (g) the declaration envelopes containing the declaration ballot papers enclosed in the declaration ballot paper envelopes; and
- 50 (h) the envelopes containing or purporting to contain ballot papers, delivered to him in terms of section 19 (4), and shall forthwith deliver or cause to be delivered the packets
- 55 to the returning officer.

(2) The packets shall be accompanied by a statement in which the presiding officer accounts for the number of ballot papers entrusted to him under the heads of ballot papers in the ballot box and declaration, unused, spoiled and tendered ballot papers.

HOOFSTUK VII

VASSTELLING VAN UITSLAG VAN VOLKSTEMMING EN AANVERWANTE
AANGELEENTHEDE

Tel van stemme en
aankondiging van
uitslag van stem-
ming.

44. (1) By ontvangs deur die kiesbeampste van die pakkette van 'n voorsittende beampste neem eersgenoemde dit in sy bewaring en wanneer hy al die stembusse en ander pakkette ontvang het en nie voor die tyd nie, ondersoek hy of die seëls in orde is en gee hy die agente van die volkstemmingsagente 'n geleentheid om dieselfde te doen, en daarna maak hy, in die teenwoordigheid van die volkstemmingsagente en agente van die volkstemmingsagente (maar nie meer as twee agente vir elke volkstemmingsagent nie) wat aanwesig mag wees, die verseëelde pakkette oop waarin die gemerkte afskrif van die kieserslys is, en neem hy daaruit en vergelyk hy met mekaar op die wyse wat by regulasie voorgeskryf mag word, al die gemerkte afskrifte van die kieserslys waarop die feit dat enigiemand stembriewe ontvang het, aangeteken is deur die voorsittende beampste soos hierbo bepaal.

(2) Die kiesbeampste mag 'n gemerkte afskrif van 'n kieserslys wat aldus uitgeneem is, nie merk, verander of op enige wyse skend nie, of iemand anders toelaat om dit te merk, te verander of te skend nie, en is verantwoordelik daarvoor dat elke sodanige lys in sy eie pakket teruggeplaas word in dieselfde toestand as dié waarin dit daaruit geneem is.

(3) Die kiesbeampste maak ook die verseëelde pakkette verklaaringskoevert oop, en indien dit by voormelde vergelyking van die gemerkte afskrifte van kieserslyste blyk dat dieselfde persoon by twee of meer stemburo's stembriewe ontvang het of indien die kiesbeampste stembriewe ontvang het waarop dieselfde persoon sy stem as 'n spesiale kieser uitgebring het, verwerp hy dadelik alle stemme wat deur daardie persoon deur middel van verklaringstembriewe uitgebring blyk te wees.

(4) Die kiesbeampste lê elke verklaringkoevert van bedoelde persoon ongeopen eenkant neer, nadat hy dit eers met sy eie seël verseël het en die woorde „Duplikasie-Verwerp” daarop geëndosseer het.

(5) Indien dit by voormelde vergelyking blyk dat iemand by 'n ander stemburo as die stemburo van die stembedstrik ten opsigte waarvan hy geregistreer is, 'n stembrief ontvang het, maar nie by laasbedoelde stemburo 'n stembrief ontvang het nie, of indien die kiesbeampste geen stembrief ontvang het waarop dieselfde persoon sy stem as 'n spesiale kieser uitgebring het nie, maak die kiesbeampste die verklaringkoevert van daardie persoon sorgvuldig oop sodat die verklaring wat daarop voorkom op generlei wyse geskend word nie of die stembrief wat daarin toegemaak is, nie geskeur of beskadig word nie, en plaas hy die verklaringstembriefkoevert ongeopen in 'n stembus of ander geskikte houer, waar dit bly totdat daarmee volgens voorskrif van subartikel (9) gehandel word.

(6) By voltooiing van die vergelyking van die gemerkte afskrifte van die kieserslys, verseël die kiesbeampste weer elke sodanige afskrif in sy eie pakket, en rapporteer hy so spoedig doenlik na die aankondiging van die uitslag van die stemming soos hieronder bepaal, aan die Minister volledige besonderhede van elke geval waarin dit blyk dat iemand hom vir 'n ander uitgegee het of dat 'n dubbele stemming plaasgevind het.

(7) Terwyl die vergelyking van die gemerkte afskrifte van die kieserslys plaasvind, maak die kiesbeampste elke stembus oop en—

- (a) toets hy die betrokke opgawes van die stembriewe wat deur elke voorsittende beampste gedoen is, deur vergelyking met die aantal stembriewe in elke sodanige bus, die verklaringstemlys, die ongebruikte en bedorwe stembriewe in sy besit en die lys van aangebode stemme; en
- (b) vergewis hy hom dat die stembriewe op die agterkant daarvan die offisiële merk dra;
- (c) tel hy, terwyl hy vir dié doel die stembriewe met hul

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CHAPTER VII

DETERMINATION OF RESULT OF REFERENDUM AND RELATED MATTERS

44. (1) Upon receipt by the returning officer of the packets
5 from any presiding officer the former shall take charge of them
and when all the ballot boxes and other packets have been re-
ceived by him and not before, he shall examine whether the
seals are in order and afford the agents of the referendum agents
an opportunity to do the same, and after that, in the presence of
10 such referendum agents and agents of the referendum agents as
may be in attendance (not exceeding two agents of each referen-
dum agent), open the sealed packets containing the marked
copy of the voters' list and take out and compare one with another,
in such manner as may be prescribed by regulation, all the mark-
15 ed copies of the voters' list on which the fact of any person hav-
ing received ballot papers has been recorded by the presiding
officer as hereinbefore provided.
- (2) The returning officer shall not mark, alter or in any way
deface, or permit any other person to mark, alter or deface, any
20 marked copy of the voters' list so taken out and shall be respon-
sible for every such list being replaced in its proper packet in the
same condition as it was when taken out.
- (3) The returning officer shall also open the sealed packets of
declaration envelopes, and, if on the aforesaid comparison of
25 the marked copies of the voters' list it appears that the same per-
son has received ballot papers at two or more polling stations, or
if the returning officer has received ballot papers on which the
same person has recorded his vote as a special voter, shall forth-
with reject every vote appearing to have been given by such per-
30 son by means of declaration ballot papers.
- (4) The returning officer shall set aside, unopened, every
declaration envelope of such person, having first sealed it with
his own seal and endorsed thereon the words "Duplication—Re-
jected".
- 35 (5) If on the comparison aforesaid it appears that a person has
received a ballot paper at a polling station other than the polling
station of the polling district in respect of which he is registered,
but has not received a ballot paper at such last-mentioned poll-
ing station, or if the returning officer has not received any ballot
40 paper on which the same person has recorded his vote as a
special voter, the returning officer shall carefully open the decla-
ration envelope of such person so that the declaration appearing
thereon is not defaced in any way or the ballot paper enclosed
therein is not torn or mutilated, and shall place the declaration
45 ballot paper envelope, unopened, in a ballot box or other suit-
able receptacle, where it shall remain until dealt with as pro-
vided in subsection (9).
- (6) The returning officer shall, upon the completion of the
comparison of the marked copies of the voters' list, reseal every
50 such copy in its proper packet and shall as soon as possible after
the declaration of the result of the poll as hereinafter provided,
report to the Minister full particulars of every case in which per-
sonation or duplicate voting appears to have taken place.
- (7) While the comparison of the marked copies of the voters'
55 list is taking place the returning officer shall open each ballot
box and—
- (a) shall verify the relevant ballot paper accounts given by
each presiding officer by comparing with them the
60 number of ballot papers in each such box, the declara-
tion votes list, the unused and spoilt ballot papers in his
possession and the tendered votes list; and
- (b) shall ascertain that the ballot papers bear the official
mark on the back thereof;
- (c) shall count the ballot papers and all the votes cast, and
- Counting of votes
and declaration of
poll.

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voorkant na bo laat hou, die stembriewe en al die stemme wat uitgebring is.

(8) Na ondersoek verseël die kiesbeampste weer elk van genoemde verseëelde pakkette en rapporteer hy, na aankondiging van die uitslag van die stemming soos hieronder bepaal, aan die hoofverkiesingsbeampste die uitslag van die toets en laat hy op versoek enige aanwesige agente van die volkstemmingsagente toe om 'n afskrif van die rapport te maak voordat dit afgestuur word.

(9) Wanneer die kiesbeampste die vergelyking van die gemerkte afskrifte van die kieserslys en die toets van die opgawes en tel van die stembriewe ten opsigte van die onderskeie stembusse voltooi het—

(a) maak hy ongeag of bedoelde opgawes juis bevind is al dan nie die verklaringskoeferte waarin die verkla- ringstembriewe is wat ontvang is deur persone wat by voormelde vergelyking nie stembriewe by twee of meer stemburo's blyk te ontvang het nie, oop op so 'n wyse dat die stembriewe wat daarin toegemaak is, nie geskeur of beskadig word nie;

(b) maak hy al die stembriewe op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter verklaringskoefert 'n besondere stembrief geneem is; en

(c) tree hy verder op ooreenkomstig die bepalinge van subartikel (7).

(10) Die kiesbeampste tref alle behoorlike voorsorgmaatreëls om te verhinder dat iemand anders as 'n telbeampste die nommers sien wat agterop die stembriewe gedruk is.

