

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA
OFFICIAL GAZETTE
EXTRAORDINARY
OF SOUTH WEST AFRICA



UITGAWE OP GESAG

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PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED
SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 4 September 1980)

No. AG. 54 1980
VOORSIENING VIR DIE HOU VAN VERKIESINGS
VIR LEDE VAN WETGEWENDE OWERHEDE OP DIE
GRONDSLAG VAN STEMMING VIR GEREGI-
STREERDE PARTYE TEN OPSIGTE VAN LYS-
TE VAN KANDIDATE

Kragtens die bevoegdheid my verleen by Proklamasie
181 van 19 Augustus 1977, maak ek hierby die wette
in die Bylae vervat.

G. van N. VILJOEN

Administrateur-generaal

Windhoek, 4 September 1980

BYLAE

Woordomsrywings

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

- (i) "assistent-verkiesingsbeampte" 'n assistent-verkie-
singsbeampte kragtens artikel 8(4) aangestel; (i)

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRI-
TORY OF SOUTH WEST AFRICA

(Approved by the State President on 4 September 1980)

No. AG. 54 1980
PROVISION FOR HOLDING ELECTIONS FOR
MEMBERS OF LEGISLATIVE AUTHORITIES
ON THE BASIS OF VOTING FOR REGISTERED
PARTIES IN RESPECT OF LISTS OF CANDIDATES

Under the powers vested in me by Proclamation 181
of 19 August 1977, I hereby make the laws set out in
the Schedule.

G. van N. VILJOEN

Administrator-General

Windhoek, 4 September 1980

SCHEDULE

Definitions

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

- (i) "assistant electoral officer" means an assistant elec-
toral officer appointed under section 8(4); (i)

- (ii) "bevoegde persoon", met betrekking tot 'n wetgewende owerheid, 'n persoon wat ingevolge die bepalings van die grondwet van die betrokke wetgewende owerheid, en die bepalings van artikel 8 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), gelees met eersgenoemde bepalings, bevoeg is om tot lid van die betrokke wetgewende owerheid verkies te word; (xx)
- (iii) "die verkiesing", met betrekking tot 'n wetgewende owerheid, die verkiesing van 'n lid of lede van daardie wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, 'n lid of lede van daardie wetgewende owerheid ten opsigte van die betrokke stam, ooreenkomstig die bepalings van hierdie Proklamasie; (xxii)
- (iv) "geregistreerde party", met betrekking tot 'n verkiesing en die stemming by 'n verkiesing, 'n politieke organisasie wat ingevolge artikel 4 vir daardie verkiesing geregistreer het; (xxi)
- (v) "grondwet", met betrekking tot 'n wetgewende owerheid, die wet waarby daardie wetgewende owerheid ingestel is; (iv)
- (vi) "hoofverkiesingsbeampte" die hoofverkiesingsbeampte kragtens artikel 3 van die Proklamasie op Kieserslyste vir Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 22 van 1980), aangestel; (iii)
- (vii) "identiteitsdokument" 'n identiteitsdokument ingevolge artikel 3 van die Wet op Identifikasie van Persone, 1979 (Wet 2 van 1979), uitgereik; (ix)
- (viii) "identiteitsnommer" die identiteitsnommer wat op 'n identiteitsdokument verskyn; (x)
- (ix) "kieser", met betrekking tot 'n verkiesing, 'n persoon wat ingevolge artikel 19(1) geregtig is om by daardie verkiesing te stem; (xxiii)
- (x) "kontrolelys", met betrekking tot die verkiesing ten opsigte van 'n wetgewende owerheid, die gewaarmerkte afskrif van die kontrolelys wat ingevolge artikel 4(7) van die Proklamasie op Kieserslyste vir Wetgewende Owerhede, 1980 (Proklamasie AG. 22 van 1980), vir die doeleindes van daardie verkiesing opgestel is; (v)
- (xi) "lid", met betrekking tot —
 - (a) 'n bevolkingsgroep of 'n stam, iemand wat volgens die besonderhede op die identiteitsdokument aan hom uitgereik, 'n lid van daardie bevolkingsgroep of, na gelang van die geval, daardie stam is;
 - (b) 'n wetgewende owerheid, 'n verkose lid van daardie wetgewende owerheid; (xii)
- (ii) "association of political parties" means an alliance, front or other organization of which political parties are members; (xix)
- (iii) "chief electoral officer" means the chief electoral officer appointed under section 3 of the Voters' Lists for Legislative Authorities Proclamation, 1980 (Proclamation AG.22 of 1980); (vi)
- (iv) "constitution", in relation to a legislative authority, means the law by which such legislative authority was established; (v)
- (v) "control list", in relation to the election in respect of a legislative authority, means the certified copy of the control list compiled for the purposes of such election in terms of section 4(7) of the Voters' Lists for Legislative Authorities Proclamation, 1980 (Proclamation AG.22 of 1980); (x)
- (vi) "election on tribal basis" means the election, in accordance with the provisions of this Proclamation, of a member or members of a legislative authority who in terms of the constitution of such legislative authority is or are required to be elected in respect of a tribe mentioned in such constitution; (xx)
- (vii) "electoral officer" means an electoral officer appointed under section 8; (xxi)
- (viii) "government service" means the government service referred to in section 2(1) of the Government Service Act, 1980 (Act 2 of 1980); (xiv)
- (ix) "identity document" means an identity document issued under section 3 of the Identification of Persons Act, 1979 (Act 2 of 1979); (vii)
- (x) "identity number" means the identity number appearing on an identity document; (viii)
- (xi) "legislative authority" means a legislative authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG.8 of 1980); (xxiii)
- (xii) "member", in relation to —
 - (a) a population group or a tribe, means any person who, according to the particulars on the identity document issued to him, is a member of such population group or, as the case may be, of such tribe;
 - (b) a legislative authority, means an elected member of such legislative authority; (xi)
- (xiii) "*Official Gazette*" means the *Official Gazette* of the territory of South West Africa; (xii)
- (xiv) "political organization" means a political party or an association of political parties; (xiii)

- (xii) "*Offisiële Koerant*" die *Offisiële Koerant* van die gebied Suidwes-Afrika; (xiii)
- (xiii) "politieke organisasie" 'n politieke party of 'n vereniging van politieke partye; (xiv)
- (xiv) "regeringsdiens" die regeringsdiens in artikel 2(1) van die Regeringsdienswet, 1980 (Wet 2 van 1980), bedoel; (viii)
- (xv) "stemburo" 'n stemburo kragtens artikel 13 ingestel of voorsien, en ook 'n in paragraaf (a) van subartikel (2) van artikel 50 bedoelde stemburo ten opsigte waarvan geen lasgewing kragtens daardie subartikel gedoen, van toepassing is nie; (xviii)
- (xvi) "stemdag", met betrekking tot 'n verkiesing, 'n dag kragtens artikel 3(1)(b) vir die stemming by daardie verkiesing bepaal; (xvi)
- (xvii) "stemgebied" die gebied kragtens subartikel (1) van artikel 8 bepaal waarvoor 'n verkiesingsbeampte kragtens daardie subartikel aangestel is; (xv)
- (xviii) "stemopnemer" 'n stemopnemer kragtens artikel 9 aangestel en ook 'n in paragraaf (b) van subartikel (2) van artikel 50 bedoelde stemopnemer ten opsigte van wie geen lasgewing kragtens daardie subartikel gedoen, van toepassing is nie; (xvii)
- (xix) "vereniging van politieke partye" 'n alliansie, front of ander organisasie waarvan politieke partye lede is; (ii)
- (xx) "verkiesing op stamgrondslag" die verkiesing, ooreenkomstig die bepalings van hierdie Proklamasie, van 'n lid of lede van 'n wetgewende owerheid wat ingevolge die grondwet van daardie wetgewende owerheid verkies moet word ten opsigte van 'n stam in die grondwet genoem; (vi)
- (xxi) "verkiesingsbeampte" 'n verkiesingsbeampte kragtens artikel 8 aangestel; (vii)
- (xxii) "voorsittende beampte" 'n voorsittende beampte kragtens artikel 9 aangestel en ook 'n in paragraaf (b) van subartikel (2) van artikel 50 bedoelde voorsittende beampte ten opsigte van wie geen lasgewing kragtens daardie subartikel gedoen, van toepassing is nie; (xix)
- (xxiii) "wetgewende owerheid" 'n wetgewende owerheid soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf. (xi)
- (xv) "polling area" means the area determined under subsection (1) of section 8 for which an electoral officer has been appointed under that subsection; (xvii)
- (xvi) "polling day", in relation to an election, means any day fixed under section 3(1)(b) for the taking of the poll at such election; (xvi)
- (xvii) "polling officer" means a polling officer appointed under section 9, and includes a polling officer referred to in paragraph (b) of subsection (2) of section 50 in respect of whom no direction given under that subsection applies; (xviii)
- (xviii) "polling station" means a polling station established or provided under section 13, and includes a polling station referred to in paragraph (a) of subsection (2) of section 50 in respect of which no direction given under that subsection applies; (xv)
- (xix) "presiding officer" means a presiding officer appointed under section 9, and includes a presiding officer referred to in paragraph (b) of subsection (2) of section 50 in respect of whom no direction given under that subsection applies; (xxii)
- (xx) "qualified person", in relation to a legislative authority, means any person who, in terms of the provisions of the constitution of the legislative authority concerned and the provisions of section 8 of the Representative Authorities Proclamation, 1980 (Proclamation AG.8 of 1980), read with the first-mentioned provisions, is qualified for election as a member of the legislative authority concerned; (ii)
- (xxi) "registered party", in relation to an election and the voting at an election, means a political organization which has registered for such election in terms of section 4; (iv)
- (xxii) "the election", in relation to a legislative authority, means the election of a member or members of such legislative authority or, in the case of an election on tribal basis, a member or members of such legislative authority in respect of the tribe concerned, in accordance with the provisions of this Proclamation; (iii)
- (xxiii) "voter", in relation to an election, means any person who in terms of section 19(1) is entitled to vote at such election. (ix)

Toepassing van hierdie Proklamasie

2. Die bepalings van hierdie Proklamasie is van toepassing ten opsigte van —

Application of this Proclamation

2. The provisions of this Proclamation shall apply in respect of —

- (a) die eerste algemene verkiesing van lede van 'n wetgewende owerheid waarvan sodanige lede nie ingevolge sy grondwet in kiesafdelings verkies moet word nie en wat deur die Administrateur-generaal aangewys is; en
- (b) behoudens andersluidende wetsbepalings of tensy die Administrateur-generaal by proklamasie in die *Offisiële Koerant* anders gelas, enige tussenverkiesing van 'n lid van die betrokke wetgewende owerheid wat vóór die eerste algemene verkiesing ná die in paragraaf (a) bedoelde algemene verkiesing plaasvind.

