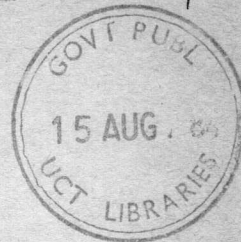




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STAATSKOERANT

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. 1682.

10 Augustus 1984

No. 1682.

10 August 1984

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

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

No. 103 van 1984: Wysigingswet op Bevolkingsregistrasie en Verkiezings, 1984.

No. 103 of 1984: Population Registration and Elections Amendment Act, 1984.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984**ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

WET

Tot wysiging van die Bevolkingsregistrasiewet, 1950, ten einde verdere voorsiening te maak in verband met die bepaling van die plek wat vir die doeleindes van genoemde Wet geag word die gewone verblyfplek van sekere persone te wees; die bepaling te skrap ingevolge waarvan die name en besonderhede van persone aan wie identiteitsdokumente ingevolge die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970, uitgereik is, in die bevolkingsregister opgeneem moet word; die wyse waarop daar met kennisgewings van adresverandering gehandel moet word, voor te skryf; voorsiening te maak vir die rojering van identiteitsdokumente van oorlede persone; en die besit van meer as een identiteitsdokument te verbied; tot wysiging van die Kieswet, 1979, ten einde verdere voorsiening te maak in verband met die aanstelling en werksaamhede van verkiesingsbeamptes; voorsiening te maak vir die opstel en wysiging van kieserslyste volgens die besonderhede vervat in die bevolkingsregister; te bepaal dat kieserslyste van tyd tot tyd aan politieke partye verstrek en vir openbare insae beskikbaar gestel moet word; ander voorsiening te maak betreffende die druk van kieserslyste vir die doel van 'n verkiesing en die aanpassing van die gedrukte kieserslyste; te bepaal dat gedrukte kieserslyste teen afslag aan sekere persone en instansies verkoop mag word; ander voorsiening te maak betreffende die opstel van nuwe kieserslyste na 'n herafbakening van kiesafdelings; voorsiening te maak vir die aanstelling van persone wat sekere poste beklee as kiesbeamptes en waarnemende kiesbeamptes; voorsiening te maak vir die aanstelling van assistent-kiesbeamptes; verdere voorsiening te maak in verband met die registrasie van politieke partye; die deposito's van verkiesingskandidate te verhoog; die hoofverkiesingsbeampte te magtig om die ligging van 'n stemburo te verander; verdere vereistes betreffende die nominasie van kandidate te stel; te bepaal dat kiesbeamptes kandidate moet toelaat om sekere gebreke in skriftelike nominasies reg te stel; te bepaal dat kiesbeamptes kandidate se aandag moet vestig op die bepalings wat die kwalifikasies en onbevoegdheid van lede van 'n Huis van die Parlement of 'n provinsiale raad voorskryf; te bepaal dat aansoeke om as afwesige kieser te stem, nie voor 'n sekere datum onderteken mag word nie; verdere voorsiening te maak betreffende die gronde waarop aansoeke om as 'n afwesige of spesiale kieser te stem, gedoen kan word; die verskeidenheid van stukke wat as bewys van 'n spesiale of afwesige kieser se identiteit aanvaar mag word, uit te brei; te bepaal dat in sekere omstandighede sekere vrae aan 'n spesiale of afwesige kieser gestel moet word alvorens hy toegelaat word om te stem; die vergelyking van identiteitsverklarings met aansoeke om as afwesige kieser te stem, verder te

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Population Registration Act, 1950, so as to make further provision in connection with the determination of the place deemed for the purposes of the said Act to be the ordinary place of residence of certain persons; to delete the provision in terms of which the names and particulars of persons to whom identity documents were issued in terms of the Identity Documents in South-West Africa Act, 1970, are to be included in the population register; to prescribe the manner in which notifications of change of address are to be dealt with; to provide for the cancellation of identity documents of deceased persons; and to prohibit the possession of more than one identity document; to amend the Electoral Act, 1979, so as to make further provision in connection with the appointment and functions of electoral officers; to provide for the preparation and amendment of voters' lists according to the particulars contained in the population register; to provide that voters' lists be furnished to political parties and be made available for public inspection from time to time; to make other provision regarding the printing of voters' lists for the purpose of an election and the adjustment of such printed voters' lists; to provide that printed voters' lists may be sold to certain persons and bodies at a discount; to make other provision regarding the preparation of new voters' lists after a redelimitation of electoral divisions; to provide for the appointment of persons holding certain offices as returning officers and acting returning officers; to provide for the appointment of assistant returning officers; to make further provision in connection with the registration of political parties; to increase the deposits of candidates for an election; to authorize the chief electoral officer to change the situation of a polling station; to lay down further requirements regarding the nomination of candidates; to provide that candidates be allowed by returning officers to rectify certain deficiencies in written nominations; to provide that returning officers shall invite the attention of candidates to the provisions prescribing the qualifications and disqualifications of members of a House of Parliament or a provincial council; to lay down that applications to vote as an absent voter shall not be signed before a certain date; to make further provision regarding the grounds on which application may be made to vote as an absent or a special voter; to extend the variety of documents which may be accepted as proof of a special or an absent voter's identity; to provide that in certain circumstances certain questions shall be put to a special or an absent voter before he is allowed to vote; to further regulate the comparison of declarations of identity with applications to vote as an

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

reël; die voorskrifte in verband met die voltooiing van aan-
soeke om as 'n afwesige of spesiale kieser te stem, aan te pas;
die tel van stemme verder te reël; die verklaring van geheim-
houding verder te reël; te bepaal dat onafhanklike kandidate
ook 'n verteenwoordiger kan aanwys om by die verrigtinge
in verband met die uitreiking van stembriewe aan spesiale
kiesers aanwesig te wees; verdere voorsiening betreffende
stemming by verklaring te maak; voorsiening te maak vir die
registrasie van kiesers vir, en die verkiesing van die lede van,
die Raad van Verteenwoordigers en die Raad van Afgevaar-
digdes ooreenkomstig die bepalings van genoemde Wet; en
sekere aanpassings te maak na aanleiding van die Grondwet
van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van
1983); om sekere wette te herroep; en om vir bykomstige
aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Julie 1984.)

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

Wysiging van
artikel 1 van
Wet 30 van 1950,
soos gewysig deur
artikel 1 van
Wet 30 van 1960,
artikel 1 van
Wet 61 van 1962,
artikel 1 van
Wet 64 van 1967,
artikel 1 van
Wet 106 van 1969,
artikel 1 van
Wet 29 van 1970,
artikel 1 van
Wet 36 van 1973,
artikel 1 van
Wet 35 van 1980
en artikel 1 van
Wet 101 van 1982.

1. (1) Artikel 1 van die Bevolkingsregistrasiewet, 1950, word
hierby gewysig—
 - (a) deur paragraaf (a) van subartikel (4) deur die volgende 5
paragraaf te vervang:

“(a) 'n student aan 'n universiteit, universiteitskollege,
opleidingskollege vir onderwysers, technikon, ny-
werheidsskool, hoër tegniese skool of hoër handel-
skool of 'n ander kollege of [hoërskool] skool, 10
geag die plek te wees waar hy werklik woon met
die doel om onderrig aan die betrokke universiteit,
kollege of skool te ontvang;”;
 - (b) deur paragraaf (b) van subartikel (4) deur die volgende 15
paragraaf te vervang:

“(b) iemand wat ingevolge die bepalings van artikel 22
of uit hoofde van die tweede voorbehoudsbepaling
by artikel 2 (1) van die Verdedigingswet, 1957
(Wet No. 44 van 1957), of uit hoofde van artikel
33 van die Polisiewet, 1958 (Wet No. 7 van 1958), 20
ononderbroke of voltydse opleiding ondergaan, of
wat basiese opleiding as 'n bewaarder in die Ge-
vangenisdiens van die Departement van Justisie of
as 'n konstabel in die Suid-Afrikaanse Spoorweg-
polisiemag ondergaan, geag die plek te wees [waar 25
hy sy vaste woonplek gehad het onmiddellik voor
die datum waarop daardie ononderbroke of vol-
tydse opleiding 'n aanvang geneem het] wat hy as sy
woonadres aangedui het op enige stuk wat hy in
verband met en voor die aanvang van daardie op- 30
leiding voltooi het;”;
 - (c) deur die volgende paragraaf by subartikel (4) te voeg:

“(f) 'n Minister, 'n Adjunk-minister, 'n lid van 'n Huis
van die Parlement of 'n lid van 'n provinsiale raad 35
wat vanweë sy amptelike pligte genoodsaak word
om vir minstens die grootste gedeelte van 'n jaar
op 'n bepaalde plek te woon (en die eggenote of
kind van so 'n Minister, Adjunk-minister of lid wat
by hom inwoon), geag die plek te wees waar hy al-
dus vir sodanige grootste gedeelte van 'n jaar 40
woon: Met dien verstande dat indien hy 'n verkose
lid is vir die een of ander afdeling soos omskryf in
artikel 1 van die Kieswet, 1979 (Wet No. 45 van
1979), waarin hy of sy vrou ook die geregistreerde

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

absent voter; to adjust the provisions in connection with the completion of applications to vote as an absent or a special voter; to further regulate the counting of votes; to further regulate the declaration of secrecy; to provide that independent candidates shall also be entitled to designate a representative to be present at the proceedings in connection with the issue of ballot papers to special voters; to make further provision regarding voting by declaration; to provide for the registration of voters for, and the election of the members of, the House of Representatives and the House of Delegates in accordance with the provisions of the said Act; and to make certain adjustments in consequence of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); to repeal certain laws; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 12 July 1984.)

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

1. (1) Section 1 of the Population Registration Act, 1950, is hereby amended—

5 (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

10 “(a) a student at a university, university college, teachers’ training college, technikon, industrial school, technical high school or commercial high school or any other college or **[high]** school, shall be deemed to be the place where he actually resides for the purpose of receiving training at the university, college or school concerned;”;

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

20 “(b) a person undergoing continuous or full-time training in terms of the provisions of section 22 or by virtue of the second proviso to section 2 (1) of the Defence Act, 1957 (Act No. 44 of 1957), or by virtue of section 33 of the Police Act, 1958 (Act No. 7 of 1958), or basic training as a warder in the Prisons Service of the Department of Justice or as a constable in the South African Railways Police Force, shall be deemed to be the place **[where he retained his home immediately prior to the date on which such continuous or full-time training commenced]** indicated by him as his residential address on any document completed by him in connection with and prior to the commencement of such training;”;

30 (c) by the addition to subsection (4) of the following paragraph:

35 “(f) a Minister, a Deputy Minister, a member of a House of Parliament or a member of a provincial council who on account of his official duties is obliged to reside at any particular place for at least the greater part of a year (and the wife or child of any such Minister, Deputy Minister or member who resides with him), shall be deemed to be the place where he so resides for such greater part of a year: Provided that if he is an elected member for any division as defined in section 1 of the Electoral Act, 1979 (Act No. 45 of 1979), in which he or his wife is also the registered owner of any dwelling-

Amendment of section 1 of Act 30 of 1950, as amended by section 1 of Act 30 of 1960, section 1 of Act 61 of 1962, section 1 of Act 64 of 1967, section 1 of Act 106 of 1969, section 1 of Act 29 of 1970, section 1 of Act 36 of 1973, section 1 of Act 35 of 1980 and section 1 of Act 101 of 1982.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

eienaar van 'n woonhuis of 'n woonstel is en hy die Direkteur-generaal aldus skriftelik versoek, sy gewone verblyf plek geag word die plek te wees waar daardie woonhuis of woonstel geleë is: Met dien verstande voorts dat indien hy die Direkteur-generaal aldus skriftelik versoek, die plek waar hy gewoonlik woon wanneer sy amptelike pligte nie van hom vereis dat hy elders woon nie, geag word sy gewone verblyfplek te wees." 5

(2) Subartikel (1) tree in werking onmiddellik na die inwerkingtreding van artikel 1 (h) van die Wysigingswet op Bevolkingsregistrasie, 1982 (Wet No. 101 van 1982). 10

Wysiging van
artikel 4 van
Wet 30 van 1950,
soos vervang deur
artikel 3 van
Wet 29 van 1970
en gewysig deur
artikel 3 van
Wet 101 van 1982.

2. (1) Artikel 4 van die Bevolkingsregistrasiewet, 1950, word hierby gewysig—

- (a) deur aan die end van paragraaf (a) die woord "en" in te voeg; 15
- (b) deur aan die end van paragraaf (b) die woord "en" te skrap;
- (c) deur paragraaf (c) te skrap; en
- (d) deur die voorbehoudsbepaling te skrap. 20

(2) Subartikel (1) tree in werking onmiddellik na die inwerkingtreding van artikel 3 van die Wysigingswet op Bevolkingsregistrasie, 1982 (Wet No. 101 van 1982).

- (3) (a) So gou doenlik na die inwerkingtreding van subartikel (1) moet die Direkteur-generaal: Binnelandse Aangeleenthede die naam en besonderhede van 'n persoon wat ingevolge paragraaf (c) van artikel 4 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), voor die skraping van daardie paragraaf deur genoemde subartikel (1), in die bevolkingsregister opgeneem is, uit die bevolkingsregister verwyder. 25
- (b) Paragraaf (a) is nie van toepassing nie ten opsigte van 'n persoon in daardie paragraaf bedoel wat by bedoelde inwerkingtreding 'n persoon is wat in paragraaf (a) of (b) van artikel 4 van die Bevolkingsregistrasiewet, 1950, bedoel word. 30 35

Wysiging van
artikel 7 van
Wet 30 van 1950,
soos vervang deur
artikel 5 van
Wet 29 van 1970
en gewysig deur
artikel 1 van
Wet 33 van 1977,
artikel 2 van
Wet 35 van 1980
en artikel 4 van
Wet 101 van 1982.

3. (1) Artikel 7 van die Bevolkingsregistrasiewet, 1950, word hierby gewysig deur paragraaf (n) van subartikel (1) deur die volgende paragraaf te vervang:

"(n) na sy dood, die vereiste besonderhede verstrekk by die aangifte van die dood, en na blywende vertrek uit die Republiek, behalwe na **[die gebied Suidwes-Afrika of]** 'n onafhanklike Staat, die datum van sodanige vertrek, en besonderhede in verband met die kansellasië op die voorgeskrewe wyse van sy identiteitsdokument of van daardie dokument met die uitsondering van die voorgeskrewe gedeelte daarvan (indien daar is);" 40 45

(2) Subartikel (1) tree in werking onmiddellik na die inwerkingtreding van artikel 4 (g) van die Wysigingswet op Bevolkingsregistrasie, 1982 (Wet No. 101 van 1982). 50

Wysiging van
artikel 10 van
Wet 30 van 1950,
soos vervang deur
artikel 5 van
Wet 101 van 1982.

4. (1) Artikel 10 van die Bevolkingsregistrasiewet, 1950, word hierby gewysig—

- (a) deur na subartikel (4) die volgende subartikels in te voeg:

"(4A) 'n Gemagtigde verteenwoordiger stuur onverwyld elke kennisgewing deur hom uit hoofde van subartikel (1) of (3) ontvang aan die streekvertenwoordiger vir die gebied ten opsigte waarvan so 'n gemagtigde verteenwoordiger aangestel is. 55

(4B) 'n Streekvertenwoordiger stempel elke kennisgewing deur hom uit hoofde van subartikel (1), (3) of (4A) ontvang met die datum waarop hy dit ontvang het."; en 60

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

house or flat and he so requests in writing to the Director-General, his ordinary place of residence shall be deemed to be the place where such dwelling-house or flat is situated: Provided further that if he so requests the Director-General in writing, the place where he ordinarily resides when not required by his official duties to live elsewhere shall be deemed to be his ordinary place of residence.”

(2) Subsection (1) shall come into operation immediately after the commencement of section 1 (h) of the Population Registration Amendment Act, 1982 (Act No. 101 of 1982).

2. (1) Section 4 of the Population Registration Act, 1950, is hereby amended—

- (a) by the insertion at the end of paragraph (a) of the word “and”;
- (b) by the deletion at the end of paragraph (b) of the word “and”;
- (c) by the deletion of paragraph (c); and
- (d) by the deletion of the proviso.

Amendment of section 4 of Act 30 of 1950, as substituted by section 3 of Act 29 of 1970 and amended by section 3 of Act 101 of 1982.

(2) Subsection (1) shall come into operation immediately after the commencement of section 3 of the Population Registration Amendment Act, 1982 (Act No 101 of 1982).

(3) (a) As soon as may be practicable after the commencement of subsection (1) the Director-General: Internal Affairs shall remove from the population register the name and particulars of a person included in the population register in terms of paragraph (c) of section 4 of the Population Registration Act, 1950 (Act No. 30 of 1950), before the deletion of that paragraph by the said subsection (1).

(b) Paragraph (a) shall not apply in respect of a person referred to in that paragraph who at the said commencement is a person referred to in paragraph (a) or (b) of section 4 of the Population Registration Act, 1950.

3. (1) Section 7 of the Population Registration Act, 1950, is hereby amended by the substitution for paragraph (n) of subsection (1) of the following paragraph:

“(n) after his death, the required particulars furnished when notice of his death was given, and on permanent departure from the Republic, except for **[the territory of South West Africa or]** an independent State, the date of such departure, and particulars in connection with the cancellation in the prescribed manner of his identity document or of that document except the prescribed part thereof (if any);”

Amendment of section 7 of Act 30 of 1950, as substituted by section 5 of Act 29 of 1970 and amended by section 1 of Act 33 of 1977, section 2 of Act 35 of 1980 and section 4 of Act 101 of 1982.

(2) Subsection (1) shall come into operation immediately after the commencement of section 4 (g) of the Population Registration Amendment Act, 1982 (Act No. 101 of 1982).

4. (1) Section 10 of the Population Registration Act, 1950, is hereby amended—

(a) by the insertion after subsection (4) of the following subsections:

“(4A) An authorized representative shall forthwith transmit each notification received by him by virtue of subsection (1) or (3) to the regional representative for the area in respect of which such authorized representative has been appointed.

(4B) A regional representative shall impress on each notification received by him by virtue of subsection (1), (3) or (4A) the date on which he received it.”; and

Amendment of section 10 of Act 30 of 1950, as substituted by section 5 of Act 101 of 1982.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

(b) deur die volgende subartikel by te voeg:

“(6) ’n Verandering wat kragtens subartikel (5) ten opsigte van die gewone verblyfplek of posadres van iemand in die register aangeteken is, word vir alle doeleindes geag in die register aangeteken te wees op die datum wat ooreenkomstig subartikel (4B) op die betrokke kennisgewing gestempel is.”

(2) Subartikel (1) tree in werking onmiddellik na die inwerkingtreding van artikel 5 van die Wysigingswet op Bevolkingsregistrasie, 1982 (Wet No. 101 van 1982).

Wysiging van artikel 13 van Wet 30 van 1950, soos vervang deur artikel 9 van Wet 29 van 1970 en gewysig deur artikel 2 van Wet 33 van 1977, artikel 4 van Wet 35 van 1980 en artikel 6 van Wet 101 van 1982.

5. (1) Artikel 13 van die Bevolkingsregistrasiewet, 1950, word hierby gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) sy voorname en van (met inbegrip, in die geval van ’n vrou wat getroud is of was, van haar nooiensvan **[en]** of ’n vorige getroude van), geslag en geboortedatum en die plek waar **[en]** of distrik **[en]** of, in die geval van ’n persoon wat nie in die Republiek gebore is nie, die land waarin hy gebore is;”

(b) deur paragraaf (m) van subartikel (2) deur die volgende paragraaf te vervang:

“(m) by sy blywende vertrek uit die Republiek, behalwe na **[die gebied Suidwes-Afrika of]** ’n onafhanklike Staat, ’n endossement op die voorgeskrewe wyse ten effekte dat die identiteitsdokument, behalwe die voorgeskrewe gedeelte daarvan (indien daar is), gekanselleer is;” en

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

“(5) ’n Identiteitsdokument wat ingevolge die Wet op Identiteitsdokumente in Suidwes-Afrika 1970, aan iemand uitgereik is, word, solank so iemand so ’n persoon is as wat in artikel 4 (a) of (b) van hierdie Wet bedoel word, geag ingevolge hierdie artikel aan hom uitgereik te wees.”

(2) Subartikel (1) (a) en (b) tree in werking onmiddellik na die inwerkingtreding van onderskeidelik paragraaf (c) en paragraaf (g) van artikel 6 van die Wysigingswet op Bevolkingsregistrasie, 1982 (Wet No. 101 van 1982).

Invoeging van artikel 15A in Wet 30 van 1950.

6. Die volgende artikel word hierby in die Bevolkingsregistrasiewet, 1950, na artikel 15 ingevoeg:

“Teruggawe van of beslaglegging op identiteitsdokumente van oorlede persone.

15A. (1) ’n Persoon wat in besit is van ’n stuk wat

’n ongeroëerde identiteitsdokument is of heet te wees van iemand wat oorlede is, moet sodanige stuk—

(a) in die geval van iemand wat voor die inwerkingtreding van artikel 6 van die Wysigingswet op Bevolkingsregistrasie en Verkiezings, 1984, oorlede is, binne 30 dae na daardie inwerkingtreding, of, indien die stuk in sy besit gekom het na sodanige inwerkingtreding, binne 30 dae nadat die stuk in sy besit gekom het; of

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

(b) by the addition of the following subsection:

“(6) Any change recorded in the register under subsection (5) in respect of the ordinary place of residence or postal address of any person, shall for all purposes be deemed to have been recorded in the register on the date impressed on the relevant notification in accordance with subsection (4B).”.

(2) Subsection (1) shall come into operation immediately after the commencement of section 5 of the Population Registration Act, 1982 (Act No. 101 of 1982).

5. (1) Section 13 of the Population Registration Act, 1950, is hereby amended—

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

“(b) his first names and surname (including, in the case of a woman who is or has been married, her maiden name **[and]** or any former married name), sex and date of birth, and the place where **[and]** or district **[and]**, or, in the case of a person not born in the Republic, the country in which he was born;”;

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

“(m) upon his permanent departure from the Republic, except for **[the territory of South West Africa or]** an independent State, an endorsement in the prescribed manner to the effect that the identity document, except the prescribed part thereof (if any), has been cancelled;”;

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

“(5) An identity document issued in terms of the Identity Documents in South-West Africa Act, 1970, to any person, shall so long as such person is such a person as is referred to in section 4 (a) or (b) of this Act, be deemed to have been issued to him in terms of this section.”.

(2) Subsection (1) (a) and (b) shall come into operation immediately after the commencement of paragraph (c) and paragraph (g), respectively, of section 6 of the Population Registration Amendment Act, 1982 (Act No. 101 of 1982).

6. The following section is hereby inserted in the Population Registration Act, 1950, after section 15:

Insertion of
section 15A in
Act 30 of 1950.

“Surrender
or seizure of
identity documents of deceased persons.

15A. (1) Any person who has in his possession a document being or purporting to be an uncanceled identity document of a person who is deceased, shall—

(a) in the case of a person who was deceased before the commencement of section 6 of the Population Registration and Elections Amendment Act, 1984, within 30 days after that commencement, or, if such document came into his possession after such commencement, within 30 days after the document came into his possession; or

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

(b) in die geval van iemand wat op of na die dag van daardie inwerkingtreding oorlede is, binne 30 dae nadat so iemand oorlede is, of, indien die stuk in sy besit gekom het nadat so iemand oorlede is, binne 30 dae nadat die stuk in sy besit gekom het, 5

aan 'n streekverteenwoordiger of gemagtigde verteenwoordiger of aan iemand kragtens artikel 3 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), as 'n 10
registrator of assistent-registrator van geboortes en sterfgevalle aangewys, vir rojering oorhandig of per aangetekende pos stuur.

(2) 'n Stuk wat ingevolge subartikel (1) aan 'n streekverteenwoordiger of gemagtigde verteenwoordiger of aan so 'n registrator of assistent-registrator oorhandig of gestuur is, word onverwyld na die ontvangs daarvan op die voorgeskrewe wyse gerojering en, tensy 'n familiebetrekking van die oorlede persoon skriftelik te kenne gegee het dat hy dit wil hê, 20
vernietig.

(3) Wanneer dit onder die aandag van 'n streekverteenwoordiger kom dat die een of ander persoon in besit is van 'n stuk wat 'n ongerojejerde identiteitsdokument is of heet te wees van iemand wat oorlede is, lê hy onverwyld beslag op daardie stuk, en daarop is die bepalinge van subartikel (2) *mutatis mutandis* 25
ten opsigte van daardie stuk van toepassing."

Wysiging van
artikel 18 van
Wet 30 van 1950,
soos vervang deur
artikel 14 van
Wet 29 van 1970
en gewysig deur
artikel 7 van
Wet 35 van 1980.

7. Artikel 18 van die Bevolkingsregistrasiewet, 1950, word 30
hierby gewysig—

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

"(f) sonder gegronde rede in gebreke bly of weier om aan 'n bepaling van artikel 10, **[of artikel]** 14 (2) of 15A (1) te voldoen;" 35

(b) deur na paragraaf (j) van subartikel (1) die volgende paragraaf in te voeg:

"(k) te eniger tyd nadat 'n nuwe identiteitsdokument aan hom uitgereik is, in besit is of in herbesit kom van 'n identiteitsdokument wat voorheen aan hom uitgereik is kragtens artikel 13 (1) (ii) of kragtens artikel 13 (1) soos daardie artikel bestaan het onmiddellik voor die wysiging daarvan deur artikel 4 (a) van die Wysigingswet op Bevolkingsregistrasie, 1980 (Wet No 35 van 1980), en sonder gegronde rede in gebreke bly om binne 14 dae nadat die nuwe identiteitsdokument aan hom uitgereik is of hy in herbesit van die vorige identiteitsdokument gekom het, na gelang van die geval, daardie vorige identiteitsdokument aan die Direkteur-generaal vir rojering en vernietiging terug te besorg,"; en 40
45
50

(c) deur paragraaf (i) van subartikel (1) deur die volgende paragraaf te vervang:

"(i) In die geval van 'n in paragraaf (a), (b), **[of]** (c) of (k) bedoelde misdryf, met 'n boete van hoogstens 55
tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en gevangenisstraf; en".

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- (b) in the case of a person who was deceased on or after the day of that commencement, within 30 days after such person was deceased, or, if such document came into his possession after such person was deceased, within 30 days after the document came into his possession, surrender or forward by registered post for cancellation such document to a regional representative or an authorized representative or to a person designated under section 3 of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), as a registrar or assistant registrar of births and deaths.
- (2) A document surrendered or forwarded to a regional representative or an authorized representative or to such a registrar or an assistant registrar shall upon receipt thereof forthwith be cancelled in the prescribed manner and, unless a relation of the deceased person has intimated in writing that he wants it, be disposed of.
- (3) Whenever it comes to the notice of a regional representative that any person is in possession of a document being or purporting to be an uncanceled identity document of a person who is deceased, he shall forthwith seize that document, and thereupon the provisions of subsection (2) shall *mutatis mutandis* apply in respect of that document."

7. Section 18 of the Population Registration Act, 1950, is hereby amended—

Amendment of section 18 of Act 30 of 1950, as substituted by section 14 of Act 29 of 1970 and amended by section 7 of Act 35 of 1980.

- (a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
- "(f) without lawful cause fails or refuses to comply with any of the provisions of section 10, **[or section] 14 (2) or 15A (1);**";
- (b) by the insertion after paragraph (j) of subsection (1) of the following paragraph:
- "(k) at any time after a new identity document was issued to him, is in possession or regains possession of an identity document previously issued to him under section 13 (1) (ii) or under section 13 (1) as that section existed immediately prior to the amendment thereof by section 4 (a) of the Population Registration Amendment Act, 1980 (Act No. 35 of 1980), and without lawful cause fails to return for cancellation and disposal such previous identity document to the Director-General within 14 days after the new identity document was issued to him or after he regained possession of the previous identity document, as the case may be,"; and
- (c) by the substitution for paragraph (i) of subsection (1) of the following paragraph:
- "(i) in the case of an offence referred to in paragraph (a), (b), **[or] (c) or (k)**, to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment; and"

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 1 van
Wet 45 van 1979.