(11) Nadat die kontrolering en telling voltooi is, stel die kiesbeampste die uitslag van die stemming in die betrokke afdeling vas deur—

(a) die getal stemme deur spesiale kiesers;

(b) die getal stemme ten opsigte van elke stembus; en

(c) die getal verklaringstemme,

wat ten opsigte van elkeen van die verskillende betrokke sienswyses in artikel 7 (1) (a) bedoel, uitgebring is, bymekaar te tel en kondig hy onverwyld die uitslag van die volkstemming dien-ooreenkomstig aan.

(12) 'n Aankondiging van die kiesbeampste kragtens hierdie artikel is afdoende, behoudens tersydestelling ingevolge aansoek aan die hof dat die aankondiging nietig verklaar word.

Watter stembriewe verwerp word.

45. (1) Die kiesbeampste verwerp en tel nie 'n stembrief nie wat—

(a) nie die in artikel 38 bedoelde offisiële merk dra nie of wat nóg die in artikel 18 (1) bedoelde stempel nóg die aldus bedoelde naamtekening dra;

(b) stemme uitbring op meer as een sienswyse bedoel in artikel 7 (1) (a);

(c) nie gemerk is nie of weens onsekerheid ongeldig is.

(2) Die kiesbeampste verwerp nie maar tel—

(a) enige stembrief met 'n ander merk of skrif daarop as die handtekening van die kieser, waardeur 'n kieser duidelik aangedui het watter stem hy uitbring, behalwe 'n stembrief gemerk deur 'n spesiale kieser waarop 'n stem vir 'n bepaalde sienswyse in artikel 7 (1) (a) bedoel, verander is na 'n stem vir 'n ander sodanige sienswyse;

(b) enige stembrief wat of die in artikel 18 (1) bedoelde stempel of die aldus bedoelde naamtekening dra.

Merk van verworpe stembriewe en stembriewe waarteen beswaar geopper is.

46. (1) Die kiesbeampste endosseer die woord „verwerp” op elke stembrief wat hy as ongeldig verwerp, en as deur of ten behoeve van 'n volkstemmingsagent teen sy besluit beswaar geopper word, voeg hy die woorde „beswaar geopper teen verwerping” by die endossement.

(2) Indien deur of ten behoeve van 'n volkstemmingsagent beswaar geopper word teen die aanname van 'n stembrief, endosseer die kiesbeampste die woorde „beswaar geopper teen aanname” op die stembrief.

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while so counting he shall cause the ballot papers to be kept with their faces upwards.

(8) The returning officer shall reseal, after examination, each of the sealed packets aforesaid, and shall, after the declaration of the result of the poll as hereinafter provided, report to the chief electoral officer the result of such verification and shall on request allow any agents of the referendum agents present to copy it before the report is sent.

(9) When the returning officer has completed the comparison of the marked copies of the voters' list and the verification of the ballot paper accounts and the counting of the votes in respect of the various ballot boxes he shall—

(a) whether or not the said accounts are found to be correct, open, in such a manner that the ballot papers concerned are not torn or mutilated, the declaration ballot paper envelopes containing the declaration ballot papers received by persons who upon the comparison aforesaid appear not to have received ballot papers at two or more polling stations;

(b) mix all the ballot papers so that it is impossible to determine from which declaration envelope any particular ballot paper was taken; and

(c) further act in accordance with the provisions of subsection (7).

(10) The returning officer shall take all proper precautions for preventing any person other than a counting officer from seeing the numbers printed on the backs of the ballot papers.

(11) After the checking and counting have been completed, the returning officer shall determine the result of the poll in the relevant division by adding—

(a) the number of votes by special voters;

(b) the number of votes in respect of each ballot box; and

(c) the number of declaration votes,

given in respect of each of the different relevant views referred to in section 7 (1) (a), and shall forthwith announce the result of the poll accordingly.

(12) Any announcement by the returning officer under this section shall be final, subject to reversal on application to the court that such announcement be set aside.

40 45. (1) The returning officer shall reject and not count any ballot paper which— What ballot papers shall be rejected.

(a) does not bear the official mark mentioned in section 38 or which bears neither the stamp mentioned in section 18 (1) nor the signature so mentioned;

45 (b) gives votes to more than one view referred to in section 7 (1) (a);

(c) is unmarked or void for uncertainty.

(2) The returning officer shall not reject but shall count—

50 (a) any ballot paper on which there is a mark or writing, other than the signature of a voter, by means of which a voter has clearly indicated which vote he is recording, except a ballot paper marked by a special voter on which a vote for a specific view contemplated in section 7 (1) (a) has been altered to a vote for any other such view;

55 (b) any ballot paper which bears either the stamp mentioned in section 18 (1) or the signature so mentioned.

46. (1) The returning officer shall endorse the word "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement the words "rejection objected to" if an objection to his decision is made by or on behalf of any referendum agent. Marking of rejected ballot papers and ballot papers objected to.

(2) If the acceptance of any ballot paper is objected to by or on behalf of any referendum agent, the returning officer shall 65 endorse on the ballot paper the words "acceptance objected to".

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Instuur deur kies-beampte van uitslag van stemming aan hoofverkie-singsbeampte.

47. Sodra 'n kiesbeampte die uitslag van die volkstemming aangekondig het, stuur hy sonder versuim aan die hoofverkie-singsbeampte 'n opgawe op die by regulasie voorgeskrewe vorm wat deur daardie kiesbeampte onderteken is en waarin die aantal stemme ten opsigte van elkeen van die verkillende be- 5 trokke sienswyses in artikel 7 (1) (a) bedoel, uitgebring, die aan-tal aangebode stembriewe ontvang en die aantal verworpe stembriewe aangegee word.

Publikasie van uit-slag van volkstem-ming.

48. Sodra die hoofverkie-singsbeampte die in artikel 47 ver-melde opgawes ontvang het, laat hy ten opsigte van elke be- 10 trokke afdeling in die Republiek, of die betrokke streek van die Republiek in artikel 7 (1) (a) bedoel, die aantal stemme ten op-sigte van elkeen van die verskillende betrokke sienswyses in arti-kel 7 (1) (a) bedoel, uitgebring en die aantal verworpe stem-briewe by kennisgewing in die *Staatskoerant* publiseer. 15

Verklaring van ge-heimhouding.

49. Elke kiesbeampte, voorsittende beampte, stemopnemer, telbeampte, volkstemmingsagent, hulpagent, stemagent of bode van 'n volkstemmingsagent wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, lê in die by regu-lasie voorgeskrewe vorm voor die begin van die stemming 'n 20 beëdigde verklaring van geheimhouding af, as hy 'n kiesbeampte is, voor 'n vrederegter of kommissaris van ede, en as hy nie 'n kiesbeampte is nie, voor 'n vrederegter of kommissaris van ede of die kiesbeampte of voorsittende beampte, wat hierby gemag-tig word om so 'n eed af te neem. 25

Onbelangrike foute raak nie geldigheid van volkstemming nie.

50. 'n Volkstemming word nie deur die hof weens 'n fout of nie-nakoming van die bepalings van hierdie Wet tot niet gemaak nie as dit aan die hof blyk dat die volkstemming ooreenkomstig die hierin bepaalde beginsels gehou is en dat die fout of nie-na-koming nie die uitslag van die volkstemming geraak het nie. 30

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VERSEËLING EN BEWARING VAN VOLKSTEMMINGSTUKKE EN AAN-VERWANTE AANGELEENTHEDE

Verseëling van stukke deur kies-beampte.

51. (1) Die kiesbeampte maak geen verseëelde pakket van aan-gebode stembriewe of teenblaai oop nie, maar maak onmiddel- 35 lik na die aankondiging van die stemming afsonderlike geslote pakkette van die getelde en verworpe stembriewe en geslote pakkette van onderskeidelik die verseëelde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 44 (3) ver-werp is en die oopgemaakte verklaringskoeverte van persone 40 wie se stemme nie aldus verwerp is nie.

(2) Die kiesbeampte stuur onmiddellik na die aankondiging van die stemming alle teenblaai van stembriewe saam met ver-slae op die by regulasie voorgeskrewe vorm betreffende die toets van die juistheid van die opgawes van stembriewe aan die hoof- 45 verkiesingsbeampte.

Veilige bewaring van stukke.

52. (1) Die kiesbeampte is verantwoordelik vir die veilige be-waring van alle getelde, verworpe en aangebode stembriewe en alle ander verkiesingstukke, uitgesonderd teenblaai van stem-briewe. 50

(2) Die kiesbeampte behou genoemde stembriewe en stukke vir 'n tydperk van een jaar vanaf die datum van die volkstem-ming, en daarna word, tensy die hof anders gelas, volgens voor-skrif van die hoofverkie-singsbeampte daarmee gehandel.

(3) Die hoofverkie-singsbeampte behou alle teenblaai en ver- 55 slae wat hy ingevolge artikel 51 (2) ontvang het vir 'n tydperk van een jaar vanaf die datum van die volkstemming, en laat dit daarna, tensy die hof anders gelas, vernietig.

Insae in stukke.