VERKIESINGSPROKLAMASIE EN REGISTRASIE VAN POLITIEKE ORGANISASIES

Uitvaardiging van verkiesingsproklamasie

3. (1) Wanneer die Administrateur-generaal 'n wetgewende owerheid kragtens artikel 2 aangewys het, of wanneer 'n in daardie artikel bedoelde tussenverkiesing van 'n lid van 'n aldus aangewese wetgewende owerheid gehou moet word, moet die Administrateur-generaal die aanwysing of, na gelang van die geval, die tussenverkiesing by proklamasie in die *Offisiële Koerant* bekend maak en in daardie proklamasie —

- (a) 'n dag en 'n plek bepaal waarop 'n registrasiehof sitting sal hê om die registrasiestukke te ontvang van enige politieke organisasie wat deur middel van 'n lys van kandidate aan die verkiesing ten opsigte van die betrokke wetgewende owerheid wil deelneem en nie reeds voor die aldus bepaalde dag ooreenkomstig artikel 4 geregistreer het nie; en
- (b) die dae bepaal waarop, indien 'n stemming om die in artikel 6(11) genoemde redes nodig word, die stemming ten opsigte van die verkiesing sal plaasvind, met vermelding van die ure waarop die stemming, ooreenkomstig artikel 17, op elke stemdag sal begin en sal eindig.

(2) Indien die aanwysing kragtens artikel 2 van twee of meer wetgewende owerhede bekend gemaak word in een en dieselfde proklamasie ingevolge subartikel (1) van hierdie artikel uitgevaardig, kan verskillende dae of plekke kragtens paragraaf (a) van genoemde subartikel ten opsigte van registrasie vir verkiesings ten opsigte van verskillende wetgewende owerhede bepaal word maar dieselfde stemdae moet vir die onderskeie verkiesings ten opsigte van al die wetgewende owerhede waarop die proklamasie betrekking het, bepaal word, behalwe vir sover die Administrateur-generaal op grond van spesiale omstandighede van oordeel is dat dit nie doenlik is nie.

(3) Die Administrateur-generaal kan 'n proklamasie kragtens subartikel (1) uitgevaardig van tyd tot tyd by verdere proklamasie in die *Offisiële Koerant* wysig.

- (a) the first general election of members of any legislative authority of which such members are not in terms of its constitution to be elected in electoral divisions and which has been designated by the Administrator-General; and
- (b) save as may be otherwise provided in any other law or unless the Administrator-General by proclamation in the *Official Gazette* otherwise directs, any by-election of a member of the legislative authority concerned taking place before the first general election after the general election referred to in paragraph (a).

ELECTION PROCLAMATION AND REGISTRATION OF POLITICAL ORGANIZATIONS

Issue of election proclamation

3. (1) Whenever the Administrator-General has designated a legislative authority under section 2, or whenever a by-election referred to in that section of a member of a legislative authority so designated is required to be held, the Administrator-General shall make the designation or, as the case may be, the by-election known by proclamation in the *Official Gazette* and in such proclamation —

- (a) fix a day on which and a place at which a registration court will sit to receive the registration documents of any political organization that desires to take part in the election in respect of the legislative authority concerned by means of a list of candidates, and has not already registered in accordance with the provisions of section 4 before the day so fixed; and
- (b) fix the days on which, if a poll becomes necessary for the reasons mentioned in section 6(11), the poll in respect of the election will take place, and state the hours at which, in accordance with section 17, the poll will commence and will close on each polling day.

(2) If the designation under section 2 of two or more legislative authorities is made known in one and the same proclamation issued in terms of subsection (1) of this section, different days or places may be fixed under paragraph (a) of the said subsection in respect of the registration for elections in respect of different legislative authorities, but the same polling days shall be fixed for the several elections in respect of all the legislative authorities to which the proclamation relates, save in so far as the Administrator-General is of the opinion, on the ground of special circumstances, that it is impracticable.

(3) The Administrator-General may from time to time amend any proclamation issued under subsection (1) by further proclamation in the *Official Gazette*.

Registrasie van politieke organisasies

4. (1) 'n Politieke organisasie wat deur middel van 'n lys van kandidate aan die verkiesing wil deelneem, moet vir die verkiesing registreer deur te eniger tyd maar behoudens die bepalings van artikel 6(9) aan die hoofverkie-singsbeampte skriftelik voor te lê —

- (a) die naam van die politieke organisasie, wat op die stembrief moet verskyn, slegs in een taal;
- (b) 'n afkorting, wat op die stembrief moet verskyn, van daardie naam of, na keuse van die politieke organisa-sie, van die naam van die vereniging van politieke partye, indien daar een is, waarvan hy 'n lid is;
- (c) die kenteken van die politieke organisasie of, na sy keuse, van genoemde vereniging van politieke partye, wat op die stembrief moet verskyn indien die politieke organisasie verlang dat 'n kenteken in sy geval op die stembrief moet verskyn;
- (d) die adres in die gebied Suidwes-Afrika waarheen ken-nisgewing ingevolge hierdie Proklamasie aan die poli-tieke organisasie gestuur moet word;
- (e) die konstitusie van die politieke organisasie of die oor-eenkoms of ander stuk ingevolge waarvan dit tot stand gekom het;
- (f) die naam van die wetgewende owerheid en, in die geval van 'n verkiesing op stamgrondslag, die naam van elke stam, ten opsigte waarvan die politieke organisasie kandidate wil nomineer;
- (g) die lys van kandidate van die politieke organisasie vir die betrokke verkiesing, ooreenkomstig artikel 5 op-gestel;
- (h) 'n verklaring dat elke persoon wie se naam op die lys van kandidate verskyn, sy nominasie as kandidaat aanvaar het en bevoeg is om tot lid van die wet-gewende owerheid verkies te word.

(2) Waar 'n proklamasie ingevolge artikel 3 uitgevaar-dig op verkiesing ten opsigte van verskillende wetgewen-de owerhede betrekking het soos in subartikel (2) van daardie artikel beoog, is dit nie nodig vir 'n politieke organi-sasie om aparte registrasiestukke ingevolge paragrawe (a) tot (e) van subartikel (1) van hierdie artikel voor te lê ten opsigte van elke verkiesing waaraan hy wil deelneem soos voormeld nie maar word hy geag te registreer vir die verkie-sing ten opsigte van elke wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, elke stam waarvan hy die naam ingevolge paragraaf (f) van laasgenoemde sub-artikel voorlê.

(3) Die hoofverkie-singsbeampte moet registrasiestukke wat aan hom voorgelê word, ondersoek om vas te stel of dit aan die bepalings van hierdie artikel voldoen,

Registration of political organizations

4. (1) A political organization desiring to take part in the election by means of a list of candidates, shall register for the election by submitting to the chief electoral officer in writing, at any time but subject to the provisions of section 6(9) —

- (a) the name of the political organization, which is to appear on the ballot paper, in one language only;
- (b) an abbreviation, which is to appear on the ballot paper, of that name or, at the option of the political organization, of the name of the association of political parties, if any, of which it is a member;
- (c) the distinctive symbol of the political organization or, at its option, of the said association of political parties, which is to appear on the ballot paper if the political organization wishes a distinctive symbol to appear on the ballot paper in its case;
- (d) the address in the territory of South West Africa to which any notices in terms of this Proclamation shall be sent to the political organization;
- (e) the constitution of the political organization or the agreement or other document in terms of which it came into being;
- (f) the name of the legislative authority and, in the case of an election on tribal basis, the name of each tribe, in respect of which the political organization desires to nominate candidates;
- (g) the list of candidates of the political organization for the election concerned, drawn up in accordance with section 5;
- (h) a declaration that each person whose name appears on the list of candidates has accepted his nomination as a candidate and is qualified for election as a mem-ber of the legislative authority.

(2) Where a proclamation issued in terms of section 3 relates to elections in respect of different legislative authori-ties as contemplated in subsection (2) of that section, a poli-tical organization shall not be required to submit separate registration documents in terms of paragraphs (a) to (e) of subsection (1) of this section in respect of each election in which it desires to take part as aforesaid but shall be regar-ded as registering for the election in respect of every legislative authority or, in the case of an election on tribal basis, every tribe, of which the name is submitted by it in terms of paragraph (f) of the last-mentioned subsection.