8. Artikel 1 van die Kieswet, 1979 (hieronder die Hoofwet genoem), word hierby gewysig—

- (a) deur die omskrywing van “aansoek” te skrap;
- (b) deur die omskrywing van “afdeling” deur die volgende omskrywing te vervang: 5
 “‘afdeling’—
 (a) wanneer dit met betrekking tot ’n Huis van die Parlement gebruik word, of vir sover ’n bepaling waarin dit gebruik word, toegepas word met betrekking tot ’n Huis van die Parlement, ’n kiesafdeling van die betrokke Huis soos van tyd tot tyd ooreenkomstig artikels 48 tot 51 van die Grondwet afgebaken; 10
 (b) wanneer dit met betrekking tot ’n provinsiale raad gebruik word, of vir sover ’n bepaling waarin dit gebruik word, toegepas word met betrekking tot ’n provinsiale raad, ’n kiesafdeling van die betrokke provinsiale raad bedoel in artikel 69 (1) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);” 15 20
- (c) deur na die omskrywing van “afwesige kieser” die volgende omskrywing in te voeg:
 “‘assistent-kiesbeampte’, met betrekking tot ’n afdeling, die persoon wat kragtens artikel 34 (2A) vir daardie afdeling aangestel is;” 25
- (d) deur die omskrywing van “bevoegd” en “bevoegdheid” deur die volgende omskrywing te vervang:
 “‘bevoegd’ of ‘bevoegdheid’, met betrekking tot die registrasie van enige persoon, bevoegd of die bevoegdheid [volgens hierdie Wet] om ’n kieser te wees; en het ‘onbevoegd’ [en] of ‘onbevoegdheid’ ’n teenoorgestelde betekenis;” 30
- (e) deur die omskrywing van “bevoegd uit hoofde van verblyf” te skrap;
- (f) deur na die omskrywing van “bevoegde getuie” die volgende omskrywing in te voeg: 35
 “‘bevolkingsregister’ die register bedoel in artikel 2 van die Bevolkingsregistrasiewet, 1950;”
- (g) deur die omskrywing van “blanke” deur die volgende omskrywing te vervang: 40
 “‘Blanke’ ’n Blanke soos in artikel 100 van die Grondwet omskryf;”
- (h) deur na die omskrywing van ‘geldelike beloning’ en ‘geld’ die volgende omskrywing in te voeg:
 “‘gewone verblyfplek’, met betrekking tot ’n persoon, die plek wat ingevolge die Bevolkingsregistrasiewet, 1950, in die bevolkingsregister aangegee word as so ’n persoon se gewone verblyfplek;” 45
- (i) deur die omskrywing van “Grondwet” deur die volgende omskrywing te vervang: 50
 “‘Grondwet’ die Grondwet van die Republiek van Suid-Afrika, [1961 (Wet No. 32 van 1961)] 1983 (Wet No. 110 van 1983);”
- (j) deur die omskrywing van “hoofverkiesingsbeampte” deur die volgende omskrywing te vervang: 55
 “‘hoofverkiesingsbeampte’ die hoofverkiesingsbeampte [aangestel kragtens] bedoel in artikel [5 (a)] 5 (1);”

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

8. Section 1 of the Electoral Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 1 of
Act 45 of 1979.

- (a) by the deletion of the definition of "actually resided in that division";
- 5 (b) by the substitution for the definition of "adult person" of the following definition:
 " 'adult person' **[includes a white]** means a person of or over the age of eighteen years;";
- (c) by the deletion of the definition of "application";
- 10 (d) by the insertion before the definition of "ballot paper envelope" of the following definition:
 " 'assistant returning officer' , in relation to a division, means the person appointed under section 34 (2A) for that division;";
- 15 (e) by the substitution for the definition of "chief electoral officer" of the following definition:
 " 'chief electoral officer' means the chief electoral officer **[appointed under]** referred to in section **[5 (a)]** 5 (1);";
- 20 (f) by the insertion after the definition of "chief electoral officer" of the following definition:
 " 'Coloured person' means a Coloured person as defined in section 100 of the Constitution;";
- (g) by the deletion of the definition of "Constitution Act";
- 25 (h) by the insertion before the definition of "covering envelope" of the following definition:
 " 'Constitution' means the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);";
- 30 (i) by the substitution for the definition of "division" of the following definition:
 " 'division'—
 (a) whenever it is used in relation to a House of Parliament, or in so far as a provision in which it is used is applied in relation to a House of Parliament, means an electoral division of the House concerned as delimited from time to time in accordance with sections 48 to 51 of the Constitution;
 (b) whenever it is used in relation to a provincial council, or in so far as a provision in which it is used is applied in relation to a provincial council, means an electoral division of the provincial council concerned referred to in section 69 (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961);";
- 45 (j) by the substitution for the definition of "election" of the following definition:
 " 'election' means an election of a member of **[the House of Assembly]** a House of Parliament or of a member of a provincial council;";
- 50 (k) by the substitution for the definition of "electoral officer" of the following definition:
 " 'electoral officer' means an electoral officer **[appointed under]** referred to in section **[5 (b)]** 5 (2);";
- 55 (l) by the substitution for the definition of "identity card" of the following definition:
 " 'identity card' means an identity card **[as defined in section 1]** within the meaning of the Population Registration Act, 1950 **[(Act No. 30 of 1950)]**;";

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- (k) deur na die omskrywing van "hoofverkiesings-beampte" die volgende omskrywings in te voeg:
"identiteitsdokument" 'n identiteitsdokument—
- (a) soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950, maar nie ook 'n 5
persoonskaart nie; of
 - (b) uitgereik ingevolge die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970 (Wet No. 37 van 1970), in soverre so 'n identiteitsdokument ingevolge subartikel (5) van artikel 13 10
van die Bevolkingsregistrasiewet, 1950, geag word ingevolge daardie artikel uitgereik te wees;
- "identiteitsnommer"—
- (a) met betrekking tot 'n persoon aan wie 'n 15
identiteitsdokument volgens paragraaf (a) van die omskrywing van 'identiteitsdokument' uitgereik is, 'n identiteitsnommer soos omskryf in artikel 1 van die Bevolkingsregistrasiewet, 1950; of
 - (b) met betrekking tot 'n persoon aan wie 'n 20
identiteitsdokument volgens paragraaf (b) van die omskrywing van 'identiteitsdokument' uitgereik is, 'n identiteitsnommer soos omskryf in artikel 1 van die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970; 25
- "Indiër" 'n Indiër soos in artikel 100 van die Grondwet omskryf;"
- (l) deur die omskrywing van "kieser" deur die volgende 30
omskrywing te vervang:
"'kieser' iemand wie se naam opgeneem is in 'n kieserslys ingevolge hierdie Wet opgestel, en, met betrekking tot 'n afdeling van 'n Huis van die Parlement of van 'n provinsiale raad of die verkiesing van 'n lid van 'n Huis van die Parlement of van 'n 35
provinsiale raad in 'n afdeling daarvan, iemand wie se naam opgeneem is in so 'n kieserslys vir die betrokke afdeling of in die kieserslys wat ingevolge hierdie Wet by die verkiesing gebruik moet word, na gelang van die geval;" 40
- (m) deur na die omskrywing van "kieserskoevert" die volgende omskrywing in te voeg:
"'Kleurling' 'n Kleurling soos in artikel 100 van die Grondwet omskryf;"
- (n) deur die omskrywing van "Minister" deur die volgende 45
omskrywing te vervang:
"'Minister' die Minister van Binnelandse [Sake en Immigrasie] Aangeleenthede;"
- (o) deur die omskrywing van "persoonskaart" deur die volgende omskrywing te vervang: 50
"'persoonskaart' 'n persoonskaart [soos omskryf in artikel 1] ooreenkomstig die bedoeling van die Bevolkingsregistrasiewet, 1950;"
- (p) deur die omskrywing van 'persoonsnommer' te skrap;
- (q) deur die omskrywing van "politieke party" deur die 55
volgende omskrywing te vervang:
"'politieke party' 'n politieke party wat ingevolge die bepaling van artikel 36 as 'n politieke party geregistreer is, en, vir sover 'n bepaling waarin dit gebruik word, toegepas word met betrekking tot— 60
- (a) die Volksraad of 'n provinsiale raad of 'n Blanke, 'n politieke party wat geregistreer is soos voormeld vir doeleindes van verkiesings vir die Volksraad of 'n provinsiale raad;
 - (b) die Raad van Verteenwoordigers of 'n Kleurling, 'n politieke party wat geregistreer is soos voormeld vir doeleindes van verkiesings vir die Raad van 65
Verteenwoordigers; of

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- (m) by the insertion after the definition of "identity card" of the following definition:
"identity document" means an identity document—
- 5 (a) as defined in section 1 of the Population Registration Act, 1950, but excluding an identity card; or
- 10 (b) issued in terms of the Identity Documents in South-West Africa Act, 1970 (Act No. 37 of 1970), in so far as such identity document is deemed in terms of subsection (5) of section 13 of the Population Registration Act, 1950, to have been issued in terms of that section;"
- (n) by the substitution for the definition of "identity number" of the following definition:
- 15 "identity number"—
- (a) in relation to a person to whom an identity document according to paragraph (a) of the definition of 'identity document' has been issued, means an identity number as defined in
- 20 section 1 of the Population Registration Act, 1950 [(Act No. 30 of 1950)]; or
- (b) in relation to a person to whom an identity document according to paragraph (b) of the definition of 'identity document' has been issued, means an identity number as defined in
- 25 section 1 of the Identity Documents in South-West Africa Act, 1970;"
- (o) by the insertion after the definition of "independent State" of the following definition:
"Indian" means an Indian as defined in section 100 of
- 30 the Constitution;"
- (p) by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of [the Interior and Im-
- 35 migration] Internal Affairs;"
- (q) by the insertion after the definition of "nomination day" of the following definition:
"ordinary place of residence", in relation to a person,
- 40 means the place which in terms of the Population Registration Act, 1950, is given in the population register as such person's ordinary place of residence;"
- (r) by the substitution for the definition of "political party" of the following definition:
"political party" means a political party registered in
- 45 terms of the provisions of section 36 as a political party, and, in so far as a provision in which it is used is applied with respect to—
- 50 (a) the House of Assembly or a provincial council or a White person, means a political party registered as aforesaid for purposes of elections for the House of Assembly or a provincial council;
- (b) the House of Representatives or a Coloured person, means a political party registered as aforesaid for purposes of elections for the House of Rep-
- 55 resentatives; or
- (c) the House of Delegates or an Indian, means a political party registered as aforesaid for purposes of elections for the House of Delegates;"
- 60 (s) by the insertion after the definition of "polling day" of the following definition:
"population register" means the register referred to in
- 65 section 2 of the Population Registration Act, 1950;"
- (t) by the substitution for paragraph (c) of the definition of "presiding officer for absent votes" of the following paragraph:

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- (c) die Raad van Afgevaardigdes of 'n Indiër, 'n politieke party wat geregistreer is soos voormeld vir doeleindes van verkiesings vir die Raad van Afgevaardigdes;";
- (r) deur die omskrywing van "registreer" te skrap; 5
- (s) deur voor die omskrywing van "regterlike amp" die volgende omskrywing in te voeg:
" 'registrasie' die opneem van die naam en besonderhede van iemand in 'n kieserslys ingevolge hierdie Wet; en het "geregistreer" 'n ooreenstemmende 10 betekenis;";
- (t) deur na die omskrywing van "stemdag" die volgende omskrywing in te voeg:
" 'streekverteenwoordiger' 'n beampte in die Departement van Binnelandse Aangeleenthede wat die 15 amp van streekverteenwoordiger beklee;";
- (u) deur die omskrywing van 'verkiesing' deur die volgende omskrywing te vervang:
" 'verkiesing' 'n verkiesing van 'n lid van **[die Volksraad]** 'n Huis van die Parlement of van 'n lid van 20 'n provinsiale raad;";
- (v) deur die omskrywing van "verkiesingsbeampte" deur die volgende omskrywing te vervang:
" 'verkiesingsbeampte' 'n verkiesingsbeampte **[aangestel kragtens]** bedoel in artikel **[5 (b)] 5 (2);**"; 25
- (w) deur die omskrywing van 'volwasse persoon' deur die volgende omskrywing te vervang:
" 'volwasse persoon' **[ook 'n blanke]** iemand wat agtien jaar oud of ouer is;";
- (x) deur paragraaf (c) van die omskrywing van "voorsittende beampte vir stemme van afwesiges" deur die volgende paragraaf te vervang:
" (c) 'n **[senator, Volksraadslid]** lid van 'n Huis van die Parlement of 'n lid van 'n provinsiale raad; en";
- (y) deur aan die end van paragraaf (a) van die omskrywing 35 van "voorsittende beampte vir stemme van spesiale kiesers" die woord "en" te skrap en die volgende paragrafe by daardie omskrywing te voeg:
" (c) met betrekking tot 'n kieser wat iemand bedoel in 40 artikel 1 (4) (d) van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), is, die senior beampte van die Republiek gestasioneer op die plek buite die Republiek waar so 'n kieser in diens of woonagtig is, en ook iemand deur die senior beampte vir dié doel aangewys; en 45
- (d) met betrekking tot 'n kieser bedoel in artikel 47 (2) (b), iemand deur die hoofverkiesingsbeampte vir dié doel aangewys, en ook iemand anders deur so iemand, indien deur die hoofverkiesingsbeampte daartoe gemagtig, vir dié doel 50 aangewys;";
- (z) deur die omskrywing van "werklik sy verblyf in daardie afdeling gehad het" te skrap; en
- (aa) deur in die Engelse teks die omskrywing van "Constitution Act" te skrap. 55

Vervanging van
artikel 2 van
Wet 45 van 1979,
soos gewysig deur
artikel 2 van
Wet 42 van 1984.

9. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

2. **[(1)]** Die bepalings van hierdie Wet is van toepassing ten opsigte van verkiesings van lede van die **[Volksraad]** Huise van die Parlement en die provinsiale rade en ten opsigte van die registrasie van kiesers vir sodanige verkiesings.

[(2)] Die bepalings van hierdie Wet, behalwe vir sover hulle op afwesige kiesers betrekking het, is be-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- “(c) a [senator] member of [the House of Assembly]
a House of Parliament or a member of a provincial
council; and”;
- (u) by the deletion at the end of paragraph (a) of the de-
5 finition of “presiding officer for votes of special voters”
of the word “and” and the addition to that definition of
the following paragraphs:
- “(c) in relation to a voter who is a person referred to in
10 section 1 (4) (d) of the Population Registration
Act, 1950 (Act No. 30 of 1950), means the senior
officer of the Republic stationed at the place out-
side the Republic where such voter is employed or
resident, and includes any person designated for
15 such purpose by such senior officer; and
- (d) in relation to a voter referred to in section 47 (2)
(b), means any person designated for such purpose
by the chief electoral officer, and includes any
other person designated for such purpose by such
20 person if authorized thereto by the chief electoral
officer;”;
- (v) by the substitution for the definition of “qualified” and
“qualification” of the following definition:
“‘qualified’ or ‘qualification’ in relation to the regis-
25 tration of any person, means qualified [in terms of
this Act] to be a voter or qualification [in terms of
this Act] as a voter; and ‘disqualified’ or ‘disquali-
fication’ has a converse meaning;”;
- (w) by the insertion after the definition of “qualified” and
“qualification” of the following definition:
30 “‘regional representative’ means an officer in the De-
partment of Internal Affairs occupying the office
of regional representative;”;
- (x) by the deletion of the definition of “qualified by resi-
dence”;
- 35 (y) by the deletion of the definition of “register”;
- (z) by the insertion before the definition of “returning
officer” of the following definition:
“‘registration’ means the inclusion of a person’s name
40 and particulars in a voters’ list in terms of this Act;
and ‘registered’ has a corresponding meaning;”;
- (aa) by the substitution for the definition of “voter” of the
following definition:
“‘voter’ means a person whose name is included in a
45 voters’ list prepared in terms of this Act, and, in
relation to a division of a House of Parliament or
of a provincial council or the election of a member
of a House of Parliament or of a provincial council
in a division thereof, means a person whose name
50 is included in such a voters’ list for the division
concerned or the voters’ list which is in terms of
this Act required to be used at such election, as
the case may be;”;
- (bb) by the substitution for the definition of “white person”
of the following definition:
55 “‘White person’ means a White person as defined in
section 100 of the Constitution;”;
- (cc) by the deletion in the Afrikaans text of the definition of
“persoonsnommer”.

9. The following section is hereby substituted for section 2 of
60 the principal Act:

“Application of Act. 2. [(1)] The provisions of this Act shall apply in re-
spect of elections of members of the [House of As-
sembly] Houses of Parliament and [of] the provin-
65 cial councils and in respect of the registration of
voters for such elections.

[(2) The provisions of this Act, save in so far as
they relate to absent voters, shall, subject to section 2.

Substitution of
section 2 of
Act 45 of 1979,
as amended by
section 2 of
Act 42 of 1984.

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Vervanging van
artikel 3 van
Wet 45 van 1979.

10. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

3. Elke Blanke, Kleurling en Indiër bedoel in artikel 52 van die Grondwet is geregtig om as 'n kieser geregistreer te word—

- (a) in die geval van 'n Blanke, in die afdeling van die Volksraad en in die afdeling van die provinsiale raad; 15
- (b) in die geval van 'n Kleurling, in die afdeling van die Raad van Verteenwoordigers; en
- (c) in die geval van 'n Indiër, in die afdeling van die Raad van Afgevaardigdes, 20
- waarin sy gewone verblyfplek geleë is en in daardie afdeling geregistreer te bly solank sy gewone verblyfplek in daardie afdeling geleë is, en om by nakoming van en behoudens die bepalings van hierdie Wet te stem by 'n verkiesing van 'n lid van die betrokke Huis, en, in die geval van 'n Blanke, ook van 'n lid van die betrokke provinsiale raad, in die afdeling daarvan waarin hy aldus geregistreer is.''. 25

Wysiging van
artikel 4 van
Wet 45 van 1979.

11. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang: 30
- “(iii) aan ’n misdryf ingevolge die Wet op Binnelandse Veiligheid, **[1950 (Wet No. 44 van 1950), of die Wet op Terrorisme, 1967 (Wet No. 83 van 1967)]** 1982 (Wet No. 74 van 1982), of, in die geval van bedoelde onafhanklike Staat, aan ’n misdryf ingevolge ’n wet wat in daardie Staat van toepassing is en die bekampings van kommunisme of terrorisme ten doel het, ten opsigte waarvan hy gevonnis is tot ’n tydperk van gevangenisstraf sonder die keuse van ’n boete; of”; 40
- (b) deur na paragraaf (b) van subartikel (1) die volgende paragraaf in te voeg: 40
- “(bA) indien sy gewone verblyfplek nie op ’n plek binne die Republiek geleë is nie;”; 40
- (c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 45
- “(c) indien ’n identiteitsdokument nie **[ingevolge die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), of die Wet op Identiteitsdokumente in Suidwes-Afrika, 1970 (Wet No. 37 van 1970),]** aan hom uitgereik is nie: Met dien verstande dat hierdie paragraaf nie iemand belet om as kieser geregistreer te word of om te stem in die afdeling waarin sy gewone verblyfplek geleë is nie, mits hy die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, oortuig— 55
- (i) dat hy ooreenkomstig die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), om ’n identiteitsdokument aansoek gedoen het; of 60
- (ii) dat hy volgens ’n kieserslys wat van krag was onmiddellik voor die inwerkingtreding van hierdie paragraaf as kieser by daardie verblyfplek geregistreer was.”; en
- (d) deur na subartikel (3) die volgende subartikel in te voeg: 65

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

5 of the Electoral Act Amendment Act, 1984, apply in respect of the first general election of members of the House of Representatives and the first general election of members of the House of Delegates and in respect of the registration of voters for such general election.]”.

10. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 45 of 1979.

“Persons entitled to be registered and to vote. **“3. Every White person, Coloured person and Indian referred to in section 52 of the Constitution shall be entitled to be registered as a voter—**
 10 (a) in the case of a White person, in the division of the House of Assembly and in the division of the provincial council;
 15 (b) in the case of a Coloured person, in the division of the House of Representatives; and
 (c) in the case of an Indian, in the division of the House of Delegates,
 20 in which his ordinary place of residence is situated and to remain registered as a voter in that division as long as his ordinary place of residence is situated in that division, and, on compliance with and subject to the provisions of this Act, to vote at an election of a member of the House concerned, and, in the case of
 25 a White person, also of a member of the provincial council concerned, in the division thereof in which he is so registered.”

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

Amendment of section 4 of Act 45 of 1979.

30 (a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:
 “(iii) of an offence under the Internal Security Act, **[1950 (Act No. 44 of 1950), or the Terrorism Act, 1967 (Act No. 83 of 1967)]** 1982 (Act No. 74 of
 35 1982), or, in the case of the said independent State, of an offence under any law which is applicable in that State and which has as its object the combating of communism or terrorism, in respect of which he has been sentenced to a period of imprisonment without the option of a fine; or”;
 40 (b) by the insertion after paragraph (b) of subsection (1) of the following paragraph:
 “(bA) if his ordinary place of residence is not situated at a place within the Republic;”;
 45 (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
 “(c) if an identity document has not been issued to him **[in terms of the Population Registration Act, 1950 (Act No. 30 of 1950), or the Identity Documents in South-West Africa Act, 1970 (Act No. 37 of 1970)]**:
 50 Provided that this paragraph shall not prevent any person from being registered as a voter or from voting in the division in which his ordinary place of residence is situated, provided he satisfies the electoral officer for the area in which that division is situated—
 55 (i) that he has applied for an identity document in accordance with the Population Registration Act, 1950 (Act No. 30 of 1950); or
 60 (ii) that he was registered as a voter at that place of residence according to a voters’ list which was in force immediately before the commencement of this paragraph.”; and
 (d) by the insertion after subsection (3) of the following subsection:

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

“(3A) Paragraaf (ii) van die voorbehoudsbepaling by paragraaf (c) van subartikel (1) verval onmiddellik na ’n algemene verkiesing vir die Huise van die Parlement gehou ingevolge die eerste ontbinding van die Parlement kragtens artikel 47 (1) van die Grondwet.”.

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Vervanging van
artikel 5 van
Wet 45 van 1979.

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

“Verkiesings-
beampes.

5. (1) (a) Die Direkteur-generaal: Binnelandse

Aangeleenthede of ’n beampte wat in sy amp waarneem, is die hoofverkiesingsbeampte.

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(b) Die hoofverkiesingsbeampte verrig die werksaamhede wat by of kragtens hierdie Wet aan hom opgedra word.

(2) (a) Die hoofverkiesingsbeampte moet die Republiek indeel—

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(i) in gebiede wat uit een of meer afdelings van die Volksraad bestaan;

(ii) in gebiede wat uit een of meer afdelings van die Raad van Verteenwoordigers bestaan;

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en
(iii) in gebiede wat uit een of meer afdelings van die Raad van Afgevaardigdes bestaan,

en ten opsigte van elke gebied ’n streekverteenwoordiger as verkiesingsbeampte vir daardie gebied aanwys: Met dien verstande dat dieselfde persoon as verkiesingsbeampte aangewys kan word vir ’n gebied bedoel in subparagraaf (i), ’n gebied bedoel in subparagraaf (ii) en ’n gebied bedoel in subparagraaf (iii).

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(b) ’n Verkiesingsbeampte verrig ten opsigte van sy gebied of gebiede die werksaamhede wat by of kragtens hierdie Wet of deur die hoofverkiesingsbeampte aan hom opgedra word.

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(c) Indien na ’n herafbakening van afdelings maar voor die inwerkingtreding van daardie herafbakening ingevolge artikel 51 van die Grondwet of artikel 69 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), die gebied of ’n gebied van ’n verkiesingsbeampte verander word ten einde die verkiesingsbeampte in staat te stel om sy pligte kragtens artikels 14 en 20 met betrekking tot ’n kieserslys opgestel ingevolge artikel 7 (1) uit te voer, raak daardie verandering nie sy bevoegdheid om in die betrokke gebied soos dit voor die verandering bestaan het, ’n werksaamheid ingevolge hierdie Wet te verrig met betrekking tot die aanvulling van ’n tussentydse vakature in die omstandighede in artikel 26 beoog nie.

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(d) Wanneer ’n verkiesingsbeampte afwesig is of nie in staat is om sy werksaamhede as verkiesingsbeampte te verrig nie, of wanneer die aanwysing van ’n verkiesingsbeampte hangende is, kan die hoofverkiesingsbeampte ’n beampte wat by die Departement van Binnelandse Aangeleenthede in diens is, aanwys om gedurende die afwesigheid of onvermoë van die verkiesingsbeampte of totdat ’n verkiesingsbeampte aangewys word, as verkiesingsbeampte in die betrokke gebied of gebiede waar te neem.”.

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Vervanging van
artikel 6 van
Wet 45 van 1979.

13. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

“Opstel van
kieserslyste.

6. (1) So gou doenlik na die inwerkingtreding van artikel 13 van die Wysigingswet op Bevolkingsregistrasie en Verkiesings, 1984, laat die hoofverkiesingsbeampte uit die bevolkingsregister ten op-

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POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

“(3A) Paragraph (ii) of the proviso to paragraph (c) of subsection (1) shall lapse immediately after a general election for the Houses of Parliament held in pursuance of the first dissolution of Parliament under section 47(1) of the Constitution.”.

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

Substitution of section 5 of Act 45 of 1979.

“Electoral officers. 5. (1) (a) The Director-General: Internal Affairs or any officer acting in his stead shall be the chief electoral officer.

(b) The chief electoral officer shall perform the functions assigned to him by or under this Act.

(2) (a) The chief electoral officer shall divide the Republic—

(i) into areas consisting of one or more divisions of the House of Assembly;

(ii) into areas consisting of one or more divisions of the House of Representatives; and

(iii) into areas consisting of one or more divisions of the House of Delegates,

and designate in respect of each area a regional representative as electoral officer for that area: Provided that the same person may be designated electoral officer for an area referred to in subparagraph (i), an area referred to in subparagraph (ii) and an area referred to in subparagraph (iii).

(b) An electoral officer shall in respect of his area or areas perform the functions assigned to him by or under this Act or by the chief electoral officer.

(c) If after a redelimitation of divisions but before that redelimitation comes into operation in terms of section 51 of the Constitution or section 69 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961), the area or an area of an electoral officer is altered to enable such electoral officer to carry out his duties under sections 14 and 20 with respect to a voters' list prepared in terms of section 7 (1), that alteration shall not affect his competence to perform in the area concerned as it existed before such alteration a function in terms of this Act in relation to the filling of a casual vacancy in the circumstances contemplated in section 26.

(d) Whenever an electoral officer is absent or unable to perform his functions as electoral officer, or whenever the designation of an electoral officer is pending, the chief electoral officer may designate any officer serving in the Department of Internal Affairs to act in the area or areas concerned as electoral officer during such electoral officer's absence or incapacity or until an electoral officer is designated.”.

13. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 45 of 1979.

“Preparation of voters' lists. 6. (1) As soon as may be practicable after the commencement of section 13 of the Population Registration and Elections Amendment Act, 1984, the chief electoral officer shall cause to be prepared from the

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

sigte van elke afdeling van elke Huis van die Parlement en, behoudens subartikel (2), ten opsigte van elke afdeling van elke provinsiale raad 'n lys opstel van persone wat by daardie inwerkingtreding geregtig is om ten opsigte van 'n verkiesing van 'n lid van die betrokke Huis of provinsiale raad as kiesers in daardie afdeling geregistreer te word.

(2) 'n Kieserslys ingevolge subartikel (1) vir 'n afdeling van die Volksraad opgestel, is ook die kieserslys vir die ooreenstemmende afdeling van 'n provinsiale raad: Met dien verstande dat indien 'n afdeling van die Volksraad ingevolge die voorbehoudsbepaling by artikel 69 (1) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), in twee afdelings van die provinsiale raad verdeel is, die hoofverkiesingsbeampte of 'n afsonderlike kieserslys vir elkeen van bedoelde twee afdelings van die provinsiale raad ooreenkomstig subartikel (1) moet laat opstel of die kieserslys vir die betrokke afdeling van die Volksraad in twee dele moet laat verdeel en so moet laat opstel dat die een deel daarvan die name van die kiesers bevat wat geregtig is op registrasie in een van bedoelde twee afdelings en die ander deel die name van die kiesers bevat wat geregtig is op registrasie in die ander van bedoelde twee afdelings.

(3) Die kieserslyste ingevolge subartikel (1) opgestel, word van krag op 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal, maar nie voor die verstryking van 60 dae vanaf die datum waarop die kennisgewing in die *Staatskoerant* verskyn nie.

(4) Voordat bedoelde kieserslyste ingevolge subartikel (3) van krag word, moet die verkiesingsbeampte 'n eksemplaar van die kieserslys vir elke afdeling van elke Huis van die Parlement of provinsiale raad in sy gebied—

(a) kosteloos verstrek aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir daardie Huis of die provinsiale rade geregistreer is; en

(b) vir 'n tydperk van minstens sewe dae in sy kantoor en in die kantoor van die landdros van die distrik waarin daardie afdeling of enige gedeelte van daardie afdeling geleë is en by die ander plek of plekke wat die verkiesingsbeampte bepaal, kosteloos beskikbaar stel vir insae deur lede van die publiek.

(5) Die bepalinge van artikel 20 (2) is *mutatis mutandis* van toepassing ten opsigte van 'n kieserslys wat ingevolge subartikel (4) (b) vir insae beskikbaar gestel is.”

Vervanging van
artikel 7 van
Wet 45 van 1979.

14. Artikel 7 van die Hoofwet word hierby deur die volgende artikel vervang:

“Opstel van
kieserslyste
na herafbake-
ning van
afdelings.

7. (1) So gou doenlik na die datum van publikasie van 'n proklamasie kragtens artikel 50 (3) van die Grondwet met betrekking tot 'n herafbakening van afdelings van 'n Huis van die Parlement, of, indien daardie Huis die Volksraad is, van afdelings van die Volksraad en die provinsiale rade, laat die hoofverkiesingsbeampte uit die bevolkingsregister ten opsigte van elke afdeling van die betrokke Huis of, behoudens subartikel (2), ten opsigte van elke afdeling van 'n provinsiale raad, na gelang van die geval, deur daardie herafbakening vasgestel en wat nie 'n afdeling is waarvan die grense onveranderd gelaat is nie, 'n lys opstel van persone wat soos op daardie datum en asof die herafbakening op daardie datum in werking getree het, geregtig is om ten opsigte van die verkiesing van 'n lid van die betrokke Huis of provinsiale raad as kiesers in daardie afdeling geregistreer te word.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

population register in respect of each division of each House of Parliament and, subject to subsection (2), in respect of each division of each provincial council, a list of persons who at the said commencement are entitled to be registered in that division as voters in respect of an election of a member of the House or provincial council concerned.

(2) A voters' list prepared in terms of subsection (1) for a division of the House of Assembly, shall also be the voters' list for the corresponding division of a provincial council: Provided that if a division of the House of Assembly is divided into two divisions of the provincial council in terms of the proviso to section 69 (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961), the chief electoral officer shall either cause a separate voters' list to be prepared in accordance with subsection (1) for each of the said two divisions of the provincial council or cause the voters' list for the relevant division of the House of Assembly to be divided into two parts and cause it to be prepared so that the one part thereof contains the names of voters who are entitled to registration in one of the said two divisions and the other part contains the names of the voters entitled to registration in the other of the said two divisions.

(3) The voters' lists prepared in terms of subsection (1), shall come into force on a date fixed by the Minister by notice in the *Gazette*, but not before the expiry of 60 days from the date on which the notice is published in the *Gazette*.

(4) Before the said voters' lists come into force in terms of subsection (3), the electoral officer shall—

(a) furnish a copy of the voters' list for each division of each House of Parliament or provincial council in his area free of charge to the authorized representative of each political party registered in respect of elections for that House or the provincial councils; and

(b) make a copy of the voters' list for each such division available for a period of at least seven days in his office and in the office of the magistrate of the district in which that division or any part of that division is situated and at such other place or places as may be determined by the electoral officer, for inspection free of charge by members of the public.

(5) The provisions of section 20 (2) shall apply *mutatis mutandis* in respect of a voters' list which in terms of subsection (4) (b) is made available for inspection."

14. The following section is hereby substituted for section 7 of the principal Act:

Substitution of
section 7 of
Act 45 of 1979.

"Preparation
of voters' lists
after re-
delimitation of
divisions.

7. (1) As soon as may be practicable after the date of publication of a proclamation under section 50 (3) of the Constitution relating to a redelimitation of divisions of a House of Parliament, or, if that House is the House of Assembly, of divisions of the House of Assembly and the provincial councils, the chief electoral officer shall cause to be prepared from the population register in respect of each division of the House concerned or, subject to subsection (2), in respect of each division of a provincial council, as the case may be, established by that redelimitation and which is not a division the boundaries of which were left unaltered, a list of persons who as at that date and as if such redelimitation came into operation on that date, are entitled to be registered in that division as voters in respect of an election of a member of the House or provincial council concerned.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

(2) 'n Kieserslys ingevolge subartikel (1) vir 'n afdeling van die Volksraad opgestel, is ook die kieserslys vir die ooreenstemmende afdeling van 'n provinsiale raad: Met dien verstande dat indien 'n afdeling van die Volksraad waarvoor 'n kieserslys ingevolge subartikel (1) opgestel is ingevolge die voorbehoudsbepaling by artikel 69 (1) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), in twee afdelings van die provinsiale raad verdeel is, die hoofverkiesingsbeampte of 'n afsonderlike kieserslys vir elkeen van bedoelde twee afdelings van die provinsiale raad ooreenkomstig subartikel (1) moet laat opstel of die kieserslys vir die betrokke afdeling van die Volksraad in twee dele moet laat verdeel en so moet laat opstel dat die een deel daarvan die name van die kiesers bevat wat geregtig is op registrasie in een van bedoelde twee afdelings en die ander deel die name van die kiesers bevat wat geregtig is op registrasie in die ander van bedoelde twee afdelings.

(3) Die kieserslyste ingevolge subartikel (1) na 'n bepaalde herafbakening van afdelings opgestel, word van krag op 'n datum wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

(4) Vanaf die datum waarop die kieserslyste van krag word wat ingevolge subartikel (1) ná 'n bepaalde herafbakening van afdelings opgestel is, vervalt die kieserslyste, behoudens die bepalings van artikel 26, van die afdelings wat as gevolg van daardie herafbakening weggeval het of waarvan die grense deur daardie herafbakening verander is."

Herroeping van artikels 8, 9, 10, 11 en 12 van Wet 45 van 1979.

15. Artikels 8, 9, 10, 11 en 12 van die Hoofwet word hierby herroep.

Wysiging van artikel 13 van Wet 45 van 1979.

16. Artikel 13 van die Hoofwet word hierby gewysig—

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

"(d) sy woonadres en posadres; en";

(b) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

"(e) indien 'n identiteitsdokument aan hom uitgereik is, sy identiteitsnommer,"; en

(c) deur subartikel (3) te skrap.

Vervanging van artikel 14 van Wet 45 van 1979.

17. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

"Wysiging van kieserslyste.