53. (1) Niemand word toegelaat om insae te verkry in enige verworpe stembriewe in die bewaring van die kiesbeampte nie, 60 behalwe op bevel van die hof, wat deur die hof verleen kan word as hy deur beëdigde getuies oortuig is dat die insae of

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47. As soon as the returning officer has announced the result of the referendum, he shall without delay transmit to the chief electoral officer a return on the form prescribed by regulation, signed by him, in which the number of votes given in respect of 5 each of the different relevant views referred to in section 7 (1) (a), the number of tendered ballot papers received and the number of rejected ballot papers are indicated.

Transmission of result of referendum to chief electoral officer by returning officer.

48. As soon as the chief electoral officer has received the return referred to in section 47, he shall cause to be published by 10 notice in the *Gazette* in respect of each division concerned and the Republic, or the region of the Republic referred to in section 7 (1) (a) concerned, the number of votes given in respect of each of the different relevant views referred to in section 7 (1) (a) and the number of rejected ballot papers.

Publication of result of referendum.

15 49. Every returning officer, presiding officer, polling officer, counting officer, referendum agent or referendum agent's sub-agent, polling agent or messenger, entitled to attend at a polling station or at the counting of votes, shall make in the form prescribed by regulation, and before the opening of the poll, a declaration of secrecy on oath, if he is a returning officer, before a 20 justice of the peace or commissioner of oaths, and if he is not a returning officer, before a justice of the peace or commissioner of oaths or the returning officer or presiding officer, who is hereby authorized to administer such an oath.

Declaration of secrecy.

25 50. No referendum shall be set aside by the court by reason of any mistake or non-compliance with the provisions of this Act, if it appears to the court that the referendum was held in accordance with the principles laid down herein, and that such mistake or non-compliance did not affect the result of the referendum.

Immaterial mistakes not to affect validity of referendum.

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CHAPTER VIII

SEALING AND CUSTODY OF REFERENDUM DOCUMENTS AND RELATED MATTERS

51. (1) The returning officer shall not open any sealed packet of tendered ballot papers or counterfoils, but shall immediately 35 after the announcement of the poll enclose in separate packets the counted and rejected ballot papers, and enclose in packets the sealed declaration envelopes of persons whose votes have been rejected as provided in section 44 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, 40 respectively.

Sealing of papers by returning officer.

(2) The returning officer shall, immediately after the announcement of the poll, transmit all counterfoils of ballot papers together with reports on the form prescribed by regulation as to the verification of the ballot paper accounts, to the chief electoral 45 officer.

52. (1) The returning officer shall be responsible for the safe custody of all counted, rejected and tendered ballot papers, and all other referendum documents, other than counterfoils of ballot papers.

Safe custody of documents.

50 (2) The returning officer shall retain the said papers and documents for a period of one year from the date of the referendum, and thereafter they shall, unless the court otherwise directs, be disposed of as directed by the chief electoral officer.

(3) The chief electoral officer shall retain all counterfoils and 55 reports received by him in terms of section 51 (2), for a period of one year from the date of the referendum, and shall thereafter, unless the court otherwise directs, cause them to be destroyed.

53. (1) No person shall be allowed to inspect any rejected ballot papers in the custody of the returning officer, except under 60 the order of the court, which may be granted by the court on its being satisfied by evidence on oath that the inspection or pro-

Inspection of documents.

voorlegging van bedoelde stembriewe nodig is ten einde 'n vervolging weens 'n misdryf in verband met stembriewe in te stel of voort te sit, en so 'n bevel tot insae of voorlegging van stembriewe kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van insae of voorlegging wat die hof na goeddunke mag oplê.

(2) Niemand mag, behalwe op bevel van die hof, die verseëlde pakket van teenblaaië oopmaak nadat dit eenmaal verseël is nie, of toegelaat word om insae te verkry in getelde stembriewe in die bewaring van die kiesbeampte nie, of om vir die doel van die insae enige verseëlde verklaringskoevert oop te maak nie, en so 'n bevel kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van oopmaak of insae wat die hof na goeddunke mag oplê: Met dien verstande dat by die verleen en tenuitvoerlegging van so 'n bevel, sorg gedra word dat die wyse waarop 'n bepaalde kieser gestem het nie ontdek word nie, totdat bewys is dat hy gestem het en sy stem deur 'n bevoegde hof ongeldig verklaar is.

(3) Die kiesbeampte verstrek teen betaling van die gelde en op die voorwaardes by regulasie voorgeskryf, aan enigiemand wat daarom aansoek doen afskrifte van of uittreksels uit stukke wat ingevolge hierdie Wet deur 'n kiesbeampte ingevolge hierdie Wet behou word (uitgesonderd stembriewe van watter aard ook al) en wat op bevel van die hof ter insae van die publiek beskikbaar gestel moet word.

(4) Indien 'n bevel verleen is tot voorlegging deur die kiesbeampte van stukke in sy besit wat op 'n bepaalde volkstemming betrekking het, is die voorlegging deur hom van 'n betrokke stuk op die wyse wat by die bevel of by 'n reël van die hof voorgeskryf word, afdoende bewys dat die stuk op die bepaalde volkstemming betrekking het, en 'n endossement wat verskyn op 'n pak stembriewe deur die kiesbeampte voorgelê, is bewys dat die stembriewe is wat hul volgens die endossement heet te wees.

(5) Die voorlegging uit behoorlike bewaring van 'n stembrief wat by 'n volkstemming heet gebruik te gewees het, en van 'n teenblad met dieselfde gedrukte nommer gemerk en met 'n nommer daarop in skrif gemerk, is *prima facie*-bewys dat die persoon wat met daardie stembrief gestem het, die persoon was wat dieselfde nommer as die geskrewe nommer op die teenblad by sy naam op die kieserslys by daardie volkstemming gehad het.

(6) 'n Bevoegdheid by hierdie artikel aan 'n hof verleen, kan deur enige regter van die hof *in camera* uitgeoefen word.

HOOFSTUK IX

MISDRYWE IN VERBAND MET VOLKSTEMMINGS

Onderbreking of steuring van verrigtings by volkstemmings.

54. Iemand wat opsetlik verrigtings wat ingevolge Hoofstuk VI plaasvind, onderbreek, belemmer of steur, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Bedrog met stembriewe.

55. (1) Iemand wat—
- 'n stembrief of die offisiële merk of die ampstempel of naamtekening van die voorsittende beampte vir stemme van spesiale kiesers op 'n stembrief vervals, maak of met die opset om te bedrieg, vernietig;
 - sonder behoorlike magtiging iemand van 'n stembrief voorsien;
 - met die opset om te bedrieg enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;
 - met die opset om te bedrieg 'n stembrief uit die stemburo of die kantoor van 'n voorsittende beampte vir stemme van spesiale kiesers wegneem; of
 - sonder behoorlike magtiging 'n stembus of pak stembriewe wat dan vir die doeleindes van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei,

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duction of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court may think expedient.

(2) No person shall, except by order of the court, open the sealed packet of counterfoils after it has been once sealed up, or be allowed to inspect any counted ballot papers in the custody of the returning officer, or to open any sealed declaration envelope for the purpose of such inspection, and any such order may be made subject to such conditions as to persons, time, place and mode of opening or inspection as the court may think expedient: Provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any particular voter has voted shall not be discovered until he has been proved to have voted and his vote has been declared by a competent court to be invalid.

(3) The returning officer shall on the payment of such fees and on such conditions as may be prescribed by regulation, supply to any person applying therefor, copies of or extracts from documents retained by a returning officer in pursuance of this Act (other than ballot papers of whatsoever description) and which are by order of the court to be made available for public inspection.

(4) Where an order is made for the production by the returning officer of any document in his possession relating to any specified referendum, the production by him of the document concerned, in such manner as may be directed by such order or by a rule of court, shall be conclusive evidence that such document relates to the specified referendum, and any endorsement appearing on any packet of ballot papers produced by the returning officer shall be evidence of such papers being what they are stated to be by the endorsement.

(5) The production from proper custody of a ballot paper purporting to have been used at any referendum, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who had attached to his name in the voters' list at such referendum the same number as the number written on such counterfoil.

(6) Any power given to the court by this section may be exercised by any judge of the court in chambers.

CHAPTER IX

45 OFFENCES IN CONNECTION WITH REFERENDUMS

54. Any person who wilfully interrupts, obstructs or disturbs any proceedings taken under Chapter VI shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding three months.

Interrupting or disturbing proceedings at referendums.

50 55. (1) Any person who—

Fraudulent ballot papers.

- (a) forges or counterfeits or fraudulently destroys any ballot paper or the official mark or the stamp of office or signature of the presiding officer for votes of special voters on any ballot paper;
- 55 (b) without due authority supplies any ballot paper to any person;
- (c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in;
- 60 (d) fraudulently takes out of the polling station or the office of a presiding officer for votes of special voters 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 purposes of the referendum,
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is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, as hy 'n kiesbeampte of 'n beampte in 'n stemburo of 'n voorsittende beampte vir stemme van spesiale kiesers is, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en, as hy iemand anders is, met gevangenisstraf vir 'n tydperk van hoogstens nege 5 maande.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en offisiële merkstempels by 'n volkstemming, kan beweer word dat die eiendomsreg van die busse, stembriewe en stempels en ook van 10 die teenblaai, by die kiesbeampte by die volkstemming berus.