(3) The chief electoral officer shall examine any registra-tion documents submitted to him, to ascertain whether they comply with the provisions of this section and, if he

en, indien hy bevind dat dit nie aldus voldoen nie, dit aan die betrokke politieke organisasie terugstuur met 'n aanduiding van die redes vir sy bevinding.

(4) Registrasiestukke wat ingevolge subartikel (3) aan 'n politieke organisasie teruggestuur is, word geag nie aan die hoofverkiesingsbeampste voorgelê te gewees het nie.

Lys van kandidate

5. (1) 'n Lys van kandidate vir 'n ander verkiesing as 'n verkiesing op stamgrondslag moet die name van soveel kandidate bevat as wat daar lede van die betrokke wetgewende owerheid is wat verkies moet word.

(2) 'n Lys van kandidate vir 'n verkiesing op stamgrondslag moet die name van soveel kandidate bevat as wat daar lede van die wetgewende owerheid is wat ten opsigte van die betrokke stam verkies moet word.

(3) Die name op 'n lys van kandidate moet in die volgorde verskyn wat die politieke organisasie met die oog op die bepalings van artikel 34(1)(b) bepaal.

(4) Elke kandidaat moet 'n bevoegde persoon wees met betrekking tot die wetgewende owerheid waarvoor hy 'n kandidaat is.

(5) Die identiteitsnommer van elke kandidaat moet na sy naam op die lys aangegee word.

Registrasiehof

6. (1) In hierdie artikel beteken "voorsitter" die hoofverkiesingsbeampste en ook 'n persoon deur die hoofverkiesingsbeampste aangewys om in sy plek op te tree, en by die toepassing van enige ander bepaling van hierdie Proklamasie word enigiets deur so 'n persoon ingevolge hierdie artikel gedoen, geag deur die hoofverkiesingsbeampste gedoen te wees, en word registrasiestukke wat aan hom voorgelê is, geag aan die hoofverkiesingsbeampste voorgelê te wees.

(2) Op die dag en plek ingevolge artikel 3(1)(a) ten opsigte van registrasie vir die verkiesing bepaal, hou die voorsitter 'n openbare hofsitting, wat om nege-uur voormiddag begin, vir die registrasie van politieke organisasies soos in artikel 4 beoog.

(3) Die voorsitter moet in die ope hof —

(a) aankondig of enige politieke organisasies voor die hofsitting vir die verkiesing geregistreer het en, indien wel, die naam van elke politieke organisasie wat aldus geregistreer het en die name van sy kandidate;

(b) verdere registrasies aanvra; en

finds that they do not so comply, return them to the political organization concerned, indicating the reasons for his finding.

(4) Registration documents returned to a political organization in terms of subsection (2), shall be deemed not to have been submitted to the chief electoral officer.

List of candidates

5. (1) A list of candidates for any election other than an election on tribal basis, shall contain the names of as many candidates as there are members of the legislative authority concerned that are required to be elected.

(2) A list of candidates for an election on tribal basis shall contain the names of as many candidates as there are members of the legislative authority that are required to be elected in respect of the tribe concerned.

(3) The names on a list of candidates shall appear in such order as the political organization may determine with a view to the provisions of section 34(1)(b).

(4) Every candidate shall be a qualified person in relation to the legislative authority for which he is a candidate.

(5) The identity number of each candidate shall be stated on the list after his name.

Registration Court

6. (1) In this section "chairman" means the chief electoral officer, and includes any person designated by the chief electoral officer to act in his place, and for the purposes of any other provision of this Proclamation anything done by any such person in terms of this section shall be deemed to have been done by the chief electoral officer and any registration documents submitted to him shall be deemed to have been submitted to the chief electoral officer.

(2) Upon the day and at the place fixed in terms of section 3(1)(a) in respect of registration for the election, the chairman shall hold a public court, commencing at nine o'clock in the forenoon, for the registration of political organizations as contemplated in section 4.

(3) The chairman shall in open court —

(a) announce whether any political organizations have registered for the election before the sitting of the court and, if so, the name of every political organization that has so registered and the names of its candidates;

(b) call for further registrations; and

(c) registrasiestukke ontvang wat aan hom voorgelê word.

(4) Geen registrasiestukke word na een uur namiddag soos voormeld ontvang nie: Met dien verstande dat indien daar op daardie uur 'n verteenwoordiger van 'n politieke organisasie in die hof aanwesig is en gereed is om registrasiestukke ten opsigte van daardie politieke organisasie voor te lê, die voorsitter hom 'n geleentheid moet gee om dit te doen.

(5) Die voorsitter moet registrasiestukke deur 'n politieke organisasie voorgelê en nie voorheen ondersoek nie, ondersoek om vas te stel of dit aan die bepalings van artikel 4 voldoen, en moet aan die betrokke politieke organisasie 'n geleentheid gee om enige onreëlmatigheid reg te stel wat nie voorheen reggestel is nie, en kan die hofsitting van tyd tot tyd vir dié doel verdaag, al sit die hof uit hoofde van so 'n verdaging ook op 'n ander dag as die in subartikel (2) vermelde dag.

(6) Die voorsitter moet registrasiestukke wat aan hom voorgelê is en wat na sy oordeel nie aan die bepalings van artikel 4 voldoen nie en nie binne die tyd deur hom bepaal, reggestel is nie, in die ope hof verwerp, en die politieke organisasie wat die aldus verworpe registrasiestukke voorgelê het, word nie beskou as vir die doeleindes van hierdie Proklamasie geregistreer te wees nie.

(7) Die voorsitter kondig die naam van elke politieke organisasie wat te eniger tyd, hetsy voor of gedurende die sitting van die registrasiehof, vir die verkiesing geregistreer het en die name van sy kandidate in die ope hof aan.

(8) Behoudens die bepalings van subartikels (10) en (11), eindig die sitting van die registrasiehof na die aankondiging in subartikel (7) beoog.

(9) Na die einde van die sitting van die registrasiehof is geen politieke organisasie geregtig, en word geen politieke organisasie toegelaat, om te registreer of sy registrasie terug te trek nie.

(10) Indien daar by die einde van die sitting van die registrasiehof slegs een politieke organisasie vir die verkiesing ten opsigte van 'n wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, vir die verkiesing ten opsigte van die betrokke stam, geregistreer het, verklaar die voorsitter onverwyld die kandidate op die lys van kandidate van daardie politieke organisasie vir die betrokke verkiesing tot die behoorlik verkose lede van daardie wetgewende owerheid of van daardie wetgewende owerheid ten opsigte van die betrokke stam, na gelang van die geval, met ingang van die laaste stemdag kragtens artikel 3(1)(b) ten opsigte van die betrokke verkiesing bepaal.

(11) Indien daar by die einde van die sitting van die registrasiehof meer as een politieke organisasie vir die verkiesing ten opsigte van 'n wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, vir die ver-

(c) receive any registration documents submitted to him.

(4) No registration documents shall be received as aforesaid after one o'clock in the afternoon: Provided that, if at that hour a representative of a political organization is present in the court and ready to submit registration documents in respect of that political organization, the chairman shall give him an opportunity to do so.

(5) The chairman shall examine the registration documents submitted by a political organization and not previously examined, to ascertain whether they comply with the provisions of section 4, and shall give the political organization concerned an opportunity to rectify any irregularity not previously rectified, and may adjourn the sitting of the court for that purpose from time to time, even if the court, by virtue of any such adjournment, sits also on any day other than the day referred to in subsection (2).

(6) The chairman shall reject in open court any registration documents submitted to him which in his opinion do not comply with the provisions of section 4 and have not been rectified within a time determined by him, and the political organization which submitted the registration documents so rejected shall not be regarded as registered for the purposes of this Proclamation.

(7) The chairman shall in open court announce the name of every political organization which has duly registered for the election at any time, whether before or during the sitting of the registration court, and the names of its candidates.

(8) Subject to the provisions of subsections (10) and (11), the sitting of the registration court shall end immediately after the announcement contemplated in subsection (7).

(9) After the close of the sitting of the registration court no political organization shall be entitled or permitted to register or to withdraw its registration.

(10) If at the close of the sitting of the registration court only one political organization has registered for the election in respect of a legislative authority or, in the case of an election on tribal basis, for the election in respect of the tribe concerned, the chairman shall forthwith declare the candidates on the list of candidates of that political organization for the relevant election to be the duly elected members of such legislative authority or of such legislative authority in respect of the tribe concerned, as the case may be, with effect from the last polling day fixed under section 3(1)(b) in respect of the relevant election.

(11) If at the close of the sitting of the registration court more than one political organization has registered for the election in respect of a legislative authority or, in the case of an election on tribal basis, for the election in respect of

kiesing ten opsigte van die betrokke stam, geregistreer het, word 'n stemming op die hieronder bepaalde wyse op die stemdae gehou ten opsigte vandie betrokke wetgewende owerheid of die betrokke stam, na gelang van die geval.