14. 'n Verkiesingsbeampte moet van tyd tot tyd

soos deur die hoofverkiesingsbeampte vereis 'n kieserslys wat ingevolge artikel 6 of 7 ten opsigte van 'n afdeling in sy gebied opgestel en van krag is, met die bevolkingsregister vergelyk en daardie lys onverwyld wysig deur—

(a) die naam en besonderhede by te voeg van 'n persoon—

(i) wat te eniger tyd na die datum ten opsigte waarvan daardie lys opgestel of, na gelang van die geval, waarop die lys laas ingevolge hierdie artikel gewysig is, op registrasie as 'n kieser in daardie afdeling geregtig geword het; of

(ii) wie se naam foutiewelik of strydig met die bepalings van hierdie Wet uit die lys wegelaat of verwyder is;

(b) die naam en besonderhede te verwyder van 'n persoon—

(i) wat sedert sy naam in die lys opgeneem is, oorlede is of opgehou het om op registrasie

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

(2) A voters' list prepared in terms of subsection (1) for a division of the House of Assembly, shall also be the voters' list for the corresponding division of a provincial council: Provided that if a division of the House of Assembly for which a voters' list was prepared in terms of subsection (1) is divided into two divisions of the provincial council in terms of the proviso to section 69 (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961), the chief electoral officer shall either cause a separate voters' list to be prepared in accordance with subsection (1) for each of the said two divisions of the provincial council or cause the voters' list for the relevant division of the House of Assembly to be divided into two parts and cause it to be prepared so that the one part thereof contains the names of the voters who are entitled to registration in one of the said two divisions and the other part contains the names of the voters entitled to registration in the other of the said two divisions.

(3) The voters' lists prepared in terms of subsection (1) after any particular redelimitation of divisions, shall come into force on a date fixed by the Minister by notice in the *Gazette*.

(4) As from the date on which the voters' lists prepared in terms of subsection (1) after any particular redelimitation of divisions come into force, the voters' lists of those divisions which as a result of that redelimitation have fallen away or the boundaries of which were altered by that redelimitation, shall lapse, subject to the provisions of section 26."

15. Section 8, 9, 10, 11 and 12 of the principal Act are hereby repealed.

Repeal of sections 8, 9, 10, 11 and 12 of Act 45 of 1979.

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

Amendment of section 13 of Act 45 of 1979.

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

"(d) his residential address and postal address; and";

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

"(e) if an identity document has been issued to him, his identity number,"; and

(c) by the deletion of subsection (3).

17. The following section is hereby substituted for section 14 of the principal Act:

Substitution of section 14 of Act 45 of 1979.

14. An electoral officer shall from time to time as may be required by the chief electoral officer compare a voters' list prepared in terms of section 6 or 7 in respect of a division in his area and which is in force, with the population register and shall forthwith amend that list by—

(a) adding the name and particulars of any person—

(i) who at any time after the date in respect of which that list was prepared or, as the case may be, on which the list was last amended in terms of this section, became entitled to registration as a voter in that division; or

(ii) whose name was erroneously or contrary to the provisions of this Act omitted or removed from the list;

(b) removing the name and particulars of any person—

(i) who since his name was included in the list, has died or has ceased to be entitled to

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- as 'n kieser of op registrasie as 'n kieser in daardie afdeling geregtig te wees; of;
- (ii) wie se naam foutiewelik of strydig met die bepalings van hierdie Wet in die lys opgeneem is; 5
- (c) die naam en besonderhede van 'n persoon wie se naam foutiewelik of strydig met die bepalings van hierdie Wet in die lys onder 'n bepaalde stembdistrik opgeneem is, na die gepaste stembdistrik oor te plaas; 10
- (d) 'n fout op die lys in die naam of besonderhede van iemand te verbeter, iets wat in so 'n naam of besonderhede weggelaat is, aan te vul of 'n verandering in so 'n naam of besonderhede aan te teken; of 15
- (e) 'n oortollige inskrywing in die lys te verwyder waar die naam van dieselfde persoon meer as een keer in daardie lys verskyn."

Herroeping van
artikel 15 van
Wet 45 van 1979.

18. Artikel 15 van die Hoofwet word hierby herroep.

Wysiging van
artikel 16 van
Wet 45 van 1979.

19. Artikel 16 van die Hoofwet word hierby gewysig— 20

- (a) deur subartikel (1) te skrap;
- (b) deur in paragraaf (a) van subartikel (3) die woorde "blanke Suid-Afrikaanse burger" deur die woorde "Blanke, Kleurling of Indiër wat 'n Suid-Afrikaanse burger is en" te vervang; en 25
- (c) deur in paragraaf (b) van subartikel (3) die woord "blanke" deur die woorde "Blanke, Kleurling of Indiër" te vervang.

Herroeping van
artikels 17 en 18
van
Wet 45 van 1979.

20. Artikels 17 en 18 van die Hoofwet word hierby herroep.

Vervanging van
artikel 19 van
Wet 45 van 1979.

21. Artikel 19 van die Hoofwet word hierby deur die volgende 30
artikel vervang:

"Verstreking van sekere besonderhede aan politieke partye.

19. Die hoofverkiesingsbeampte verstrek binne 21 dae na die einde van elke maand aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes geregistreer is, ten opsigte van elke afdeling die naam en woonadres en identiteitsnommer van onderskeidelik elke Blanke, Kleurling of Indiër wat 18 jaar oud of ouer is en wie se naam gedurende daardie maand in die bevolkingsregister opgeneem of uit die bevolkingsregister verwyder is of ten opsigte van wie gedurende daardie maand 'n aantekening van verandering van gewone verblyfplek in die bevolkingsregister gemaak is, asook die naam van die afdeling en die nommer van die stembdistrik waarin daardie persoon ná sodanige opname of ná sodanige verandering van gewone verblyfplek as 'n kieser geregistreer is of moet word of ná sodanige verwydering van sy naam opgehou het of sal ophou om as 'n kieser geregistreer te wees, na gelang van die geval."

Vervanging van
artikel 20 van
Wet 45 van 1979.

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

"Insaë in kieserslyste.

20. (1) 'n Verkiesingsbeampte moet binne 30 dae 55 na 'n datum van tyd tot tyd deur die hoofverkiesingsbeampte of die Minister bepaal, 'n eksemplaar van die kieserslys vir elke afdeling van elke Huis van die Parlement of provinsiale raad in sy gebied, soos gewysig tot en met die datum aldus bepaal— 60

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- 5 registration as a voter or has ceased to be
entitled to registration as a voter in that
division; or
- (ii) whose name was erroneously or contrary to
the provisions of this Act included in the
list;
- (c) transferring the name and particulars of any per-
son whose name was erroneously or contrary to
the provisions of this Act included in the list
under any particular polling district, to the ap-
propriate polling district;
- (d) correcting any error on the list in the name or
particulars of a person, supplying any omission
in such a name or particulars or recording any
change in such name or particulars; or
- (e) removing any superfluous entry in the list where
the name of the same person appears more than
once in that list."

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

Repeal of
section 15 of
Act 45 of 1979.

19. Section 16 of the principal Act is hereby amended.

Amendment of
section 16 of
Act 45 of 1979.

- (a) by the deletion of subsection (1);
- (b) by the substitution in paragraph (a) of subsection (3)
for the words "white person" of the words "White per-
son, a Coloured person or an Indian"; and
- (c) by the substitution in paragraph (b) of subsection (3)
for the words "white person" of the words "White per-
son, Coloured person or Indian".

20. Sections 17 and 18 of the principal Act are hereby re-
pealed.Repeal of sections
17 and 18 of
Act 45 of 1979.21. The following section is hereby substituted for section 19
of the principal Act:Substitution of
section 19 of
Act 45 of 1979.

- "Furnishing
of certain
particulars to
political par-
ties.
19. The chief electoral officer shall within 21 days
of the end of each month furnish the authorized rep-
resentative of each political party registered in re-
spect of elections for the House of Assembly, the
House of Representatives or the House of Del-
egates, in respect of each division with the name and
residential address and identity number of each
White person, Coloured person or Indian, respect-
ively, who is of or over the age of 18 years and whose
name was included in or removed from the popu-
lation register during that month or in respect of
whom a change in ordinary place of residence was re-
corded in the population register during that month,
and also with the name of the division and the num-
ber of the polling district in which that person after
such inclusion of his name or after such change in or-
dinary place of residence was or is to be registered as
a voter or after such removal of his name ceased or
will cease to be registered as a voter, as the case may
be."

22. The following section is hereby substituted for section 20
of the principal Act:Substitution of
section 20 of
Act 45 of 1979.

- "Inspection
of voters'
lists.
20. (1) An electoral officer shall within 30 days
after a date determined from time to time by the
chief electoral officer or the Minister—

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- (a) kosteloos verstrek aan die gemagtigde verteenwoordiger van elke politieke party wat ten opsigte van verkiesings vir daardie Huis of die provinsiale rade geregistreer is; en
- (b) vir 'n tydperk van minstens sewe dae in sy kantoor en in die kantoor van die landdros van die distrik waarin daardie afdeling of enige gedeelte van daardie afdeling geleë is en by die ander plek of plekke wat die verkiesingsbeampte bepaal, kosteloos beskikbaar stel vir insae deur lede van die publiek.
- (2) Terwyl 'n kieserslys vir insae ingevolge subartikel (1) beskikbaar is, het enigiemand die reg om op eie koste 'n afskrif daarvan of 'n uittreksel daaruit te maak by die plek waar die lys aldus beskikbaar gestel word.
- (3) 'n Verkiesingsbeampte moet op versoek van enigiemand gratis aan so iemand besonderhede verstrek betreffende die registrasie van 'n kieser wat in 'n afdeling in sy gebied geregistreer is."

Wysiging van
artikel 21 van
Wet 45 van 1979.

23. Artikel 21 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Enige **[kieser]** persoon kan te eniger tyd beswaar opper teen die opname, nie-opname, behoud, herstel, byvoeging of verwydering van 'n naam in, op of uit 'n kieserslys vir 'n afdeling deur by die verkiesingsbeampte vir die **[betrokke]** gebied waarin daardie afdeling geleë is 'n beswaar in die voorgeskrewe vorm in te lewer.”; en
- (b) deur die volgende subartikel by te voeg:
- “(4) Die verkiesingsbeampte moet iemand wat 'n beswaar kragtens subartikel (1) geopper het en elke persoon wat vertoë in verband met so 'n beswaar kragtens subartikel (2) gerig het, skriftelik van sy besluit betreffende die beswaar in kennis stel.”.

Wysiging van
artikel 22 van
Wet 45 van 1979.

24. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikels te vervang:

- “(1) Iemand wat 'n beswaar kragtens subartikel (1) van artikel 21 geopper het of vertoë in verband met so 'n beswaar kragtens subartikel (2) van daardie artikel gerig het en wat hom veronreg voel deur die verkiesingsbeampte se besluit in verband met die beswaar, kan binne 14 dae nadat hy van die besluit in kennis gestel is by die hoofverkiesingsbeampte appèl teen daardie besluit aanteken, en die hoofverkiesingsbeampte kan na oorweging van die gronde van die appèl, die verkiesingsbeampte se redes vir die besluit en die verdere getuienis wat hy inwin of aan hom voorgelê word, die besluit bekragtig of tersyde stel.
- (1A) 'n Appèl kragtens subartikel (1) aangeteken, moet skriftelik wees en die gronde van die appèl volledig uiteensit.”.

Vervanging van
artikel 24 van
Wet 45 van 1979.

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

- “Druk van kieserslyste vir doeleindes van verkiesings.
24. (1) Nie later nie as 30 dae voordat 'n verkiesing in 'n afdeling gehou moet word, laat die hoofverkiesingsbeampte die kieserslys vir daardie afdeling soos ingevolge artikel 14 gewysig tot en met die dag ingevolge subartikel (2) van hierdie artikel bepaal, vir die doeleindes van daardie verkiesing druk.
- (2) Die dag in subartikel (1) beoog, is, in die geval van 'n algemene verkiesing, die laaste dag van die

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- (a) furnish a copy of the voters' list for each division of each House of Parliament or provincial council in his area, as amended up to and including the date so determined, free of charge to the authorized representative of each political party registered in respect of elections for that House or the provincial councils; and
- (b) make a copy of the voters' list for each such division, as amended up to and including the said date, available for a period of not less than seven days in his office and in the office of the magistrate of the district in which that division or any part of that division is situated and at such other place or places as may be determined by the electoral officer, for inspection free of charge by members of the public.
- (2) During the time which a voters' list is in terms of subsection (1) available for inspection, any person shall be entitled to make, at his own expense, a copy of or an extract from such voters' list at the place where the list is so made available.
- (3) An electoral officer shall on request by any person furnish such person free of charge with particulars regarding the registration of a voter registered in a division in his area."

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

Amendment of
section 21 of
Act 45 of 1979.

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

"(1) The inclusion, non-inclusion or retention of any name in, the restoration or addition of any name to and the removal of any name from a voters' list for a division may be objected to by any **[voter]** person at any time by lodging with the electoral officer for the area **[concerned]** in which that division is situated an objection in the prescribed form."; and

- (b) by the addition of the following subsection:

"(4) The electoral officer shall notify in writing any person who under subsection (1) lodged an objection and any person who under subsection (2) made representations in connection with such objection, of his decision regarding the objection."

24. Section 22 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsections:

Amendment of
section 22 of
Act 45 of 1979.

"(1) Any person who under subsection (1) of section 21 lodged an objection or under subsection (2) of that section made representations in connection with any such objection and who is aggrieved by the electoral officer's decision in connection with such objection, may within 14 days after he has been notified of the decision, appeal against that decision to the chief electoral officer, and the chief electoral officer may after consideration of the grounds of the appeal, the reasons for the electoral officer's decision and such further evidence as may be obtained by or submitted to him, confirm or set aside the decision.

(1A) An appeal lodged under subsection (1) shall be in writing and shall fully set out the grounds of the appeal."

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

Substitution of
section 24 of
Act 45 of 1979.

24. (1) Not later than 30 days before an election is to be held in a division, the chief electoral officer shall cause to be printed for the purposes of that election, the voters' list for that division as amended in terms of section 14 up to and including the day determined in terms of subsection (2) of this section.

(2) The day contemplated in subsection (1) shall, in the case of a general election, be the last day of

"Printing of
voters' lists
for purposes
of elections.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

voorlaaste maand wat die maand voorafgaan waarin die proklamasie kragtens artikel 34 wat op die algemene verkiesing betrekking het, uitgevaardig word en, in die geval van 'n tussenverkiesing, die laaste dag van die maand wat die maand onmiddellik voorafgaan waarin die proklamasie kragtens artikel 110 wat op die verkiesing in die betrokke afdeling betrekking het, uitgevaardig word. 5

(3) Die bepalings van hierdie artikel is nie van toepassing nie op 'n verkiesing in 'n afdeling wat gehou word in die omstandighede in artikel 26 bedoel." 10

Wysiging van
artikel 25 van
Wet 45 van 1979.

26. Artikel 25 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by te voeg:

"Met dien verstande dat die gelde wat voorgeskryf word vir die verkryging van eksemplare van 'n kieserslys deur 'n kandidaat in die betrokke afdeling, die gemagtigde verteenwoordiger van 'n politieke party, 'n Staatsdepartement, 'n statutêre liggaam soos omskryf in artikel 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 Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), kleiner kan wees as die gelde wat voorgeskryf word vir die verkryging van eksemplare van 'n kieserslys deur 'n persoon wat nie so 'n kandidaat, gemagtigde verteenwoordiger, staatsdepartement, statutêre liggaam of instelling is nie." 25

Invoeging van
artikels 25A
en 25B in
Wet 45 van 1979.

27. Die volgende artikels word hierby in die Hoofwet na artikel 25 ingevoeg:

"Aanpassing
van gedrukte
kieserslyste.

25A. (1) 'n Kieserslys wat ingevolge artikel 24 (1) gedruk is vir die doeleindes van 'n verkiesing in 'n afdeling (hieronder die gedrukte kieserslys genoem), 30 moet deur die verkiesingsbeampte vir die gebied waarin daardie afdeling geleë is, behoudens die bepalings van subartikel (2) van hierdie artikel, aangepas word met elke wysiging wat, gedurende die tydperk vanaf die dag bepaal volgens artikel 24 (2) tot en met die sewende dag voor die dag waarop die verkiesing in daardie afdeling gehou moet word, ingevolge artikel 14 in die kieserslys vir daardie afdeling (hieronder die hoofkieserslys genoem) aangebring word. 40

(2) Die gedrukte kieserslys vir 'n afdeling word nie ingevolge subartikel (1) aangepas nie met 'n wysiging waardeur—

(a) die naam en besonderhede van iemand wat na die datum bepaal volgens artikel 24 (2) geregtig 45 geword het op registrasie as 'n kieser in daardie afdeling, in die hoofkieserslys vir daardie afdeling bygevoeg is; of

(b) die naam en besonderhede van iemand wat na bedoelde datum as gevolg van 'n verandering 50 van sy gewone verblyfplek opgehou het om op registrasie as 'n kieser in daardie afdeling geregtig te wees, van die hoofkieserslys vir daardie afdeling verwyder is.

(3) 'n Verkiesingsbeampte verstrek so gou doenlik 'n staat bevattende al die aanpassings ingevolge subartikel (1) in 'n gedrukte kieserslys aangebring aan—

(a) die persoon wat as kiesbeampte by die verkiesing in die betrokke afdeling aangestel is;

(b) die persone wat as kandidate by die verkiesing 60 in daardie afdeling benoem is; en

(c) die gemagtigde verteenwoordiger van elke politieke party wat na die oordeel van die verkiesingsbeampte 'n belang het by die verkiesing in daardie afdeling. 65

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

the penultimate month preceding the month in which the proclamation under section 34 which relates to such general election is issued and, in the case of a by-election, the last day of the month immediately preceding the month in which the proclamation under section 110, which relates to the election in the division concerned is issued.

(3) The provisions of this section shall not apply to an election held in a division in the circumstances referred to in section 26."

26. Section 25 of the principal Act is hereby amended by the addition of the following proviso: Amendment of section 25 of Act 45 of 1979.

"Provided that the fees prescribed for the acquisition of copies of a voters' list by a candidate in the division concerned, the authorized representative of a political party, a State department, a statutory body as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body as contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), may be smaller than the fees prescribed for the acquisition of copies of a voters' list by a person other than such a candidate, authorized representative, State department, statutory body or institution."

27. The following sections are hereby inserted in the principal Act after section 25: Insertion of sections 25A and 25B in Act 45 of 1979.

"Adjustment of printed voters' lists.

25A. (1) A voters' list printed in terms of section 24 (1) for the purposes of an election in a division (hereinafter referred to as the printed voters' list) shall, subject to the provisions of subsection (2) of this section, be adjusted by the electoral officer for the area in which that division is situated in accordance with each amendment which, during the period from the day determined in terms of section 24 (2) up to and including the seventh day before the election in that division is to be held, is in terms of section 14 effected in the voters' list for that division (hereinafter referred to as the principal voters' list).

(2) The printed voters' list for a division shall not be adjusted in terms of subsection (1) in accordance with any amendment whereby—

(a) the name and particulars of a person who after the date determined in terms of section 24 (2) became entitled to registration as a voter in that division, was added to the principal voters' list for that division; or

(b) the name and particulars of a person who after the said date ceased to be entitled to registration as a voter in that division due to a change in his ordinary place of residence, was deleted from the principal voters' list.

(3) An electoral officer shall as soon as may be practicable furnish a statement containing all the adjustments made to a printed voters' list in terms of subsection (1) to—

(a) the person appointed as returning officer at the election in the relevant division;

(b) the persons nominated as candidates at the election in that division; and

(c) the authorized representative of each political party which in the opinion of the electoral officer has an interest in the election in that division.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Finale
kieserslyste
wat vir doel-
eindes van 'n
verkiesing ge-
bruik moet
word.

25B. 'n Kieserslys ingevolge artikel 24 (1) gedruk vir die doeleindes van 'n verkiesing in 'n afdeling of soos daarna ingevolge artikel 25A aangepas of kragtens artikel 30 verbeter, is die finale kieserslys vir daardie verkiesing in daardie afdeling en is, ondanks enige andersluidende bepaling van hierdie Wet maar behoudens artikel 97 (1), afdoende wat die reg betref van elke persoon wie se naam op daardie lys verskyn om sy stem in daardie afdeling uit te bring."

Vervanging van
artikel 26 van
Wet 45 van 1979.

28. Artikel 26 van die Hoofwet word hierby deur die volgende 10 artikel vervang:

"Gebruik van
vorige
kieserslyste
vir doeleindes
van tussen-
verkiesings
na herafba-
kening van
kiesafdelings.

26. (1) Ondanks die bepalings van artikel 7 (4) is 'n kieserslys wat ingevolge daardie artikel na 'n herafbakening van afdelings verval het, die kieserslys wat gedurende die tydperk wat begin op die datum waarop die kieserslys verval het en eindig onmiddellik voor die datum van die eerste algemene verkiesing daarna gehou waarop daardie herafbakening ingevolge artikel 51 van die Grondwet of artikel 69 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), na gelang van die geval, in werking tree, gebruik moet word in enige verkiesing wat gehou word om 'n tussentydse vakature in die afdeling waarvoor daardie kieserslys opgestel is, aan te vul.

(2) Nie later nie as 30 dae voordat 'n verkiesing gehou moet word om 'n tussentydse vakature in 'n afdeling aan te vul in die omstandighede in subartikel (1) bedoel, laat die hoofverkiesingsbeampte bedoelde kieserslys vir die betrokke afdeling soos dit tot en met die dag ingevolge subartikel (3) bepaal, ingevolge artikel 14 gewysig sou gewees het as daardie afdeling nie deur die herafbakening verander was of as gevolg daarvan weggeval het nie en die kieserslys vir daardie afdeling nie verval het nie, vir die doeleindes van die verkiesing druk.

(3) Die dag in subartikel (2) beoog, is die laaste dag van die laaste maand wat die maand voorafgaan waarin die proklamasie kragtens artikel 110 met betrekking tot die betrokke verkiesing uitgevaardig is.

(4) 'n Kieserslys ingevolge subartikel (2) gedruk vir die doeleindes van 'n verkiesing in 'n afdeling of soos daarna kragtens artikel 25A aangepas of kragtens artikel 30 verbeter, is die finale kieserslys vir daardie verkiesing in daardie afdeling en is, ondanks enige andersluidende bepaling van hierdie Wet maar behoudens artikel 97 (1), afdoende wat die reg betref van elke persoon wie se naam op daardie lys verskyn om sy stem in daardie afdeling uit te bring."

Wysiging van
artikel 27 van
Wet 45 van 1979.

29. Artikel 27 van die Hoofwet word hierby gewysig deur in subartikel (2) die uitdrukking "17 (2) en (3), 21 (1), (2) en (3)" deur die uitdrukking "21" te vervang.

Herroeping van
artikels 28 en 29
van
Wet 45 van 1979.

30. Artikels 28 en 29 van die Hoofwet word hierby herroep.

Vervanging van
artikel 30 van
Wet 45 van 1979.

31. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

"Kieserslyste
nie as gevolg
van foute on-
geldig nie.

30. Indien per ongeluk, per abuis of deur onoplettendheid iets wat regtens by die opstel van 'n kieserslys gedoen moet word, verkeerd gedoen word of nie gedoen word nie, maak dit die kieserslys nie ongeldig nie, en kan [die hoofverkiesingsbeampte] 'n verkiesingsbeampte, en moet hy indien deur die hoofverkiesingsbeampte daartoe gelas, te eniger tyd voor vier-uur in die namiddag van die dag voor stemdag

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

Final voters'
lists to be
used for pur-
poses of an
election.

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25B. (1) A voters' list as printed in terms of section 24 (1) for the purposes of an election in a division, or as thereafter adjusted in terms of section 25A or rectified under section 30, shall be the final voters' list for that election in that division and shall notwithstanding any provision to the contrary in this Act contained but subject to section 97 (1), be conclusive as to the right of every person whose name appears on that list, to record his vote in that division."

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28. The following section is hereby substituted for section 26 of the principal Act:

Substitution of
section 26 of
Act 45 of 1979.

"Use of pre-
vious voters'
lists for pur-
poses of by-
elections
after rede-
limitation of
electoral div-
isions.

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26. (1) Notwithstanding the provisions of section 7

(4) a voters' list which after a redelimitation of divisions has lapsed in terms of that section, shall during the period commencing on the date on which such voters' list lapsed and terminating immediately before the date of the first general election held thereafter on which such redelimitation comes into operation in terms of section 51 of the Constitution or section 69 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961), as the case may be, be the voters' list to be used at any election held to fill a casual vacancy in the division for which that voters' list was prepared.

(2) Not later than 30 days before an election is to be held to fill a casual vacancy in a division in the circumstances referred to in subsection (1), the chief electoral officer shall cause to be printed for the purposes of that election the said voters' list for the division concerned as it would have in terms of section 14 been amended up to and including the day determined in terms of subsection (3) had that division not been altered by or not fallen away as a result of the redelimitation and had the voters' list for that division not lapsed.

(3) The day contemplated in subsection (2) shall be the last day of the month preceding the month in which the proclamation under section 110 relating to the relevant election was published.

(4) A voters' list for a division as printed in terms of subsection (2) for the purposes of an election in that division, or as subsequently adjusted under section 25A or rectified under section 30, shall be the final voters' list for that election in that division and shall, notwithstanding any provision to the contrary in this Act contained but subject to section 97 (1), be conclusive as to the right of every person whose name appears on that list, to record his vote in that division."

29. Section 27 of the principal Act is hereby amended by the substitution in subsection (2) for the expression "17 (2) and (3), 21 (1), (2) and (3)" of the expression "21".

Amendment of
section 27 of
Act 45 of 1979.

30. Sections 28 and 29 of the principal Act are hereby repealed.

Repeal of sections
28 and 29 of
Act 45 of 1979.

31. The following section is hereby substituted for section 30 of the principal Act:

Substitution of
section 30 of
Act 45 of 1979.

"Voters' lists
not invali-
dated by
reason of
errors.

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30. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby, and **[the chief]** an electoral officer may, and shall, if ordered by the chief electoral officer to do so, at any time before four o'clock in the afternoon of the day before polling day take or cause to be

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

die stappe doen of laat doen wat nodig is om die fout te verbeter of die versuim te herstel.”.

Herroeping van
artikels 31 en 32
van
Wet 45 van 1979.

32. Artikels 31 en 32 van die Hoofwet word hierby herroep.

Wysiging van
artikel 33 van
Wet 45 van 1979.

33. Artikel 33 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang: 5
“(1) Wanneer ’n proklamasie ingevolge ’n bepaling van
hierdie Hoofstuk uitgevaardig kan of moet word, kan of
moet dit uitgevaardig word deur die Staatspresident **[ongegag
of die aangeleentheid betrekking het op ’n verkiesing van ’n
lid van die Volksraad of van ’n lid van die provinsiale raad 10
van ’n provinsie]**.”.

Wysiging van
artikel 34 van
Wet 45 van 1979.

34. Artikel 34 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver-
vang:

“(1) Wanneer ’n algemene verkiesing vir die Volks- 15
raad en die provinsiale rade of vir die Raad van Ver-
teenwoordigers of vir die Raad van Afgevaardigdes
moet plaasvind, word ’n proklamasie uitgevaardig
waarby—

(a) (i) in die geval van ’n algemene verkiesing vir die 20

Volksraad en die provinsiale rade, ten opsigte
van elke afdeling van die Volksraad ’n dag be-
paal word waarop ’n nominasiehof sitting sal
hou om nominasies van verkiesingskandidate
te ontvang vir die verkiesing van ’n lid van die 25
Volksraad en van ’n lid van die provinsiale
raad vir die afdeling, of, indien so ’n afdeling
van die Volksraad kragtens die bepalings van
artikel 69 (1) van die **[Grondwet] Wet op Pro-
vinsiale Bestuur, 1961 (Wet No. 32 van 1961), 30**
in twee afdelings van die provinsiale raad ver-
deel is, vir die verkiesing van ’n lid van die
Volksraad vir daardie afdeling en van ’n lid
van die provinsiale raad vir elk van bedoelde
twee afdelings van die provinsiale raad, asook 35
die plek waar die nominasiehof sitting sal hou;

(ii) in die geval van ’n algemene verkiesing vir die

Raad van Verteenwoordigers of vir die Raad
van Afgevaardigdes, ten opsigte van elke af-
deling van die betrokke Raad ’n dag bepaal 40
word waarop ’n nominasiehof sitting sal hou
om nominasies van verkiesingskandidate te
ontvang vir die verkiesing van ’n lid van die
betrokke Raad vir daardie afdeling, asook die
plek waar die nominasiehof sitting sal hou; 45

(b) behoudens die bepalings van artikel 47 van die
Grondwet en artikel 69 (3) van die Wet op Provin-
siale Bestuur, 1961 (Wet No. 32 van 1961), die dag
bepaal word waarop, indien ’n stemming om die in
artikel 41 genoemde redes nodig word, die stem- 50
ming ten opsigte van die verkiesing van—

(i) die in paragraaf (a) (i) bedoelde lid van die
Volksraad of lid of lede van die provinsiale
raad of die aldus bedoelde lid van die Volks-
raad en lid of lede van die provinsiale raad; of 55

(ii) die in paragraaf (a) (ii) bedoelde lid van die
Raad van Verteenwoordigers of lid van die
Raad van Afgevaardigdes, na gelang van die
geval,

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

taken such steps as are necessary to rectify the error or omission.”.

32. Sections 31 and 32 of the principal Act are hereby repealed. Repeal of sections 31 and 32 of Act 45 of 1979.

33. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 33 of Act 45 of 1979.

“(1) Whenever under any provision of this Chapter any proclamation may be or is required to be issued, it may be or **[is]** it shall be required to be issued by the State President **[irrespective of whether the matter concerns an election of a member of the House of Assembly or of a member of the provincial council of any province]**.”.

34. Section 34 of the principal Act is hereby amended— Amendment of section 34 of Act 45 of 1979.

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

“(1) Whenever a general election for the House of Assembly and the provincial councils or for the House of Representatives or for the House of Delegates is to take place, a proclamation shall be issued—

(a) (i) in the case of a general election for the House of Assembly and the provincial councils, fixing the day in respect of each division of the House of Assembly on which a nomination court will sit to receive nominations of candidates for the election of a member of the House of Assembly and of a member of the provincial council for the division, or, if such a division of the House of Assembly is divided into two divisions of the provincial council in terms of the provisions of section 69 (1) of the **[Constitution Act] Provincial Government Act, 1961 (Act No. 32 of 1961)**, for the election of a member of the House of Assembly for that division and of a member of the provincial council for each of the said two divisions of the provincial council, and the place at which the nomination court will sit;

(ii) in the case of a general election for the House of Representatives or for the House of Delegates, fixing the day in respect of each division of the House concerned on which a nomination court will sit to receive nominations of candidates for the election of a member of the House concerned for that division, and the place at which the nomination court will sit;

(b) fixing, subject to the provisions of section 47 of the Constitution and section 69 (3) of the Provincial Government Act, 1961 (Act No. 32 of 1961), the day upon which, if a poll becomes necessary for the reasons mentioned in section 41, the poll in respect of the election of—

(i) the member of the House of Assembly or member or members of the provincial council referred to in paragraph (a) (i) or the member of the House of Assembly and member or members of the provincial council so referred to; or

(ii) the member of the House of Representatives or the member of the House of Delegates referred to in paragraph (a) (ii), as the case may be,

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

gehou sal word, met vermelding van die ure waar-
op die stemming ooreenkomstig artikel 94 sal be-
gin en sal eindig;

- (c) 'n verkiesingsbeampte, streekverteenwoordiger of
landdros of iemand anders as kiesbeampte by die 5
verkiesing ten opsigte van die in paragraaf (b) be-
doelde lid of lede aangestel word.”;

- (b) deur die volgende voorbehoudsbepaling by subartikel
(2) te voeg:

“: Met dien verstande dat indien die persoon wat 10
die amp van kiesbeampte ontruim of wat nie in
staat is om op te tree nie 'n verkiesingsbeampte,
streekverteenwoordiger of landdros is of was, die
hoofverkiesingsbeampte iemand wat in die plek 15
van daardie verkiesingsbeampte, streekverte-
woordiger of landdros aangestel is of optree, kan
aanstel as kiesbeampte of om in die plek van die
kiesbeampte op te tree, na gelang van die geval.”;
en

- (c) deur na subartikel (2) die volgende subartikel in te 20
voeg:

“(2A) (a) Die hoofverkiesingsbeampte kan indien hy
dit dienstig ag iemand as assistent-kiesbeampte by
die verkiesing ten opsigte van die in subartikel (1) 25
(b) bedoelde lid of lede aanstel.