(3) Indien die kiesbeampte aldus beskuldig of aangekla word, kan beweer word dat die eiendomsreg by die Minister berus.

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

Skending van geheimhouding.

56. (1) Elke beampte, volkstemmingsagent, hulpagent, stem- 20 agent en bode wat in die stemburo teenwoordig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan niemand, voordat die stemming gesluit is, behalwe om die een of ander regtens geoorloofde rede, enige inligting meedeel wat die geheimhouding van 25 die stemming na vermoede sou verydel nie.

(2) Behoudens die bepalinge van hierdie Wet mag niemand hom met 'n kieser bemoei of poog om hom met 'n kieser te bemoei wanneer hy sy stem uitbring nie, of op 'n ander wyse in die stemburo trag om te wete te kom hoe 'n kieser in daardie buro 30 gaan stem of gestem het nie of te eniger tyd aan enigiemand inligting wat in 'n stemburo ontvang is omtrent hoe enige kieser gaan stem of gestem het of omtrent die nommer agter op die stembrief wat aan 'n kieser by daardie buro gegee is, meedeel nie. 35

(3) Niemand mag direk of indirek 'n kieser beweeg nie om sy stembrief, nadat hy sy stem daarop uitgebring het, op so 'n wyse te vertoon dat enigiemand te wete kom watter stem hy aldus uitgebring het.

(4) Niemand mag op 'n stembrief enige merk of skrif aanbring 40 waardeur iemand wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Elkeen wat teenwoordig is by die tel van die stemme moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie trag om die nommer agterop 'n stembrief 45 by die telling te wete te kom nie, of enige inligting wat hy by die telling verkry het omtrent watter stem in 'n bepaalde stembrief uitgebring is, meedeel nie.

(6) Behoudens die bepalinge van artikel 40 mag niemand trag om te wete te kom watter stem 'n kieser uitgebring het nie, of 50 direk of indirek hulp te verleen om dit te wete te kom nie.

(7) Iemand wat by die vervulling van sy pligte ingevolge hierdie Wet te wete gekom het watter stem 'n ander persoon uitgebring het, mag die kennis nie openbaar nie, behalwe in antwoord op 'n vraag wat wettig aan hom gestel word in die loop 55 van 'n geding in 'n bevoegde hof.

(8) Niemand mag die seël van 'n verseëlde pakket bedoel in artikel 43 of 51 breek of so 'n pakket oopmaak nie, behalwe op bevel van 'n bevoegde hof of ingevolge magtiging by hierdie 60 Wet.

(9) Iemand wat enigeen van die bepalinge van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van 65 hoogstens R500 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Pligsversuim deur kiesbeampte of voorsittende beampte.

57. (1) 'n Kiesbeampte wat, nadat hy as sodanig sy amp aanvaar het, opsetlik versuim om enigeen van die pligte hom by hierdie Wet opgelê, te vervul, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R500.

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shall be guilty of an offence and liable on conviction, if he is a returning officer or an officer in attendance at a polling station or a presiding officer for votes of special voters, 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 a referendum, the property in such boxes, papers and instruments, as well as the property in the counterfoils, may be stated to be vested in the returning officer at such referendum.

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

(4) Proof that a greater number of ballot papers has been found in a ballot box or has been 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 presiding officer of such polling station is guilty of the commission, or aiding and abetting the commission, of an offence under this section.

20 56. (1) Every officer, referendum agent, sub-agent, polling agent and messenger in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in that station, and shall not, before the poll is closed, communicate, except for some purpose authorized by law, to any person any information likely to defeat the secrecy of the voting.

Infringement of secrecy.

(2) No person, except as in this Act provided, shall interfere with or attempt to interfere with a voter when recording his vote, or otherwise attempt to obtain in the polling station information as to how any voter in that station is about to vote or has voted or communicate at any time to any person any information obtained in a polling station as to how any voter is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has recorded his vote thereon, in such a manner as to make known to any person what vote he has so recorded.

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

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

(6) Subject to the provisions of section 40, no person shall attempt to ascertain, or directly or indirectly aid in ascertaining, what vote any voter has recorded.

(7) A person who has, in the carrying out of his duties under this Act, obtained knowledge as to what vote any other person has recorded, shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(8) No person shall, except upon the order of a competent court or as authorized by this Act, break the seal of or open any such sealed packet as is mentioned in section 43 or 51.

(9) 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 R500 or to imprisonment for a period not exceeding 12 months.

57. (1) Any returning officer who, after having accepted office as such, wilfully fails to perform any of the duties which by the provisions of this Act he is required to perform, shall be guilty of an offence and liable on conviction to a fine not exceeding R500.

Neglect by returning officer or presiding officer to perform his duties.

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(2) 'n Voorsittende beampte of ander beampte of persoon wat opsetlik versuim om enige van die pligte hom by hierdie Wet opgelê, te vervul, is aan 'n misdryf skuldig.

HOOFSTUK X

VOLKSTEMMINGSKOSTE

5

Geoorloofde volkstemmingskoste.

58. Volkstemmingskoste van 'n volkstemmingsagent is nie wettig nie tensy dit aangegaan is ten opsigte van—

- (a) die aankoop van kieserslyste;
- (b) drukwerk, advertensie, en publikasie, uitgifte en uitdeling van toesprake en kennisgewings; 10
- (c) skryfbehoeftes, boodskappe, posgeld, telegramme en die gebruik van telefone;
- (d) een sentrale komiteekamer en een komiteekamer ten opsigte van elke stembedstrik;
- (e) openbare vergaderings en die huur van sale of persele 15 daarvoor;
- (f) nie meer nie as agt hulpagente binne die afdeling;
- (g) stemagente kragtens artikel 61 benoem;
- (h) 'n getal klerke wat nie meer is nie as die getal komiteekamers in paragraaf (d) bedoel, en 'n gelyke getal 20 bodes;
- (i) diverse uitgawes wat tesame nie meer as R2 000 bedra nie en wat nie uitgawes is wat aangegaan is ten opsigte van 'n aangeleentheid of op 'n wyse wat volgens hierdie Wet of 'n ander wet 'n misdryf uitmaak nie of ten op- 25 sigte van enige aangeleentheid of ding waarvoor betaling by hierdie Wet of 'n ander wet verbied word nie;
- (j) brandstof vir motorvoertuie, of die huur van vervoermiddels, wat deur of ten behoeve van die volkstemmingsagent voorsien is vir die vervoer van kiesers na en 30 vanaf die stemburo of oor 'n deel van die weg na of vanaf die stemburo of vir ander wettige volkstemmingsdoeleindes; en
- (k) persoonlike onkoste.

Aanstelling van volkstemmings-agente.

59. (1) Nie later nie as drie dae na die dag waarop die kies- 35 beampte vir 'n afdeling aangestel is, kan hy, op versoek van 'n organisasie wat volgens die oordeel van die hoofverkiezingsbeampte belang het by die betrokke volkstemming, en met die goedkeuring van die hoofverkiezingsbeampte, iemand deur daardie organisasie aangewys, aanstel as volkstem- 40 mingsagent vir daardie organisasie vir daardie volkstemming.

(2) Iemand kragtens subartikel (1) aangewys, moet tot dieselfde bevolkingsgroep as dié van die meerderheid van die lede van die organisasie wat hom aangewys het, behoort.

(3) Die kiesbeampte maak onverwyld die naam en adres 45 openbaar bekend van elke volkstemmingsagent wat hy aanstel.

(4) Die aanstelling van 'n volkstemmingsagent moet deur die hoofverkiezingsbeampte beëindig word op die skriftelike versoek van die organisasie waardeur hy aangewys is, en daarop kan 'n volkstemmingsagent weer kragtens subartikel (1) vir 50 daardie organisasie aangestel word.

(5) Geen besoldiging word uit Staatsgeld aan enige volkstemmingsagent ten opsigte van sy werksaamhede betaal nie, en geen uitgawes in verband met die volkstemming deur 'n volkstemmingsagent aangegaan, word uit Staatsgeld betaal of vergoed 55 nie.

Volkstemmings-agente kan hulp-agente aanstel.

60. (1) (a) Elke volkstemmingsagent kan hoogstens agt hulp-agente aanstel om in die betrokke afdeling op te tree. (b) So 'n hulpagent moet tot dieselfde bevolkingsgroep as dié van genoemde volkstemmingsagent behoort. 60

(2) Die volkstemmingsagent kan deur 'n hulpagent optree, en enigiets wat vir die doeleindes van die volkstemming deur of aan 'n hulpagent gedoen word, word geag deur of aan die volkstemmingsagent gedoen te wees, en elke handeling of versuim van 'n hulpagent wat 'n misdryf ingevolge hierdie Wet sou wees as hy 65

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(2) Any presiding officer or other officer or person who wilfully fails to perform any of the duties which by the provisions of this Act he is required to perform, shall be guilty of an offence.

