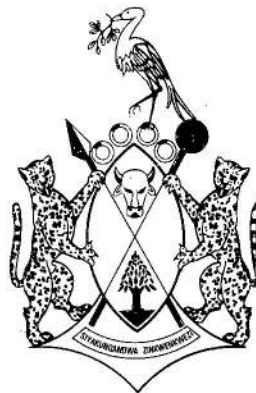


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DEPARTMENT OF INTERNAL AFFAIRS AND LAND TENURE

GOVERNMENT NOTICE NO. 40

IT IS HEREBY NOTIFIED THAT THE PRESIDENT HAS  
ASSENTED TO THE FOLLOWING ACT WHICH IS HEREBY  
PUBLISHED FOR GENERAL INFORMATION:-

ELECTORAL AMENDMENT ACT, 1986

ACT NO. 2 OF 1986

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# ELECTORAL AMENDMENT ACT, 1986

## ACT

To amend the Electoral Act, 1984.

(English text signed by the President. Assented to on 8 July 1986.)

BE IT ENACTED by the National Assembly of the Republic of Ciskei, as follows:-

**1. Amendment of section 1 of Act 26 of 1984.** - Section 1 of the Electoral Act, 1984 (hereinafter in this Act referred to as the principal Act) is hereby amended by the substitution for the definition of "identity document" of the following:

"identity document" means an identity document referred to in section 5 of the Ciskeian Registration of Persons Act, 1981 (Act 15 of 1981) and, in relation to any citizen of Ciskei who does not hold such an identity document, includes a reference book, a passport, a travel document, a Ciskeian citizenship certificate, a birth certificate or any temporary identity document issued under any law.

**2. Amendment of section 4 of Act 26 of 1984.** - Section 4 of the principal Act is hereby amended -

- (a) by the deletion at the end of paragraph (h) of subsection (1) of the word "and"; and
- (b) by the addition thereto of the following paragraph:  
"(j) Mpofu, consisting of the district of Mpofu".

**3. Insertion of sections 26A, 26B, 26C, 26D, 26E and 26F in Act 26 of 1984.** - The following sections are hereby inserted after section 26 of the principal Act.

**26A. "Requirements for nomination as candidate.** - (1) No person shall as the representative of a political party, be nominated as a candidate for election under section 27 unless the political party which he purports to represent has been registered as a political party under section 26B.

(2) A person who is not nominated, as the representative of a political party registered under section 26B, as a candidate for election under section 27, may only be nominated under the last-mentioned section as an independent candidate.

**26B. Registration as political party.** - (1) The electoral officer shall on the written application of a political party register it as a political party provided -

(a) he is satisfied that it is an object of that political party to promote the election as members of the National Assembly of candidates representing the party; and

(b) the application is accompanied by the amount prescribed by section 26C (1), as well as in the case of a political party having on the date of commencement of this Act no representative in the National Assembly, the original copy of that political party's deed of foundation which has been signed by at least ten thousand voters and which shall comply with the requirements of subsection (3).

(2) The application referred to in subsection (1) shall, in addition to the other prescribed particulars, contain the following particulars, namely -

(a) the name of the political party or its abbreviated name, which shall consist of not more than thirty letters;

(b) the full names as well as signatures of the chief or national leader and chief secretary or secretary or other chief executive officer or executive officer, of the political party; and

(c) the business address and postal address of the head office of the political party.

(3) The deed of foundation referred to in subsection (1) (b) shall contain the following particulars, namely -

(a) a statement that the said deed of foundation has been adopted at a meeting of voters;

(b) the full names of the voters who have signed the said deed of foundation;

(c) the residential addresses of the voters referred to in paragraph (b) and the names of the divisions in respect of which they have been registered as voters.

(4) The original copy of the deed of foundation referred to in subsection (1)(b) shall be lodged with the electoral officer within thirty days after the date upon which that deed of foundation has been signed as contemplated in the said subsection.

## ELECTORAL AMENDMENT ACT, 1986

(5) If a change occurs in relation to any particular contained in terms of the provisions of this section in an application referred to in subsection (1), the political party in question shall in writing notify the electoral officer of such change within fourteen days after the date upon which change has occurred.

(6) (a) After he has registered a political party in accordance with subsection (1), the electoral officer shall issue to such political party a registration certificate.

(b) If, after receipt of a notification of a change contemplated in subsection (5), the electoral officer is satisfied that the said change will not result in the name or abbreviated name, referred to in subsection (2)(a) of the political party in question being changed into a name or abbreviated name on the ground of which the registration of the political party would by virtue of the provisions of section 26D have been prohibited or bring about any other circumstance on the grounds of which the registration of the political party could originally have been refused, he shall effect the change in respect of the registration of the political party and issue to the political party a written confirmation that the change in respect of its registration has been effected.