- (b) 'n Assistent-kiesbeampte verrig onderworpe aan
die beheer en voorskrifte van die kiesbeampte die
werksaamhede wat deur die kiesbeampte aan hom
opgedra word.

- (c) Indien 'n toevallige vakature in die amp van assis- 30
tent-kiesbeampte ontstaan of indien 'n assistent-
kiesbeampte om die een of ander rede nie in staat
is om op te tree nie, kan die hoofverkiesingsbe-
ampte 'n ander persoon aanstel as assistent-kies- 35
beampte of om in die plek van daardie assistent-
kiesbeampte op te tree, na gelang van die geval.”;
en

- (d) deur subartikel (5) te skrap.

Wysiging van
artikel 35 van
Wet 45 van 1979.

35. Artikel 35 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang: 40

“(1) Niemand mag as die verteenwoordiger van 'n poli-
tieke party as 'n **[verkiesingskandidaat]** kandidaat in 'n ver-
kiesing vir 'n Huis van die Parlement of 'n provinsiale raad
kragtens artikel 41 genomineer word nie tensy die politieke
party wat hy heet te verteenwoordig kragtens artikel 36 as 45
'n politieke party vir doeleindes van verkiesings vir daardie
bepaalde Huis of die provinsiale rade, na gelang van die ge-
val, geregistreer is.”.

Wysiging van
artikel 36 van
Wet 45 van 1979.

36. Artikel 36 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te ver- 50
vang:

“(1) Die hoofverkiesingsbeampte moet op die skrif-
telike aansoek van 'n politieke party, gedoen op die
voorgeskrewe vorm, daardie party as 'n politieke party
vir doeleindes van verkiesings vir enige bepaalde Huis 55
van die Parlement of die provinsiale rade registreer
mits—

- (a) hy oortuig is dat dit 'n doelstelling van daardie po-
litieke party is om die verkiesing van kandidate

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

shall be taken, and stating the hours at which, in accordance with section 94, the poll will commence and will close;

- (c) appointing **[a]** an electoral officer, a regional representative or a magistrate or any other person to be returning officer at the election in respect of the member or members referred to in paragraph (b).”;

- (b) by the addition to subsection (2) of the following proviso:

“: Provided that if the person vacating the office of returning officer or who is unable so to act, is or was an electoral officer, a regional representative or a magistrate, the chief electoral officer may appoint a person appointed or acting in the stead of that electoral officer, regional representative or magistrate, as returning officer or to act in the stead of the returning officer, as the case may be.”; and

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

“(2A) (a) The chief electoral officer may, if he deems it fit, appoint a person to be an assistant returning officer at the election in respect of the member or members referred to in subsection (1) (b).

(b) An assistant returning officer shall, subject to the control and directions of the returning officer, perform such functions as may be assigned to him by the returning officer.

(c) If a casual vacancy occurs in the office of an assistant returning officer, or if for any reason an assistant returning officer is unable to act, the chief electoral officer may appoint another person as assistant returning officer or to act in the stead of that assistant returning officer, as the case may be.”; and

- (d) by the deletion of subsection (5).

35. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 35 of
Act 45 of 1979.

“(1) No person shall, as the representative of a political party, be nominated as a candidate **[for]** in an election for a House of Parliament or a provincial council under section 41 unless the political party which he purports to represent has been registered as a political party for the purposes of elections for that particular House or the provincial councils, as the case may be.”

36. Section 36 of the principal Act is hereby amended—

Amendment of
section 36 of
Act 45 of 1979.

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

“(1) The chief electoral officer shall on the written application of a political party, made on the prescribed form, register it as a political party for the purposes of elections for any particular House of Parliament or the provincial councils, provided—

- (a) he is satisfied that it is an object of that political party to promote the election as members of **[the]**

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

wat die party verteenwoordig, tot lede van **[die Volksraad]** daardie bepaalde Huis of van een of meer provinsiale rade te bevorder; en

- (b) die aansoek vergesel gaan van die bedrag by artikel 37 (1) voorgeskryf sowel as, in die geval van 'n politieke party op of na die datum van inwerking-treding van die Wysigingswet op die Kieswet, 1984, gestig en wat op die datum van **[inwerking-treding van hierdie artikel]** die aansoek geen verteenwoordiger in **[of die Volksraad of]** 'n Huis van die Parlement of 'n provinsiale raad het nie, die oorspronklike eksemplaar van daardie politieke party se stigtingsakte wat aanvaar is op 'n vergadering van, **[ten minste vyftig kiesers aanvaar is, deur ten minste daardie getal kiesers onderteken is]** en onderteken is deur, ten minste 500 persone wat geregistreer is of bevoeg is om geregistreer te word as kiesers ten opsigte van die bepaalde Huis of die provinsiale raad vir doeleindes van die verkiesings waarvan die party aansoek om registrasie doen, en wat aan die vereistes van subartikel (3) **[moet]** voldoen.”;

- (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

“(b) die volle name en geboortedatums of identiteits-nommers van die kiesers wat bedoelde stigtings-akte onderteken het;” en

- (c) deur na subartikel (9) die volgende subartikel in te voeg:

“(10) 'n Politieke party wat—

- (a) by die inwerkingtreding van artikel 36 van die Wysigingswet op Bevolkingsregistrasie en Verkie-sings, 1984, kragtens hierdie artikel as 'n politieke party geregistreer is, word na daardie inwerking-treding geag kragtens hierdie artikel geregistreer te wees vir doeleindes van verkiesings vir die Volks-raad en die provinsiale rade; en
- (b) kragtens hierdie artikel, soos toegepas en aangepas ingevolge die Wysigingswet op die Kieswet, 1984, as 'n politieke party vir doeleindes van die eerste algemene verkiesing vir die Raad van Verteenwoordigers of vir die Raad van Afgevaardigdes ge-registreer is, word na bedoelde inwerkingtreding geag kragtens hierdie artikel geregistreer te wees vir doeleindes van verkiesings vir onderskeidelik die Raad van Verteenwoordigers en die Raad van Afgevaardigdes.”.

Wysiging van
artikel 41 van
Wet 45 van 1979.

37. Artikel 41 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te ver-vang:

“(4) 'n Kandidaat word nie geag behoorlik genomi-neer te wees nie tensy—

- (a) sy toestemming tot die nominasie en sy bevestiging dat hy wetlik bevoeg is om 'n lid te word van die Huis van die Parlement of die provinsiale raad waarvoor hy as 'n kandidaat genomineer word, skriftelik of by telegrafiese berig meegedeel, by die kiesbeampte voor die einde van die sitting van die nominasiehof ingelewer word; en
- (b) (i) in die geval van 'n kandidaat wat 'n politieke party verteenwoordig, 'n verklaring in die voorgeskrewe vorm, behoorlik onderteken, op of na die datum van die uitvaardiging van die in artikel 34 of 110, na gelang van die ge-val, bedoelde proklamasie, deur die hoof- of nasionale leier of die hoofsekretaris of sekre-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- that particular House **[of Assembly]** or of one or more provincial councils of candidates representing the party; and
- (b) the application is accompanied by the amount prescribed by section 37 (1) as well as, in the case of a political party established on or after the date of commencement of the Electoral Act Amendment Act, 1984, and having on the date of **[commencement of this section]** the application no representative in **[either the House of Assembly or] a House of Parliament** or a provincial council, the original copy of that political party's deed of foundation which has been adopted at a meeting of, **[at least fifty voters, has been signed by at least that number of voters]** and has been signed by, at least 500 persons registered or qualified to be registered as voters in respect of the particular House or the provincial council for the purposes of the elections of which the party applies for registration, and which **[shall comply] complies** with the requirements of subsection (3).";
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
 "(b) the full names and birth dates or identity numbers of the voters who have signed the said deed of foundation;"; and
- (c) by the insertion after subsection (9) of the following subsection:
 "(10) A political party which—
- (a) at the commencement of section 36 of the Population Registration and Elections Amendment Act, 1984, has been registered as a political party in terms of this section, shall, after that commencement, be deemed to be registered in terms of this section for the purposes of elections for the House of Assembly and the provincial councils; and
- (b) has been registered as a political party for the purposes of the first general election for the House of Representatives or for the House of Delegates in terms of this section as applied and adapted in terms of the electoral Act Amendment Act, 1984, shall, after the said commencement, be deemed to be registered in terms of this section for the purposes of elections for the House of Representatives and the House of Delegates, respectively."

37. Section 41 of the principal Act is hereby amended—

Amendment of
section 41 of
Act 45 of 1979.

- (a) by the substitution for subsection (4) of the following subsection:
 "(4) No candidate shall be regarded as having been duly nominated unless—
- (a) his consent to the nomination and his confirmation that he is legally competent to become a member of the House of Parliament or the provincial council for which he is being nominated as a candidate, conveyed in writing or by telegraphic message, are lodged with the returning officer before the close of the sitting of the nomination court; and
- (b) (i) in the case of a candidate representing a political party, there is lodged with the returning officer before the close of the sitting of the nomination court, a statement in the prescribed form, duly signed, on or after the date of issue of the proclamation referred to in section 34 or 110, as the case may be, by the

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

taris of ander hoof- uitvoerende beampte of uitvoerende beampte of, as daar is, die betrokke provinsiale leier of provinsiale sekretaris of ander provinsiale hoof- uitvoerende beampte van bedoelde politieke party of deur 'n ander beampte van die politieke party wat skriftelik of telegrafies deur enige van bogenoemde leiers, sekretarisse of uitvoerende beamptes daartoe gemagtig is, met die strekking dat hy die amptelike kandidaat van daardie politieke party in die betrokke verkiesing is, voor die einde van die sitting van die nominasiehof by die kiesbeampte ingelewer word; en

(ii) in die geval van 'n kandidaat wat nie 'n politieke party verteenwoordig nie, daar nie later nie as vieruur in die namiddag van die vyfde dag voor die nominasiedag verklarings deur ten minste 300 persone, of, indien die afdeling waarin hy wens genomineer te word groter as 25 000 vierkante kilometer is, 150 persone, wat in die betrokke afdeling as kiesers geregistreer is (elk van wie se handtekening deur 'n bevoegde getuie, anders as die kandidaat of sy verteenwoordiger, in wie se teenwoordigheid die handtekening aangebring is, gestaaf moet wees en watter getuie se volledige naam en woonadres op die verklaring aangebring moet word), met die strekking dat die deklaratant die nominasie van daardie kandidaat ondersteun en dat hy nie 'n soortgelyke verklaring ten opsigte van 'n ander kandidaat in daardie verkiesing onderteken het nie, op die voorgeskrewe vorm by die kiesbeampte ingelewer word.”;

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

“(5) Indien [**'n verklaring**] verklarings bedoel in subartikel (4) (b) (ii) by 'n kiesbeampte ingelewer word, moet dit met ingang van die datum ná die datum waarop dit aldus ingelewer word tot en met die stembag by die kantoor van die kiesbeampte gehou word vir insae of die maak van afskrifte, sonder betaling, deur die [**publiek en moet 'n kennisgewing dat so 'n verklaring aldus vir insae gehou word, gedurende vermelde tydperk op die buitendeur of kennisgewingbord van bedoelde kantoor aangebring wees**] kandidate vir die betrokke afdeling of hul gemagtigde verteenwoordigers.”;

(c) deur na subartikel (5) die volgende subartikel in te voeg:

“(5A) (a) Die kiesbeampte stempel elke stuk ingevolge subartikel (3) en elke verklaring ingevolge subartikel (4) (b) (ii) by hom ingelewer met die datum waarop dit hy hom ingelewer is, en indien hy van oordeel is dat sodanige stuk of beëdigde verklaring op die oog af nie aan 'n voorskrif van hierdie Wet voldoen nie, stel hy die kandidaat skriftelik daarvan in kennis.

(b) 'n Stuk of verklaring in paragraaf (a) bedoel wat nie aan 'n voorskrif van hierdie Wet voldoen nie, kan te eniger tyd voor die einde van die sitting van die nominasiehof verbeter of vervang word ten einde aan sodanige voorskrif te voldoen.”;

(d) deur na subartikel (7) die volgende subartikels in te voeg:

“(7A) Behoudens die bepalings van artikel 53 van die Grondwet en artikel 68 (2) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), is niemand slegs omdat hy nie in 'n afdeling geregistreer is of nie

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- chief or national leader or the chief secretary or secretary or other chief executive officer or executive officer or, if any, the provincial leader or provincial secretary or other provincial chief executive officer concerned of the said political party or by any other officer of the political party who has been authorized thereto in writing or telegraphically by any of the above-mentioned leaders, secretaries or executive officers, to the effect that he is the official candidate of that political party at the election in question; and
- (ii) in the case of a candidate not representing a political party, there are on the prescribed form lodged with the returning officer, not later than four o'clock in the afternoon of the fifth day before the nomination day, statements by at least 300 persons, or, if the division in which he wishes to be nominated exceeds 25 000 square kilometres, 150 persons, registered as voters in the division in question (each of whose signature shall be witnessed by a competent witness, other than the candidate or his representative, in whose presence the signature was affixed and in respect of which witness the full name and residential address shall be entered in the declaration), to the effect that the declarant supports the nomination of that candidate and that he has not signed a similar statement in respect of any other candidate in that election.”;
- (b) by the substitution for subsection (5) of the following subsection:
- “(5) If **[a statement]** statements referred to in subsection (4) (b) (ii) **[is] are** lodged with a returning officer, **[it] they** shall with effect from the date immediately following the date upon which **[it is]** they are so lodged up to and including the polling day be kept at the office of the returning officer for inspection or the making of copies, without payment, by the **[public and a notice that such a statement is so kept for inspection shall be affixed to the outside door or notice board of the said office during the said period]** candidates for the division concerned or their authorized representatives.”;
- (c) by the insertion after subsection (5) of the following subsection:
- “(5A) (a) The returning officer shall by means of a date stamp impress on each document lodged with him in terms of subsection (3) and on each statement lodged with him in terms of subsection (4) (b) (ii) the date on which it was lodged with him, and if he is of the opinion that such document or affidavit on the face of it does not comply with a requirement of this Act he shall notify the candidate in writing accordingly.
- (b) A document or statement referred to in paragraph (a) which does not comply with a requirement of this Act, may at any time before the end of the sitting of the nomination court be rectified or substituted in order to comply with such requirement.”;
- (d) by the insertion after subsection (7) of the following subsections:
- “(7A) Subject to the provisions of section 53 of the Constitution and section 68 (2) of the Provincial Government Act, 1961 (Act No. 32 of 1961), no person shall merely by reason of his not being registered or not

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

die reg het om in 'n afdeling geregistreer te word onbevoeg om as kandidaat in daardie afdeling genomineer te word nie.

(7B) Wanneer 'n kandidaat mondeling by die sitting van 'n nominasiehof voorgestel word, vestig die kiesbeampte die aandag van die persoon wat voorgestel word, of indien hy nie aanwesig is nie, die aandag van die voorsteller—

(a) in die geval van 'n verkiesing vir 'n Huis van die Parlement, op die bepalings van artikels 53 en 54 van die Grondwet; en

(b) in die geval van 'n verkiesing vir die provinsiale raad, op die bepalings van artikels 68 (2) en 70 van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961)."; en

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

“(8) Indien daar by die einde van die sitting slegs een persoon behoorlik genomineer is, verklaar die kiesbeampte hom onverwyld tot die behoorlik verkose lid vir die betrokke afdeling [in die Volksraad of provinsiale raad, na gelang van die geval] met ingang van die stemdag ten opsigte van die betrokke verkiesing bepaal.”.

Wysiging van
artikel 42 van
Wet 45 van 1979.

38. Artikel 42 van die Hoofwet word hierby gewysig deur sub-artikel (1) deur die volgende subartikel te vervang:

“(1) Indien ten opsigte van 'n afdeling meer as een persoon ooreenkomstig artikel 41 behoorlik genomineer is, stel die kiesbeampte voor die einde van die sitting van die nominasiehof die eis dat daar deur of ten behoeve van elke sodanige persoon by hom die bedrag van [vierhonderd rand] R500 gestort word of dat 'n bankwaarborg of 'n vir die kiesbeampte aanvaarbare akte van borgstelling of die ander sekerheid wat die kiesbeampte voldoende ag, vir daardie bedrag gegee of gestel word.”.

Vervanging van
artikel 44 van
Wet 45 van 1979.

39. Artikel 44 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oorlye van kandidaat na nominasie. 44. Indien 'n behoorlik genomineerde kandidaat by 'n verkiesing in 'n afdeling te sterwe kom nadat die stemdag vir daardie verkiesing bepaal is en voordat die stemming begin het, herroep die Staatspresident, nadat hy hom van die sterfgeval vergewis het, vir sover dit daardie afdeling betref, die proklamasie waarby die stemdag bepaal word, en word alle verrigtings in verband met bedoelde verkiesing, ondanks die bepalings van artikel 47 van die Grondwet of artikel 69 (3) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), opnuut begin op presies dieselfde wyse asof 'n vakature ontstaan het: Met dien verstande dat geen nuwe nominasie nodig is nie in die geval van 'n kandidaat wat behoorlik genomineer was toe genoemde proklamasie herroep is.”.

Wysiging van
artikel 45 van
Wet 45 van 1979.

40. Artikel 45 van die Hoofwet word hierby gewysig—

(a) deur na paragraaf (e) van subartikel (1) die volgende paragraaf in te voeg:

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

being entitled to be registered in a division be disqualified from being nominated as a candidate in that division.

5 (7B) Whenever a candidate is proposed at the sitting of a nomination court by word of mouth, the returning officer shall invite the attention of the person being proposed, or if he is not present, the attention of the proposer—

10 (a) in the case of an election for a House of Parliament, to the provisions of sections 53 and 54 of the Constitution; and

(b) in the case of an election for the provincial council, to the provisions of sections 68 (2) and 70 of the Provincial Government Act, 1961 (Act No. 32 of 1961).”; and

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

20 “(8) If at the close of such sitting only one person has been duly nominated, the returning officer shall forthwith declare him to be the duly elected member for the division **[in the House of Assembly or provincial council, as the case may be]** in question with effect from the polling day fixed in respect of the election in question.”.

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

Amendment of
section 42 of
Act 45 of 1979.

30 “(1) If in respect of a division more than one person has been duly nominated in accordance with section 41, the returning officer shall, before the close of the sitting of the nomination court, require that there be deposited with him, by or on behalf of each such person, the sum of **[four hundred rand]** R500 or that a bank guarantee or a deed of surety acceptable to the returning officer or such other security for that sum as the returning officer may deem sufficient, be given.”.

39. The following section is hereby substituted for section 44 of the principal Act:

Substitution of
section 44 of
Act 45 of 1979.

40 “Death of candidate after nomination. 44. If, after the polling day has been fixed for an election in any division, any duly nominated candidate thereat dies before the poll has commenced, the State President shall, upon being satisfied of the fact of the death, withdraw, so far as it concerns that division, the proclamation fixing the polling day, and all proceedings relating to the said election shall, the provisions of section 47 of the Constitution or section 69 (3) of the Provincial Government Act, 1961 (Act No. 32 of 1961), notwithstanding, be commenced afresh in precisely the same manner as if a vacancy had occurred: Provided that no fresh nomination shall be necessary in the case of a candidate who was duly nominated at the time when the said proclamation was withdrawn.”.

40. Section 45 of the principal Act is hereby amended—

55 (a) by the insertion after paragraph (e) of subsection (1) of the following paragraph:

Amendment of
section 45 of
Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

“(eA) die grense van landdrosdistrikte en die grense van
regsgebiede van plaaslike besture en van munisi-
pale wyke;” en

(b) deur die voorbehoudsbepaling by subartikel (4) deur
die volgende voorbehoudsbepaling te vervang: 5

“: Met dien verstande dat indien die hoof-
verkiesingsbeampte van mening is dat die voer van
'n verkiesing daardeur vergemaklik sal word, hy
die kiesbeampte [voordat hy die in artikel 43 be-
doelde kennisgewing uitgevaardig het], na oorleg- 10
pleging met die kiesbeampte en met die instem-
ming van die kandidate, kan gelas om meer as een
stemburo in die [kiesafdeling] afdeling of in een of
ander stemdistrik daarin in te rig vir kiesers wie se
name op die kieserslys verskyn teenoor volgnom- 15
mers deur [hom] die verkiesingsbeampte ten op-
sigte van elke sodanige stemburo vermeld, of om
een stemburo ten opsigte van twee of meer stem-
distrikte in te rig, of om die ligging van 'n stem-
buro te verander.” 20

Wysiging van
artikel 47 van
Wet 45 van 1979.

41. Artikel 47 van die Hoofwet word hierby gewysig—

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

“(1) Iemand, uitgesonderd 'n persoon bedoel in [ar-
tikel 11 (3), (4) of (5)] subartikel (2), wat op die kiesers- 25
lys vir 'n afdeling geregistreer is en wat—”;

(b) deur paragraaf (b) deur die volgende paragraaf te ver-
vang:

“(b) (i) in die geval van 'n verkiesing vir die Volks-
raad en die provinsiale rade waar die afdeling 30
van die Volksraad en die afdeling van die pro-
vinsiale raad waarin hy geregistreer is, saam-
val, op die stembag te alle tye gedurende die
stem-ure buite daardie afdeling sal wees, of,
in die geval waar die afdeling van die Volks- 35
raad waarin hy geregistreer is, kragtens artikel
69 (1) van die [Grondwet] Wet op Provinsiale
Bestuur, 1961 (Wet No. 32 van 1961), in twee
afdelings van die provinsiale raad verdeel is,
op die stembag te alle tye gedurende die stem- 40
ure buite die afdeling van die provinsiale raad
waarin hy geregistreer is, sal wees; of

(ii) in die geval van 'n verkiesing vir die Raad van
Verteenwoordigers of vir die Raad van Afge-
vaardigdes, op die stembag te alle tye gedu- 45
rende die stem-ure buite die afdeling sal wees
waarin hy geregistreer is; of”;

(c) deur paragraaf (c) van subartikel (1) te skrap;

(d) deur paragraaf (e) van subartikel (1) deur die volgende
paragraaf te vervang: 50

“(e) op die stembag te alle tye gedurende die stem-ure
nie binne [vyftig] vyf-en-twintig kilometer met die
kortste bruikbare pad van die stemburo in die
stemdistrik ten opsigte waarvan hy geregistreer is,
sal wees nie; of”; 55

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

“(eA) the boundaries of magisterial districts and the boundaries of jurisdictional areas of local authorities and of municipal wards;” and

5 (b) by the substitution for the proviso to subsection (4) of the following proviso:

10 “: Provided that if the chief electoral officer is of opinion that the conduct of an election will be facilitated thereby, he may, after consultation with the returning officer and with the concurrence of the candidates, direct the returning officer **[before he has given the notice referred to in section 43]** to establish more than one polling station in the **[electoral]** division or in any polling district therein for voters whose names appear on the voters’ list opposite serial numbers specified by **[him]** the electoral officer 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 location of a polling station.”

20 41. Section 47 of the principal Act is hereby amended—

Amendment of
section 47 of
Act 45 of 1979.

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

25 “(1) Any person, other than a person referred to in **[section 11 (3), (4) or (5)]** subsection (2), who is enrolled upon the voters’ list for any division and who—”;

(b) by the substitution for paragraph (b) of the following paragraph:

30 “(b) (i) in the case of an election for the House of Assembly and the provincial councils where the division of the House of Assembly and the division of the provincial council in which he is registered coincide, will throughout the hours of polling on polling day be outside that division, or, in the case where the division of the House of Assembly in which he is registered is, in terms of section 69 (1) of the **[Constitution Act]** Provincial Government Act, 1961 (Act No. 32 of 1961), divided into two divisions of the provincial council, will throughout the hours of polling on polling day be outside the division of the provincial council in which he is registered; or

45 (ii) in the case of an election for the House of Representatives or for the House of Delegates, will throughout the hours of polling on polling day be outside the division in which he is registered; or”;

(c) by the deletion of paragraph (c) of subsection (1);

50 (d) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

55 “(e) will throughout the hours of polling on polling day not be within **[fifty]** twenty-five kilometres by the shortest practicable road from the polling station in the polling district in respect of which he is enrolled; or”;

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- (e) deur na subartikel (1) die volgende subartikels in te voeg:

“(1A) (a) Die Staatspresident kan by proklamasie verklaar dat die bepalings van hierdie Wet vir so-
ver hulle op afwesige kiesers betrekking het, nie
van toepassing is nie ten opsigte van enige verkies- 5
sing vir 'n in die proklamasie vermelde Huis van
die Parlement wat gehou word gedurende 'n tyd-
perk insgelyks vermeld.

(b) 'n Proklamasie kragtens paragraaf (a) wat betrek- 10
king het op verkiesings vir die Volksraad is *mutatis
mutandis* van toepassing ten opsigte van verkies-
sings vir die provinsiale raad.

(c) Ondanks andersluidende bepalings van hierdie
Wet doen niemand ingevolge subartikel (1) aan- 15
soek om as 'n afwesige kieser te stem in 'n verkies-
sing waarop 'n proklamasie kragtens paragraaf (a)
van hierdie subartikel uitgevaardig, van toepassing
is nie.

(1B) Indien 'n verkiesing wat gehou moet word om 20
'n tussentydse vakature in 'n afdeling te vul, verval van-
weë die ontbinding van die Parlement of die betrokke
Huis of die verstryking van die ampsduur of ontbinding
van die betrokke provinsiale raad, word 'n aansoek
ooreenkomstig hierdie Wet om as 'n afwesige kieser in 25
daardie tussenverkiesing op grond van 'n omstandig-
heid vermeld in paragraaf (a) van subartikel (1) te
stem, ongeag of die aansoek reeds aan die kiesbeampte
voorgelê is of nie, by die toepassing van hierdie Wet
geag 'n aansoek te wees om as 'n afwesige kieser in 30
daardie afdeling te stem in die algemene verkiesing wat
na aanleiding van daardie ontbinding van die Parle-
ment of Huis of daardie verstryking van die ampsduur
of ontbinding van die provinsiale raad, na gelang van
die geval, gehou moet word.”; 35

- (f) deur subartikel (2) deur die volgende subartikel te ver-
vang:

“(2) Iemand—

(a) bedoel in artikel **[11 (3), (4) of (5)] 1 (4) (d) of (e)**
van die Bevolkingsregistrasiewet, 1950 (Wet No. 40
30 van 1950), wat op die kieserslys vir 'n afdeling
geregistreer is en op die stembag te alle tye gedu-
rende die stem-ure buite die Republiek sal wees;
of

(b) wat op die kieserslys vir 'n afdeling geregistreer is 45
en op die stembag te alle tye gedurende die stem-
ure in die gebied Suidwes-Afrika of op 'n eiland
onder die soewereiniteit van die Republiek sal
wees,

kan op die in artikel 82 voorgeskrewe wyse aansoek 50
doen om as 'n spesiale kieser te stem.”; en

- (g) deur subartikel (3) deur die volgende subartikel te ver-
vang:

“(3) Die regering van die Republiek kan 'n ooreen- 55
koms met die regering van 'n onafhanklike Staat aan-
gaan waarkragtens bedoelde regerings onderneem om
voorsiening te maak daarvoor dat—

(a) 'n regterlike beampte van die betrokke onafhank-
like Staat of 'n beampte wat in opdrag en onder
beheer van so 'n regterlike beampte optree; of 60

(b) 'n beampte wat by 'n Staatsdepartement van die
Republiek in diens is en in daardie onafhanklike

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

(e) by the insertion after subsection (1) of the following subsections:

5 “(1A) (a) The State President may by proclamation declare that the provisions of this Act in so far as they relate to absent voters shall not apply with respect to any election for a House of Parliament mentioned in the proclamation held during a period likewise mentioned.

10 (b) A proclamation under paragraph (a) relating to elections for the House of Assembly shall *mutatis mutandis* apply with respect to elections for the provincial council.

15 (c) Notwithstanding any provisions of this Act to the contrary no person shall apply in terms of subsection (1) to vote as an absent voter at an election to which a proclamation issued under paragraph (a) of this subsection is applicable.

20 (1B) If any election to be held to fill a casual vacancy in a division has lapsed by reason of the dissolution of Parliament or the House concerned or the expiry of the term of office or dissolution of the provincial council concerned, any application in accordance with this Act to vote in that by-election as an absent voter on the ground of a circumstance mentioned in paragraph (a) of subsection (1), shall, irrespective of whether or not such application has already been submitted to the returning officer, for the purposes of this Act be deemed to be an application to vote in that division as an absent voter in the general election which is to be held in pursuance of that dissolution of Parliament or House or that expiry of the term of office or dissolution of the provincial council, as the case may be.”;

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

35 “(2) A person—

40 (a) referred to in section [11 (3), (4) or (5) who] 1 (4) (d) or (e) of the Population Registration Act, 1950 (Act No. 30 of 1950), who is enrolled upon the voters’ list for a division and will throughout the hours of polling on polling day be outside the Republic; or

45 (b) who is enrolled upon the voters’ list for a division and will throughout the hours of polling on polling day be in the territory of South West Africa or on any island under the sovereignty of the Republic,

may make application in the manner prescribed in section 82 to vote as a special voter.”; and

(g) by the substitution for subsection (3) of the following subsection:

50 “(3) The government of the Republic may enter into an agreement with the government of an independent State by virtue of which the said governments undertake to make provision therefor that—

55 (a) a judicial officer of the independent State concerned or any officer acting on the instructions and under the control of such a judicial officer; or

(b) an officer serving in a State department of the Republic and stationed in that independent State as a

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Staat gestasioneer is as lid van die Republiek se
diplomatiese sending,

met betrekking tot 'n spesiale kieser wat sy vaste woon-
plek in so 'n onafhanklike Staat het al die bevoegdhede
kan uitoefen en al die werksaamhede kan verrig wat by 5
hierdie Wet aan 'n voorsittende beampte vir stemme
van spesiale kiesers verleen of opgedra word."

Wysiging van
artikel 48 van
Wet 45 van 1979.