CHAPTER X

5 REFERENDUM EXPENSES

58. No referendum expenses of a referendum agent shall be lawful except in respect of— Referendum expenses allowed.

- (a) purchasing voters' lists;
- 10 (b) printing, advertising, and publishing, issuing and distributing addresses and notices;
- (c) stationery, messages, postages, telegrams and the use of telephones;
- (d) one central committee room and one committee room in respect of each polling district;
- 15 (e) public meetings and hiring of halls or premises therefor;
- (f) eight sub-agents and no more within the division;
- (g) polling agents appointed under section 61;
- 20 (h) a number of clerks not exceeding the number of committee rooms mentioned in paragraph (d) and a like number of messengers;
- (i) miscellaneous expenses not exceeding in the whole R2 000, and not being expenses incurred in respect of any matter or in any manner constituting an offence under this Act or any other law or in respect of any matter or thing payment for which is prohibited by this Act or any other law;
- 25 (j) fuel for motor vehicles, or the hire of conveyances, supplied by or on behalf of a referendum agent for the conveyance of voters to and from the polling station or over part of the way to or from the polling station and for other lawful referendum purposes; and
- 30 (k) personal expenses.

59. (1) Not later than three days after the day on which the returning officer for a division has been appointed, he may, at the request of an organization which in the opinion of the chief electoral officer has an interest in the referendum concerned, and with the approval of the chief electoral officer, appoint any person designated by that organization as referendum agent for that organization for that referendum. Appointment of referendum agents.

(2) Any person designated under subsection (1) shall belong to the same population group as that of the majority of the members of the organization which designated him.

(3) The returning officer shall forthwith give public notice of the name and address of every referendum agent whom he appoints.

(4) The appointment of any referendum agent shall be terminated by the chief electoral officer at the written request of the organization by which he was designated, and thereupon a referendum agent may again be appointed for that organization under subsection (1).

(5) No remuneration shall be paid out of State moneys to any referendum agent in respect of his functions, and no expenditure incurred by any referendum agent in connection with the referendum shall be paid or reimbursed out of State moneys.

60. (1) (a) Every referendum agent may appoint eight sub-agents and no more, to act within the division concerned. Referendum agents may appoint sub-agents.

60 (b) Any such sub-agent shall belong to the same population group as that of the said referendum agent.

(2) The referendum agent may act by a sub-agent, and anything done for the purposes of the referendum by or to a sub-agent shall be deemed to be done by or to the referendum agent, and any act or default of a sub-agent which, if he were

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die volkstemmingsagent was, is 'n misdryf ingevolge hierdie Wet deur die hulpagent begaan, waarvoor die hulpagent dienoreenkomstig strafbaar is.

(3) Die volkstemmingsagent moet binne drie dae nadat hy 'n hulpagent aangestel het of nadat die aanstelling van 'n hulpagent beëindig is, die naam en adres van die betrokke hulpagent skriftelik aan die kiesbeampte opgee, en die kiesbeampte maak onverwyld die naam en adres van die betrokke hulpagent en die feit dat hy aangestel is of dat sy aanstelling beëindig is, na gelang van die geval, openbaar bekend.

(4) Die aanstelling van 'n hulpagent verval nie indien die volkstemmingsagent wat hom aangestel het, ophou om volkstemmingsagent te wees nie, maar kan te eniger tyd herroep word deur die persoon wat dan volkstemmingsagent is, en in die geval van so 'n herroeping of die oorlye van 'n hulpagent kan 'n ander hulpagent aangestel word.

Benoeming van stemagente, klerke en bodes.

61. (1) 'n Volkstemmingsagent, handelende in eie persoon of deur sy hulpagent, benoem elke stemagent, klerk of bode wat by die volkstemming ten behoeve van die organisasie op wie se versoek die volkstemmingsagent aangestel is, in diens geneem word, en huur elke komiteekamer wat ten behoeve van daardie organisasie gehuur word: Met dien verstande dat indien die getal kiesers wat ten opsigte van 'n stembedstrik geregistreer is, nie meer as tweeduisend is nie, nie meer as twee stemagente vir daardie stembedstrik benoem word nie, en indien die getal kiesers wat ten opsigte van 'n stembedstrik geregistreer is, meer as tweeduisend is, een addisionele stemagent benoem kan word vir elke duisend kiesers wat ten opsigte van daardie stembedstrik bo tweeduisend geregistreer is.

(2) So 'n stemagent, klerk of bode moet tot dieselfde bevolkingsgroep as dié van die volkstemmingsagent wat hom benoem het, behoort.

Alle betalings moet deur volkstemmingsagent geskied.

62. (1) Behalwe vir sover dit deur of ingevolge hierdie Wet geoorloof is, mag geen betaling en geen voorskot of storting deur 'n volkstemmingsagent by 'n volkstemming of deur 'n agent ten behoeve van 'n volkstemmingsagent of deur iemand anders, te eniger tyd, hetsy voor, gedurende of na daardie volkstemming, ten opsigte van koste wat as gevolg of ten behoeve van die hou van daardie volkstemming aangegaan is of gaan word, gedoen of beloof word nie, behalwe deur of deur bemiddeling van die volkstemmingsagent, handelende in eie persoon of deur 'n hulpagent.

(2) Alle geld wat deur 'n vereniging of groep persone of deur iemand anders as die volkstemmingsagent vir koste as gevolg of ten opsigte van die hou van 'n volkstemming aangegaan, as skenking, lening, voorskot of storting beskikbaar gestel is, word nie anders betaal of beloof nie as slegs aan die volkstemmingsagent.

Instuur en vereffening van vorderings ten opsigte van volkstemmingskoste.

63. (1) Elke betaling deur 'n volkstemmingsagent gedoen, hetsy in eie persoon of handelende deur 'n hulpagent, ten opsigte van koste as gevolg of ten opsigte van die hou van 'n volkstemming aangegaan, word, tensy dit altesame minder as vier rand op een rekening bedra, gestaaf deur 'n gespesifiseerde rekening en deur 'n kwitansie of ander bewys van betaling.

(2) Elke vordering teen 'n volkstemmingsagent ten opsigte van sodanige koste, wat nie binne die by hierdie Wet voorgeskrewe tydperk aan die volkstemmingsagent ingestuur word nie, verval en word nie betaal nie.

(3) Behalwe waar hierdie Wet 'n ander tydperk veroorloof, moet vorderings ingestuur word binne 21 dae na die dag waarop die uitslag van die volkstemming aangekondig is.

(4) Alle sodanige koste deur of ten behoeve van 'n volkstemmingsagent by 'n volkstemming aangegaan, word slegs binne die by hierdie Wet voorgeskrewe tydperk betaal.

(5) Behalwe waar hierdie Wet 'n ander tydperk veroorloof, moet sodanige koste betaal word binne 30 dae na die dag waarop die uitslag van die volkstemming aangekondig is.

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the referendum agent, would be an offence under this Act, shall be an offence under this Act committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly.

(3) The referendum agent shall within three days after he has appointed a sub-agent or after the appointment of a sub-agent has been terminated, in writing advise the returning officer of the name and address of such sub-agent, and the returning officer shall forthwith give public notice of the name and address of the sub-agent concerned and of the fact that he has been appointed or that his appointment has been terminated, as the case may be.

(4) The appointment of a sub-agent shall not lapse if the referendum agent who appointed him ceases to be a referendum agent, but may at any time be revoked by the person who for the time being is the referendum agent, and in the event of any such revocation or of the death of a sub-agent, another sub-agent may be appointed.

61. (1) A referendum agent, by himself or by his sub-agent, shall appoint every polling agent, clerk and messenger employed at the referendum on behalf of the organization at the request of which the referendum agent was appointed, and hire every committee room hired on behalf of that organization: Provided that if the number of voters registered in respect of any polling district does not exceed two thousand, not more than two polling agents shall be appointed for that polling district, and if the number of voters registered in respect of any polling district exceeds two thousand, one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand.

Appointment of polling agents, clerks and messengers.

(2) Any such polling agent, clerk or messenger shall belong to the same population group as that of the referendum agent who appointed him.

62. (1) Except as permitted by or in pursuance of this Act no payment and no advance or deposit shall be made or promised by a referendum agent at a referendum or by an agent on behalf of the referendum agent or by any other person at any time, whether before, during or after that referendum, in respect of any expenses incurred or to be incurred on account or in respect of the holding of that referendum, otherwise than by or through the referendum agent, whether acting in person or by a sub-agent.

All payments to be through referendum agent.

(2) All moneys provided by any association or group of persons or by any person, other than the referendum agent, for any expenditure incurred on account or in respect of the holding of a referendum, whether as a gift, a loan, an advance or a deposit, shall be paid or promised to the referendum agent and not otherwise.

63. (1) Every payment made by a referendum agent, whether by himself or by a sub-agent, in respect of any expenses incurred on account or in respect of the holding of a referendum, shall, except where less than four rand in all in any one account, be vouched for by a specified account and by a receipt or some other evidence of payment.

Sending and payment of claims in respect of referendum expenditure.

(2) Every claim against a referendum agent in respect of any such expenses which is not sent in to the referendum agent within the period prescribed by this Act shall be barred and shall not be paid.

(3) Except where any other period is authorized by this Act, claims shall be sent in within 21 days after the day on which the result of the referendum was announced.

(4) All such expenses incurred by or on behalf of any referendum agent at a referendum shall be paid within the period prescribed by this Act and not otherwise.

(5) Except where any other period is authorized by this Act, such expenses shall be paid within 30 days after the day on which the result of the referendum was announced.