(7) The electoral officer shall at the request of any person who is investigating an offence in terms of this Act, furnish such person with a certified copy of any registration certificate or written confirmation referred to in subsection (6).

(8) Any person who makes a false statement or furnishes false particulars in an application in terms of this section for the registration of a political party as a political party, knowing such statement or particulars to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred Rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(9) Two or more political parties which have mutually agreed thereto may together be registered as one political party under a name likewise agreed to by those political parties and shall, when they have so come to an agreement, be deemed to be one political party for the purposes of this Act.

**26C. Amount payable in respect of registration as political party and amount payable annually.** - (1) The amount payable in respect of an application for registration as a political party shall be one thousand rand.

(2) There shall be payable in respect of every year after the year in which a political party, has in terms of the provisions of section 26B (1) been registered as a political party, an amount of one hundred rand, which shall be deposited with the electoral officer by the political party in question before or on the last day of January in every year.

**26D. Prohibition of registration as political party in certain circumstances.** - (1) The electoral officer shall not register a political party as a political party if -

(a) the name or abbreviated name of the political party is identical with the name or abbreviated name under which any other political party has already been registered as a political party, or so closely resembles it that voters may be misled or confused thereby; or

(b) the said name or abbreviated name -

- (i) is indecent or obscene or is offensive or harmful to public morals;
- (ii) is blasphemous or is offensive to the religious convictions or feelings of any section of the inhabitants of the Republic of Ciskei;
- (iii) brings any section of the inhabitants of the Republic of Ciskei into ridicule or contempt;
- (iv) is harmful to the relations between any sections of the inhabitants of the Republic of Ciskei; or
- (v) is prejudicial to the safety of the State, the general welfare or the peace and good order.

(2) (a) Any political party which is aggrieved by a decision of the electoral officer, given by virtue of the provisions of subsection (1), not to register such political party as a political party may within thirty days after the political party has been notified of the said decision, appeal against that decision by way of application on notice of motion to the Supreme Court of Ciskei.

(b) The Supreme Court shall enquire into and consider the matter and may confirm or set aside the decision of the electoral officer, and may make such order as to costs as it may deem fit.

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**26E. Inspection of documents.** - (1) A copy of every document lodged with the electoral officer for the purposes of the registration of a political party shall be kept for inspection by the public at the office of the electoral officer, and any person desiring to inspect such document may do so without payment during office hours.

(2) The electoral officer shall, on payment of the prescribed fee, furnish a copy of a document referred to in subsection (1) to any person applying therefor.

**26F. Cancellation of registration as political party.** - (1) The electoral officer shall cancel the registration of a political party as a political party -

(a) if he is notified in a letter signed by the chief or national leader and the chief secretary or secretary or chief executive officer or executive officer of the political party in question, that that political party has been dissolved or is going to be dissolved on a date which shall be specified in such letter or that that political party has abandoned the object contemplated in section 26B (1) (a); or

(b) after he has complied with the provisions of subsection (2) read with subsection (3) and no good cause against such cancellation has been shown before the expiration of a period of thirty days after the date of the notice referred to in subsection (3)(c).

(2) If a political party has failed to pay, within the period prescribed in section 26C (2) any amount which has become payable by it in terms of that section, the electoral officer shall take the steps set out in subsection (3).

(3) (a) The electoral officer shall send a letter by certified post to the political party in question at the postal address of its head office, calling upon the political party to pay the outstanding amount without delay.

(b) If the electoral officer does not within thirty days after the date of the letter referred to in paragraph (a) receive the outstanding amount, he shall within fourteen days after the expiration of the said period of thirty days send to the political party in question a second letter by certified post, addressed as prescribed in paragraph (a), in which he shall refer to the first letter and shall state that the outstanding amount has not been received and that if the outstanding amount is not received within thirty days after the date of the second letter, a notice shall be published in the *Gazette* with a view to the cancellation of the registration of the political party.

(c) If the electoral officer does not within thirty days after the date of the letter sent in terms of paragraph (b) receive the outstanding amount, he shall publish another notice in the *Gazette* in which notice is given that after the expiration of a period of thirty days after the date of that notice the registration of the political party mentioned therein shall be cancelled unless good cause has been shown against such cancellation."

**4. Amendment of section 27 of Act 26 of 1984.** - Section 27 of the principal Act is hereby amended by the substitution in subsection (2)(b)(iv) for the words "three hundred rand" of the words "ten thousand rand".

**5. Amendment of section 48 of Act 26 of 1984.** - Section 48 of the principal Act is hereby amended -

(a) by the substitution in subsection (1) (a) for the words "lowest number" of the words "highest number"; and

(b) by the substitution in subsection (1)(b) for the words "one-fifth of the number" of the words "one-half of the number".

**6. Short title and commencement.** - This Act shall be called the Electoral Amendment Act, 1986 and shall be deemed to have come into operation on 1 April 1986.

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