42. Artikel 48 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver- 10
vang:

"(1) Elke kiesbeampte ten opsigte van 'n verkiesing
aangestel, stel, onderworpe aan die bepalings van hier-
die artikel, ten opsigte van die afdeling waarvoor hy
aangestel is, op versoek aan hom gerig deur iemand
wat as kandidaat by die verkiesing in daardie afdeling 15
genomineer is, hetsy dié kandidaat ingevolge artikel 41
(8) tot behoorlik verkose lid vir daardie afdeling [**in die
Volksraad of 'n provinsiale raad**] verklaar is, al dan
nie, of, in die geval van 'n politieke party wat geen
kandidaat by daardie verkiesing genomineer het nie, 20
deur 'n gemagtigde verteenwoordiger van so 'n poli-
tieke party in daardie afdeling, hoogstens twaalf per-
sone, plus (in die geval van 'n afdeling wat binne meer
as twaalf landdrosdistrikte geleë is) een addisionele
persoon ten opsigte van elke sodanige distrik bo twaalf, 25
deur bedoelde kandidaat of verteenwoordiger aange-
wys, skriftelik aan om vir die doeleindes van die verkie-
sing in daardie afdeling en, indien dit 'n verkiesing vir
die Volksraad of 'n provinsiale raad is, in enige ander
afdeling van die Volksraad of 'n provinsiale raad, of, 30
indien dit 'n verkiesing vir die Raad van Verteenwoor-
digers is, in enige ander afdeling van die Raad van Ver-
teenwoordigers, of, indien dit 'n verkiesing vir die
Raad van Afgevaardigdes is, in enige ander afdeling
van die Raad van Afgevaardigdes, ten opsigte waarvan 35
die stemming op dieselfde dag gehou word, [**en ongeag
of dit 'n verkiesing van 'n lid vir die Volksraad of 'n
provinsiale raad of die Wetgewende Vergadering van
Suidwes-Afrika is**] as voorsittende beamptes vir
stemme van afwesiges te dien."; en 40

(b) deur na subartikel (4) die volgende subartikels in te
voeg:

"(4A) 'n Verkiesingsbeampte kan vir die doeleindes
van 'n verkiesing wat op 'n bepaalde dag gehou moet
word om 'n tussentydse vakature in 'n afdeling aan te 45
vul, op versoek aan hom gerig deur iemand wat as kan-
didaat by die verkiesing in daardie afdeling genomineer
is, hoogstens twee persone deur daardie kandidaat aan-
gewys, ten opsigte van 'n afdeling in sy gebied waarin
daar nie so 'n verkiesing op daardie dag gehou word 50
nie, skriftelik aanstel om as voorsittende beamptes vir
stemme van afwesiges te dien.

(4B) Die bepalings van subartikels (2), (3) en (4) is
mutatis mutandis van toepassing ten opsigte van 'n
voorsittende beampte vir stemme van afwesiges krag- 55
tens subartikel (4A) deur 'n verkiesingsbeampte aange-
stel."

Wysiging van
artikel 49 van
Wet 45 van 1979.

43. Artikel 49 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende
paragraaf te vervang: 60

"(b) moet die naam van die afdeling [**van die Volksraad
asook van die afdeling van die provinsiale raad**],
of, in die geval van 'n verkiesing vir die Volksraad
en die provinsiale raad, die naam van die afdeling
van die Volksraad en die naam van die afdeling 65
van die provinsiale raad, waarin die aansoeker ge-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

member of the Republic's diplomatic mission,
may, in relation to any special voter having his home in
such independent State, exercise all the powers and
carry out all the functions conferred or imposed upon a
presiding officer for votes of special voters by this
Act."

42. Section 48 of the principal Act is hereby amended—

Amendment of
section 48 of
Act 45 of 1979.

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

"(1) Every returning officer appointed in respect of
an election shall, subject to the provisions of this sec-
tion, in respect of the division for which he has been
appointed, upon a request submitted to him by a per-
son nominated as a candidate at the election in that
division, whether or not such candidate has in terms of
section 41 (8) been declared to be the duly elected
member for that division **[in the House of Assembly or a
provincial council]**, or, in the case of a political party
which has not nominated a candidate at that election,
by an authorized representative of such political party
in that division, appoint in writing not more than
twelve persons plus (in the case of a division situated
within more than twelve magisterial districts) one ad-
ditional person in respect of every such district in ex-
cess of twelve, designated by that candidate or rep-
resentative, to serve for the purposes of the election in
that division and, if it is an election for the House of
Assembly or a provincial council, in any other division
of the House of Assembly or a provincial council, or if
it is an election for the House of Representatives, in
any other division of the House of Representatives, or
if it is an election for the House of Delegates, in any
other division of the House of Delegates, in respect of
which polling takes place on the same day, [irrespective
of whether it is an election of a member of the House of
Assembly or a provincial council or the Legislative As-
sembly of South West Africa,] as presiding officers for
absent votes."; and

(b) by the insertion after subsection (4) of the following
subsections:

"(4A) An electoral officer may for the purposes of
any election which is to be held on any particular day
to fill a casual vacancy in a division, upon a request
submitted to him by a person nominated as a candidate
at the election in that division, appoint in writing in re-
spect of a division in his area in which no such election
is held on that day not more than two persons, desig-
nated by that candidate, to serve as presiding officers
for absent votes.

(4B) The provisions of subsections (2), (3) and (4)
shall *mutatis mutandis* apply in respect of any presiding
officer for absent votes appointed by an electoral offi-
cer under subsection (4A)."

43. Section 49 of the principal Act is hereby amended—

Amendment of
section 49 of
Act 45 of 1979.

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

"(b) shall state the name of the division **[of the House of
Assembly as well as of the division of the provincial
council]**, or, in the case of an election for the
House of Assembly and the provincial council, the
name of the division of the House of Assembly
and the name of the division of the provincial

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- registreer is en ten opsigte waarvan hy aansoek doen om as 'n afwesige kieser te stem, sowel as die adres ten opsigte waarvan hy glo hy aldus geregi- streer is, vermeld;”;
- (b) deur paragraaf (c) van subartikel (2) deur die volgende 5 paragraaf te vervang:
“(c) moet die identiteitsnommer van die aansoeker, in- dien 'n identiteitsdokument aan hom uitgereik is, vermeld;”;
- (c) deur paragraaf (d) van subartikel (2) deur die volgende 10 paragraaf te vervang:
“(d) moet die huidige woonadres en posadres van die aansoeker vermeld **[en of dit permanent of tydelik is]**;”;
- (d) deur paragraaf (e) van subartikel (2) deur die volgende 15 paragraaf te vervang:
“(e) moet die naam en adres of amp en adres van die voorsittende beampte vir stemme van afwesiges vermeld waarheen die stembrief of stembriewe, na gelang van die geval, gestuur kan word, of die 20 naam en adres vermeld van die voorsittende beampte vir stemme van afwesiges aan wie die stembrief of stembriewe oorhandig kan word **[en so 'n naam en adres of amp en adres moet die naam en adres of, na gelang van die geval, die amp en 25 adres van 'n Blanke voorsittende beampte vir stemme van afwesiges wees]**;”;
- (e) deur subartikel (3) deur die volgende subartikel te ver- vang:
“(3) Waar in 'n aansoek, in die geval van 'n verkie- 30 sing vir die Volksraad en die provinsiale raad, slegs die naam van die betrokke afdeling van die Volksraad of slegs die naam van die betrokke afdeling van die provin- siale raad vermeld is, word daardie aansoek geag ook 'n aansoek te wees om as 'n afwesige kieser te stem 35 in die betrokke afdeling van die provinsiale raad, of, na gelang van die geval, van die Volksraad, wat nie in die aansoek vermeld is nie.”;
- (f) deur subartikel (4) deur die volgende subartikel te ver- 40 vang:
“(4) Geen sodanige aansoek word voor die toepas- like datum bedoel in artikel 128 deur 'n aansoeker on- derteken of voor die datum van die afkondiging van die kragtens artikel 34 of 110 uitgevaardigde proklama- sie aan die kiesbeampte oorhandig of gestuur nie.”; en 45
- (g) deur subartikel (6) deur die volgende subartikel te ver- vang:
“(6) Indien die aansoek nie later nie as vieruur in die namiddag van die vyfde dag voor die stembdag deur die kiesbeampte ontvang word, is die aansoeker geregtig 50 op die uitreiking aan hom van 'n stembrief vir die stem- ming in die betrokke afdeling, of in die geval van 'n stemming in 'n afdeling van die Volksraad en in 'n af- deling van die provinsiale raad, van stembriewe vir die stemming vir sowel die Volksraad as die provinsiale 55 raad, en om sy stem uit te bring op die wyse vir afwe- sige kiesers voorgeskryf.”.

Wysiging van
artikel 52 van
Wet 45 van 1979.

44. Artikel 52 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende 60 paragraaf te vervang:
“(a) Die kiesbeampte stempel elke aansoek om 'n stembrief wat hy ontvang met die datum van ont- vangs daarvan, plaas op elke sodanige aansoek 'n volgnommer en, indien hy so 'n aansoek nie later 65 nie as vieruur in die namiddag van die vyfde dag voor die stembdag ontvang het en bevind dat dit be- hoorlik deur die aansoeker voor 'n bevoegde ge-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- council, in which the applicant is registered and in respect of which he is applying to vote as an absent voter, as well as the address in respect of which he believes he is so registered;";
- 5 (b) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
 "(c) shall state the identity number of the applicant, if an identity document has been issued to him";";
- 10 (c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
 "(d) shall state the present residential address and postal address of the applicant **[and whether it is permanent or temporary]**";";
- 15 (d) by the substitution for paragraph (e) of subsection (2) of the following paragraph:
 "(e) shall state the name and address or office and address of the presiding officer for absent votes to which the ballot paper or ballot papers, as the case may be, may be sent, or the name and address of the presiding officer for absent votes to whom the ballot paper or ballot papers may be delivered **[and any such name and address or office and address shall be the name and address or, as the case may be, the office and address of a presiding officer for absent votes who is a White person]**";";
- 20 (e) by the substitution for subsection (3) of the following subsection:
 "(3) If in any application, in the case of an election for the House of Assembly and the provincial council, the name of the relevant division of the House of Assembly only, or the name of the relevant division of the provincial council only, is mentioned, that application shall be deemed also to be an application to vote as an absent voter in the relevant division of the provincial council, or, as the case may be, of the House of Assembly, not mentioned in the application."";
- 25 (f) by the substitution for subsection (4) of the following subsection:
 "(4) No such application shall be signed by an applicant before the appropriate date referred to in section 128 or be delivered or sent to the returning officer prior to the date of the publication of the proclamation issued under section 34 or 110";"; and
- 30 (g) by the substitution for subsection (6) of the following subsection:
 "(6) If the application is received by the returning officer not later than four o'clock in the afternoon of the fifth day before the polling day, the applicant shall be entitled to have a ballot paper issued to him for the poll in the division concerned, or in the case of a poll in a division of the House of Assembly and in a division of the provincial council, of ballot papers for the poll in respect of both the House of Assembly and the provincial council, and to record his vote in the manner provided for absent voters."";
- 35 40 45 50 55

44. Section 52 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
 "(a) The returning officer shall by means of a date stamp record on every application for a ballot paper received by him the date of its receipt, number all such applications in consecutive order, and if he received any such application not later than four o'clock in the afternoon of the fifth day before the polling day and is satisfied that it was properly
- 60 65

Amendment of
section 52 of
Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

tuie en ook deur bedoelde getuie onderteken is en dat die naam van die aansoeker voorkom op die kieserslys van die afdeling waarvoor hy kiesbeampte is, reik hy ten opsigte van die aansoeker op die hieronder voorgeskrewe wyse 'n stembrief uit ten opsigte van die afdeling **[van die Volksraad]** wat in daardie aansoek vermeld is **[of ingevolge artikel 49 (3) geag word vermeld te wees]** en, waar artikel 49 (3) van toepassing is, ook 'n stembrief ten opsigte van die afdeling van die Volksraad of die provinsiale raad wat **[aldus vermeld is of]** ingevolge daardie artikel geag word aldus vermeld te wees, 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 49 (1) in sy aansoek vermeld, te bevraagteken, tensy hy, na oorlegpleging met die kandidaat of 'n agent van elke kandidaat en, indien dit na sy oordeel nodig is, na 'n ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie: Met dien verstande dat indien beswaar gemaak word teen die uitreiking van 'n stembrief of die weiering van 'n aansoek ingevolge hierdie paragraaf, die kiesbeampte die feit dat so 'n beswaar gemaak is, op die betrokke aansoek moet aantekene.”;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) Waar twee of meer aansoeke van dieselfde kieser ontvang word, word dieselfde nommer aan al daardie aansoeke toegewys, en word slegs die aansoek wat die vroegste datum van ontvangs deur die kiesbeampte dra of (indien twee of meer sodanige aansoeke dieselfde datum van ontvangs dra) die een wat die eerste deur die kiesbeampte ontvang is, in aanmerking geneem.”; en

(c) deur in subartikel (2) die woord “stembriewe”, oral waar dit voorkom, deur die woorde “stembrief of stembriewe” te vervang.

Wysiging van
artikel 54 van
Wet 45 van 1979.

45. Artikel 54 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by te voeg:

“: Met dien verstande dat tot tyd en wyl sodanige stembriewe deur die kiesbeampte ontvang is, die in artikel 85 bedoelde stembriewe vir spesiale kiesers as stembriewe vir afwesige kiesers gebruik kan word mits die kiesbeampte, voordat hy hulle as sodanig uitreik—

(a) die besonderhede op die stembriewe aanpas ten einde hulle te kan onderskei van stembriewe vir spesiale kiesers; en

(b) die stembriewe, vir sover die besonderhede daarop onvolledig is, *mutatis mutandis* ooreenkomstig artikel 86 (1) (a), (b) en (c) invul.”.

Wysiging van
artikel 55 van
Wet 45 van 1979.

46. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die kiesbeampte reik op die datum een-en-twintig dae voor die stembdag **[stembriewe]** 'n stembrief vir die stemming in die betrokke afdeling, of, in die geval van 'n stemming in 'n afdeling van die Volksraad en in 'n afdeling van die provinsiale raad, stembriewe vir die stemming vir sowel die Volksraad as die provinsiale raad uit ten opsigte van **[almal]** elkeen wat daarom aansoek gedoen het en daarop geregtig is en wie se **[aansoeke]** aansoek hy voor daardie datum ontvang het, en reik voorts, behoudens die bepalings van artikel 64, nie later nie as die dag na die dag waarop aansoek daarom ontvang word,

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

signed by the applicant before a competent witness and also by such witness and that the applicant's name appears on the voters' list of the division for which he is the returning officer, issue in respect of the applicant, in the manner hereinafter prescribed, a ballot paper in respect of the division **[of the House of Assembly]** mentioned **[or in terms of section 49 (3) deemed to be mentioned]** in that application and, where section 49 (3) is applicable, also a ballot paper in respect of the division of the House of Assembly or the provincial council **[so mentioned or]** deemed in terms of that section to be so mentioned, without questioning the truth of any statement made by the applicant in his application or the existence of any grounds specified by the applicant in his application by virtue of the provisions of section 49 (1), unless after consultation with the candidates or an agent of every candidate and, if necessary in his opinion, after an investigation, he is satisfied that the said statement is untrue or that the said grounds do not exist: Provided that if any objection is raised against the issue of a ballot paper or the rejection of an application in terms of this paragraph, the returning officer shall record the fact that such an objection has been raised, on the application in question.”;

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

“(c) Where two or more applications are received from the same voter, the same number shall be assigned to all those applications, and only the application bearing the earliest date of receipt by the returning officer or (if two or more such applications bear the same date of receipt) the one first received by the returning officer shall be considered.”; and

(c) by the substitution in subsection (2) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”.

45. Section 54 of the principal Act is hereby amended by the addition of the following proviso:

Amendment of
section 54 of
Act 45 of 1979.

“: Provided that until such time as such ballot papers are received by the returning officer, the ballot papers for special voters referred to in section 85 may be used as ballot papers for absent voters, provided the returning officer, before he issues them as such—

(a) alters the particulars on the ballot papers in order to distinguish them from ballot papers for special voters; and
(b) completes the ballot papers *mutatis mutandis* in accordance with section 86 (1) (a), (b) and (c) in so far as the particulars thereon are incomplete.”.

46. Section 55 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 55 of
Act 45 of 1979.

“(1) The returning officer shall on the date twenty-one days before the polling day issue **[ballot papers]** a ballot paper for the poll in the division concerned, or, in the case of a poll in a division of the House of Assembly and in a division of the provincial council, ballot papers for the poll in respect of both the House of Assembly and the provincial council, in respect of **[all applicants]** each applicant therefor who **[are]** is entitled thereto, and whose **[applications were]** application was received by him before that date, and shall further, subject to the provisions of section 64, not later

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

'n stembrief of stembriewe, na gelang van die geval, uit ten opsigte van elke aansoeker wat daarop geregtig is en wie se aansoek daarom die kiesbeampte op of na bedoelde datum bereik het maar nie later nie as om vieruur in die namiddag van die vyfde dag voor die stembdag: Met dien verstande dat 'n kiesbeampte stembriewe onverwyld moet uitreik aan aansoekers wat daarop geregtig is en wat hul aansoeke daarom persoonlik by die kiesbeampte inlewer tydens sy diensure gedurende die toepaslike tydperk in die voorgaande bepalings bedoel."

Wysiging van
artikel 56 van
Wet 45 van 1979.

47. Artikel 56 van die Hoofwet word hierby gewysig deur 10
paragraaf (b) deur die volgende paragraaf te vervang:

"(b) by die verrigtings by die oopmaak van die stembus vir afwesige kiesers en van die koeverte in daardie stembus, die kandidaat en, ten opsigte van die elke kandidaat, twee agente [van elke kandidaat] of twee ander persone vir dié doel deur 'n verkiesingsagent aangewys, en niemand anders nie."

Wysiging van
artikel 57 van
Wet 45 van 1979.

48. Artikel 57 van die Hoofwet word hierby gewysig—

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

"(2) Die nommer, naam, verblyfplek en beroep van die kiesers soos in die kieserslys opgegee, word uitgeroep, die nommer word ingeskryf op die teenblad van die stembrief vir die betrokke afdeling [van die Volksraad en op die teenblad van die stembrief vir die afdeling van die provinsiale raad] en 'n streep word met potlood of ink deur die nommer en van van die kieser getrek in 'n ooreenkomstig artikel 46 (3) gesertifiseerde afskrif van die kieserslys, om aan te dui dat [stembriewe] 'n stembrief ten opsigte van die kieser uitgereik is, maar sonder aanduiding van die bepaalde [stembriewe] stembrief wat ten opsigte van hom uitgereik is: Met dien verstande dat indien dieselfde kieserslys gebruik word vir 'n stemming in 'n afdeling van die Volksraad en in 'n afdeling van 'n provinsiale raad, die kiesbeampte die streep deur die nommer en van van die kieser op die kieserslys trek nadat hy hom vergewis het dat 'n stembrief vir die stemming ten opsigte van die Volksraad en 'n stembrief vir die stemming ten opsigte van die provinsiale raad aan die afwesige kieser uitgereik is."; en

(b) deur in subartikel (3) die woord "stembriewe" deur die woorde "stembrief of stembriewe" te vervang.

Wysiging van
artikel 58 van
Wet 45 van 1979.

49. Artikel 58 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord "stembriewe" deur die woorde "stembrief of stembriewe" te vervang; en

(b) deur in subartikel (2) die woord "stembriewe" deur die woorde "'n stembrief of stembriewe" te vervang.

Wysiging van
artikel 59 van
Wet 45 van 1979.

50. Artikel 59 van die Hoofwet word hierby gewysig—

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

"(1) Die kiesbeampte plaas—
(a) die stembrief of stembriewe;
(b) die vorm van identiteitsverklaring;
(c) 'n koevert gemerk "Deur posbeamptes aangeteken 55 te word-posvry/For registration by postal authorities-post free" en aan die kiesbeampte geadresseer; en
(d) 'n kleiner koevert of twee kleiner koeverte op die voorkant waarvan die woorde "stembriefkoevert" 60 en "ballot paper envelope" gedruk is en op die ag-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

than the day after the day on which application therefor is received, issue a ballot paper or ballot papers, as the case may be, in respect of every applicant who is entitled thereto and whose application therefor was received by the returning officer on or after that date but not later than four o'clock in the afternoon of the fifth day before the polling day: Provided that a returning officer shall forthwith issue ballot papers to applicants who are entitled thereto and who deliver their applications therefor to the returning officer by hand during his working hours during the relevant period referred to in the foregoing provisions."

47. Section 56 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph: Amendment of section 56 of Act 45 of 1979.

"(b) at the proceedings on the opening of the ballot box for absent voters and of the envelopes in that ballot box, the candidates and, in respect of each candidate, two agents [of each candidate] or two other persons nominated for such purpose by an election agent, and no other person."

48. Section 57 of the principal Act is hereby amended— Amendment of section 57 of Act 45 of 1979.

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

"(2) The number, name, residence and occupation of the voter as stated in the voters' list shall be called out, the number shall be entered on the counterfoil of the ballot paper for the division [of the House of Assembly and on the counterfoil of the ballot paper for the division of the provincial council] concerned and a line shall be drawn in pencil or ink through the number and surname of the voter in a copy of the voters' list certified as provided in section 46 (3), to denote that [ballot papers have] a ballot paper has been issued in respect of the voter, but without showing the particular ballot [papers] paper issued in respect of him: Provided that if the same voters' list is used for a poll in a division of the House of Assembly and in a division of a provincial council, the returning officer shall draw a line through the number and surname of the voter on the voters' list after ascertaining that a ballot paper for the poll in respect of the House of Assembly and a ballot paper for the poll in respect of the provincial council have been issued to the absent voter.", and

(b) by the substitution in subsection (3) for the words "ballot papers" of the words "ballot paper or ballot papers".

49. Section 58 of the principal Act is hereby amended— Amendment of section 58 of Act 45 of 1979.

(a) by the substitution in subsection (1) for the words "ballot papers" of the words "ballot paper or ballot papers"; and

(b) by the substitution in subsection (2) for the words "ballot papers" of the words "a ballot paper or ballot papers".

50. Section 59 of the principal Act is hereby amended— Amendment of section 59 of Act 45 of 1979.

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

"(1) The returning officer shall place—
(a) the ballot paper or ballot papers;
(b) the form of declaration of identity;
(c) an envelope marked "For registration by postal authorities — post free/Deur posbeampstes aange-
teken te word — posvry" and addressed to the returning officer; and
(d) a smaller envelope or two smaller envelopes on the face of which are printed the words "ballot paper envelope" and "stembriefkoevert" and on the

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

terkant waarvan die volgnommer van die afwesige kieser se aansoek om 'n stembrief of stembriewe deur die kiesbeampte aangeteken of laat aanteken is,

in 'n kieserskoevert soos voorgeskryf, wat goed toegemaak word en geplaas word in 'n koevert geadresseer aan die voorsittende beampte vir stemme van afwesiges aangedui deur die afwesige kieser in sy aansoek om 'n stembrief of stembriewe, en maak daardie koevert goed toe.”;

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

“(3) Nadat 'n koevert in subartikel (2) bedoel aan 'n voorsittende beampte vir stemme van afwesiges wat iemand is wat in paragraaf (a) van die woordoms krywing van 'voorsittende beampte vir stemme van afwesiges' in artikel 1 vermeld word, oorhandig of, na gelang van die geval, by die naaste poskantoor vir aantekening en versending ingelewer is, stel die kiesbeampte onverwyld die afwesige kieser ten opsigte van wie 'n stembrief of stembriewe in daardie koevert ingesluit is, op die voorgeskrewe vorm per aangetekende brief geadresseer na die posadres van die afwesige kieser vermeld in sy aansoek om as 'n afwesige kieser te stem, in kennis van die datum waarop die stembrief of stembriewe uitgereik is en van die adres van die betrokke voorsittende beampte vir stemme van afwesiges.”;

(c) deur in subartikel (4) die woord “stembriewe”, oral waar dit voorkom, deur die woorde “stembrief of stembriewe” te vervang;

(d) deur in subartikel (5) die woord “stembriewe” deur die woorde “stembrief of stembriewe” te vervang; en

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

“(7) Indien 'n stembrief of stembriewe reeds ten opsigte van die afwesige kieser uitgereik is, reik die kiesbeampte onverwyld 'n ander stembrief of stembriewe uit ingevolge die gewysigde aansoek om as 'n afwesige kieser te stem.”.

Wysiging van
artikel 64 van
Wet 45 van 1979.

51. Artikel 64 van die Hoofwet word hierby gewysig deur die woord “stembriewe”, waar dit die eerste maal voorkom, deur die woorde “die stembrief of stembriewe”, en waar dit die tweede maal voorkom, deur die woorde “stembrief of stembriewe” te vervang.

Wysiging van
artikel 66 van
Wet 45 van 1979.

52. Artikel 66 van die Hoofwet word hierby gewysig—

(a) deur in paragraaf (a) van subartikel (1) die woord “stembriewe”, oral waar dit voorkom, deur die woorde “stembrief of stembriewe” te vervang;

(b) deur subparagraaf (iv) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

“(iv) sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort of 'n ander bewys van identiteit deur die Staat of deur enige instelling of persoon aan hom uitgereik met die naam en 'n foto van die afwesige kieser daarop, [wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet aan hom uitgereik is] of, indien hy nie in staat is om enigeen van genoemde dokumente te toon nie, bewys hy sy identiteit deur 'n beëdigde verklaring wat in die voorgeskrewe vorm voor bedoelde voorsittende beampte afgelê is deur iemand wie se identiteit deur die toon van enige van genoemde dokumente aan daardie beampte bewys is.”;

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- back of which the returning officer has recorded or caused to be recorded the serial number of the absent voter's application for a ballot paper or ballot papers,
- 5 in a voter's envelope as prescribed, which shall be effectually closed and placed in an envelope addressed to the presiding officer for absent votes indicated by the absent voter in his application for a ballot paper or ballot papers, and shall effectually close that envelope.”;
- 10 (b) by the substitution for subsection (3) of the following subsection:
- “(3) After an envelope referred to in subsection (2) has been delivered to a presiding officer for absent votes who is a person mentioned in paragraph (a) of the definition of “presiding officer for absent votes” in section 1 or, as the case may be, delivered to the nearest post office for registration and despatch, the returning officer shall forthwith advise the absent voter in respect of whom a ballot paper has or ballot papers have been
- 15 enclosed in such envelope, by registered letter in the prescribed form addressed to the postal address of the absent voter stated in his application to vote as an absent voter, of the date on which the ballot paper was or the ballot papers were issued and of the address of the presiding officer for absent votes concerned.”;
- 25 (c) by the substitution in subsection (4) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”;
- (d) by the substitution in subsection (5) for the words “ballot papers” of the words “ballot paper is or ballot papers”; and
- 30 (e) by the substitution for subsection (7) of the following subsection:
- “(7) If a ballot paper has or ballot papers have already been issued in respect of the absent voter, the returning officer shall forthwith issue another ballot paper or other ballot papers in accordance with the amended application to vote as an absent voter.”.
- 35

51. Section 64 of the principal Act is hereby amended by the substitution for the words “ballot papers”, where they occur for the first time, of the words “the ballot paper or ballot papers”, and where they occur for the second time, of the words “ballot paper or ballot papers”.

Amendment of
section 64 of
Act 45 of 1979.

52. Section 66 of the principal Act is hereby amended—
- 45 (a) by the substitution in paragraph (a) of subsection (1) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”;
- (b) by the substitution for subparagraph (iv) of paragraph (a) of subsection (1) of the following subparagraph:
- 50 “(iv) his identity card, identity document, driver's licence or passport or any other proof of identity issued to him by the State or by any institution or person and on which the name and a photograph
- 55 of the absent voter [appears, issued to him by the State, (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1(1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body referred to in section 84 (1) (f) of the Constitution Act] appear, or, if he is unable to produce any of the said documents, he shall establish his identity by means of an affidavit made in the prescribed form before the said presiding officer by a person whose identity has been established through the production of any of the
- 60 said documents to that officer.”;
- 65

Amendment of
section 66 of
Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

(c) deur na paragraaf (a) van subartikel (1) die volgende paragraaf in te voeg:

“(aA) Indien ’n afwesige kieser sy identiteit deur middel van ’n beëdigde verklaring bedoel in paragraaf (a) (iv) bewys het, moet die vrae vermeld in paragraawe (a) en (b) van artikel 97 (2) skriftelik deur die voorsittende beampte vir stemme van afwesiges aan hom gestel word en deur hom in ’n beëdigde verklaring in die voorgeskrewe vorm voor die voorsittende beampte afgelê, beantwoord word.”;

(d) deur in paragraaf (d) van subartikel (1) die woorde “onderskeie stembriewe” deur die woorde “stembrief of die onderskeie stembriewe” te vervang;

(e) deur in paragraaf (f) van subartikel (1) die woorde “elke gemerkte stembrief” deur die woorde “die gemerkte stembrief of elke gemerkte stembrief” en die woord “stembriefkoevert” deur die woorde “stembriefkoevert of -koevert” te vervang; en

(f) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) ’n Afwesige kieser in subartikel (1) (aA) bedoel wat nie die vraag vermeld in paragraaf (a) van artikel 97 (2) duidelik en sonder voorbehoud bevestigend en die vraag vermeld in paragraaf (b) van daardie artikel duidelik en sonder voorbehoud ontkennend beantwoord nie, word nie toegelaat om as ’n afwesige kieser te stem nie.”.

Wysiging van
artikel 75 van
Wet 45 van 1979.

53. Artikel 75 van die Hoofwet word hierby gewysig deur in subartikels (1) en (2) die woord “stembriewe”, oral waar dit voorkom, deur die woorde “stembrief of stembriewe” te vervang.

Wysiging van
artikel 76 van
Wet 45 van 1979.

54. Artikel 76 van die Hoofwet word hierby gewysig—

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

“(1) Indien die kiesbeampte oortuig is dat die handtekening op die identiteitsverklaring dié is van die kieser wat die aansoek om die stembrief of stembriewe onderteken het, of, na gelang van die geval, van die persoon wat so ’n aansoek namens ’n kieser wat blind is of nie in staat is om te stem nie, ingevolge die voorbehoudsbepaling by artikel 49 (2) onderteken het, plaas hy die identiteitsverklaring en die koevert wat die stembrief of koevert wat die stembriewe, na gelang van die geval, bevat, in afsonderlike houers, wat deur hom met sy eie seël en ook deur die kandidate of agente van kandidate wat verlang om hul seëls daaraan te heg, verseël word, en bewaar hy hulle veilig in daardie houers totdat die tel van die stemme begin, soos in artikel 104 bepaal, en as deur of ten behoeve van ’n kandidaat teen sy besluit beswaar geopper word, endosseer hy op die identiteitsverklaring ‘beswaar geopper teen aanname’: Met dien verstande dat ’n kiesbeampte, na oorlegpleging met die kandidate en die agente van die kandidate, ’n identiteitsverklaring ondanks enige gebrek daarin moet aanvaar indien die gebrek in daardie identiteitsverklaring klaarblyklik te wyte is aan die nalatigheid van die voorsittende beampte vir stemme van afwesiges.”;

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

“(2) Indien hy nie aldus oortuig is nie, endosseer hy op die identiteitsverklaring [“stemme verwerp”] “verwerp” en heg hy die [stembriefkoevert] stembriefkoevert of -koevert, na gelang van die geval, daaraan sonder om die koevert of koevert oop te maak, of as daar nie so ’n koevert of sulke koevert is nie, die

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- (c) by the insertion after paragraph (a) of subsection (1) of the following paragraph:
- “(aA) If an absent voter established his identity by means of an affidavit referred to in paragraph (a) (iv), the questions mentioned in paragraphs (a) and (b) of section 97 (2) shall be put to him in writing by the presiding officer for absent votes and be answered by him in an affidavit made in the prescribed form before the presiding officer.”;
- (d) by the substitution in paragraph (d) of subsection (1) for the words “respective ballot papers” of the words “ballot paper or the respective ballot papers”;
- (e) by the substitution in paragraph (f) of subsection (1) for the words “each marked ballot paper” of the words “the marked ballot paper or each marked ballot paper” and for the words “ballot paper envelopes” of the words “ballot paper envelope or envelopes”; and
- (f) by the insertion after subsection (1) of the following subsection:
- “(1A) An absent voter referred to in subsection (1) (aA) who does not answer the question mentioned in paragraph (a) of section 97 (2) distinctly and absolutely in the affirmative and the question mentioned in paragraph (b) of that section distinctly and absolutely in the negative, shall not be allowed to vote as an absent voter.”.

53. Section 75 of the principal Act is hereby amended by the substitution in subsections (1) and (2) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”.

Amendment of
section 75 of
Act 45 of 1979.