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(6) Indien die volkstemmingsagent, in die geval van 'n vordering wat binne die by hierdie Wet voorgeskrewe tydperk aan hom ingestuur is, die vordering betwis of weier of versuim om dit binne genoemde tydperk van 30 dae te vereffen, word die vordering geag 'n betwiste vordering te wees. 5

(7) Die eiser kan, na goeë dunde, op 'n betwiste vordering 'n aksie in 'n bevoegde hof instel, en enige bedrag deur die volkstemmingsagent of sy agent ingevolge die uitspraak of bevel van die hof betaal, word geag binne die voorgeskrewe tydperk betaal te wees en 'n uitsondering te wees op die bepalings van hierdie 10 Wet wat voorskryf dat vorderings deur die volkstemmingsagent vereffen moet word.

(8) By die aanvoer van redes ten genoeë van die hof kan die hof, op aansoek deur die eiser of die volkstemmingsagent, 'n bevel gee waarby vergunning verleen word vir die vereffening deur 15 'n volkstemmingsagent van 'n betwiste vordering of van 'n vordering vir enige voormelde koste, al is dit na die by hierdie artikel voorgeskrewe tydperk vir die instuur van vorderings ingestuur.

(9) 'n Bedrag vermeld in 'n bevel bedoel in subartikel (8) kan 20 deur die volkstemmingsagent betaal word, en word, indien ingevolge bedoelde bevel betaal, geag binne die by hierdie Wet voorgeskrewe tydperk betaal te wees.

Taksasie van bedrag van betwiste vordering waar aanspreeklikheid erken word.

64. Indien 'n aksie tot verhaal van 'n betwiste vordering teen 'n volkstemmingsagent ten opsigte van koste as gevolg of ten op- 25 sigte van die hou van 'n volkstemming aangegaan, in 'n bevoegde hof ingestel word, en die verweerder aanspreeklikheid erken maar die bedrag van die vordering betwis, word genoemde bedrag, tensy daardie hof op aansoek van die eiser anders gelas, onverwyld na die taksasiebeampte van daardie hof vir tak- 30 sasie verwys, en die bedrag wat by die taksasie verskuldig bevind word, is die bedrag wat in genoemde aksie ten opsigte van die vordering verhaalbaar is.

Geen besoldiging of betaling uit Staatsgeld.

65. Geen besoldiging word uit Staatsgeld aan enige kragtens artikel 60 of 61 aangestelde of benoemde persoon ten opsigte 35 van sy dienste betaal nie, en geen onkoste in verband met die volkstemming deur so 'n persoon aangegaan ingevolge hierdie Wet word uit Staatsgeld betaal of vergoed nie.

Wanneer volkstemming begin.

66. By die toepassing van hierdie Hoofstuk word 'n volkstemming geag te begin het op die datum waarop die in artikel 7 be- 40 doelde proklamasie uitgevaardig word.

HOOFSTUK XI

ANDER MISDRYWE IN VERBAND MET VOLKSTEMMINGS

Trakteerdery.

67. (1) Iemand wat—

(a) op korrupte wyse, hetsy voor, gedurende of na 'n 45 volkstemming, self of deur 'n ander, direk of indirek, aan of vir iemand voedsel, drank, vermaak, losies of lewensmiddels gee of verskaf, of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal met die doel om so iemand of iemand anders op korrupte wyse te 50 beïnvloed om sy stem by die volkstemming uit te bring of nie uit te bring nie, of omdat so iemand of iemand anders sy stem by die volkstemming uitgebring het of nie uitgebring het nie of gaan uitbring of nie gaan uitbring nie; of 55

(b) gedurende 'n volkstemming, self of deur 'n ander, direk of indirek, aan of vir iemand drank soos omskryf in paragraaf (a) van die omskrywing van „drank” in artikel 1 van die Drankwet, 1977 (Wet No. 87 van 1977), gee of verskaf of die koste om dit te gee of te verskaf, 60 of 'n deel daarvan, betaal wanneer so iemand 'n vergadering of byeenkoms van meer as 10 persone bywoon wat belê is met die doel om 'n bepaalde sienswyse met betrekking tot die aangeleentheid in die in artikel 7 be-

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- (6) If the referendum agent, in the case of any claim sent in to him within the period prescribed by this Act, disputes it or refuses or fails to pay it within the said period of 30 days, the claim shall be deemed to be a disputed claim.
- 5 (7) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court, and any sum paid by the referendum agent or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the period prescribed and to be an exception from the provisions of this
- 10 Act requiring claims to be paid by the referendum agent.
- (8) On cause shown to the satisfaction of the court, the court, on application by the claimant or the referendum agent, may, by order, give leave for the payment by a referendum agent of a disputed claim or of a claim for any such expenses as aforesaid,
- 15 although sent in after the period prescribed by this section for sending in claims.
- (9) Any amount specified in an order referred to in subsection (8) may be paid by the referendum agent, and when paid in pursuance of such order shall be deemed to be paid within the
- 20 period prescribed by this Act.
64. If any action is brought in any competent court to recover a disputed claim against a referendum agent in respect of any expenses incurred on account or in respect of the holding of a referendum and the defendant admits his liability, but disputes the
- 25 amount of the claim, the said amount shall, unless that court, on the application of the plaintiff, otherwise directs, be forthwith referred to the taxing officer of that court for taxation, and the amount found due on that taxation shall be the amount to be recovered in the said action in respect of the claim.
- 30 65. No remuneration in respect of his services shall be paid out of State moneys to any person appointed under section 60 or 61, and no expenses incurred by any such person in terms of this Act in connection with the referendum shall be paid or reimbursed out of State moneys.
- 35 66. For the purposes of this Chapter a referendum shall be deemed to commence on the date on which the proclamation referred to in section 7 is issued.

Taxation of amount of disputed claim where liability admitted.

No remuneration or payment out of State moneys.

When referendum commences.

CHAPTER XI

OTHER OFFENCES RELATING TO REFERENDUMS

- 40 67. (1) Any person who—
- (a) corruptly, by himself or by any other person, either before, during or after a referendum, 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
- 45 the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the referendum, 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 referendum; or
- 50 (b) during a referendum, by himself or by any other person, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing, any liquor as defined in paragraph (a) of the definition of "liquor" in section 1 of the Liquor Act, 1977 (Act No. 87 of 1977), to or for any person while that person is attending any meeting or gathering of more than 10 persons which has been convened for the purpose of
- 55 promoting at that referendum a particular view in relation to the matter mentioned in the proclamation referred to in section 7, unless such meeting or gathering
- 60

Treating.

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doelde proklamasie vermeld, by daardie volkstemming te bevorder, tensy daardie vergadering of byeenkoms 'n vergadering of byeenkoms is slegs van persone wat 'n volkstemmingsagent in sy volkstemmingsveldtog help,

is aan die misdryf van trakteerdery skuldig.

(2) 'n Kieser wat op korrupte wyse voedsel, drank, vermaak, losies of lewensmiddels bedoel in subartikel (1) (a) aanneem of gebruik, is ook aan die misdryf van trakteerdery skuldig.

Onbehoorlike
beïnvloeding.

68. (1) Iemand wat self of deur 'n ander, direk of indirek, teen 10 iemand geweld of dwang gebruik of dreig om dit te gebruik, of aan iemand enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken, of iets ten nadele van iemand doen of dreig om dit te doen—

(a) ten einde so iemand te beweeg of te dwing om by 'n 15 volkstemming—

(i) sy stem uit te bring of nie uit te bring nie;

(ii) 'n bepaalde stem uit te bring of nie uit te bring nie;

of

(b) omdat hy by 'n volkstemming—

(i) sy stem uitgebring het of nie uitgebring het nie;

(ii) 'n bepaalde stem uitgebring het of nie uitgebring het nie,

is aan die misdryf van onbehoorlike beïnvloeding skuldig.

(2) Iemand wat deur ontvoering, dwang of enige bedrieglike 25 middel of deur opsetlike wanvoorstelling of deur die opsetlike verstrekking van foutiewe inligting die vrye uitoefening van die kiesreg deur 'n kieser belemmer of belet, of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n volkstemming uit te bring of nie uit te bring nie, is aan die misdryf van onbehoorlike 30 beïnvloeding skuldig.

(3) Iemand wat deur dreigemente, intimidasie of andersins poog om 'n kieser in 'n stemburo of in 'n plek waar die kieser as 'n spesiale kieser stem, te beïnvloed om sy stem ten gunste van 'n bepaalde sienswyse met betrekking tot 'n aangeleentheid in 35 artikel 7 (1) (a) bedoel, uit te bring, is aan die misdryf van onbehoorlike beïnvloeding skuldig.

(4) Iemand wat 'n lid van die Presidentsraad, die Volksraad, 'n provinsiale raad, die Verteenwoordigende Kleurlingraad of die Suid-Afrikaanse Indiërraad belaster met die opset om daar- 40 die lid by 'n kieser onder verdenking te plaas om daardeur die kieser te beïnvloed om sy stem by 'n volkstemming ten gunste van 'n bepaalde sienswyse met betrekking tot 'n aangeleentheid in artikel 7 (1) (a) bedoel, uit te bring, is aan die misdryf van onbehoorlike beïnvloeding skuldig.

Uitgee vir 'n ander.