Publikasie van name en besonderhede van geregistreerde partye en lysie van kandidate

7. (1) Die hoofverkiesingsbeampste moet so gou doenlik na die einde van die sitting van die registrasiehof, 'n afsonderlike kennisgewing ten opsigte van elke wetgewende owerheid genoem in die proklamasie ingevolge artikel 3 uitgevaardig, in die *Offisiële Koerant* publiseer waarin —

- (a) verklaar word dat die geregistreerde partye wie se name daarin aangegee word, die politieke organisasies is wat na behore vir die verkiesing ten opsigte van die betrokke wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, vir die verkiesing ten opsigte van die betrokke stam geregistreer is;
- (b) die name van die politieke organisasies wat ooreenkomstig die aankondiging ingevolge artikel 6 (7) gedoen, na behore vir die betrokke verkiesing geregistreer het, in alfabetiese volgorde aangegee word en (indien 'n stemming ingevolge artikel 6(11) ten opsigte van die betrokke verkiesing gehou moet word), na elke naam, die besonderhede ingevolge artikel 4(1)(b), (c) en (d) ten opsigte van die betrokke geregistreerde party verstrek;
- (c) die lys van kandidate van elke sodanige geregistreerde party vir die betrokke verkiesing, soos deur die geregistreerde party ingevolge artikel 5 opgestel, aangegee word, en verklaar word dat die persone wie se name op die lys verskyn, as die kandidate van die betrokke geregistreerde party vir daardie verkiesing genomineer is;
- (d) indien daar slegs een party vir die betrokke verkiesing geregistreer is, verklaar word dat die aldus genomineerde kandidate van daardie geregistreerde party ingevolge artikel 6(1) behoorlik verkose verklaar is.

(2) Indien 'n persoon wie se naam op 'n lys van kandidate in 'n ingevolge subartikel (1) gepubliseerde kennisgewing verskyn, te eniger tyd voor die laaste stemdag vir die verkiesing waarvoor hy 'n kandidaat is, te sterwe kom of bevind word onbevoeg te wees om tot lid van die betrokke wetgewende owerheid verkies te word, kan die hoofverkiesingsbeampste daardie kennisgewing by verdere kennisgewing in die *Offisiële Koerant* wysig deur die skraping van die naam en identiteitsnommer van daardie persoon van daardie lys en die invoeging daarin, volgens skriftelike aanwysing van die geregistreerde party wie se

the tribe concerned, a poll shall be taken in respect of the legislative authority concerned or the tribe concerned, as the case may be, on the polling days in the manner hereinafter provided.

Publication of names and particulars of registered parties and lists of candidates

7. (1) The chief electoral officer shall as soon as possible after the close of the sitting of the registration court publish in respect of each legislative authority mentioned in the proclamation issued in terms of section 3, a separate notice in the *Official Gazette* —

- (a) declaring that the registered parties whose names are set out therein, are the political organizations duly registered for the election in respect of the legislative authority concerned or, in the case of an election on tribal basis, for the election in respect of the tribe concerned;
- (b) setting out the names of the political organizations which in accordance with the announcement made in terms of section 6(7) have duly registered for the relevant election, in alphabetical order and (if a poll is in terms of section 6(11) required to be taken in respect of the relevant election) after each name the particulars submitted in terms of section 4(1)(b), (c) and (d) in respect of the registered party concerned;
- (c) setting out the list of candidates of each such registered party for the relevant election, as drawn up by the registered party in terms of section 5, and declaring that the persons whose names appear on the list have been nominated as the candidates of the registered party concerned for that election;
- (d) if one party only has been registered for the relevant election, declaring that the candidates of that registered party so nominated, have in terms of section 6(10) been declared to be duly elected.

(2) If any person whose name appears on a list of candidates in a notice published in terms of subsection (1), dies or is found to be disqualified from being elected as a member of the legislative authority concerned, at any time before the last polling day for the election for which he is a candidate, the chief electoral officer may amend such notice by further notice in the *Official Gazette* by the deletion from that list of the name and identity number of such person and the insertion therein, according to the directions in writing of the registered party whose list of candidates it is, of the name and identity number of a qualified person

lys van kandidate dit is, van die naam en identiteitsnommer van 'n bevoegde persoon wat vir dié doel skriftelik deur daardie geregistreerde party genomineer is en wat sy nominasie skriftelik aanvaar het.

(3) 'n Persoon wie se naam ingevolge 'n kennisgewing kragtens subartikel (2) —

(a) geskrap is van die lys van kandidate van 'n geregistreerde party vir 'n verkiesing, hou op om 'n kandidaat vir die betrokke verkiesing te wees;

(b) geskrap is van 'n lys van kandidate wat ingevolge artikel 6(10) tot behoorlik verkose lede van 'n wetgewende owerheid verklaar is, word geag nie aldus tot behoorlik verkose lid van die betrokke wetgewende owerheid verklaar te gewees het nie;

(c) ingevoeg is in die lys van kandidate van 'n geregistreerde party vir 'n verkiesing, word daardeur 'n kandidaat van die geregistreerde party vir die betrokke verkiesing;

(d) ingevoeg is in 'n lys van kandidate wat ingevolge artikel 6(10) tot behoorlik verkose lede van 'n wetgewende owerheid verklaar is, word geag aldus tot behoorlik verkose lid van die betrokke wetgewende owerheid verklaar te gewees het.

(4) 'n Verwysing in hierdie Proklamasie na 'n kennisgewing ingevolge subartikel (1) gepubliseer, word, met betrekking tot so 'n kennisgewing wat kragtens subartikel (2) gewysig is, uitgelê as 'n verwysing na daardie kennisgewing soos aldus gewysig.

(5) 'n Kennisgewing kragtens subartikel (1) gepubliseer, is, by blote voorlegging van 'n eksemplaar van die *Ofisiële Koerant* waarin dit gepubliseer is, en in die afwesigheid van bewys van bedrog, afdoende bewys dat aan al die vereistes van hierdie Proklamasie met betrekking tot die registrasie van politieke organisasies en aangeleenthede wat dit voorafgaan of daarmee verband hou, voldoen is ten opsigte van 'n politieke organisasie waarvan die naam en besonderhede daarin aangegee word, en dat so 'n politieke organisasie 'n geregistreerde party ten opsigte van die betrokke verkiesing is.

(6) Die bepalings van subartikel (5) is nie met betrekking tot die vraag of 'n bepaalde kandidaat 'n bevoegde persoon is, van toepassing nie.

AANSTELLING VAN BEAMPTES EN AGENTE

Verkiesingsbeamptes

8. (1) Die hoofverkiesingsbeampte stel vir elke gebied wat hy bepaal 'n landdros of ander beampte in die regeringsdiens as verkiesingsbeampte aan, wat onder beheer van die hoofverkiesingsbeampte die uitvoering van die bepalings van

who has been nominated in writing by that registered party for that purpose and who has accepted his nomination in writing.

(3) A person whose name has in terms of a notice under subsection (2) —

(a) been deleted from the list of candidates of a registered party for an election, shall cease to be a candidate for the relevant election;

(b) been deleted from a list of candidates who in terms of section 6(10) were declared duly elected members of a legislative authority, shall be deemed not to have been so declared a duly elected member of the legislative authority concerned;

(c) been inserted in the list of candidates of a registered party for an election, shall thereby become a candidate of such registered party for the relevant election;

(d) been inserted in a list of candidates who in terms of section 6(10) were declared duly elected members of a legislative authority, shall be deemed to have been so declared a duly elected member of the legislative authority concerned.

(4) Any reference in this Proclamation to a notice published in terms of subsection (1), shall, in relation to such a notice which has been amended under subsection (2), be construed as a reference to such notice as so amended.

(5) A notice published under subsection (1) shall, on the mere production of a copy of the *Official Gazette* in which it is published, and in the absence of proof of fraud, be conclusive evidence that the requirements of this Proclamation relating to the registration of political organizations and to matters precedent or incidental thereto have been complied with in respect of any political organization whose name and particulars are set out therein, and that any such political organization is a registered party in respect of the relevant election.

(6) The provisions of subsection (5) shall not apply in relation to the question whether a particular candidate is a qualified person.

APPOINTMENT OF OFFICERS AND AGENTS

Electoral officers

8. (1) The chief electoral officer shall, for each area determined by him, appoint as electoral officer any magistrate or other officer in the government service, who shall, subject to the chief electoral officer's control, organize and

hierdie Proklamasie ten opsigte van die aldus bepaalde gebied waarvoor hy aangestel is, beheer, organiseer en daarvoor toesig hou.

(2) 'n Kennisgewing van 'n aanstelling kragtens subartikel (1) gedoen en die stemgebied waarvoor dit gedoen is, word in die *Offisiële Koerant* gepubliseer.

(3) Indien die bekleder van 'n pos in die regeringsdiens as sodanig ingevolge so 'n kennisgewing aangestel is as die verkiesingsbeampte vir 'n stemgebied, is die dienende bekleder van daardie pos die verkiesingsbeampte vir daardie stemgebied.

(4) Die verkiesingsbeampte vir 'n stemgebied kan 'n landdros of ander beampte in die regeringsdiens as assistent-verkiesingsbeampte aanstel om hom by die verrigting van sy werksaamhede by te staan en wat, in die mate deur die verkiesingsbeampte gemagtig, enige bevoegdheid van die verkiesingsbeampte kan uitoefen.

Voorsittende beamptes, stemopnemers en telbeamptes

9. (1) 'n Verkiesingsbeampte stel vir elke stemburo in sy stemgebied —

- (a) 'n beampte in die regeringsdiens as voorsittende beampte aan, wat beheer het oor die betrokke stemburo; en
- (b) soveel stemopnemers aan as wat nodig is om die stemming by die betrokke stemburo te vergemaklik.