54. Section 76 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) If the returning officer is satisfied that the signature on the declaration of identity is that of the voter who signed the application for a ballot paper or ballot papers or, as the case may be, of the person who signed such application on behalf of a blind or incapacitated voter in terms of the proviso to section 49 (2), he shall place the declaration of identity and the envelope or envelopes containing the ballot paper or ballot papers, as the case may be, in separate receptacles, which shall be sealed by him with his own seal and also by such of the candidates or agents of candidates as desire to affix their seals thereto, and keep them safely in those receptacles until the commencement of the counting of the votes as provided in section 104, and if objection to his decision is made by or on behalf of any candidate, he shall endorse the declaration of identity ‘acceptance objected to’: Provided that a returning officer shall, after consultation with the candidates and the agents of the candidates, accept a declaration of identity notwithstanding any defect therein if such defect in that declaration of identity is clearly due to the negligence of the presiding officer for absent votes.”;
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) If he is not so satisfied, he shall endorse the declaration of identity [‘votes rejected’] ‘rejected’ and shall attach thereto the ballot paper envelope or envelopes, as the case may be, without opening such envelope or envelopes, or, if there is or are no such envelope or en-

Amendment of
section 76 of
Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

stembrief of stembriewe, en as deur of ten behoeve van 'n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde 'beswaar geopper teen verwerping' by die endossement.”;

(c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer die **[stembriefkoeverte]** stembriefkoevert of -koeverte blyk nie vergesel te wees van 'n identiteitsverklaring nie, maak die kiesbeampte die **[stembriefkoeverte]** stembriefkoevert of -koeverte oop, en as hy vind dat dit die identiteitsverklaring bevat, handel hy met die verklaring en die stembrief of stembriewe ooreenkomstig die bepalinge van hierdie artikel.”; en

(d) deur in paragraaf (a) van subartikel (6) die woord “stembriewe” deur die woorde “stembrief of stembriewe” te vervang.

Wysiging van
artikel 77 van
Wet 45 van 1979.

55. Artikel 77 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woord “stembriewe” deur die woorde “stembrief of stembriewe” te vervang; en

(b) deur in subartikel (3) die woord “stembriewe” deur die woorde “'n stembrief of stembriewe” te vervang.

Vervanging van
artikel 78 van
Wet 45 van 1979.

56. Artikel 78 van die Hoofwet word hierby deur die volgende artikel vervang:

“Tel van
stemme van
afwesige en
spesiale
kiesers.

78. Die kiesbeampte maak onmiddellik **[voordat hy al die stembriewe uit die stembusse bedoel in artikel 104 (9) deurmekaar maak, en]** na nege-uur in die namiddag op die stembdag nadat hy nagegaan het of die in artikel 76 (1) bedoelde seëls in orde is en hy die agente van die kandidate 'n geleentheid gegee het om dieselfde te doen, die aangenome ongeopende stembriefkoeverte oop, verwyder die stembriewe uit die stembriefkoeverte, sorteer, in die geval van 'n stemming vir die Volksraad en die provinsiale raad, die stembriewe op die grondslag van die onderskeie afdelings waarop dit betrekking het, en tel die stembriewe en stemme deur afwesige en spesiale kiesers op elke kandidaat uitgebring *mutatis mutandis* op die wyse by artikel 104 voorgeskryf, en deel die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is: Met dien verstande dat die kiesbeampte te eniger tyd na nege-uur in die voormiddag op die stembdag met die toestemming van die kandidate, en nadat hy nagegaan het of bedoelde seëls in orde is en hy die agente van die kandidate 'n geleentheid gegee het om dieselfde te doen, die aangenome ongeopende stembriefkoeverte kan oopmaak en die stembriewe, sonder om hom te vergewis van die offisiële merk op die agterkant daarvan, of dit te sorteer of te tel, in 'n verseëelde stembus kan plaas tot om onmiddellik na nege-uur in die namiddag op dieselfde dag, waarna daar ooreenkomstig bogenoemde bepalinge met daardie stembriewe gehandel kan word.”.

Wysiging van
artikel 81 van
Wet 45 van 1979.

57. Artikel 81 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) of stembriewe **[ten opsigte van die verkiesing van 'n lid van die Volksraad en ten opsigte van die verkiesing van 'n lid van die provinsiale raad]** sonder die name van die kandidate en die name of verkorte name van die poli-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

velopes, the ballot paper or ballot papers, and if objection to his decision is made by or on behalf of any candidate, he shall add to the endorsement the words 'rejection objected to'.";

5 (c) by the substitution for subsection (4) of the following subsection:

"(4) Where a declaration of identity does not appear to accompany the ballot paper envelope or envelopes the returning officer shall open the ballot paper envelope or envelopes, and if **[they]** such envelope is or any of such envelopes are found to contain the declaration of identity he shall deal with such declaration and ballot paper or ballot papers in accordance with the provisions of this section.";

15 (d) by the substitution in paragraph (a) of subsection (6) for the words "ballot paper" of the words "ballot paper or ballot papers".

55. Section 77 of the principal Act is hereby amended—

Amendment of
section 77 of
Act 45 of 1979.

20 (a) by the substitution in subsection (1) for the words "ballot papers" of the words "ballot paper or ballot papers"; and

(b) by the substitution in subsection (3) for the words "ballot papers" of the words "ballot paper or ballot papers".

25 56. The following section is hereby substituted for section 78 of the principal Act:

Substitution of
section 78 of
Act 45 of 1979.

"Counting of
votes of
absent and
special
voters. 78. The returning officer shall, immediately **[before mixing together all the ballot papers from the ballot boxes referred to in section 104 (9), and]** after
30 nine o'clock in the afternoon on the polling day, after having examined whether the seals referred to in section 76 (1) are in order and after having afforded the agents of the candidates an opportunity to do the same, open the accepted unopened ballot
35 paper envelopes, remove the ballot papers from the ballot paper envelopes, sort, in the case of an election for the House of Assembly and the provincial council, the ballot papers on the basis of the respective divisions to which they relate, and count the ballot papers and the votes cast by absent and special
40 voters in favour of each candidate, *mutatis mutandis* in the manner prescribed by section 104, and advise the candidates and agents of candidates who may be present of the result of the count: Provided that the
45 returning officer may at any time after nine o'clock in the morning on the polling day with the consent of the candidates, and after having examined whether the seals referred to are in order and having afforded the agents and candidates an opportunity to do the same, open the accepted unopened ballot paper
50 envelopes and place the ballot papers, without ascertaining whether the official mark appears on the reverse side thereof, or sorting or counting them, in a sealed ballot box until immediately after nine o'clock in the afternoon of the same day, after which those
55 ballot papers may be dealt with in accordance with the above-mentioned provisions."

57. Section 81 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following
60 paragraph:

Amendment of
section 81 of
Act 45 of 1979.

"(b) either ballot papers **[in respect of the election of a member of the House of Assembly and in respect of the election of a member of the provincial council]** without the names of the candidates and the names or abbreviated

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

tieke partye wat hulle verteenwoordig, of, na gelang van die geval, die woorde 'onafhanklik/independent' en sonder die naam van die afdeling waarin 'n stemming gehou gaan word en die datum van die stemdag, en wat op die voorkant daarvan in geen ander opsig verskil nie van die stembriewe wat uitgereik word aan kiesers in afdelings waar daar twee of meer kandidate behoorlik genomineer is, en op die agterkant daarvan van die stembriewe bedoel in paragraaf (a) van artikel 98 verder verskil slegs in die opsig dat aan die linkerkant langs die ruimte vir die offisiële merk die woorde 'naamtekening van voorsittende beampte vir stemme van spesiale kiesers' ingevoeg word, of, na sy goeddunke en na die nominasiedag, ten opsigte van een of meer bepaalde afdelings, stembriewe **[ten opsigte van die verkiesing van 'n lid van die Volksraad en ten opsigte van die verkiesing van 'n lid van die provinsiale raad]** wat verskil van die stembriewe bedoel in genoemde paragraaf slegs in die opsig dat genoemde woorde aldus ingevoeg word;"

Wysiging van
artikel 82 van
Wet 45 van 1979.

58. Artikel 82 van die Hoofwet word hierby gewysig—

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

"(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 47 (1) en (2) beoog word, op die aansoeker van toepassing is."

(b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

"(c) moet die naam van die afdeling **[van die Volksraad asook van die afdeling van die provinsiale raad]**, of, in die geval van 'n verkiesing vir die Volksraad en die provinsiale raad, die naam van die afdeling van die Volksraad en die naam van die afdeling van die provinsiale raad, 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;"

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

"(d) moet die identiteitsnommer van die aansoeker, indien 'n identiteitsdokument aan hom uitgereik is, vermeld;"

(d) deur paragraaf (f) van subartikel (2) deur die volgende paragraaf te vervang:

"(f) moet die huidige woonadres en posadres van die aansoeker vermeld **[en of dit permanent of tydelik is]**;"

(e) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Waar in 'n aansoek, in die geval van 'n verkiesing vir die Volksraad en die provinsiale raad, slegs die naam van die betrokke afdeling van die Volksraad of slegs die naam van die betrokke afdeling van die provinsiale raad vermeld is, word daardie aansoek geag ook 'n aansoek te wees om as 'n spesiale kieser te stem in die betrokke afdeling van die provinsiale raad, of, na gelang van die geval, van die Volksraad, wat nie in die aansoek vermeld is nie."

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

"(5) Indien die aansoek nie later nie as nege-uur in die namiddag van die tweede dag onmiddellik voor die stemdag deur 'n voorsittende beampte vir stemme van spesiale kiesers ontvang word, is die aansoeker geregtig

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

names of the political parties which they represent, or, as the case may be, the words 'independent/onafhanklik' and without the name of the division in which the poll is to be held and the date of the polling day, and which on the front thereof do not in any other respect differ from the ballot papers issued to voters in divisions in which two or more candidates have been duly nominated, and on the back thereof further differ from the ballot papers referred to in paragraph (a) of section 98 only by reason of the insertion on the left-hand side next to the space for the official mark of the words 'signature of presiding officer for votes of special voters', or, in his discretion and after the nomination day, in respect of one or more particular divisions, ballot papers, **[in respect of the election of a member of the House of Assembly and in respect of the election of a member of the provincial council]** which differ from the ballot papers referred to in the said paragraph only by reason of such insertion of the said words;"

20 58. Section 82 of the principal Act is hereby amended—

Amendment of
section 82 of
Act 45 of 1979.

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

25 "(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 47 (1) and (2), is applicable to the applicant.";

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

30 "(c) shall state the name of the division **[of the House of Assembly as well as of the division of the provincial council]**, or, in the case of an election for the House of Assembly and the provincial council, the name of the division of the House of Assembly and the name of the division of the provincial council, 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;"

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

"(d) shall state the identity number of the applicant, if an identity document has been issued to him;"

45 (d) by the substitution for paragraph (f) of subsection (2) of the following paragraph:

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

50 (e) by the substitution for subsection (3) of the following subsection:

55 "(3) If in any application, in the case of an election for the House of Assembly and the provincial council, the name of the relevant division of the House of Assembly only or the name of the relevant division of the provincial council only, is mentioned, that application shall be deemed also to be an application to vote as a special voter in the relevant division of the provincial council, or, as the case may be, of the House of Assembly, not mentioned in the application";

60 (f) by the substitution for subsection (5) of the following subsection:

65 "(5) If the application is received by a presiding officer for votes of special voters not later than nine o'clock in the afternoon of the second day immediately preceding polling day, the applicant shall be entitled to have,

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

op die uitreiking aan hom van **[stembriewe]** 'n stembrief vir die stemming in die betrokke afdeling, of, in die geval van 'n stemming in 'n afdeling van die Volksraad en in 'n afdeling van die provinsiale raad, van stembriewe vir die stemming vir sowel die Volksraad as die provinsiale raad, en om sy stem daar en dan uit te bring op die wyse in hierdie Wet ten opsigte van spesiale kiesers voorgeskryf: Met dien verstande dat indien 'n aansoeker nie later nie as nege-uur in die namiddag van die dag wat die stemdag onmiddellik voorafgaan sy aansoek om as 'n spesiale kieser te stem persoonlik by enige voorsittende beampte vir stemme van spesiale kiesers in die afdeling waarin hy geregtig is om te stem, inlewer, hy soos voormeld geregtig is op die uitreiking aan hom van 'n stembrief of stembriewe en om sy stem daar en dan uit te bring.”; en

(g) deur in subartikel (6) die woord “stembriewe”, oral waar dit voorkom, deur die woorde “stembrief of stembriewe” te vervang.

Wysiging van
artikel 83 van
Wet 45 van 1979.

59. Artikel 83 van die Hoofwet word hierby gewysig— 20

(a) deur subparagraaf (ii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

“(ii) die ander ure gedurende die tydperk wat die hoofverkiegingsbeampte na oorlegpleging, deur middel van die betrokke verkiegingsbeampte, met die gemagtigde verteenwoordigers van elke politieke party, of wat die betrokke verkiegingsbeampte (met die goedkeuring van die hoofverkiegingsbeampte), na oorlegpleging met sodanige verteenwoordigers, bepaal.”; 25 30

(b) deur in paragraaf (a) van subartikel (1) die woorde wat op subparagraaf (ii) volg deur die volgende woorde te vervang:

“die nodige stappe doen om kiesers wat daarop geregtig is, in staat te stel om, behalwe op 'n Sondag of op Goeie Vrydag, Hemelvaartdag, Gelofte- 35 dag of Kersdag, onverwyld as spesiale kiesers hul stemme uit te bring.”; en

(c) deur die volgende voorbehoudsbepaling by subartikel (2) te voeg: 40

“: Met dien verstande dat 'n kandidaat wat nie 'n politieke party verteenwoordig nie iemand skriftelik kan aanwys om by die verrigtings aanwesig te wees.”.

Wysiging van
artikel 84 van
Wet 45 van 1979.

60. Artikel 84 van die Hoofwet word hierby gewysig— 45

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

“(a) moet sy identiteit aan die voorsittende beampte vir stemme van spesiale kiesers bewys deur die oorlegging van sy persoonskaart, identiteitsdokument, bestuurderslisensie of paspoort of 'n ander bewys van identiteit deur die Staat of deur enige instelling of persoon aan hom uitgereik met die naam en 'n foto van die spesiale kieser daarop, **[wat deur die Staat (met inbegrip van die Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie) of 'n statutêre liggaam soos omskryf in artikel 1 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), of 'n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet aan hom uitgereik is,** 55 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 voorgeskrewe vorm voor bedoelde voorsittende beampte afgelê is deur iemand wie se identi- 60 65

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

5 **[ballot papers]** a ballot paper for the poll in the relevant division, or, in the case of a poll in a division of the House of Assembly and in a division of the provincial council, of ballot papers for the poll in respect of both the House of Assembly and the provincial council, issued to him and to record his vote there and then in the manner provided for in this Act in respect of special voters: Provided that if an applicant not later than nine o'clock in the afternoon of the day immediately preceding the polling day submits his application to vote as a special voter in person to any presiding officer for votes of special voters in the division in which he is entitled to vote the applicant shall as aforesaid be entitled to have a ballot paper or ballot papers issued to him and to record his vote there and then.”;

and
(g) by the substitution in subsection (6) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”.

20 **59. Section 83 of the principal Act is hereby amended—**

Amendment of
section 83 of
Act 45 of 1979.

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

25 “(ii) such other hours during such period as the chief electoral officer may after consultation, through the electoral officer concerned, with the authorized representatives of every political party, or as the electoral officer concerned (with the approval of the chief electoral officer) may, after consultation with such representatives, determine.”;

30 (b) by the substitution in paragraph (a) of subsection (1) for the words following subparagraph (ii) of the following words:

35 “take the necessary steps to enable voters who are entitled thereto to vote forthwith as special voters except on a Sunday or on Good Friday, Ascension Day, the Day of the Vow or Christmas Day.”; and

(c) by the addition to subsection (2) of the following proviso:

40 “: Provided that a candidate not representing a political party may in writing designate a person to be present at the proceedings.”.

60. Section 84 of the principal Act is hereby amended—

Amendment of
section 84 of
Act 45 of 1979.

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

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 or passport or any other proof of identity issued to him by the State or by any institution or person and on which the name and a photograph of the special voter **[appears, issued to him by the State (including the Railways and Harbours Administration and a provincial administration) or a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body referred to in section 84 (1) (f) of the Constitution Act]** appear, 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 prescribed form before the said presiding officer by a person whose identity has been established before that officer

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- teit deur die oorlegging van enige van genoemde dokumente aan daardie beamppte bewys is; en”; en
(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Nadat die spesiale kieser ingevolge die bepalings van subartikel (1) sy identiteit bewys en sy aansoek om as ’n spesiale kieser te stem, onderteken het, moet die voorsittende beamppte bedoel in daardie subartikel daardie aansoek aanvaar en onderteken sonder om die waarheid van enige verklaring wat bedoelde kieser in sy aansoek doen of die bestaan van enige gronde wat die spesiale kieser uit hoofde van die bepalings van artikel 82 (1) in sy aansoek vermeld, te bevraagteken, tensy bedoelde beamppte na oorlegpleging met die gemagtigde verteenwoordigers van politieke partye of die kandidate wat teenwoordig is en, indien dit na sy oordeel nodig is, na ’n ondersoek, oortuig is dat bedoelde verklaring nie waar is nie of dat bedoelde gronde nie bestaan nie: Met dien verstande dat indien enige beswaar deur enige van die vermelde verteenwoordigers of kandidate 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 beamppte die feit dat so ’n beswaar gemaak is op die aansoek moet aantekenen: Met dien verstande voorts dat voordat ’n aansoek van ’n kieser oorweeg word wat sy identiteit deur middel van ’n beëdigde verklaring bedoel in subartikel (1) (a) bewys het, die vrae vermeld in paragrafe (a) en (b) van artikel 97 (2) skriftelik deur die voorsittende beamppte aan hom gestel moet word en deur hom in ’n beëdigde verklaring in die voorgeskrewe vorm voor die voorsittende beamppte afgelê, beantwoord moet word, en dat indien hy nie die vraag vermeld in paragraaf (a) van genoemde artikel duidelik en sonder voorbehoud bevestigend en die vraag vermeld in paragraaf (b) van daardie artikel duidelik en sonder voorbehoud ontken-nend beantwoord nie, sy aansoek geweier moet word.”.

Wysiging van
artikel 86 van
Wet 45 van 1979.

61. Artikel 86 van die Hoofwet word hierby gewysig— 40

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

“(a) op die voorkant van **[die]** ’n stembrief, of, in die geval van ’n stemming in ’n afdeling van die Volksraad en in ’n afdeling van die provinsiale raad, van stembriewe, bedoel in artikel 81 (1) (b) (waarop daar soveel ruimtes vir dié doel is as wat daar kandidate genomineer is in die betrokke **[afdelings]** afdeling of, na gelang van die geval, afdeling van die Volksraad en afdeling van die provinsiale raad, waarin die aansoeker glo dat hy as kieser geregistreer is) die vanne, in alfabetiese volgorde gerangskik, en in die geval van ’n afdeling ten opsigte waarvan twee of meer kandidate met dieselfde van genomineer is, die voorletters, in van al die behoorlik genomineerde kandidate asook die name of verkorte name van die politieke partye wat hulle verteenwoordig of, indien ’n kandidaat nie ’n politieke party verteenwoordig nie, die woorde ‘onafhanklik/independent’;”;

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

“(b) op die teenblad van bedoelde stembrief of van elk van bedoelde stembriewe die naam in van die betrokke afdeling en die geregistreerde nommer van die kieser, of, as die kieser nie in staat is om daar-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

through the production of any of the said documents; and"; and

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

5 " (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
10 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 ground specified by
15 the special voter in his application by virtue of the provisions of section 82 (1), unless the said officer is, after consultation with the authorized representatives of political parties or the candidates who are present and, if
20 necessary in his opinion, after 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 candidates
25 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: Provided further that before
30 an application of a voter is considered who established his identity by means of an affidavit referred to in subsection (1) (a), the questions mentioned in paragraphs (a) and (b) of section 97 (2) shall be put to him in writing by the presiding officer and be answered by him in an affidavit made in the prescribed form before the presiding officer, and that if he does not answer the question mentioned in paragraph (a) of the said section distinctly and absolutely in the affirmative and the question mentioned in paragraph (b) of that section distinctly and absolutely in the negative, his application shall be rejected."

61. Section 86 of the principal Act is hereby amended—

Amendment of
section 86 of
Act 45 of 1979.

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

40 "(a) on the front of **[the]** a ballot paper, or, in the case of a poll in a division of the House of Assembly and in a division of the provincial council, of ballot
45 papers, referred to in section 81 (1) (b) (on which there are as many spaces for the purpose as there are candidates nominated in the relevant **[divisions]** division or, as the case may be, division of the House of Assembly and division of the provincial council, in which the applicant believes that he
50 is registered as a voter) the surnames, arranged in alphabetical order, and in the case of a division in respect of which two or more candidates with the same surname have been nominated, the initials of all the duly nominated candidates as well as the names or abbreviated names of the political parties
55 which they represent or, if a candidate does not represent a political party, the words 'independent/onafhanklik';";

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

60 "(b) on the counterfoil of the said ballot paper or of each of the said ballot papers, the name of the division concerned and the registered number of the

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- die nommer te verstrek nie, sy van en voorletters;”;
- (c) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:
- “(c) op die agterkant van bedoelde stembrief of van elk van bedoelde stembriewe die naam in van die betrokke afdeling; en;”;
- (d) deur in paragraaf (a) van subartikel (2) die woord “stembriewe” deur die woorde “stembrief of stembriewe” te vervang; en
- (e) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:
- “(c) een of twee stembriefkoeverte, na gelang hy een of twee stembriewe ontvang het,”.
62. Artikel 87 van die Hoofwet word hierby gewysig—
- (a) deur die voorbehoudsbepaling by subartikel (1) te skrap;
- (b) deur in subartikel (2) die woorde “onderskeie stembriewe” deur die woorde “stembrief of onderskeie stembriewe” te vervang; en
- (c) deur in subartikel (4) die woorde “elke gemerkte stembrief” deur die woorde “die gemerkte stembrief of elke gemerkte stembrief” en die woord “stembriefkoeverte” deur die woorde “stembriefkoevert of -koeverte” te vervang.
63. Artikel 88 van die Hoofwet word hierby gewysig deur in paragraaf (a) van subartikel (1) die woord “tweede” te skrap.
64. Artikel 89 van die Hoofwet word hierby gewysig deur subartikel (1) te skrap.
65. Artikel 91 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die woorde “dag van ontvangs” deur die woorde “dag na ontvangs” te vervang;
- (b) deur in paragraaf (b) van subartikel (3) die woord “stembriefkoeverte” deur die woorde “stembriefkoevert of -koeverte” te vervang;
- (c) deur in paragraaf (e) van subartikel (3) die woord “stembriefkoeverte” deur die woorde “stembriefkoevert of -koeverte” te vervang;
- (d) deur in paragraaf (a) van subartikel (8) die woord “stembriefkoeverte” deur die woorde “stembriefkoevert of -koeverte” te vervang;
- (e) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:
- “(a) Indien die kiesbeampte ’n aansoek om as ’n spesiale kieser te stem, afwys, endosseer hy op die aansoek **['stem verwerp']** ‘verwerp’ en heg hy die **[stembriefkoeverte]** stembriefkoevert of -koeverte sonder om daardie koevert of koeverte oop te maak, of, as daar nie so ’n koevert of sulke koeverte is nie, die stembrief of stembriewe, daaraan en as daar deur of ten behoewe van ’n kandidaat teen sy besluit beswaar geopper word, voeg hy die woorde ‘beswaar geopper teen verwerping’ by die endossement.”; en
- (f) deur paragraaf (c) van subartikel (9) deur die volgende paragraaf te vervang:
- “(c) Wanneer ’n stembriefkoevert of stembriefkoeverte blyk nie vergesel te wees van ’n aansoek om as ’n spesiale kieser te stem nie, maak die kiesbeampte die stembriefkoevert of stembriefkoeverte oop, en as hy vind dat die stembriefkoevert of die een of

Wysiging van
artikel 87 van
Wet 45 van 1979.

Wysiging van
artikel 88 van
Wet 45 van 1979.

Wysiging van
artikel 89 van
Wet 45 van 1979.

Wysiging van
artikel 91 van
Wet 45 van 1979.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- voter, or, if the voter is unable to furnish that number, his surname and initials;";
- (c) by the substitution for paragraph (c) of subsection (1) of the following paragraph:
- 5 “(c) on the back of the said ballot paper or of each of the said ballot papers, the name of the division concerned; and”;
- (d) by the substitution in paragraph (a) of subsection (2) for the words “ballot papers” of the words “ballot paper or ballot papers”; and
- 10 (e) by the substitution for paragraph (c) of subsection (2) of the following paragraph:
- “(c) one or two ballot paper envelopes, according to whether he received one or two ballot papers,”.
- 15 **62.** Section 87 of the principal Act is hereby amended—
- (a) by the deletion of the proviso to subsection (1);
- (b) by the substitution in subsection (2) for the words “respective ballot papers” of the words “ballot paper or respective ballot papers”; and
- 20 (c) by the substitution in subsection (4) for the words “each marked ballot paper” of the words “the marked ballot paper or each marked ballot paper” and for the words “ballot paper envelopes” of the words “ballot paper envelope or envelopes”.
- 25 **63.** Section 88 of the principal Act is hereby amended by the deletion in paragraph (a) of subsection (1) of the word “second”. Amendment of section 87 of Act 45 of 1979.
- 64.** Section 89 of the principal Act is hereby amended by the deletion of subsection (1). Amendment of section 88 of Act 45 of 1979.
- 30 **65.** Section 91 of the principal Act is hereby amended—
- (a) by the substitution in the Afrikaans text of subsection (1) for the words “dag van ontvangs” of the words “dag na ontvangs”;
- (b) by the substitution in paragraph (b) of subsection (3) for the words “ballot paper envelopes” of the words “ballot paper envelope or envelopes”;
- 35 (c) by the substitution in paragraph (e) of subsection (3) for the words “ballot paper envelopes” of the words “ballot paper envelope or envelopes”;
- 40 (d) by the substitution in paragraph (a) of subsection (8) for the words “ballot paper envelopes” of the words “ballot paper envelope or envelopes”;
- (e) by the substitution for paragraph (a) of subsection (9) of the following paragraph:
- 45 “(a) If the returning officer rejects an application to vote as a special voter, he shall endorse the application **['vote rejected']** ‘rejected’ and shall attach thereto the ballot paper envelope or envelopes without opening such envelope or envelopes, or if
- 50 there is or are no so such envelope or envelopes, the ballot paper or ballot papers, and if objection to his decision is made by or on behalf of any candidate he shall add to the endorsement the words ‘rejection objected to.’; and
- 55 (f) by the substitution for paragraph (c) of subsection (9) of the following paragraph:
- “(c) Where an application to vote as a special voter does not appear to accompany a ballot paper envelope or envelopes, the returning officer shall
- 60 open the ballot paper envelope or envelopes and if it is found that **[one or other]** the ballot paper en-

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

ander **[stembriefkoevert]** van die stembriefkoe-
verte bedoelde aansoek bevat, haal hy die aansoek
uit en verseël hy die stembrief of stembriewe weer
in die stembriefkoevert of stembriefkoeverte en
handel hy met die aansoek en die stembriefkoevert 5
of stembriefkoeverte ooreenkomstig die bepalings
van hierdie artikel.”.

Wysiging van
artikel 96 van
Wet 45 van 1979.

66. Artikel 96 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver- 10
vang:

“(1) Die kieserslys is, behoudens die bepalings van
[artikel 4 (1) (b), (2) en (4) en] artikel 97 (1), afdoende
wat die reg betref van elke persoon wat op daardie lys
ten opsigte van ’n stembedstrik geregistreer is, om sy
stem in daardie stembedstrik uit te bring.”; 15

(b) deur paragraaf (a) van subartikel (3) deur die volgende
paragraaf te vervang:

“(a) Iemand wat **[nie]** in ’n afdeling van **[die Volksraad]**
’n Huis van die Parlement geregistreer is wat **nie**
geheel en al binne een munisipaliteit of binne twee 20
of meer munisipaliteite geleë is nie, iemand bedoel
in artikel **[11 (5)]** 1 (4) (e) van die Bevolkingsregi-
strasiewet, 1950 (Wet No. 30 van 1950), en enige
voorsittende beampte word, **[met inagneming van]**
behoudens die bepalings van paragraaf (c), toege- 25
laat om sy stem uit te bring by enige stemburo in
die afdeling van die **[Volksraad]** betrokke Huis
van die Parlement **[waarvoor]** waarin hy geregi-
streer is **[of, in die geval van iemand bedoel in arti-
kel 11 (5) wat geag word geregistreer te wees]** mits 30
hy, voordat hy sy stem uitbring, ’n verklaring in
die voorgeskrewe vorm onderteken met die strek-
king dat hy nie reeds by die verkiesing in daardie
afdeling of in enige ander afdeling gestem het nie,
en dat hy die persoon is wie se naam op die kie- 35
serslys vir ’n ander stembedstrik van dieselfde afde-
ling voorkom.”;

(c) deur paragraaf (b) van subartikel (3) deur die volgende
paragraaf te vervang:

“(b) Iemand in paragraaf (a) bedoel wat **[nie]** in ’n af- 40
deling van die Volksraad geregistreer is wat **nie** ge-
heel en al binne een munisipaliteit of binne twee of
meer munisipaliteite geleë is nie, word toegelaat
om by enige stemburo in die afdeling bedoel in
daardie paragraaf sy stem uit te bring ongeag of, in 45
die geval waar die betrokke afdeling van die
Volksraad kragtens die **[bepalings van]** voor-
behoudsbepaling by artikel 69 (1) van die **[Grond-
wet]** Wet op Provinsiale Bestuur, 1961 (Wet No.
32 van 1961), in twee afdelings van die provinsiale 50
raad verdeel is, die afdeling van die provinsiale
raad waarin bedoelde persoon as kieser geregi-
streer is geheel en al binne een of binne twee of
meer munisipaliteite geleë is.”;

(d) deur na subartikel (3) die volgende subartikel in te 55
voeg:

“(3A) (a) Indien ’n kiesbeampte van mening is dat
die voer van ’n verkiesing in ’n afdeling in sy ge-
bied wat in twee of meer stembedstrikte verdeel is,
daardeur vergemaklik sal word, kan hy met die 60
instemming van die kandidaat gelas dat die bepa-
lings van subartikel (3), behalwe ten opsigte van
persone bedoel in artikel 1 (4) (e) van die Bevol-
kingsregistrasiewet, 1950, en voorsittende be-
amptes, uitgesluit word ten opsigte van die stem- 65

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

velope or any of the ballot paper **[envelope]** envelopes contains the application in question, he shall remove it and again seal the ballot paper or ballot papers in the ballot paper envelope or envelopes and deal with the application and ballot paper envelope or envelopes as provided in this section.”.

66. Section 96 of the principal Act is hereby amended—

Amendment of
section 96 of
Act 45 of 1979.