69. Iemand wat—

(a) by 'n volkstemming in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen of wat, behalwe soos in artikel 40 (2) bepaal, sy stem op die 50 naam van so 'n persoon uitbring; of

(b) nadat hy een maal by 'n volkstemming gestem het, weer in enige afdeling by dieselfde volkstemming om 'n stembrief aansoek doen,

is aan die misdryf van hom vir 'n ander uit te gee, skuldig.

Strawwe.

70. (1) Iemand wat aan die misdryf van hom vir 'n ander uit te gee, skuldig is, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) Iemand wat aan die misdryf van trakteerdery of onbehoorlike beïnvloeding skuldig is, is by skuldigbevinding strafbaar met 60 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie boete sowel as daardie gevangenisstraf.

(3) Iemand wat aan 'n misdryf in subartikel (1) of (2) vermeld, skuldig bevind word, kan, benewens enige straf waarvoor in 65 hierdie artikel voorsiening gemaak word, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf

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is a meeting or gathering only of persons who are assisting a referendum agent in his referendum campaign,

shall be guilty of the offence of treating.

- 5 (2) Any voter who corruptly accepts or takes any food, drink, entertainment, lodging or provisions referred to in subsection (1) (a), shall also be guilty of the offence of treating.

68. (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—

- (a) in order to induce or compel that person—
 15 (i) to vote or refrain from voting at any referendum;
 (ii) to give or refrain from giving a particular vote at any referendum; or
 (b) on account of that person having—
 20 (i) voted or refrained from voting at any referendum;
 (ii) given or refrained from giving a particular vote at any referendum,

shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or any fraudulent device or contrivance or by wilful misrepresentation or by the wilful furnishing of wrong information, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to vote or to refrain from voting at any referendum, shall be guilty of the offence of undue influence.

30 (3) Any person who, within a polling station or within a place at which any voter votes as a special voter, attempts by threats, intimidation or otherwise to influence a voter to give his vote in favour of a particular view in relation to a matter referred to in section 7 (1) (a), shall be guilty of the offence of undue influence.

35 (4) Any person who defames a member of the President's Council, the House of Assembly, a provincial council, the Coloured Persons Representative Council or the South African Indian Council with the intention of, by discrediting that member with a voter, influencing the voter to give his vote at a referendum in favour of a particular view in relation to a matter referred to in section 7 (1) (a), shall be guilty of the offence of undue influence.

69. Any person who—

Personation.

- 45 (a) at any referendum applies for a ballot paper in the name of some other person, living or dead, or of a fictitious person, or who, except as provided in section 40 (2), records a vote in the name of any such person; or
 (b) having voted once at any referendum, applies again in
 50 any division at the same referendum for a ballot paper,
 shall be guilty of the offence of personation.

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

55 (2) Any person guilty of the offence of treating or undue influence 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.

60 (3) A person convicted of any offence mentioned in subsection (1) or (2) may, in addition to any punishment provided for in this section, be declared by the court incapable, during a

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jaar vanaf die datum van sy skuldigbevinding om by 'n volkstemming 'n stem uit te bring.

Vereistes waaraan drukwerk moet voldoen.

71. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n volkstemming betrekking het, moet op die voorkant daarvan die naam en die adres dra van die drukker en uitgewer daarvan. 5

(2) Niemand mag sodanige drukwerk wat nie op die voorkant daarvan die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van elke nuusblad laat die woord „advertensie” as 'n opskrif druk by elke artikel of paragraaf in sy nuusblad wat volkstemmingstof bevat vir die opname waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word. 10

(4) Die woord „volkstemmingstof” in subartikel (3) gebruik, omvat alles wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n volkstemming te beïnvloed, asook enige verslag van 'n toespraak van 'n volkstemmingsagent, indien vir die opname van die verslag betaal word of gaan word. 15

(5) Elke verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief, spotprent of ander drukwerk (hieronder in hierdie subartikel 'n nuusbladartikel genoem) wat, na die skyn geoordeel, bedoel of bereken is om die uitslag van 'n volkstemming te beïnvloed, in 'n nuusblad opgeneem of op ander wyse voortgebring word en op of na die datum van die begin van die volkstemming in die Republiek gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of voortgebring is: Met dien verstande dat— 25

(a) so 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat aanmerklik deur die redakteur van die nuusblad verander is, ook deur die redakteur onderteken kan word; 30

(b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende is vir die doeleindes van hierdie subartikel as die verslag as geheel die volle name en adresse dra van die persone deur wie dit geskryf is; en 35

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in 'n 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 is vir die doeleindes van hierdie subartikel as die volle name en adresse van die persone deur wie die opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat die opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin bedoelde nuusbladartikel opgeneem word. 40 45 50

(6) Behoudens die bepaling van paragraaf (c) van die voorbehoudsbepaling by subartikel (5) mag niemand 'n nuusblad of ander drukwerk waarin 'n nuusbladartikel wat nie voldoen aan die bepaling van subartikel (5) nie, opgeneem of voortgebring word, druk of publiseer nie. 55

(7) Biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n volkstemming betrekking het en wat—

(a) onbetaamlik, onweloweglik of vir die openbare sedes aanstootlik of skadelik is; 60

(b) godslasterlik is of vir die godsdienstige oortuigings of gevoelens van enige bevolkingsdeel van die Republiek aanstootlik is; 65

(c) enige bevolkingsdeel van die Republiek belaglik of veragtelik maak; 65

(d) vir die betrekkinge tussen enige bevolkingsdele van die Republiek skadelik is; of

(e) die veiligheid van die Republiek, die algemene welsyn of die vrede en goeie orde benadeel,

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period not exceeding five years from the date of his conviction, of voting at any referendum.

71. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to a referendum shall bear upon the face thereof the name and address of the printer and publisher thereof. Requirements regarding printed matter.

(2) No person shall print, publish or post or cause to be printed, published or posted any such printed matter which fails to bear upon the face thereof 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 referendum 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 "referendum matter" used in subsection (3) include all matters which on the face thereof are intended or calculated to affect the result of a referendum, and any report of the speech of a referendum agent 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 a referendum, is inserted in any newspaper or otherwise produced and is published in the Republic on or after the date of commencement of such referendum, 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;
- (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 purposes of this subsection if the report as a whole bears 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, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes 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 paragraph (c) of the proviso to subsection (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any newspaper article which fails to comply with the provisions of subsection (5).

(7) Bills, placards, posters, pamphlets, circulars or other printed matter having reference to a referendum and which—

- (a) are indecent, obscene or offensive or harmful to public morals;
- (b) are blasphemous or offensive to the religious convictions or feelings of any section of the inhabitants of the Republic;
- (c) bring any section of the inhabitants of the Republic into ridicule or contempt;
- (d) are harmful to the relations between any sections of the inhabitants of the Republic; or
- (e) are prejudicial to the safety of the Republic, the general welfare or the peace and good order,

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mag nie gedruk, uitgegee, aangeplak, vertoon of versprei word nie.

(8) By die toepassing van hierdie artikel word die tydstop waarop 'n volkstemming begin, ooreenkomstig artikel 66 bepaal.

(9) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R400, en kan daarbenewens deur die hof verklaar word gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding onbevoeg te wees om by 'n volkstemming 'n stem uit te bring.

(10) Niemand word weens 'n oortreding van subartikel (2) skuldig bevind nie as hy bewys dat hy in onkunde omtrent die bepaling daarvan gehandel het.

Verbod op meningspeilings tydens volkstemming.

72. (1) Niemand mag ten opsigte van 'n volkstemming, gedurende die tydperk met ingang van die datum van die uitvaardiging van die in artikel 7 bedoelde proklamasie tot en met die stembdag, 'n meningspeiling ten opsigte van die steun wat die onderskeie sienswyses met betrekking tot die aangeleentheid in genoemde proklamasie vermeld, geniet, in enige afdeling doen of die resultaat van so 'n meningspeiling wat voor, op of na die datum van uitvaardiging van genoemde proklamasie gedoen is, bekend maak nie.

(2) Die bepaling van subartikel (1) verbied nie—

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

(b) die verkryging van menings in die loop van stemwerwing ter bevordering van 'n bepaalde sienswyse in subartikel (1) vermeld of die bekendmaking van die resultaat van sodanige verkryging van menings nie.

(3) Iemand wat 'n bepaling van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf.

Verbod op gebruik van vlac en luidsprekers.

73. Niemand mag in verband met 'n volkstemming op die stembdag 'n vlag gebruik of vertoon wat die nasionale vlag van een of ander land is of was nie of op die stembdag enige vorm van luidspreker gebruik nie.

HOOFSTUK XII

40

GEMENGDE EN ALGEMENE BEPALINGS

Verkiesingsbeampte hou lys van sekere persone wat onbevoeg geword het om te stem.

74. (1) Elke verkiesingsbeampte maak en hou 'n lys wat die name, adresse en beroepe bevat van alle persone wat van tyd tot tyd, hoewel andersins bevoeg om in 'n afdeling in die gebied waarvoor hy aangestel is, geregistreer te word, onbevoeg geword het om te stem omdat by wyse van skuldigbevinding bevind is dat hulle skuldig is aan die misdryf van trakteerdery, onbehoorlike beïnvloeding, uitgee vir 'n ander of die oortreding van artikel 71 of versuim om daaraan te voldoen, asook van alle persone wat onbevoeg geword het om kiesers te wees by 'n volkstemming soos in hierdie Wet omskryf omdat hulle aan 'n misdryf ingevolge hierdie Wet of 'n ander wet of die gemene reg skuldig bevind is.