(2) Ondanks die bepalings van subartikel (1), kan 'n voorsittende beampte of 'n stemopnemer vir 'n stemburo deur die hoofverkiesingsbeampte of 'n assistent-verkiesingsbeampte aangestel word, en kan 'n stemopnemer vir 'n stemburo deur die voorsittende beampte vir daardie stemburo aangestel word.

(3) Die hoofverkiesingsbeampte kan as telbeamptes die aantal persone aanstel wat hy nodig ag om hom by die vaststelling van die uitslag van die stemming by te staan.

Voorwaardes van aanstelling

10. (1) Die aanstelling van iemand kragtens artikel 8 of 9 kan sonder kennisgewing vooraf ingetrek word deur enige persoon of owerheid wat by die betrokke artikel gemagtig word om 'n aanstelling van die betrokke aard te doen.

(2) 'n Aanstelling kragtens artikel 8 of 9 wat nie in skrif is nie moet skriftelik bevestig word sodra omstandighede dit toelaat.

(3) Niemand wat deur 'n geregistreerde party in verband met of vir die doeleindes van die verkiesing in diens geneem is, word kragtens artikel 9 as stemopnemer aangestel nie.

supervise the carrying out of the provisions of this Proclamation in relation to the area so determined for which he has been appointed.

(2) A notice of any appointment made under subsection (1) and the polling area for which it was made, shall be published in the *Official Gazette*.

(3) If in terms of such notice the occupier, as such, of a post in the government service has been appointed as the electoral officer for a polling area, the occupier for the time being of such post shall be the electoral officer for that polling area.

(4) The electoral officer for a polling area may appoint any magistrate or other officer in the government service as an assistant electoral officer to assist him in the performance of his functions and who may, to the extent authorized by the electoral officer, exercise any power of the electoral officer.

Presiding officers, polling officers and counting officers

9. (1) An electoral officer shall appoint for each polling station in his polling area —

- (a) an officer in the government service as presiding officer, who shall be in charge of the polling station concerned; and
- (b) as many polling officers as may be necessary to facilitate the taking of the poll at that polling station.

(2) Notwithstanding the provisions of subsection (1), a presiding officer or a polling officer for a polling station may be appointed by the chief electoral officer or any assistant electoral officer, and a polling officer for any polling station may be appointed by the presiding officer for such polling station.

(3) The chief electoral officer may appoint as counting officers such number of persons as he may deem necessary for the purpose of assisting him in the determination of the result of the poll.

Conditions of appointment

10. (1) The appointment of any person under section 8 or 9 may be withdrawn, without prior notice, by any person or authority empowered by the relevant section to make an appointment of the nature in question.

(2) An appointment made under section 8 or 9 otherwise than in writing shall be confirmed in writing as soon as circumstances permit.

(3) No person employed by a registered party in connection with or for any of the purposes of the election shall be appointed under section 9 as a polling officer.

(4) Besoldiging of toelae wat aan iemand betaal word uit hoofde van sy aanstelling ingevolge artikel 8 of 9, of wat, in die geval van 'n beampte in die regeringsdiens wat nie so 'n aanstelling hou nie, uit hoofde van sy werksaamhede ingevolge hierdie Proklamasie aan hom betaal word benewens sy gewone salaris en toelae as sodanige beampte, word by die toepassing van 'n wet wat 'n belasting op inkomste hef, nie as inkomste beskou nie.

Agente van geregistreerde partye

11. (1) 'n Geregistreerde party kan verkiesingsagente vir 'n stemgebied aanstel, en moet die verkiesingsbeampte vir die betrokke stemgebied skriftelik in kennis stel van die naam en adres van 'n verkiesingsagent aldus aangestel.

(2) Die verkiesingsbeampte moet 'n afskrif van die kennisgewing met betrekking tot die aanstelling van 'n verkiesingsagent by elke landdroskantoor in sy stemgebied laat opplak.

(3) 'n Verkiesingsbeampte kan na goeë dunks met enige verkiesingsagent wat kragtens subartikel (1) vir sy stemgebied aangestel is en wat geredelik beskikbaar is, oorleg pleeg oor enige aangeleentheid wat met die stemming in daardie stemgebied in verband staan.

(4) 'n Geregistreerde party kan stemagente vir 'n stemburo aanstel, en moet die voorsittende beampte vir die betrokke stemburo skriftelik in kennis stel van die naam van 'n aldus aangestelde stemagent.

(5) Een stemagent vir 'n bepaalde stemburo en een verkiesingsagent vir die stemgebied waarin daardie stemburo is, is geregtig om in daardie stemburo teenwoordig te wees as die verteenwoordigers van die geregistreerde party wat hulle as sy agente aangestel het.

(6) 'n Geregistreerde party is geregtig om by die vasstelling van die uitslag van die stemming soos hieronder bepaal, verteenwoordig te wees deur twee persone deur hom as sy agente aangestel, of, na goeë dunks van die hoofverkiesingsbeampte, deur die groter aantal aldus aangestelde persone wat die hoofverkiesingsbeampte toelaat.

(7) Wanneer die voorsittende beampte by 'n stemburo iets ingevolge hierdie Proklamasie moet verseël, is 'n verkiesingsagent of stemagent wat geregtig is om in daardie stemburo teenwoordig te wees en wat teenwoordig is, geregtig om sy eie seël daarop aan te bring.

Verklaring van geheimhouding

12. Elke verkiesingsbeampte, assistent-verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte, elke agent kragtens artikel 11 aangestel, en elke persoon wat spesiaal gemagtig is soos in artikel 18(1) beoog, moet, in die vorm deur die hoofverkiesingsbeampte voorgeskryf, en voordat hy by 'n stemburo of by die plek waar die uitslag van die stemming vasgestel word soos hieronder bepaal, sy pligte aanvaar of 'n werksaamheid verrig, of, in die geval van so

(4) Any remuneration or allowances paid to any person by virtue of his appointment under section 8 or 9, or, in the case of an officer in the government service not holding such an appointment, paid to him by virtue of his functions in terms of this Proclamation in addition to his normal salary and allowances as such officer, shall not be regarded as income for the purposes of any law imposing a tax on income.

Agents of registered parties

11. (1) A registered party may appoint election agents for any polling area and shall advise the electoral officer for the polling area concerned in writing of the name and address of any election agent so appointed.

(2) The electoral officer shall cause a copy of the advice relating to the appointment of any election agent to be posted up at every magistrate's office in his polling area.

(3) An electoral officer may at his discretion consult with any election agent appointed under subsection (1) for his polling area who is readily available, about any matter connected with the taking of the poll in that polling area.

(4) A registered party may appoint polling agents for any polling station, and shall advise the presiding officer for the polling station concerned in writing of the name of any polling agent so appointed.

(5) One polling agent for a particular polling station and one election agent for the polling area in which that polling station is, shall be entitled to attend at that polling station as the representatives of the registered party which appointed them as its agents.

(6) A registered party shall be entitled to be represented at the determination of the result of the poll as hereinafter provided, by two persons appointed by it as its agents, or, at the discretion of the chief electoral officer, by such greater number of persons so appointed as the chief electoral officer may permit.

(7) When the presiding officer at a polling station is in terms of this Proclamation required to seal any thing, any election agent or polling agent who is entitled to attend at such polling station and who is present shall be entitled to place his own seal on that thing.

Declaration of secrecy

12. Every electoral officer, assistant electoral officer, presiding officer, polling officer or counting officer, every agent appointed under section 11, and every person specially authorized as contemplated in section 18(1) shall make in a form prescribed by the chief electoral officer, and before assuming his duties or performing any function, or, in the case of such an agent or a person so authorized, attending, at any polling station or at the place where the result of

'n agent of 'n aldus gemagtigde persoon, daarin teenwoordig is, 'n bevestiging of 'n beëdigde verklaring van geheimhouding maak of aflê voor 'n vrederegter of kommissaris van ede of, indien hy nie 'n verkiesingsbeampte is nie, voor 'n verkiesingsbeampte, assistent-verkiesingsbeampte of voorsittende beampte, wat hierby gemagtig word om so 'n bevestiging of eed af te neem.

VOORAFGAANDE REËLINGS VIR DIE STEMMING

Stemburo's

13. (1) Ten einde die stemming deur kiesers in 'n stemgebied te vergemaklik, moet daar soveel stemburo's op sodanige plekke in die betrokke stemgebied wees as wat deur die hoofverkiesingsbeampte of deur die verkiesingsbeampte vir daardie stemgebied handelende op gesag van die hoofverkiesingsbeampte, bepaal word.

(2) Elke verkiesingsbeampte moet by die landdroskantoor van elke distrik wat of waarvan 'n gedeelte in sy stemgebied geleë is, 'n kennisgewing opplak van die plekke in daardie stemgebied waar stemburo's ingestel sal word of ingestel is, en die hoofverkiesingsbeampte kan die verdere kennis van genoemde plekke op die wyse laat gee wat hy goed ag.

(3) Die hoofverkiesingsbeampte of 'n verkiesingsbeampte deur hom gemagtig, kan een of meer mobiele stemburo's in 'n stemgebied of ander gebied voorsien vir die opneem van die stemme van kiesers wat nie in staat is om by 'n ander stemburo te stem nie of om 'n ander rede nie by 'n ander stemburo gestem het nie.

(4) 'n Mobiele stemburo val onder die algemene beheer van die verkiesingsbeampte vir 'n stemgebied deur die hoofverkiesingsbeampte aangeleë en word by die toepassing van hierdie Proklamasie, behalwe subartikel (2) van hierdie artikel, as 'n stemburo in daardie stemgebied beskou.