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

“(1) The voters’ list shall, subject to the provisions of **[section 4 (1) (b), (2) and (4) and]** section 97 (1), be conclusive as to the right to record his vote in a polling district of every person who is registered on that list in respect of that polling district.”;

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

“(a) Any person who is **[not]** registered in any division of **[the House of Assembly]** a House of Parliament which is not wholly situated within one municipality or within two or more municipalities, any person referred to in section **[11 (5)]** 1 (4) (e) of the Population Registration Act, 1950, and any presiding officer shall, subject to the provisions of paragraph (c), be permitted to vote at any polling station in the division of the House of Assembly **[for]** in which he is registered, **[or, in the case of a person referred to in section 11 (5), is deemed to be registered,]** if before voting he signs a declaration in the prescribed form to the effect that he has not already voted at the election 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.”;

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

“(b) Any person referred to in paragraph (a) who is **[not]** registered in a division of the House of Assembly which is not wholly situated within one municipality or within two or more municipalities, shall be permitted to vote at any polling station in the division referred to in that paragraph regardless of whether, in the case where the division in question of the House of Assembly is divided into two divisions of the provincial council in terms of the **[provisions of]** proviso to section 69 (1) of the **[Constitution Act,]** Provincial Government Act, 1961 (Act No. 32 of 1961), the division of the provincial council in which the said person is registered as a voter is situated wholly within one or within two or more municipalities.”;

(d) by the insertion after subsection (3) of the following subsection:

“(3A) (a) If a returning officer is of the opinion that the conduct of an election in a division in his area which is divided into two or more polling districts would be facilitated thereby, he may, with the concurrence of the candidates in such division, order that the provisions of subsection (3), except in respect of persons referred to in section 1 (4) (e) of the Population Registration Act, 1950, and presiding officers, be excluded in respect of a poll in that

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

ming in daardie afdeling, en daarop geld die
bepalings van daardie subartikel nie ten opsigte
van persone (behalwe bedoelde persone en voor-
sittende beamptes) wat in daardie afdeling geregi-
streer is nie.

- (b) 'n Lasgewing kragtens paragraaf (a) word deur die
kiesbeampte aangekondig gedurende die sitting
van die nominasiehof ingevolge artikel 41 (1).";
- (e) deur in subartikel (4) die woord "verklaringstem-
briewe" deur die woorde "verklaringstembrief of 10
-stembriewe" te vervang; en
- (f) deur in subartikel (5) die woord "stembriewe" deur die
woorde "stembrief of stembriewe" te vervang.

Wysiging van
artikel 97 van
Wet 45 van 1979,
soos gewysig deur
artikel 1 van
Wet 41 van 1983.

67. Artikel 97 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang: 15

"(1) 'n Kieser is, ongeag of sy naam op meer as een kie-
serslys of meer as een maal op dieselfde kieserslys voorkom
of nie, geregtig om by 'n verkiesing vir die Volksraad of die
provinsiale raad slegs een stem vir die verkiesing van 'n lid
van die Volksraad en slegs een stem vir die verkiesing van 20
'n lid van die provinsiale raad uit te bring, of om by 'n ver-
kiesing vir die Raad van Verteenwoordigers slegs een stem
vir die verkiesing van 'n lid van die Raad van Verteenwoor-
digers uit te bring, of om by 'n verkiesing vir die Raad van
Afgevaardigdes slegs een stem vir die verkiesing van 'n lid 25
van die Raad van Afgevaardigdes uit te bring, en geen kie-
ser is geregtig om te stem nie tensy hy sy persoonskaart,
identiteitsdokument, bestuurderslisensie of paspoort of 'n
ander bewys van identiteit deur die Staat of deur enige
instelling of persoon aan hom uitgereik met die naam en 30
foto van die kieser daarop, 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 kie-
ser wat geregistreer is in dieselfde afdeling as dié waarin
eersgenoemde kieser geregistreer is en wat homself deur sy 35
persoonskaart, identiteitsdokument, bestuurderslisensie,
paspoort of bovermelde ander bewys van identiteit oor te lê
aan die voorsittende beampte of aan 'n stemopnemer vir die
doel deur die voorsittende beampte aangewys, geïdenti-
fiseer het, voor die voorsittende beampte of so 'n stemop- 40
nemer 'n beëdigde verklaring in die voorgeskrewe vorm aflê
waarin bewys van die identiteit van eersgenoemde kieser
gelewer word."

Wysiging van
artikel 98 van
Wet 45 van 1979.

68. Artikel 98 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (e) deur die volgende paragraaf te ver- 45
vang:

"(e) Nadat die voorsittende beampte of 'n stemopne-
mer hom aldus vergewis het dat bedoelde persoon
aldus ingeskryf is en wat sy nommer op die kiesers-
lys is, skryf hy daardie nommer in op die teenblad in 50
die stembriefboek wat gebruik word ten opsigte
van die verkiesing [van 'n lid van die Volksraad en
op die teenblad in die stembriefboek wat gebruik
word ten opsigte van die verkiesing van 'n lid van
die provinsiale raad] in die betrokke afdeling, 55
skeur dan die [stembriewe] stembrief uit wat by
daardie [teenblaaie] teenblad behoort, en oorhan-
dig die [stembriewe] stembrief nadat hy homself
daarvan vergewis het dat dit agterop met die of-
fisiële merk gemerk is, aan die persoon wat wil 60
stem, en trek dan 'n streep met potlood of ink
deur die nommer en van van die kieser op die kie-
serslys, as bewys dat die kieser [stembriewe] die
stembrief ontvang het: Met dien verstande dat in-
dien dieselfde kieserslys gebruik word vir 'n stem- 65
ming in 'n afdeling van die Volksraad en in 'n af-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- division, and thereupon the provisions of that subsection shall not apply in respect of persons (other than the said persons or presiding officers) registered in that division.
- 5 (b) An order under paragraph (a) shall be announced by the returning officer during the sitting of the nomination court in terms of section 41 (1).";
- (e) by the substitution in subsection(4) for the words "declaration ballot papers" of the words "declaration ballot paper or ballot papers"; and
- 10 (f) by the substitution in subsection (5) for the words "ballot papers" of the words "ballot paper or ballot papers".

67. Section 97 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 97 of
Act 45 of 1979,
as amended by
section 1 of
Act 41 of 1983.

- "(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 an election for the House of Assembly and the provincial council one vote only for the election of a member of the House of Assembly and one vote only for the election of a member of the provincial council, or at an election for the House of Representatives, one vote only for the election of a member of the House of Representatives, or at an election for the House of Delegates, one vote only for the election of a member of the House of Delegates, and no voter shall be entitled to vote unless he has produced to a polling officer in proof of his identity his identity card, identity document, driver's licence or passport or other proof of identity issued to him by the State or by any institution or person and on which the name and a photograph of the voter appear 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 or such polling officer an affidavit in the prescribed form in which proof of the identity of the first-mentioned voter is furnished."

68. Section 98 of the principal Act is hereby amended—

Amendment of
section 98 of
Act 45 of 1979.

- (a) by the substitution for paragraph (e) of the following paragraph:
- 45 "(e) 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 used in respect of the election **[of a member of the House of Assembly and upon the counterfoil in the ballot paper book used in respect of the election of a member of the provincial council]** in the division concerned, shall then tear out the **ballot [papers]** paper corresponding to such **[counterfoils]** counterfoil, and **after** having ascertained that the
- 55 **ballot [papers are] paper** is marked on the back with the official mark shall hand **[them] 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 **[ballot papers]** the ballot paper: Provided that if the same voters' list is used for a poll in a division of the House of Assembly and in
- 60

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

deling van 'n provinsiale raad, die voorsittende beamppte of 'n stemopnemer die streek deur die nommer en van van die kieser op die kieserslys trek nadat hy hom vergewis het dat die kieser 'n stembrief vir die stemming ten opsigte van die Volksraad en 'n stembrief vir die stemming ten opsigte van die provinsiale raad ontvang het.”;

(b) deur paragraaf (f) deur die volgende paragraaf te vervang:

“(f) Wanneer die persoon wat wil stem die stembrief of stembriewe ontvang het, neem hy dit na die kompartement wat vir dié doel bestem is, wys op die stembrief of op elke stembrief die kandidaat vir wie hy wil stem aan deur in die geheim 'n kruis teenoor die naam van daardie kandidaat te maak, en vou die stembrief of elke stembrief dan so op dat die offisiële merk sigbaar is en die name van die kandidate en die kruis wat hy gemaak het nie sigbaar is nie, en nadat hy die stembrief of stembriewe so opgehou het dat die voorsittende beamppte of 'n deur hom aangewese stemopnemer in elke geval die offisiële merk kan herken, laat hy—

(i) in die geval van 'n stemming vir 'n lid van die Volksraad en vir 'n lid van 'n provinsiale raad, die stembrief wat hy vir die verkiesing van 'n lid van die Volksraad gemerk het in die stembus gemerk 'Stembus vir die Volksraad/Ballot box for the House of Assembly' wat voor die voorsittende beamppte of so 'n stemopnemer staan, val en laat hy die stembrief wat hy vir die verkiesing van 'n lid van die provinsiale raad gemerk het in die stembus gemerk 'Stembus vir die provinsiale raad/Ballot box for the provincial council' wat ook voor die voorsittende beamppte of so 'n stemopnemer staan, val; of

(ii) in die geval van 'n stemming vir 'n lid van die Raad van Verteenwoordigers of vir 'n lid van die Raad van Afgevaardigdes, die stembrief wat hy ontvang het in die stembus wat voor die voorsittende beamppte of so 'n stemopnemer staan, val.”; en

(c) deur paragraaf (h) deur die volgende paragraaf te vervang:

“(h) Ten einde vas te stel of 'n stuk papier wat 'n kieser in 'n stembus gaan laat val, 'n offisieel uitgereikte stembrief is en dat dit, in die geval van 'n verkiesing vir die Volksraad en die provinsiale raad, in die korrekte stembus geplaas word, 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, offisiële merk en die woorde **['Volksraadsverkiesing' of 'Provinsiale Raadsverkiesing']** 'Verkiesing vir die Volksraad' of 'Verkiesing vir die Raad van Verteenwoordigers' of 'Verkiesing vir die Raad van Afgevaardigdes' of 'Verkiesing vir die Provinsiale Raad', na gelang van die geval, daarop sigbaar sou wees maar die kruis wat die kieser gemaak het nie sigbaar sou wees nie.”.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

a division of a provincial council, the presiding officer or a polling officer shall draw a line through the number and surname of the voter on the voters' list after having ascertained that the voter has received a ballot paper for the poll in respect of the House of Assembly and a ballot paper for the poll in respect of the provincial council.”;

(b) by the substitution for paragraph (f) of the following paragraph:

“(f) When the person claiming to vote has received the ballot paper or ballot papers, he shall take it or them to the compartment provided for the purpose, signify on the ballot paper or on each ballot paper the candidate for whom he desires to vote by secretly placing a cross opposite the name of that candidate, and then fold the ballot paper or each ballot paper so that the official mark is visible, and the names of the candidates and the cross made by him are not visible, and having held up the ballot paper or ballot papers so that the presiding officer or a polling officer designated by him can in each case recognize the official mark, he shall—

(i) in the case of a poll for a member of the House of Assembly and for a member of a provincial council, drop the ballot paper marked by him for the election of a member of the House of Assembly in the ballot box marked ‘Ballot box for the House of Assembly/Stembus vir die Volksraad’ placed in front of the presiding officer or such polling officer and shall drop the ballot paper marked by him for the election of a member of the provincial council in the ballot box marked ‘Ballot box for the provincial council/Stembus vir die provinsiale raad’ likewise placed in front of the presiding officer or such polling officer; or

(ii) in the case of a poll for a member of the House of Representatives or a member of the House of Delegates, drop the ballot paper received by him in the ballot box placed in front of the presiding officer or such polling officer.”; and

(c) by the substitution for paragraph (h) of the following paragraph:

“(h) 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 and that it, in the case of an election for the House of Assembly and the provincial council, is placed in the correct ballot box, 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, the official mark and the words ‘Election for House of Assembly’ or **‘Election for Provincial Council’** ‘Election for House of Representatives’ or ‘Election for House of Delegates’ or ‘Election for Provincial Council’, as the case may be, thereon would be visible but the cross made by the voter would not be visible.”.

69. Section 100 of the principal Act is hereby amended by the substitution in subsection (1) for the words “ballot papers”, wherever they occur, of the words “ballot paper or ballot papers”.

Amendment of
section 100 of
Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 101 van
Wet 45 van 1979.

70. Artikel 101 van die Hoofwet word hierby gewysig—

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

“(1) Indien iemand wat voorgee dat hy ’n bepaalde kieser is, om ’n stembrief of stembriewe 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 in die kieserslys deur **[of in opdrag van]** die verkiesingsbeampte ingevolge artikel **[17]** 14 geskrap is, is die aansoeker, nadat hy behoorlik geantwoord het op die vrae wat volgens artikel 97 tydens die stemming aan kiesers gestel mag word, geregtig om ’n stembrief of stembriewe te merk op dieselfde wyse as enige ander kieser, maar die stembrief of stembriewe 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 kiesbeampte getel nie.”; en

- (b) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Indien iemand om ’n stembrief of stembriewe aansoek doen en daar by ondersoek van die kieserslys vasgestel word dat sy naam nie in die lys opgeneem is nie, is die aansoeker, indien hy van oordeel is dat sy naam foutiewelik nie in daardie kieserslys opgeneem is nie en nadat hy ’n verklaring op die voorgeskrewe vorm waarin die gronde van sy aanspraak uiteengesit is, tesame met enige stawende stukke (as daar is), by die voorsittende beampte ingelewer het en hy behoorlik geantwoord het op die vrae wat volgens artikel 97 tydens die stemming aan kiesers gestel mag word, geregtig om ’n stembrief of stembriewe te merk op dieselfde wyse as enige ander kieser, maar die stembrief of stembriewe 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 kiesbeampte getel nie.”.

Wysiging van
artikel 102 van
Wet 45 van 1979.

71. Artikel 102 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord “stembriewe” deur die woorde “’n 40 stembrief of stembriewe” te vervang.

Wysiging van
artikel 103 van
Wet 45 van 1979.

72. Artikel 103 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die pakkette gaan vergesel van ’n opgawe **[ten opsigte van die verkiesing van ’n lid van die Volksraad en ’n 45 opgawe ten opsigte van die verkiesing van ’n lid van die provinsiale raad]** waarin die voorsittende beampte van die aantal stembriewe aan hom toevertrou rekenskap gee onder die hoofde van stembriewe in die stembus en verklaring-, ongebruikte, bedorwe en aangebode stembriewe: Met dien 50 verstande dat in die geval van ’n verkiesing vir die Volksraad en die provinsiale raad afsonderlike opgawes ten opsigte van die verkiesing vir die Volksraad en die verkiesing vir die provinsiale raad verstrek moet word.”.

Wysiging van
artikel 104 van
Wet 45 van 1979.

73. Artikel 104 van die Hoofwet word hierby gewysig— 55

- (a) deur in subartikel (1) die woord “stembriewe” deur die woorde “’n stembrief of stembriewe” te vervang;

- (b) deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

“: Met dien verstande dat die kiesbeampte met die 60 instemming van die kandidate en ondanks andersluidende bepalings, kan gelas dat die tel van stemme van afwesige en spesiale kiesers ingevolge artikel 78, die vergelyking van die gemerkte af-

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

70. Section 101 of the principal Act is hereby amended—

Amendment of
section 101 of
Act 45 of 1979.

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

5 “(1) If a person representing himself to be a particular voter applies for a ballot paper or ballot papers 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 section [17] 14 been deleted in the voters’ list by [or at the direction of] the electoral officer, the applicant shall, upon duly answering the questions permitted by section 97 to be asked of the voters at the time of polling, be entitled to mark a ballot paper or ballot papers in the same manner as any other voter, but the ballot paper or ballot papers shall not be put into a ballot box but shall be given to the presiding officer, shall be set aside by him in a separate packet and shall not be counted by the returning officer.”; and

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

20 “(1A) If a person applies for a ballot paper or ballot papers and on examination of the voters’ list it is found that his name has not been included in the list, the applicant shall, if he is of the opinion that his name has erroneously not been included in that voters’ list and after he has lodged with the returning officer a declaration on the prescribed form in which the grounds of his claim are set out, together with any verifying documents (if any), and has duly answered the questions permitted by section 97 to be asked of voters at the time of polling, be entitled to mark a ballot paper or ballot papers in the same manner as any other voter, but the ballot paper or ballot papers shall not be put into a ballot box, but shall be given to the presiding officer, shall be set aside by him in a separate packet and shall not be counted by the returning officer.”.

71. Section 102 of the principal Act is hereby amended by the substitution in subsection (1) for the words “ballot papers” of the words “a ballot paper or ballot papers”.

Amendment of
section 102 of
Act 45 of 1979.

72. Section 103 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of
section 103 of
Act 45 of 1979.

45 “(2) The packets shall be accompanied by a statement [in respect of the election of a member of the House of Assembly and a statement in respect of the election of a member of the provincial council] 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: Provided that in the case of an election for the House of Assembly and the provincial council separate statements in respect of the election for the House of Assembly and the election for the provincial council shall be made.”.

73. Section 104 of the principal Act is hereby amended—

Amendment of
section 104 of
Act 45 of 1979.

- (a) by the substitution in subsection (1) for the words “ballot papers” of the words “a ballot paper or ballot papers”;

- (b) by the addition to subsection (1) of the following proviso:

60 “: Provided that the returning officer may, with the concurrence of the candidates and notwithstanding any provisions to the contrary, direct that the counting of votes of absent and special voters in terms of section 78, the comparison of the marked copies of the voters’ list and the verification of

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

skrifte van die kieserslys en die toets van die op-
gawes van stembriewe en die tel daarvan ingevolge
hierdie artikel, gelyktydig moet plaasvind en dat
hy vir dié doel twee addisionele agente vir elke
kandidaat kan aanstel.”;

5

- (c) deur subartikel (5) deur die volgende subartikel te ver-
vang:

“(5) Indien dit by voormelde vergelyking blyk dat ie-
mand by ’n ander stemburo as die stemburo van die
stembdistrik ten opsigte waarvan hy geregistreer is, ’n 10
stembrief of stembriewe ontvang het, maar nie by laas-
bedoelde stemburo ’n stembrief of stembriewe ontvang
het nie, of indien die kiesbeampte geen stembrief of
stembriewe ontvang het waarop dieselfde persoon sy
stem as ’n afwesige kieser of spesiale kieser uitgebring 15
het nie, maak die kiesbeampte die verklaringskovert
van daardie persoon sorgvuldig oop sodat die verkla-
ring wat daarop voorkom op generlei wyse geskend
word nie of die stembrief of stembriewe wat daarin toe-
gemaak is, nie geskeur of vermink word nie, en plaas 20
hy die verklaringstembrieffkovert ongeopen in ’n stem-
bus of ander geskikte houer, waar dit bly totdat daarmee
volgens voorskrif van subartikel (9) gehandel
word.”;

- (d) deur subartikel (7) deur die volgende subartikel te ver- 25
vang:

“(7) Terwyl die vergelyking van die gemerkte af-
skrifte van die kieserslys plaasvind, maak die kies-
beampte elke stembus oop en—

- (a) toets hy die betrokke opgawes van stembriewe wat 30
deur elke voorsittende beampte gedoen is, deur
vergelyking met die aantal stembriewe in elke so-
danige bus, die verklaringstemlys, die ongebruikte
en bedorwe stembriewe in sy besit en die lys van
aangebode stemme; 35

- (b) vergewis hy hom dat die stembriewe op die agter-
kant daarvan die offisiële merk dra;

- (c) sorteer hy, in die geval van ’n stemming vir die
Volksraad en die provinsiale raad, die stembriewe op die grondslag van die onderskeie afde- 40
lings waarop hulle betrekking het; en

- (d) tel hy, terwyl hy vir dié doel die stembriewe met
hul voorkant na bo hou, die stembriewe en
stemme wat op elke kandidaat in die afdeling uit-
gebring is en deel hy die uitslag van die stemming 45
mee aan die kandidate en agente van kandidate
wat aanwesig is.”;

- (e) deur subartikel (9) deur die volgende subartikel te ver-
vang:

“(9) Wanneer die kiesbeampte die vergelyking van 50
die gemerkte afskrifte van die kieserslys en die toets
van die opgawes van stembriewe voltooi het—

- (a) maak hy, ongeag of bedoelde opgawes juis bevind
is al dan nie, in die teenwoordigheid van die kandi-
date en agente van die kandidate, die verkla-
ringskoerverte waarin die verklaringstembriewe is
wat ontvang is deur persone wat by voormelde ver-
gelyking nie stembriewe by twee of meer stembu-
ro’s blyk te ontvang het nie, oop op so ’n wyse dat
die stembriewe daarin nie geskeur of vermink 60
word nie;

- (b) vergewis hy hom dat die stembriewe op die agter-
kant daarvan die offisiële merk dra;

- (c) maak hy al die stembriewe op so ’n wyse deurma-
kaar dat dit onmoontlik is om te bepaal uit watter
verklaringskoerverte ’n besondere stembrief geneem
is; 65

- (d) sorteer hy, in die geval van ’n stemming vir die

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

the ballot paper accounts and the testing of the accounts of ballot papers and the counting thereof in terms of this section, shall be carried out simultaneously, and that he may for such purpose appoint two additional agents for each candidate.”;

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

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“(5) If on the comparison aforesaid it appears that a person has received a ballot paper or ballot papers 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 or ballot papers at such last-mentioned polling station or if the returning officer has not received a ballot paper or ballot papers on which the same person has recorded his vote as an absent voter or a special voter, the returning officer shall carefully open the declaration envelope of such person so that the declaration appearing thereon is not defaced in any way or the ballot paper or ballot papers enclosed therein is or are not torn or mutilated, and shall place the declaration ballot paper envelope, unopened, in a ballot box or other suitable receptacle, where it shall remain until dealt with as provided in subsection (9).”;

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

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“(7) While the comparison of the marked copies of the voters’ list is taking place the returning officer shall open each ballot box and shall—

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(a) verify the relevant ballot paper accounts given by each presiding officer by comparing with them the number of ballot papers in each such box, the declaration votes list, the unused and spoilt ballot papers in his possession and the tendered votes list;

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(b) ascertain that the ballot papers bear the official mark on the back thereof;

(c) in the case of a poll for the House of Assembly and the provincial council, sort the ballot papers on the basis of the respective divisions to which they relate; and

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(d) count, while for this purpose holding the ballot papers with their faces upwards, the ballot papers and votes given for each candidate in the division and announce the result of the counting to the candidates and the agents of the candidates who are present.”;

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

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“(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, he shall—

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(a) whether or not the said accounts are found to be correct, in the presence of such candidates and agents of candidates open the declaration 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, so that the ballot papers enclosed therein are not torn or mutilated;

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(b) ascertain that the ballot papers bear the official mark on the back thereof;

(c) mix all the ballot papers so that it is not possible to determine from which declaration envelope a particular ballot paper was taken;

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(d) in the case of a poll for the House of Assembly

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Volksraad en die provinsiale raad, bedoelde verklaringstembriewe op die grondslag van die onderskeie afdelings waarop hulle betrekking het; en
(e) tel hy, terwyl hy vir dié doel die stembriewe met hul voorkant na bo hou, die stembriewe en stemme wat op elke kandidaat in die afdeling uitgebring is en deel hy die uitslag van die telling mee aan die kandidate en agente van kandidate wat aanwesig is.”;

(f) deur subartikels (10) en (11) te skrap; en

(g) deur subartikel (13) deur die volgende subartikel te vervang:

“(13) Nadat die telling van al die stembriewe en stemme voltooi is, stel die kiesbeampte die uitslag van die stemming in die betrokke afdeling vas deur—

(a) die getal stemme deur afwesige en spesiale kiesers;

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

(c) die getal verklaringstemme,

op 'n kandidaat uitgebring, bymekaar te tel, en verklaar hy onverwyld die kandidaat wat die grotere of die grootste getal stemme in die betrokke afdeling het, behoorlik tot lid van die betrokke Huis van die Parlement of provinsiale raad verkies te wees vir daardie afdeling met ingang van die stemdag ten opsigte van die betrokke verkiesing bepaal.”.

Wysiging van
artikel 105 van
Wet 45 van 1979.

74. Artikel 105 van die Hoofwet word hierby gewysig—

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

“(a) nie die in artikel 98 bedoelde offisiële merk dra nie of wat nóg die in artikel 86 (1) bedoelde stempel nóg die aldus bedoelde handtekening dra en ten opsigte waarvan hy gegronde rede het om te glo dat dit nie amptelik ingevolge artikel 98 (e) of 86 (2) (a) aan 'n kieser oorhandig is nie;”;

(b) deur die volgende paragrawe by subartikel (2) te voeg:

“(h) 'n stembrief deur 'n spesiale kieser gemerk as die vanne en voorletters van die kandidate nie daarop ingevul is nie, mits—

(i) die name of verkorte name van die politieke partye deur die kandidate verteenwoordig, of, in die geval van 'n kandidaat wat nie 'n politieke party verteenwoordig nie, die woorde ‘onafhanklik/independent’, daarop ingevul is; en

(ii) dit duidelik blyk vir watter kandidaat die kieser gestem het;

(i) 'n stembrief deur 'n spesiale kieser gemerk as die name of verkorte name van die politieke partye deur die kandidate verteenwoordig, of, in die geval van 'n kandidaat wat nie 'n politieke party verteenwoordig nie, die woorde ‘onafhanklik/independent’ nie daarop ingevul is nie, mits dit duidelik blyk vir watter kandidaat die kieser gestem het.”.

Wysiging van
artikel 107 van
Wet 45 van 1979.

75. Artikel 107 van die Hoofwet word hierby gewysig—

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

“(1) Die kiesbeampte maak geen verseëlde pakket van aangebode stembriewe of teenblaai oop nie, maar maak onmiddellik na die aankondiging van die stemming—

(a) in die geval van 'n stemming vir die Volksraad en die provinsiale raad, afsonderlike geslote pakkette van die getelde en verwerpe stembriewe ten opsigte van die betrokke afdeling van die Volksraad en van die betrokke afdeling of afdelings van die

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- and the provincial council, sort the declaration ballot papers on the basis of the respective divisions to which they relate; and
- (e) count, while for this purpose holding the ballot papers with their faces upwards, the ballot papers and votes given for each candidate in the division and announce the result of the counting to the candidates and the agents of the candidates who are present.”;
- (f) by the deletion of subsections (10) and (11); and
- (g) by the substitution for subsection (13) of the following subsection:
- “(13) After the counting of all the ballot papers and votes is completed, the returning officer shall determine the result of the poll in the relevant division by adding—
- (a) the number of votes by absent and special voters;
- (b) the number of votes in respect of each ballot box; and
- (c) the number of declaration votes, given for each candidate, and he shall forthwith declare the candidate who has the greater or the greatest number of votes in the relevant division to be duly elected a member of the House of Parliament or provincial council concerned for that division with effect from the polling day fixed in respect of the election in question.”.

74. Section 105 of the principal Act is hereby amended—

Amendment of
section 105 of
Act 45 of 1979.

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) does not bear the official mark mentioned in section 98 or which bears neither the stamp mentioned in section 86 (1) nor the signature so mentioned and in respect of which he has sound reason to believe that it was not officially handed to a voter in terms of section 98 (e) or 86 (2) (a);”;
- (b) by the addition to subsection (2) of the following paragraphs:
- “(h) any ballot paper marked by a special voter on which the surnames and initials of the candidates have not been inscribed, provided—
- (i) the names or abbreviated names of the political parties represented by the candidates, or, in the case of a candidate not representing a political party, the words “independent/onafhanklik”, have been inscribed thereon; and
- (ii) it is clearly evident for which candidate the voter has voted;
- (i) any ballot paper marked by a special voter on which the names or abbreviated names of the political parties represented by the candidates, or, in the case of a candidate not representing a political party, the words “independent/onafhanklik”, have not been inscribed, provided it is clearly evident for which candidate the voter has voted.”.

75. Section 107 of the principal Act is hereby amended—

Amendment of
section 107 of
Act 45 of 1979.

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The returning officer shall not open any sealed packet of tendered ballot papers or counterfoils, but shall immediately after the declaration of the poll—
- (a) in the case of a poll for the House of Assembly and the provincial council, enclose in separate packets the counted and rejected ballot papers in respect of the relevant division of the House of Assembly and of the relevant division or divisions of

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

provinsiale raad, en geslote pakkette van onderskeidelik die verseëlde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 104 (3) verwerp is en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp 5 is nie, ten opsigte van al daardie afdelings saam;

(b) in die geval van 'n stemming vir die Raad van Verteenwoordigers of vir die Raad van Afgevaardigdes, geslote pakkette ten opsigte van die betrokke afdeling van onderskeidelik die getelde en 10 verworpe stembriewe, die verseëlde verklaringskoeverte van persone wie se stemme ooreenkomstig artikel 104 (3) verwerp is, en die oopgemaakte verklaringskoeverte van persone wie se stemme nie aldus verwerp is nie.”; en 15

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

“(2) Die kiesbeampte stuur onmiddellik na die aankondiging van die stemming alle teenblaai van stembriewe ten opsigte van die betrokke afdeling, of, in die 20 geval van 'n stemming vir die Volksraad en die provinsiale raad, ten opsigte van die betrokke afdeling van die Volksraad en ten opsigte van die betrokke afdeling of afdelings van die provinsiale raad met verslae op die voorgeskrewe vorm betreffende die toets van die juist- 25 heid van die opgawes van stembriewe, aan die hoofverkiesingsbeampte.”.

Wysiging van
artikel 108 van
Wet 45 van 1979.

76. Artikel 108 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) By ontvangs van die in subartikel (1) bedoelde inlig- 30 ting stel die hoofverkiesingsbeampte sonder versuim, in die geval van 'n verkiesing vir **[die Volksraad]** 'n Huis van die Parlement, die Sekretaris van die Parlement, of, in die geval van 'n verkiesing vir 'n provinsiale raad, die betrokke klerk van die provinsiale raad, in kennis van die naam van 35 die persoon wat behoorlik verkies verklaar is, en, as 'n stemming plaasgevind het, die aantal stemme op die verskillende kandidate in die betrokke verkiesing uitbring.”.

Vervanging van
artikel 109 van
Wet 45 van 1979.

77. Artikel 109 van die Hoofwet word hierby deur die volgende artikel vervang: 40

“Publikasie
van name
van ver-
kose lede.

109. In die geval van 'n algemene verkiesing **[vir die Volksraad en vir die onderskeie provinsiale rade]** laat die hoofverkiesingsbeampte sodra hy die name ontvang het van die persone wat vir die verskillende afdelings behoorlik verkies verklaar is— 45

(a) die volle name van die verkose lede met die name of verkorte name van die politieke partye deur hulle verteenwoordig, of, in die geval van 'n verkose lid wat nie 'n politieke party verteenwoordig nie, die woorde ‘onafhanklik/indepen- 50 dent’;

(b) die afdelings wat hulle onderskeidelik verteenwoordig; en

(c) die datum waarop hulle verkies verklaar is, by kennisgewing in die *Staatskoerant* publiseer.”. 55

Wysiging van
artikel 110 van
Wet 45 van 1979.

78. Artikel 110 van die Hoofwet word hierby gewysig deur die woorde “die Volksraad” deur die woorde “'n Huis van die Parlement” te vervang.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

the provincial council, and, in respect of all those divisions together, enclose in packets the sealed declaration envelopes of persons whose votes have been rejected as provided in section 104 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, respectively;

(b) in the case of a poll for the House of Representatives or for the House of Delegates, enclose in packets the counted and rejected ballot papers in respect of the division concerned, the sealed declaration envelopes of persons whose votes have been rejected in accordance with section 104 (3), and the opened declaration envelopes of persons whose votes have not been so rejected, respectively.”; and

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

“(2) The returning officer shall, immediately after the declaration of the poll, transmit all counterfoils of ballot papers in respect of the relevant division, or, in the case of a poll for the House of Assembly and the provincial council, in respect of the relevant division of the House of Assembly and in respect of the relevant division or divisions of the provincial council, together with reports on the prescribed form as to the verification of the ballot paper accounts, to the chief electoral officer.”.

76. Section 108 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 108 of Act 45 of 1979.

“(3) Upon receipt of the information referred to in subsection (1) the chief electoral officer shall without delay notify, in the case of an election for **[the House of Assembly]** a House of Parliament, the Secretary to Parliament, or, in the case of an election for a provincial council, the clerk of the provincial council concerned, of the name of the person declared duly elected, and, if a poll has taken place, the number of votes received by the respective candidates in the election in question.”.

77. The following section is hereby substituted for section 109 of the principal Act: Substitution of section 109 of Act 45 of 1979.