(2) Die verkiesingsbeampte skryf op die lys teenoor die naam van elke sodanige persoon die misdryf in waaraan hy skuldig bevind is.

Opheffing van onbevoegdheid om te stem, waar onbevoegdheid deur meinede bewys is.

75. Wanneer iemand ingevolge hierdie Wet of 'n ander wet uit hoofde van 'n skuldigbevinding onbevoeg geword het om by 'n volkstemming 'n stem uit te bring, en 'n getuie wat by die verigtings wat op die skuldigbevinding uitloop het teen hom getuie afgelê het, ten opsigte van daardie getuie aan meinede skuldig bevind word, kan die hof op aansoek van so iemand, indien die hof oortuig is dat die skuldigbevinding, vir sover dit so iemand aangaan, op meinede getuie berus het, sy onbevoegdheid vanaf daardie tydstop by bevel beëindig.

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shall not be printed, published, posted, displayed or distributed.

(8) For the purposes of this section the time at which a referendum commences shall be determined in accordance with the provisions of section 66.

5 (9) 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 R400 and may in addition be declared by the court incapable during a period not exceeding two years from the date of his conviction of voting at any referendum.

10 (10) No person shall be convicted of contravening subsection (2) if he proves that he acted in ignorance of its provisions.

72. (1) No person shall, in respect of a referendum, during the period from the date on which the proclamation referred to in section 7 is issued up to and including polling day, conduct in any division an opinion poll in respect of the support enjoyed by the several views in relation to the matter mentioned in the said proclamation or publish the result of such an opinion poll conducted prior to, on or subsequent to the date on which the said proclamation is issued.

Prohibition of opinion polls during referendum.

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

(a) the publishing of the result of any previous referendum; or
 (b) the obtaining of opinions in the course of canvassing for votes for the advancement of a particular view mentioned in subsection (1) or the publishing of the result of such obtaining of opinions.

(3) Any person who contravenes any provision of subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

73. No person shall in connection with any referendum on the polling day use or display any flag which is or was the national flag of any country or use any form of loudspeaker on the polling day.

Prohibition of use of flags and loudspeakers.

CHAPTER XII

MISCELLANEOUS AND GENERAL

74. (1) Every electoral officer shall make and keep a list containing the names, addresses and occupations of all persons who, from time to time, though otherwise qualified to be registered in any division in the area for which he has been appointed, have become incapable of voting by reason of their having been found guilty, on conviction, of the offence of treating, undue influence, personation or contravening or failing to comply with section 71, and of all persons who, by reason of their having been convicted of any other offence under this Act or any other law or at common law, have become incapable of being voters at a referendum as defined by this Act.

Electoral officer to keep list of certain persons incapacitated from voting.

(2) The electoral officer shall enter in the list opposite the name of each such person the offence of which such person has been convicted.

75. Whenever a person has by reason of a conviction become subject to any incapacity under this Act or any other law to vote at any referendum, and any witness who gave evidence against him at the proceedings culminating in the conviction, is convicted of perjury in respect of that evidence, the court may, upon the application of that person, if satisfied that the conviction, so far as it concerns that person, was based upon perjured evidence, order that his incapacity shall from that time cease.

Removal of incapacity to vote where incapacity proved by perjury.

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In regsproes word van kieser nie verlang dat hy sy stem bekend maak nie.

76. Van iemand wat by 'n volkstemming 'n stem uitgebring het, word in 'n regsproes, ongeag of dit ingestel is om die uitslag te betwis of met 'n ander doel, nie verlang dat hy verklaar hoe hy gestem het nie.

Bewys dat volkstemming gehou is.

77. By 'n aanklag van 'n misdryf ingevolge hierdie Wet wat volgens bewering by of in verband met 'n volkstemming gepleeg is, is die sertifikaat van die kiesbeamppte dat die daarin vermelde volkstemming aan die gang was of gehou is, voldoende bewys van die feit dat daardie volkstemming aan die gang was of gehou is.

Publikasie en betekening van kennisgewings.

78. (1) Behalwe waar publikasie in die *Staatskoerant* of op 'n bepaalde ander wyse uitdruklik voorgeskryf is, is dit voldoende as 'n openbare kennisgewing wat ooreenkomstig hierdie Wet gegee moet word, gepubliseer word in een Afrikaanse en een Engelse nuusblad wat in omloop is in die afdeling waarop die kennisgewing betrekking het, of as dit aangeplak word aan die buitekant van die hoofbuite deur van die kantoor van die landdroshof van elke distrik waarin die afdeling of 'n gedeelte daarvan geleë is, of op enige ander plek wat die hoofverkiezingsbeamppte mag voorskryf.

(2) Wanneer 'n dagvaarding, kennisgewing of ander stuk ingevolge hierdie Wet aan iemand beteken moet word, kan dit, behoudens uitdruklik andersluidende bepalings van hierdie Wet, beteken word deur dit te oorhandig aan die persoon aan wie dit geadresseer is, of deur dit by sy laasbekende woonplek te laat of by 'n woonplek wat op 'n bestaande kieserslys as sy woonplek aangegee word, of deur dit per aangetekende brief, op die buitekant „volkstemmingskennisgewing” gemerk, per pos na so 'n woonplek te stuur.

(3) Om betekening per pos te bewys, is dit voldoende om te bewys dat die brief wat die stuk bevat behoorlik geadresseer was, by die posbeampptes aangeteken en gepos is, en die betekening word, tensy die teendeel bewys word, geag te geskied het op die tydstip waarop die brief in die gewone loop van die posdiens afgelewer sou word.

Sondae en openbare feesdae.

79. Wanneer volgens voorskrif van hierdie Wet enigiets op 'n bepaalde datum begin, voltooi of gedoen moet word, en daardie datum toevallig 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 dag na die Sondag of openbare feesdag, of as laasbedoelde dag ook 'n Sondag of openbare feesdag is, dan op die eersvolgende dag na daardie Sondag of openbare feesdag.

Vrystelling van seëlreg.

80. Ondanks andersluidende bepalings in enige wet op seëlregte, is daar op 'n verklaring wat afgelê is of 'n magtiging wat uitgereik is in verband met die registrasie van 'n kieser, of op 'n in artikel 36, 42 of 49 bedoelde verklaring, geen seëlreg verskuldig nie.

Strawwe waar uitdruklike voorsiening ontbreek.

81. Waar strawwe nie uitdruklik op 'n misdryf ingevolge hierdie Wet of op 'n oortreding van of versuim om te voldoen aan 'n bepaling daarvan gestel is nie, is die oortreder by skuldigebevinding strafbaar met 'n boete van hoogstens R200.

Regulasies.

82. (1) Die Staatspresident kan regulasies uitvaardig aangaande aangeleenthede wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word en, in die algemeen, alle aangeleenthede wat hy nodig of raadsaam ag om voor te skryf ten einde die doelstellings van hierdie Wet te bereik.

(2) Die regulasies kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf wat nie swaarder as die in artikel 81 bedoelde straf is nie.

Kort titel.

83. Hierdie Wet heet die Wet op Volkstemmings, 1982.

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76. No person who has voted at a referendum shall in any legal proceedings, whether taken to question the referendum or otherwise, be required to state how he has voted.

Voter not required in legal proceedings to disclose his vote.

77. Upon any charge of any offence in terms of this Act alleged to have been committed at or in connection with a referendum, the certificate of the returning officer that the referendum mentioned therein was being or had been held, shall be sufficient evidence of the fact that such referendum was being or had been held.

Evidence of referendum being held.

78. (1) A public notice required to be given in terms of this Act 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 one English and one Afrikaans newspaper circulating in the division intended to be affected by the notice or if it is posted outside the principal outer door of the magistrate's court office of every district wherein the division or any portion thereof is situate, or any other place which the chief electoral officer may prescribe.

Publication and service of notices.

(2) Save as is otherwise specially provided in this Act, when any summons, notice or other document is required to be served on any person under this Act, it may be served by delivering it to the person to whom it is addressed or by leaving it at his last known place of residence or any place of residence stated on an existing voters' list as his place of residence or by sending it to any such place of residence through the post by registered letter marked upon the outside "referendum notice".

(3) In proving service by post it shall be sufficient to prove that the letter containing the document was properly addressed, registered with the postal officials and posted, and, unless the contrary is proved, the service shall be deemed to have been effected at the time at which the letter would be delivered in ordinary course of post.

79. Whenever under this Act 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 any 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 lastmentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Sundays and public holidays.

80. Notwithstanding anything to the contrary contained in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorization issued in connection with the registration of any voter, or on any declaration referred to in section 36, 42 or 49.

Exemption from stamp duty.

81. Where no penalties are expressly provided for an offence against this Act or for a contravention of or failure to comply with any provision thereof, the offender shall be liable on conviction to a fine not exceeding R200.

Penalties where not expressly provided.

82. (1) The State President may make regulations as to any matters which in terms of this Act are required or permitted to be prescribed by regulation and, generally, all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

Regulations.

(2) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding the penalty referred to in section 81.

83. This Act shall be called the Referendums Act, 1982.

Short title.