(5) Die verkiesingsbeampte in subartikel (4) bedoel, kan op die wyse wat hy goed ag en vir sover dit prakties is om dit te doen, die plekke wat deur 'n mobiele stemburo besoek sal word en die tye waarop dit sodanige plekke sal besoek, bekend maak.

(6) Die voorsittende beampte in beheer van, en 'n stemopnemer vir, 'n mobiele stemburo kan enige grond met daardie mobiele stemburo en die nodige uitrusting betree om die stemme van kiesers op daardie grond op te neem of om vas te stel of daar kiesers op daardie grond is.

(7) Addisionele stemburo's kan te eniger tyd na die begin van die stemming in 'n stemgebied ingestel word.

Verskaffing van uitrusting

14. (1) Die hoofverkiesingsbeampte verskaf stembusse, stembriewe, werktuie, seëls en ander benodighede en verrig

the election is determined as hereinafter provided, a declaration of secrecy by affirmation or on oath before a justice of the peace or a commissioner of oaths, or, if he is not an electoral officer, before an electoral officer, assistant electoral officer or presiding officer, who is hereby authorized to take such affirmation or administer such oath.

PRELIMINARY ARRANGEMENTS FOR THE TAKING OF THE POLL

Polling stations

13. (1) For the purpose of conveniently taking a poll of voters in any polling area there shall be as many polling stations at such places in the polling area concerned as may be determined by the chief electoral officer, or by the electoral officer for that polling area acting under the authority of the chief electoral officer.

(2) Every electoral officer shall post at the magistrate's office of every district which or a portion of which is situated within his polling area, a notice of the places in that polling area where polling stations will be established or are established, and the chief electoral officer may cause further notice of the said places to be given in such manner as he may think fit.

(3) The chief electoral officer or any electoral officer authorized by him may provide one or more mobile polling stations in any polling area or other area for the purpose of taking a poll of voters who are not able to vote at any other polling station or who for some other reason have not voted at any other polling station.

(4) A mobile polling station shall be under the general control of the electoral officer for a polling area indicated by the chief electoral officer and shall for the purposes of this Proclamation, except subsection (2) of this section, be regarded as a polling station in that polling area.

(5) The electoral officer referred to in subsection (4) may, in such manner as he thinks fit and in so far as it may be practicable to do so, make known the places to be visited by a mobile polling station and the times at which it will visit such places.

(6) The presiding officer in charge of, and any polling officer for, a mobile polling station may enter upon any land with such mobile polling station and the necessary equipment for the purpose of taking a poll of voters on such land, or for the purpose of ascertaining whether there are any voters on such land.

(7) Additional polling stations may be established in any polling area at any time after the commencement of the poll.

Provision of equipment

14. (1) The chief electoral officer shall provide ballot boxes, ballot papers, instruments, seals and other requisites

die ander handelinge en tref die reëlings ter vergemakliking van die hou van die stemming wat raadsaam geag word om die verkiesing doeltreffend te voer.

(2) Elke verkiesingsbeampte is daarvoor verantwoordelik om 'n genoegsame hoeveelheid van die in subartikel (1) bedoelde benodigdhede van die hoofverkiesingsbeampte te verkry en aan die voorsittende beamptes vir die stemburo's in sy stemgebied te verskaf ten einde die doeltreffende hou van die stemming by daardie stemburo's te verseker.

(3) Elke voorsittende beampte vir 'n stemburo word voorsien van minstens een afskrif van die kontrolelys, indien daar een is, vir die doeleindes van die verkiesing opgestel.

Die stemkompartement

15. (1) Die stemkompartement in of by 'n stemburo word op 'n plek geplaas of ingerig waar niemand dit kan binnegaan of verlaat, of na vereiste van die omstandighede, dit kan gebruik nie sonder om deur die voorsittende beampte of 'n stemopnemer deur hom aangewys, gesien te word, en die voorsittende beampte of bedoelde stemopnemer moet toesien dat, terwyl 'n kieser daarin is of dit gebruik ten einde sy stem uit te bring, niemand anders die stemkompartement binnegaan of dit gebruik nie behalwe ooreenkomstig die bepalings van hierdie Proklamasie.

(2) By die toepassing van hierdie proklamasie beteken die uitdrukking "stemkompartement" ook enige plek of oppervlakte in of by 'n stemburo wat tot bevrediging van die voorsittende beampte op so 'n wyse afgeskort is dat 'n kieser sy stem in die geheim daarop kan uitbring.

Die stembus

16. (1) Hoogstens dertig minute voor die aanvang van die stemming by 'n stemburo op die eerste stemdag, moet die voorsittende beampte —

- (a) hom oortuig dat die stembus wat by daardie stemburo gebruik gaan word, leeg is;
- (b) die binnekant van die leë stembus aan die persone toon wat geregtig is om in die stemburo teenwoordig te wees en wat aanwesig is; en
- (c) onmiddellik daarna die stembus toemaak en verseël ooreenkomstig die voorskrifte deur die hoofverkiesingsbeampte uitgereik.

(2) Indien dit te eniger tyd nodig word om 'n addisionele stembus by 'n stemburo te gebruik, word daardie addisionele stembus *mutatis mutandis* volgens voorskrif van subartikel (1) getoon, toegemaak en verseël voordat dit vir die deponeering van stembriewe beskikbaar gestel word.

(3) 'n Stembus wat soos voormeld toegemaak en verseël is, word nie oopgemaak nie, en die seël word nie gebreek nie, behalwe soos in die artikel 29(2) bepaal.

(4) Die voorsittende beampte by 'n stemburo moet —

and shall do such other acts and make such arrangements to facilitate the taking of the poll as may be deemed advisable for effectually conducting the election.

(2) Each electoral officer shall be responsible for obtaining from the chief electoral officer, and supplying to the presiding officers for the polling stations in his polling area, a sufficient quantity of the requisites referred to in subsection (1) to ensure the effectual taking of the poll at such polling stations.

(3) Every presiding officer for a polling station shall be supplied with at least one copy of the control list, if any, compiled for the purposes of the election.

The voting compartment

15. (1) The voting compartment in or at any polling station shall be placed or arranged in a position where no person can enter or leave it or, as the circumstances may require, use it without being seen by the presiding officer or a polling officer designated by him, and the presiding officer or such polling officer shall take care that no other person shall, except in accordance with the provisions of this Proclamation, enter or use the voting compartment while a voter is in it or using it for the purpose of recording his vote.

(2) For the purposes of this Proclamation the expression "voting compartment" shall include any place or surface in or at a polling station, which is screened off, to the satisfaction of the presiding officer, in such a manner that any voter may record his vote thereat or thereon in secret.

The ballot box

16. (1) Not more than thirty minutes before the commencement of the poll on the first polling day at any polling station, the presiding officer shall —

- (a) satisfy himself that the ballot box to be used at such polling station is empty; and
- (b) display the interior of the empty ballot box to such persons entitled to attend at the polling station as are present; and
- (c) immediately thereafter close and seal the ballot box in accordance with the instructions issued by the chief electoral officer.

(2) If for any reason it becomes necessary at any time to use any additional ballot box at any polling station, such additional ballot box shall be displayed, closed and sealed *mutatis mutandis* as provided in subsection (1) before being made available for the deposit of ballot papers.

(3) A ballot box closed and sealed as aforesaid shall not be opened, and the seal shall not be broken, except as provided in section 29(2).

(4) The presiding officer at a polling station shall —

- (a) by die sluit van die stemming op elke stembus, die opening in die stembus wat by daardie stemburo gebruik word, toemaak en verseël; en
- (b) die seël breek en genoemde opening oopmaak slegs by die begin van die stemming op die eersvolgende stembusdag.

ooreenkomstig die voorskrifte deur die hoofverkiesingsbeamppte uitgereik, en in die teenwoordigheid van die persone wat geregtig is om in die stemburo teenwoordig te wees en wat aanwesig is.

(5) Die stembus wat in of by 'n stemburo gebruik word, moet op 'n plek geplaas word waar dit te alle tye gedurende die voortsetting van die stemming deur die voorsittende beamppte of 'n stemopnemer deur hom aangewys, gesien kan word.

(6) Die voorsittende beamppte is vir die veilige bewaring van 'n stembus wat by sy stemburo gebruik word, verantwoordelik totdat dit aan die betrokke verkiesingsbeamppte afgelewer word.

Stemure op stembus

17.(1) Die stemming begin om sewe-uur in die oggend en sluit om sewe-uur in die aand van elke stembusdag maar die voorsittende beamppte van die stemburo —

- (a) kan op 'n ander stembusdag as die laaste stembusdag die stemming by sy stemburo later as sewe-uur in die aand sluit; en
- (b) moet elke kieser wat om sewe-uur in die aand op die laaste stembusdag binne die kamer of ander afsluiting is waarin die stembus is, toelaat om sy stem uit te bring voordat die stemming sluit.

(2) Ondanks die bepalinge van subartikel (1) van hierdie artikel, kan kiesers na sewe-uur in die oggend van die eerste stembusdag toegelaat word om hulle stemme by 'n mobiele stemburo uit te bring te eniger tyd op enige stembusdag en op enige plek waar die mobiele stemburo is of op enige plek wat deur die voorsittende beamppte in beheer van die mobiele stemburo as gerieflik beskou word: Met dien verstande dat geen kieser toegelaat word om sy stem na sewe-uur in die aand van die laaste stembusdag by 'n mobiele stemburo uit te bring nie, tensy hy sy identiteitsdokument voor daardie uur op 'n plek soos voormeld aan die voorsittende beamppte of 'n stemopnemer oorhandig het.