“Publication of names of elected members. 109. In the case of a general election, **[for the House of Assembly and for the respective provincial councils]** as soon as the names of the persons declared duly elected for the several divisions have been received by the chief electoral officer, he shall cause to be published, by notice in the *Gazette*—

(a) the full names of the members returned together with the names or abbreviated names of the political parties represented by them or, in the case of a returned member who does not represent a political party, the words “independent/onafhanklik”;

(b) the divisions which they respectively represent; and

(c) the dates on which they were declared elected.”.

78. Section 110 of the principal Act is hereby amended by the substitution for the words “the House of Assembly” of the words “a House of Parliament”. Amendment of section 110 of Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 111 van
Wet 45 van 1979.

79. Artikel 111 van die Hoofwet word hierby gewysig deur die woorde "die Volksraad", waar hulle die eerste maal voorkom, deur die woorde "dieselfde Huis van die Parlement" te vervang.

Vervanging van
artikel 112 van
Wet 45 van 1979.

80. Artikel 112 van die Hoofwet word hierby deur die volgende artikel vervang:

"Verklaring
van geheim-
houding.

112. Elke kiesbeampte, voorsittende beampte, stemopnemer, telbeampte of kandidaat of agent **[hulpagent, stemagent]** of bode van 'n kandidaat wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, lê in die voorgeskrewe vorm voor die begin van die stemming of voor die tel van stemme, na gelang van die geval, 'n beëdigde verklaring van geheimhouding af, as hy die kiesbeampte is, voor 'n vrederegtter of kommissaris van ede, en as hy nie 'n kiesbeampte is nie, voor 'n vrederegtter of kommissaris van ede of die kiesbeampte of voorsittende beampte, wat hierby gemagtig word om so 'n eed af te neem: Met dien verstande dat indien iemand kragtens hierdie Wet ná die aanvang van die stemming of die telling, na gelang van die geval, in 'n vermelde hoedanigheid in die plek van iemand anders of in 'n vakature aangestel word, hy eersbedoelde verklaring moet aflê alvorens hy in die stemburo of tellokaal toegelaat word."

Wysiging van
artikel 117 van
Wet 45 van 1979.

81. Artikel 117 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (2) die woord "stembriewe" deur die woorde "stembrief of stembriewe" te vervang; en
- (b) deur in subartikel (3) die woorde "enige van sy stembriewe" deur die woorde "sy stembrief of enige van sy stembriewe" te vervang.

Invoeging van
artikel 118A in
Wet 45 van 1979.

82. Die volgende artikel word hierby in die Hoofwet na artikel 118 ingevoeg:

"Algemene
verkiesing
vir Huise
van Parle-
ment geag
afsonderlike
algemene
verkiesings
vir verskil-
lende Huise
te wees.

118A. 'n Algemene verkiesing van die lede van die Huise van die Parlement soos beoog in artikel 47 (1) van die Grondwet, word by die toepassing van hierdie Wet geag afsonderlike algemene verkiesings van die lede van die verskillende Huise te wees wat op dieselfde dag gehou word."

Wysiging van
artikel 119 van
Wet 45 van 1979.

83. Artikel 119 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) die uitdrukking "artikel 47 (1) (b)" deur die uitdrukking "artikel 47 (1) (b) (i)" te vervang; en
- (b) deur in paragraaf (b) die woorde "die Volksraad" deur die woorde "'n Huis van die Parlement" te vervang.

Wysiging van
artikel 120 van
Wet 45 van 1979.

84. Artikel 120 van die Hoofwet word hierby gewysig deur paragraaf (j) deur die volgende paragraaf te vervang:

"(j) gemengde uitgawes wat tesame nie meer as **[tweehonderd rand]** 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 opsigte van enige aangeleentheid of ding waarvoor betaling by hierdie Wet of 'n ander wet verbied word nie;"

Wysiging van
artikel 121 van
Wet 45 van 1979.

85. Artikel 121 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Voor, op of nie later nie as drie dae na die nominasiedag by 'n verkiesing word **['n Blanke]** iemand deur of namens elke kandidaat as 'n agent vir daardie verkiesing benoem."

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

79. Section 111 of the principal Act is hereby amended by the substitution for the words "House of Assembly", where they occur for the first time, of the words "same House of Parliament".

Amendment of
section 111 of
Act 45 of 1979.

80. The following section is hereby substituted for section 112 of the principal Act:

Substitution of
section 112 of
Act 45 of 1979.

112. Every returning officer, presiding officer, polling officer, counting officer or candidate or candidate's agent **[sub-agent, polling agent]** or messenger entitled to attend at the polling station or at the counting of votes, shall make in the prescribed form, and before the opening of the poll or before the counting of votes, as the case may be, a declaration of secrecy on oath, if he is a returning officer, before a 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: Provided that if any person is appointed under this Act in a capacity mentioned above in the place of any other person or to fill a vacancy after the commencement of the poll or the counting, as the case may be, he shall first make the said declaration before he may be admitted to the polling station or counting hall."

81. Section 117 of the principal Act is hereby amended—

Amendment of
section 117 of
Act 45 of 1979.

- (a) by the substitution in subsection (2) for the words "ballot papers" of the words "ballot paper or ballot papers"; and
- (b) by the substitution in subsection (3) for the words "any of his ballot papers" of the words "his ballot paper or any of his ballot papers".

82. The following section is hereby inserted in the principal Act after section 118:

Insertion of
section 118A in
Act 45 of 1979.

118A. A general election of the members of the Houses of Parliament as contemplated in section 47 (1) of the Constitution, shall for the purposes of this Act be deemed to be separate general elections of the members of the different Houses of Parliament which are held on the same day."

83. Section 119 of the principal Act is hereby amended—

Amendment of
section 119 of
Act 45 of 1979.

- (a) by the substitution in paragraph (a) for the expression "section 47 (1) (b)" of the expression "section 47 (1) (b) (i)"; and
- (b) by the substitution in paragraph (b) for the words "the House of Assembly" of the words "a House of Parliament".

84. Section 120 of the principal Act is hereby amended by the substitution for paragraph (j) of the following paragraph:

Amendment of
section 120 of
Act 45 of 1979.

"(j) miscellaneous expenses not exceeding in the whole **[two hundred rand] 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;"

85. Section 121 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 121 of
Act 45 of 1979.

"(1) Before, on or not later than three days after the nomination day at an election a **[white]** person shall be appointed by or on behalf of each candidate as his agent for that election."

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 122 van
Wet 45 van 1979.

86. Artikel 122 van die Hoofwet word hierby gewysig deur
paragraaf (b) van subartikel (1) te skrap.

Wysiging van
artikel 123 van
Wet 45 van 1979.

87. Artikel 123 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van die voorbehoudsbepaling by
subartikel (1) deur die volgende paragraaf te vervang: 5

“(a) (i) in die geval van ’n algemene verkiesing vir die
Volksraad en vir die onderskeie provinsiale
rade en in die geval waar daar by ’n artikel
110 bedoelde verkiesing in ’n afdeling op een
en dieselfde dag ’n lid van die Volksraad so- 10
wel as ’n lid van die provinsiale raad of, indien
’n afdeling van die Volksraad kragtens artikel
69 (1) van die **[Grondwet]** Wet op Provinsiale
Bestuur, 1961 (Wet No. 32 van 1961), verdeel
is in twee afdelings van die provinsiale raad, 15
’n lid van die Volksraad en ’n lid van die pro-
vinsiale raad vir elk van bedoelde twee afde-
lings van die provinsiale raad verkies word,
een addisionele stemagent benoem kan word
vir elke tweeduisend kiesers wat ten opsigte 20
van daardie stemdistrik bo tweeduisend gere-
gistreer is; en

(ii) in die geval van ’n algemene verkiesing vir die
Raad van Verteenwoordigers of vir die Raad
van Afgevaardigdes, een addisionele stem- 25
agent benoem kan word vir die elke eendui-
send kiesers wat ten opsigte van daardie stem-
distrik bo tweeduisend geregistreer is;”;

(b) deur in paragraaf (b) van subartikel (1) die woord
“Grondwet” deur die uitdrukking “Wet op Provinsiale 30
Bestuur, 1961 (Wet No. 32 van 1961),” te vervang;

(c) deur in paragraaf (c) van subartikel (1) die woorde “die
Volksraad” deur die woorde “’n Huis van die Parle-
ment” te vervang; en

(d) deur subartikel (3) te skrap. 35

Wysiging van
artikel 128 van
Wet 45 van 1979.

88. Artikel 128 van die Hoofwet word hierby gewysig deur
paragraaf (a) deur die volgende paragraaf te vervang:

“(a) in die geval van ’n algemene verkiesing, by die ontbin-
ding van die **[Volksraad]** Parlement of die betrokke
Huis van die Parlement ingevolge ’n bepaling van die 40
Grondwet of by verstryking van die ampsduur of ont-
binding van ’n provinsiale raad ingevolge artikel 71 van
[genoemde Wet] die Wet op Provinsiale Bestuur, 1961
(Wet No. 32 van 1961); en”.

Invoeging van
artikel 128A
in Wet 45
van 1979.

89. Die volgende artikel word hierby in die Hoofwet na artikel 45
128 ingevoeg:

“Kwalifika-
sies van
persone wat
vir sekere
doeleindes
aangestel
word.

128A. (1) Niemand word kragtens—

(a) artikel 48 (1) of (4A) as ’n voorsittende beampte
vir stemme van afwesiges aangestel nie; 50

(b) artikel 56 (a) of (b) vir die doeleinde van daar-
die artikel aangewys nie;

(c) die voorbehoudsbepaling by artikel (2) van arti-
kel 83 vir die doeleinde in daardie voorbe-
houdsbepaling vermeld, aangewys nie;

(d) artikel 121 (1) as ’n agent benoem nie; 55

(e) artikel 122 (1) as ’n hulpagent aangestel nie; of

(f) artikel 123 (1) as ’n stemagent of bode benoem
nie,

tensy hy—

(i) in die geval van ’n verkiesing vir die Volksraad 60
en die provinsiale raad, geregistreer is of bevoeg
is om geregistreer te word as kieser ten opsigte
van die Volksraad;

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

86. Section 122 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (1).

Amendment of
section 122 of
Act 45 of 1979.

87. Section 123 of the principal Act is hereby amended—

Amendment of
section 123 of
Act 45 of 1979.

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

“(a) (i) in the case of a general election for the House of Assembly and for the respective provincial councils, and in the case where, at an election referred to in section 110, a member of the House of Assembly as well as a member of the provincial council or, if any division of the House of Assembly is in terms of section 69 (1) of the **[Constitution Act] Provincial Government Act, 1961 (Act No. 32 of 1961)**, divided into two divisions of the provincial council, a member of the House of Assembly and a member of the provincial council for each of the said two divisions of the provincial council, are elected in any division on one and the same day, one additional polling agent may be appointed for every two thousand voters registered in respect of that polling district in excess of two thousand; and

(ii) in the case of a general election for the House of Representatives or for the House of Delegates, one additional polling agent may be appointed for every one thousand voters registered in respect of that polling district in excess of two thousand.”;

(b) by the substitution in paragraph (b) of subsection (1) for the words “Constitution Act” of the expression “Provincial Government Act, 1961 (Act No. 32 of 1961)”;

(c) by the substitution in paragraph (c) of subsection (1) for the words “the House of Assembly” of the words “a House of Parliament”; and

(d) by the deletion of subsection (3).

Amendment of
section 128 of
Act 45 of 1979.

88. Section 128 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

“(a) in the case of a general election upon the dissolution of **[the House of Assembly] Parliament or the House of Parliament concerned under any provision of the Constitution [Act] or upon the expiry of the term of office or dissolution of a provincial council under section 71 of the [said Act] Provincial Government Act, 1961 (Act No. 32 of 1961); and”.**

89. The following section is hereby inserted in the principal Act after section 128:

Insertion of
section 128A in
Act 45 of 1979.

“Qualifications of persons appointed for certain purposes. **128A. (1) No person shall be—**

- (a) appointed under section 48 (1) or (4A) as a presiding officer for absent votes;
- (b) nominated under section 56 (a) or (b) for the purpose of that section;
- (c) designated under the proviso to subsection (2) of section 83 for the purpose specified in that proviso;
- (d) nominated under section 121 (1) as an agent;
- (e) appointed under section 122 (1) as a subagent; or
- (f) designated under section 123 (1) as a polling agent, unless he—
 - (i) in the case of an election for the House of Assembly and the provincial council, is registered or qualified to be registered as a voter in respect of the House of Assembly;

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

- (ii) in die geval van 'n verkiesing vir die Raad van Verteenwoordigers, geregistreer is of bevoeg is om geregistreer te word as kieser ten opsigte van die Raad van Verteenwoordigers; of
- (iii) in die geval van 'n verkiesing vir die Raad van Afgevaardigdes, geregistreer is of bevoeg is om geregistreer te word as kieser ten opsigte van die Raad van Afgevaardigdes. 5
- (2) 'n Gemagtigde verteenwoordiger bedoel in artikel 83 moet— 10
 - (a) in die geval van 'n verkiesing vir die Volksraad en die provinsiale raad, 'n persoon wees wat geregistreer is of bevoeg is om geregistreer te word as kieser ten opsigte van die Volksraad;
 - (b) in die geval van 'n verkiesing vir die Raad van Verteenwoordigers, 'n persoon wees wat geregistreer is of bevoeg is om geregistreer te word as kieser ten opsigte van die Raad van Verteenwoordigers; of 15
 - (c) in die geval van 'n verkiesing vir die Raad van Afgevaardigdes, 'n persoon wees wat geregistreer is of bevoeg is om geregistreer te word as kieser ten opsigte van die Raad van Afgevaardigdes.” 20

Wysiging van
artikel 145 van
Wet 45 van 1979.

90. Artikel 145 van die Hoofwet word hierby gewysig deur 25
paragraaf (b) van subartikel (1) deur die volgende paragraaf te
vervang:

“(b) kan 'n kandidaat of enigeen van sy agente, indien daar by bedoelde verhoor bevind word dat hy 'n korrupte of onwettige bedrywigheid begaan het, deur die hof verklaar word gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van die bevinding onbevoeg te wees om as lid van **[die Senaat, die Volksraad]** 'n Huis van die Parlement of 'n provinsiale raad gekies te word of daarin sitting te neem of om in die Presidentsraad of 'n openbare of regterlike amp aangestel of daarvoor gekies te word, of om 'n openbare of regterlike amp te bly beklee, of om as 'n kieser by 'n verkiesing geregistreer te word, ongeag of dit 'n verkiesing is soos by hierdie Wet omskryf of 'n verkiesing vir 'n openbare of regterlike amp, en indien hy dan so 'n amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp ontruim.” 30 35 40

Wysiging van
artikel 160 van
Wet 45 van 1979.

91. Artikel 160 van die Hoofwet word hierby gewysig—

- (a) deur in paragrafe (i), (j) en (k) die woord “Volksraad” deur die woord “Parlement” te vervang; 45
- (b) deur in paragraaf (l) na die woord “Volksraad” die woorde “, Raad van Verteenwoordigers, Raad van Afgevaardigdes” in te voeg; en
- (c) deur in paragraaf (m) na die woord “Volksraad” die woorde “, Raad van Verteenwoordigers of Raad van Afgevaardigdes” in te voeg. 50

Wysiging van
artikel 176 van
Wet 45 van 1979.

92. Artikel 176 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Respondent wat kennis gegee het dat hy nie van voorneme is om die verkiesingsaansoek te betwis nie, word in geen verrigtings ingevolge die aansoek toegelaat om te verskyn of as 'n party teen die aansoek op te tree nie, en mag nie in die **[Volksraad]** betrokke Huis van die Parlement of provinsiale raad **[na gelang van die geval]** in afwagting van die uitslag van die verhoor van die aansoek sitting neem of stem nie.” 55 60

Herroeping van
artikel 187 van
Wet 45 van 1979.

93. Artikel 187 van die Hoofwet word hierby herroep.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

- (ii) in the case of an election for the House of Representatives, is registered or qualified to be registered as a voter in respect of the House of Representatives; or
- 5 (iii) in the case of an election for the House of Deputies, is registered or qualified to be registered as a voter in respect of the House of Delegates.
- (2) An authorized representative referred to in section 83 shall—
- 10 (a) in the case of an election for the House of Assembly and the provincial council, be a person registered or qualified to be registered as a voter in respect of the House of Assembly;
- 15 (b) in the case of an election for the House of Representatives, be a person registered or qualified to be registered as a voter in respect of the House of Representatives; or
- 20 (c) in the case of an election for the House of Delegates, be a person registered or qualified to be registered as a voter in respect of the House of Delegates.”.

90. Section 145 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph: Amendment of section 145 of Act 45 of 1979.

- 25 “(b) if a candidate or any of his agents is found at the said trial to have committed any corrupt practice or illegal practice, that candidate or agent may be declared by the court incapable for a period not exceeding five years as from the date of the finding, of being elected a member of or sitting in **[the Senate, the House of Assembly]** a House of Parliament or a provincial council or of being appointed or elected to the President’s Council or any public office or judicial office or continuing to hold any public office or judicial office or of being registered as a voter at an election, whether it be an election as defined in this Act or an election to a public office or judicial office, and if he then holds any such office, the court may declare that the office shall be vacated by him as from the said date.”.
- 30
- 35

- 40 91. Section 160 of the principal Act is hereby amended— Amendment of section 160 of Act 45 of 1979.
- (a) by the substitution in paragraphs (i), (j) and (k) for the words “the House of Assembly” of the word “Parliament”;
- 45 (b) by the insertion in paragraph (l) after the words “House of Assembly” of the words “, House of Representatives, House of Delegates”; and
- (c) by the insertion in paragraph (m) after the words “House of Assembly” of the words “, House of Representatives or House of Delegates”.

50 92. Section 176 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 176 of Act 45 of 1979.

- “(1) A respondent who has given notice that he does not intend to oppose the election application shall not be allowed to appear or to act as a party against such application in any proceedings thereon, and shall not sit or vote in the relevant House of **[Assembly]** Parliament or provincial council **[as the case may be]** pending the result of the trial of the application.”.
- 55

93. Section 187 of the principal Act is hereby repealed.

Repeal of section 187 of Act 45 of 1979.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 188 van
Wet 45 van 1979.

94. Artikel 188 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde "die Volksraad" deur die woorde " 'n Huis van die Parlement" te vervang.

Wysiging van
artikel 189 van
Wet 45 van 1979.

95. Artikel 189 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde "die Volksraad" deur die woorde " 'n Huis van die Parlement" te vervang.

Vervanging van
artikel 190 van
Wet 45 van 1979.

96. Artikel 190 van die Hoofwet word hierby deur die volgende artikel vervang:

190. Indien die setel van 'n lid van **[die Volksraad]** 'n Huis van die Parlement of van 'n provinsiale raad ooreenkomstig die bepalings van **[artikels 56 en 70]** artikel 55 van die Grondwet of artikel 70 van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), na gelang van die geval, vakant geword het **[omdat die lid sonder spesiale verlof van die Volksraad of provinsiale raad, na gelang van die geval, versuim het om 'n hele gewone sitting by te woon, of in die geval van 'n lid van 'n provinsiale raad, omdat hy 'n lid van die Senaat of die Volksraad geword het]** in omstandighede waar artikel 191 van hierdie Wet nie van toepassing is nie doen die Sekretaris van die Parlement of die klerk van die betrokke provinsiale raad die by artikel 188 voorgeskrewe stappe."

Wysiging van
artikel 191 van
Wet 45 van 1979.

97. Artikel 191 van die Hoofwet word hierby gewysig deur die woorde "die Volksraad" deur die woorde " 'n Huis van die Parlement" te vervang.

Vervanging van
artikel 192 van
Wet 45 van 1979.

98. Artikel 192 van die Hoofwet word hierby deur die volgende artikel vervang:

192. (1) Sodra 'n vakature tot kennis van die Speaker van die **[Volksraad]** Parlement kom, verwittig hy die **[Volksraad]** Huis van die Parlement waarin die vakature ontstaan het daarvan as die Parlement dan in sitting is.
(2) Indien die Parlement nie in sitting is nie, verwittig hy die **[Volksraad daarvan]** betrokke Huis van die vakature so spoedig doenlik na die aanvang van die eersvolgende sitting."

Herroeping van
artikel 193 van
Wet 45 van 1979.

99. Artikel 193 van die Hoofwet word hierby herroep.

Vervanging van
artikel 196 van
Wet 45 van 1979.

100. Artikel 196 van die Hoofwet word hierby deur die volgende artikel vervang:

196. 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 41, 49, 66, 96, 102 of 112 bedoelde verklaring, geen seëlregte verskuldig nie."

Invoeging van
artikel 197A in
Wet 45 van 1979.

101. Die volgende artikel word hierby in die Hoofwet na artikel 197 ingevoeg:

197A. Die hoofverkiesingsbeampte kan 'n bevoegdheid by hierdie Wet aan hom verleen aan 'n beampte in diens by die Departement van Binnelandse Aangeleenthede deleger of so 'n beampte magtig om 'n plig by hierdie Wet aan die hoofverkiesingsbeampte opgedra, te verrig."

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

94. Section 188 of the principal Act is hereby amended by the substitution in subsection (1) for the words "the House of Assembly" of the words "a House of Parliament".

Amendment of
section 188 of
Act 45 of 1979.

95. Section 189 of the principal Act is hereby amended by the substitution in subsection (1) for the words "the House of Assembly" of the words "a House of Parliament".

Amendment of
section 189 of
Act 45 of 1979.

96. The following section is hereby substituted for section 190 of the principal Act:

Substitution of
section 190 of
Act 45 of 1979.

10 "Vacation of
seats through
failure to
attend
sittings.

15

20

190. If the seat of a member of **[the House of Assembly]** a House of Parliament or a provincial council has become vacant as provided in **[sections 56 and 70]** section 55 of the Constitution **[Act for the reason that such member has without special leave of the House of Assembly or provincial council, as the case may be, failed for a whole ordinary session to attend or, in the case of a member of a provincial council, for the reason that he has become a member of the Senate or the House of Assembly]** or section 70 of the Provincial Government Act, 1961 (Act No. 32 of 1961), as the case may be, in circumstances where section 191 of this Act is not applicable, the Secretary to Parliament or clerk of the provincial council concerned shall take the steps prescribed by section 188."

25 97. Section 191 of the principal Act is hereby amended by the substitution for the words "the House of Assembly" of the words "a House of Parliament".

Amendment of
section 191 of
Act 45 of 1979.

98. The following section is hereby substituted for section 192 of the principal Act:

Substitution of
section 192 of
Act 45 of 1979.

30 "Notification
of vacancy to
House of
Parliament
concerned.

35

192. (1) As soon as the Speaker of **[the House of Assembly]** Parliament becomes aware of a vacancy he shall notify the House of **[Assembly]** Parliament in which the vacancy arose if Parliament is in session.

(2) If Parliament is not in session he shall notify the House **[of Assembly thereof]** concerned of the vacancy as soon as possible after the beginning of the next ensuing session."

99. Section 193 of the principal Act is hereby repealed.

Repeal of
section 193 of
Act 45 of 1979.

100. The following section is hereby substituted for section 196 of the principal Act:

Substitution of
section 196 of
Act 45 of 1979.

45 "Exemption
from stamp
duty.

196. 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 41, 49, 66, 96, 102 or 112."

101. The following section is hereby inserted in the principal Act after section 197:

Insertion of
section 197A in
Act 45 of 1979.

50 "Delegation.

197A. The chief electoral officer may delegate any power conferred upon him by this Act to any officer serving in the Department of Internal Affairs or authorize any such officer to perform any duty assigned to the chief electoral officer by this Act."

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

Wysiging van
artikel 199
van Wet 45
van 1979.

102. Artikel 199 van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Vervanging van
Bylae 1 by
Wet 45 van 1979.

103. Bylae 1 by die Hoofwet word hierby deur die Bylae by hierdie Wet vervang.

Vervanging van
lang titel van
Wet 45 van 1979.

104. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang: 5

"WET

Tot **[samevatting van die wetsbepalings met betrekking tot die stemreg]** reëling van die registrasie van kiesers en die verkiesing van lede van die **[Volksraad]** Huise van 10
die **[Parlement]** en van die provinsiale rade; en om voorsiening te maak vir bykomstige aangeleenthede."

Voorbehoude.

105. (1) Die kieserslyste wat ooreenkomstig die bepalinge van Hoofstuk II van die Hoofwet voor die wysiging van daardie Hoofstuk deur hierdie Wet, opgestel is en wat onmiddellik voor 15
die inwerkingtreding van hierdie Wet van krag was, bly na daardie inwerkingtreding van krag totdat die kieserslyste in artikel 6 van die Hoofwet, soos deur artikel 13 van hierdie Wet vervang, vir die Volksraad en die provinsiale rade beoog van krag word, en die bepalinge van daardie Hoofstuk soos hulle voor bedoelde 20
wysiging bestaan het, word met betrekking tot die registrasie van kiesers en die aanpassing, aanvulling, wysiging en gebruik van kieserslyste vir verkiesings vir die Volksraad en die provinsiale rade, vir solank eersgenoemde kieserslyste van krag bly, 25
toegepas asof hierdie Wet nie aangeneem is nie.

(2) Die kieserslyste wat ingevolge die Hoofwet, soos toegepas en aangepas ingevolge die Wysigingswet op die Kieswet, 1984, opgestel is vir die eerste algemene verkiesings vir die Raad van 30
Verteenwoordigers en die Raad van Afgevaardigdes, is die kieserslyste wat gebruik moet word in enige verkiesing vir die Raad van Verteenwoordigers of die Raad van Afgevaardigdes gehou te eniger tyd voordat die kieserslyste in artikel 6 van die Hoofwet, soos deur artikel 13 van hierdie Wet vervang, vir die 35
betrokke Raad beoog van krag word, en wanneer eersgenoemde kieserslyste aldus gebruik word, word hulle vir alle doeleindes 35
geag kieserslyste te wees wat ingevolge genoemde artikel 6 van die Hoofwet opgestel is.

Herroeping
van sekere
wette.

106. Die Kieswet vir Indiërs, 1977 (Wet No. 122 van 1977), die Wysigingswet op die Kieswet vir Indiërs, 1979 (Wet No. 41 van 1979), die Wysigingswet op die Kieswet vir Indiërs, 1981 40
(Wet No. 16 van 1981), en die Tweede Wysigingswet op die Kieswet vir Indiërs, 1981 (Wet No. 69 van 1981), word hierby herroep.

Kort titel en
inwerking-
treding.

107. Hierdie Wet heet die Wysigingswet op Bevolkingsregistrasie en Verkiesings, 1984, en die bepalinge daarvan tree, be- 45
halwe waar anders aangedui, in werking op die datum waarop artikel 37 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), in werking tree.

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

102. Section 199 of the principal Act is hereby amended by the deletion of subsection (3). Amendment of section 199 of Act 45 of 1979.

103. The Schedule to this Act is hereby substituted for Schedule 1 to the principal Act. Substitution of Schedule 1 to Act 45 of 1979.

5 104. The following long title is hereby substituted for the long title of the principal Act. Substitution of long title of Act 45 of 1979.

"ACT"

10 To **[consolidate the laws relating to the franchise]** regulate the registration of voters and the election of members of the **[House of Assembly]** Houses of Parliament and of the provincial councils; and to provide for incidental matters."

105. (1) The voters' lists prepared in accordance with the provisions of Chapter II of the principal Act before the amendment of that Chapter by this Act and which were in force immediately before the commencement of this Act, shall after such commencement remain in force until such time as the voters' lists contemplated in section 6 of the principal Act, as substituted by section 13 of this Act, for the House of Assembly and the provincial councils come into force, and the provisions of that Chapter as they existed before the said amendment, shall for as long as the first-mentioned voters' lists remain in force be applied with respect to the registration of voters and the adjustment, supplementation, amendment and use of voters' lists for elections for the House of Assembly and the provincial councils as if this Act had not been passed. Savings.

(2) The voters' lists prepared in terms of the principal Act, as applied and adjusted in terms of the Electoral Act Amendment Act, 1984, for the first general elections for the House of Representatives and the House of Delegates shall be the voters' lists to be used in any election for the House of Representatives or the House of Delegates held at any time before the voters' lists contemplated in section 6 of the principal Act, as substituted by section 13 of this Act, for the House concerned come into force, and whenever the first-mentioned voters' lists are so used, they shall for all purposes be deemed to be voters' lists prepared in terms of the said section 6 of the principal Act.

106. The Electoral Act for Indians, 1977 (Act No. 122 of 1977), the Electoral Act for Indians Amendment Act, 1979 (Act No. 41 of 1979), the Electoral Act for Indians Amendment Act, 1981 (Act No. 16 of 1981), and the Electoral Act for Indians Second Amendment Act, 1981 (Act No. 69 of 1981), are hereby repealed. Repeal of certain laws.

107. This Act shall be called the Population Registration and Elections Amendment Act, 1984, and the provisions thereof shall, save where otherwise indicated, come into operation on the date on which section 37 of the Republic of South African Constitution Act, 1983 (Act No. 110 of 1983), comes into operation. Short title and commencement.

Wet No. 103, 1984

WYSIGINGSWET OP BEVOLKINGSREGISTRASIE EN
VERKIESINGS, 1984

AANHANGSEL

"Bylae 1

Vorm van Voorkant van Stembriefie

TEENBLAD
COUNTERFOIL

No.

Verkiesing vir
Volksraad, Raad
van
Verteenwoordigers,
Raad van
Afgevaardigdes of
Provinsiale Raad,

na gelang van die geval.

Election for House
of Assembly,
House of
Representatives,
House of
Delegates or
Provincial Council,

as the case may be.

Kiesafdeling
Electoral Division of

Datum:
Date:

Geregistreeerde }
No. van Kieser }
Registered }
No. of Voter }

Stem deur 'n X te maak
in die vierkant teenoor
die naam van die kandi-
daat vir wie u wil stem.

Record your vote by a X
in the square opposite
the name of the candi-
date for whom you wish
to vote.

Vorm van Agterkant van Stembriefie

No.

Offisiële Merk Official Mark

Verkiesing van 'n Lid van die Volksraad, Raad van Verteenwoor-
digers, Raad van Afgevaardigdes of Provinsiale Raad, na gelang
van die geval,

Election of a Member of the House of Assembly, House of Rep-
resentatives, House of Delegates or Provincial Council, as the case
may be,

vir die Kiesafdeling
for the Electoral Division of

Datum: }
Date: }

POPULATION REGISTRATION AND ELECTIONS AMENDMENT
ACT, 1984

Act No. 103, 1984

ANNEXURE

"Schedule 1

Form of Front of Ballot Paper

TEENBLAD
COUNTERFOIL

No.

**Verkiesing vir
Volksraad, Raad
van
Verteenwoordigers,
Raad van
Afgevaardigdes of
Provinsiale Raad,**

na gelang van die geval.

**Election for House
of Assembly,
House of
Representatives,
House of
Delegates or
Provincial Council,**

as the case may be.

**Kiesafdeling
Electoral Division of**

Stem deur 'n X te maak
in die vierkant teenoor
die naam van die kandi-
daat vir wie u wil stem.

Record your vote by a X
in the square opposite
the name of the candi-
date for whom you wish
to vote.

Datum:
Date:

Geregistreerde }
No. van Kieser }
Registered }
No. of Voter }

.....

Form of Back of Ballot Paper

No.

Offisiële Merk Official Mark

Verkiesing van 'n lid van die Volksraad, Raad van Verteenwoor-
digers, Raad van Afgevaardigdes of Provinsiale Raad, na gelang
van die geval,

Election of a Member of the House of Assembly, House of Rep-
resentatives, House of Delegates or Provincial Council, as the case
may be,

**vir die Kiesafdeling
for the Electoral Division of**

Datum: }
Date: }