Bevoegdheid van voorsittende beamptes by stemburo's

18. (1) Die voorsittende beamppte en ander beamptes by 'n stemburo hou daar orde, reël die aantal kiesers wat tege-lyk binnegelaat word, en hou alle ander persone buite, behalwe die hoofverkiesingsbeamppte, die verkiesingsbeamppte vir die stemgebied, 'n assistent-verkiesingsbeamppte, die stemopnemers, 'n verkiesingsagent of stemagent wat inge-

- (a) at the close of the poll on each polling day, close and seal the aperture in the ballot box used at such polling station; and
- (b) break the seal and open the said aperture only at the commencement of the poll on the next succeeding polling day.

in accordance with the instructions issued by the chief electoral officer, and in the presence of such persons entitled to attend at the polling station as are present.

(5) The ballot box used in or at a polling station shall be placed in a position where it can be seen by the presiding officer or a polling officer designated by him, at all times during the continuance of the poll.

(6) The presiding officer shall be responsible for the safekeeping of any ballot box used at his polling station, until it is delivered to the electoral officer concerned.

Polling hours on polling days

17. (1) The poll shall commence at seven o'clock in the morning and shall close at seven o'clock in the evening of each polling day but the presiding officer of a polling station —

- (a) may close the poll at his polling station later than seven o'clock in the evening on any polling day other than the last polling day; and
- (b) shall permit every voter who, at seven o'clock in the evening on the last polling day, is inside the room or other enclosure where the ballot box is, to record his vote before the poll is closed.

(2) Notwithstanding the provisions of subsection (1) of this section, voters may, after seven o'clock in the morning of the first polling day, be permitted to record their votes at a mobile polling station at any time on any polling day and at any place where such mobile polling station is, or at any place considered convenient by the presiding officer in charge of such mobile polling station: Provided that no voter shall be permitted to record his vote at a mobile polling station after seven o'clock in the evening of the last polling day, unless he has handed over his identity document to the presiding officer or a polling officer at any such place as aforesaid before that hour.

Powers of presiding officers at polling stations

18. (1) The presiding officer and other officers at a polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the chief electoral officer, the electoral officer for the polling area, any assistant electoral officer, the polling officers, any election agent or polling

volge artikel 11(5) geregtig is om in die stemburo teenwoordig te wees, diensdoende polisiebeamptes, en enige ander persoon wat deur of op gesag van die Administrateur-generaal of die hoofverkiegingsbeampte spesiaal gemagtig is om teenwoordig te wees.

(2) Behalwe soos in subartikel (1) bepaal, kan die voorsittende beampte enige persoon, behalwe 'n persoon wat sy stem uitbring, aansê om die stemburo te verlaat, en 'n persoon wat versuim om die stemburo te verlaat wanneer aldus aangesê, kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word.

(3) Die voorsittende beampte kan, na oorlegpleging met die diensdoende polisiebeamptes, indien daar is, die stappe doen wat hy nodig ag ter beskerming van homself en ander beamptes of ter beëindiging of voorkoming van geweldpleging in of in die nabyheid van die stemburo.

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

(5) By die toepassing van hierdie artikel op 'n mobiele stemburo, beteken die uitdrukking "stemburo" ook 'n gebied wat deur die voorsittende beampte aangewys of afgemerk is op 'n plek waar die mobiele stemburo stilstaande is vir die opneem van stemme daarby, of op 'n plek waar 'n kieser ingevolge artikel 17(2) toegelaat word om sy stem uit te bring.

STEMMING BY STEMBURO'S

Stemreg

19. (1) Elke persoon —

(a) wat in besit is van 'n identiteitsdokument aan hom uitgereik; en

(b) wat volgens die besonderhede op daardie identiteitsdokument —

(i) 'n lid is van die bevolkingsgroep waarvoor die wetgewende owerheid ten opsigte waarvan die verkiesing gehou word, ingestel is; en

(ii) in die geval van 'n verkiesing op stamgrondslag, 'n lid is van die betrokke stam; en

(iii) agtien jaar oud of ouer is; en

(iv) 'n inwoner vir minstens een jaar is; en

(c) wat nie te eniger tyd gedurende die jaar wat eindig op die stembag waarop hy wil stem, sy gewone verblyf soos in artikel 5(6) van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG.8 van 1980), bedoel, buite die gebied Suidwes-Afrika gehad het nie; en

agent entitled in terms of section 11(5) to attend at the polling station, any police officials on duty, and any other person specially authorized by or on the authority of the Administrator-General or the chief electoral officer to attend.

(2) Save as provided in subsection (1), the presiding officer may order any person, other than a person recording his vote, to leave the polling station, and any person who fails to leave the polling station when so required, may be arrested without a warrant on the order of the presiding officer.

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

(4) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote, from having an opportunity to record his vote.

(5) For the purposes of the application of this section to a mobile polling station, the expression "polling station" shall include an area indicated or demarcated by the presiding officer at any place where such mobile polling station is stationary for the purposes of taking a poll thereat, or at any place where a voter is permitted, in terms of section 17(2), to record his vote.

VOTING AT POLLING STATIONS

Franchise

19. (1) Every person —

(a) who is in possession of an identity document issued to him; and

(b) who according to the particulars on that identity document —

(i) is a member of the population group for which the legislative authority in respect of which the election is held, has been established; and

(ii) in the case of an election on tribal basis, is a member of the tribe concerned;

(iii) is of or over the age of eighteen years; and

(iv) has been a resident for at least one year; and

(c) who has not at any time during the year ending on the polling day on which he wishes to vote, been ordinarily resident outside the territory of South West Africa within the meaning of section 5(6) of the Representative Authorities Proclamation, 1980 (Proclamation AG.8 of 1980); and

(d) wat nie aan 'n onbevoegdheid in artikel 5(1)(b) of 6(1) van genoemde Proklamasie bedoel, onderhewig is nie,

is, onderworpe aan en by nakoming van die bepalings van hierdie Proklamasie, geregtig om by die verkiesing ten opsigte van die betrokke wetgewende owerheid of, in die geval van 'n verkiesing op stamgrondslag, by die verkiesing ten opsigte van die betrokke stam, te stem.

(2) Elke voorsittende beampte moet in of by sy stemburo 'n kennisgewing opplak wat die bepalings bevat van artikel 5(1)(b), (5) en (6), artikel 6(1) en (2) en artikel 7(1) en (2) van genoemde Proklamasie op Verteenwoordigende Owerhede, 1980.

Kieser het slegs een stem

20. 'n Kieser het, ondanks andersluidende bepalings van die grondwet van die wetgewende owerheid ten opsigte waarvan die verkiesing gehou word, slegs een stem wat hy kan uitbring op 'n geregistreerde party waarvan die naam op die stembrief vir die verkiesing verskyn.

Kieser kan by enige stemburo stem

21. 'n Kieser moet sy stem by 'n stemburo uitbring maar kan dit by enige stemburo in enige stemgebied doen.

Kieser moet sy identiteitsdokument voorlê

22. 'n Kieser is nie geregtig en word nie toegelaat om te stem nie tensy hy sy identiteitsdokument aan die voorsittende beampte of 'n stemopnemer by 'n stemburo voorlê.

Stemming vind per geheime stembrief plaas

23. (1) Stemming by die verkiesing vind per geheime stembrief plaas.

(2) Elke stembrief moet in die vorm wees wat in die Aanhangsel aangegee word, en die name van al die geregistreerde partye wat ten opsigte van die verkiesing geregistreer is, moet in alfabetiese volgorde daarop gedruk wees, elke naam in die taal waarin dit ingevolge paragraaf (a) van subartikel (1) van artikel 4 verstrekk is en gevolg deur die afkorting ingevolge paragraaf (b) van daardie subartikel deur die betrokke geregistreerde party verstrekk, en daarna deur die kentekens, indien daar een is, ingevolge paragraaf (c) van daardie subartikel aldus verstrekk.

(3) Die name van die geregistreerde partye en afkortings van daardie name of van die name van verenigings van politieke partye moet in hoofletters van gelyke grootte op die stembrief gedruk word.

(4) Kentekens word op die stembrief gedruk volgens 'n grootte wat, indien elke kenteken in 'n vierkant met vaste afmetings omsluit word, dit moontlik sou maak dat die vertikale uiterste punte of die horisontale uiterste punte of sowel

(d) who is not subject to a disqualification referred to in section 5(1)(b) or 6(1) of the said Proclamation,

shall, subject to and on compliance with the provisions of this Proclamation, be entitled to vote at the election in respect of the legislative authority concerned or, in the case of an election on tribal basis, at the election in respect of the tribe concerned.

(2) Every presiding officer shall post up in or at his polling station a notice containing the provisions of section 5(1)(b), (5) and (6), section 6(1) and (2) and section 7(1) and (2) of the said Representative Authorities Proclamation, 1980.

Voter has one vote only

20. A voter shall, notwithstanding anything to the contrary contained in the constitution of the legislative authority in respect of which the election is held, have one vote only which he may give to a registered party whose name appears on the ballot paper for the election.

Voter may vote at any polling station

21. A voter shall record his vote at a polling station but may do so at any polling station in any polling area.

Voter shall submit his identity document

22. A voter shall not be entitled or permitted to vote unless he submits his identity document to the presiding officer or a polling officer at a polling station.

Voting to be by secret ballot

23. (1) The voting at the election shall be by secret ballot.

(2) Every ballot paper shall be in the form set out in the Annexure, and the names of all the registered parties registered in respect of the election shall be printed on it in alphabetical order, each name in the language in which it was furnished in terms of paragraph (a) of subsection (1) of section 4 and followed by the abbreviation furnished in terms of paragraph (b) of that subsection by the registered party concerned and then by the distinctive symbol, if any, so furnished in terms of paragraph (c) of that subsection.

(3) The names of the registered parties and abbreviations of those names or of the names of any associations of political parties shall be printed on the ballot paper in capital letters of equal size.

(4) Distinctive symbols shall be printed on the ballot paper to a size which, if each symbol were enclosed in a square of fixed dimensions, would permit the vertical extremities or the horizontal extremities or both the vertical and

die vertikale as die horisontale uiterste punte teenoorgestelde sye van die vierkant raak.

Wyse waarop gestem word

24. (1) Stemming by 'n stemburo vind in wese en sover doenlik plaas volgens voorskrif van hierdie artikel en artikel 25.

(2) Die voorsittende beampte of 'n stemopnemer deur hom vir dié doel aangewys, merk op 'n stemdag in die stemburo elke stembrief in 'n stembriefboek op die agterkant daarvan met die amptelike merk voordat daardie stembriefboek oorhandig word aan 'n stemopnemer vir oorhandiging van stembriewe aan persone wat by die stemburo wil stem.

(3) Die voorsittende beampte of 'n stemopnemer moet, voordat 'n stembrief oorhandig word aan 'n persoon wat wil stem, die aandag van daardie persoon vestig op die kennisgewing wat ingevolge artikel 19(2) in of by die stemburo aangebring is en moet, indien deur bedoelde persoon daartoe versoek, die inhoud van die kennisgewing aan hom verduidelik of laat verduidelik.

(4) Wanneer 'n persoon wat wil stem 'n identiteitsdokument voorgelê het soos in artikel 22 beoog, moet die voorsittende beampte of 'n stemopnemer ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte daardie identiteitsdokument ondersoek en met die kontrolelys, indien daar een is, vergelyk.

(5) Indien dit by sodanige ondersoek en vergelyking bevind word —

(a) dat die persoon wie se naam op die identiteitsdokument aldus voorgelê, verskyn —

(i) 'n lid is van die bevolkingsgroep waarvoor die wetgewende owerheid ten opsigte waarvan die verkiesing gehou word, ingestel is; en

(ii) in die geval van 'n verkiesing op stamgrondslag, 'n lid is van 'n stam ten opsigte waarvan die verkiesing gehou word; en

(iii) agtien jaar oud of ouer is; en

(iv) 'n inwoner is vir 'n tydperk van minstens 'n jaar; en

(b) dat die naam en identiteitsnommer op daardie identiteitsdokument nie op die kontrolelys verskyn nie; en

(c) dat die merk wat ooreenkomstig subartikel (6) (c) of (11) op 'n identiteitsdokument aangebring moet word wanneer 'n stembrief aan die houer daarvan oorhandig word, nie op daardie identiteitsdokument verskyn nie,

moet die voorsittende beampte of 'n stemopnemer hom vergewis dat die persoon wat wil stem die persoon is aan wie daardie identiteitsdokument uitgereik is en wie se naam en foto daarop verskyn.

the horizontal extremities to touch opposite sides of the square.

Manner of voting

24. (1) The voting at any polling station shall be conducted in substance and as nearly as possible in the manner prescribed in this section and section 25.

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

(3) The presiding officer or a polling officer shall, before a ballot paper is handed to a person who wishes to vote, draw the attention of such person to the notice posted up in or at the polling station in terms of section 19(2) and shall, if requested by such person, explain the contents of the notice to such person or cause it to be explained to him.

(4) When a person who wishes to vote has submitted an identity document as contemplated in section 22, the presiding officer or a polling officer shall examine and compare with the control list, if any, such identity document and the particulars thereon in accordance with the instructions of the chief electoral officer.

(5) If at such examination and comparison it is found —

(a) that the person whose name appears on the identity document so submitted —

(i) is a member of the population group for which the legislative authority in respect of which the election is held, has been established; and

(ii) in the case of an election on tribal basis, is a member of the tribe in respect of which the election is held; and

(iii) is of or over the age of eighteen years; and

(iv) has been a resident for a period of at least a year; and

(b) that the name and identity number on that identity document do not appear on the control list; and

(c) that the mark which in accordance with subsection (6)(c) or (11) is to be placed on an identity document when a ballot paper is handed to the holder thereof, does not appear on that identity document,

the presiding officer or a polling officer shall ascertain that the person who wishes to vote is the person to whom that identity document was issued and whose name and photo appear thereon.

(6) Indien al die subartikel (5) bedoelde bevindings ten opsigte van die identiteitsdokument gedoen is en die voorsittende beampte of 'n stemopnemer oortuig is dat die persoon wat wil stem die persoon is aan wie daardie identiteitsdokument uitgereik is, en die persoon wat wil stem nie verklaar het dat hy ingevolge artikel 19(1) (c) of (d) nie geregtig is om te stem nie, moet die voorsittende beampte of 'n stemopnemer —

- (a) die identiteitsnommer wat op die identiteitsdokument verskyn, aanteken op die teenblad van 'n stembrief in 'n stembriefboek vir die betrokke verkiesing in subartikel 5(a) (i) en (ii) bedoel, wat ingevolge subartikel (2) met die amptelike merk gemerk is;
- (b) die stembrief op die teenblad waarvan die identiteitsnommer aldus aangeteken is, uit die stembriefboek skeur en aan die persoon wat wil stem, oorhandig;
- (c) die identiteitsdokument merk op die wyse deur die hoofverkiesingsbeampte voorgeskryf om aan te dui dat 'n stembrief aan die houer daarvan oorhandig is, en die identiteitsdokument aan die persoon wat wil stem, teruggee.

(7) Wanneer die persoon wat wil stem die stembrief ontvang het, moet hy —

- (a) dit na die stemkompartement neem;
- (b) die geregistreerde party waarvoor hy wil stem, aandui deur in die geheim 'n kruis op die stembrief te maak teenoor die inskrywing daarop van die naam en ander besonderhede van daardie geregistreerde party;
- (c) die stembrief so opvou dat die amptelike merk sigbaar is en die name en besonderhede van die geregistreerde partye en die kruis deur hom gemaak nie sigbaar is nie;
- (d) die stembrief so ophou dat die voorsittende beampte of 'n stemopnemer deur hom aangewys die amptelike merk kan herken; en
- (e) die stembrief in die stembus laat val wat voor die voorsittende beampte of bedoelde stemopnemer staan.

(8) Indien die kieser sy naam op die stembrief skryf op so 'n wyse dat sy stembrief uitgeken sou kon word, word daardie stembrief, wanneer die stemme getel word, as oningevul beskou en buite rekening gelaat.

(9) Ten einde vas te stel of 'n stuk papier wat 'n kieser in die stembus gaan laat val soos in subartikel (7) (e) beoog, 'n amptelik uitgereikte stembrief is en, by 'n stemburo in artikel 50 bedoel, dat so 'n stembrief in die korrekte stembus geplaas word, moet die voorsittende beampte of 'n stemopnemer deur hom aangewys die kieser aansê om die agterkant van die stuk papier op so 'n wyse aan hom te toon dat,

(6) If all the findings referred to in subsection (5) have been made in respect of the identity document and the presiding officer or a polling officer is satisfied that the person who wishes to vote is the person to whom that identity document was issued, and the person who wishes to vote has not declared that he is in terms of section 19(1)(c) or (d) not entitled to vote, the presiding officer or a polling officer shall —

- (a) enter the identity number appearing on the identity document upon the counterfoil of a ballot paper in a ballot paper book used for the relevant election referred to in subsection (5)(a) (i) or (ii), and marked with the official mark in terms of subsection (2);
- (b) tear from the ballot paper book the ballot paper upon the counterfoil of which the identity number has been so entered and hand the ballot paper to the person who wishes to vote;
- (c) mark the identity document in the manner prescribed by the chief electoral officer, to indicate that a ballot paper has been handed to the holder thereof, and return the identity document to the person who wishes to vote.

(7) When the person who wishes to vote has received the ballot paper, he shall —

- (a) take it to the voting compartment;
- (b) indicate the registered party for which he desires to vote by secretly placing a cross on the ballot paper opposite the entry on it of the name and other particulars of that registered party;
- (c) fold the ballot paper so that the official mark is visible and the names and particulars of the registered parties and the cross made by him are not visible;
- (d) hold up the ballot paper so that the presiding officer or a polling officer designated by him can recognize the official mark; and
- (e) drop the ballot paper into the ballot box placed in front of the presiding officer or such polling officer.

(8) If the voter signs his name on the ballot paper in such a manner that his ballot paper would become recognizable, that ballot paper shall, when the votes are counted, be considered blank and not be taken into account.

(9) For the purposes of ascertaining whether a paper which any voter is about to place into a ballot box as contemplated in subsection (7)(e) is a ballot paper officially issued and, at a polling station referred to section 50, that any such ballot paper is placed in the correct ballot box, the presiding officer or a polling officer designated by him shall require the voter to show him the back of the paper

indien die stuk papier 'n amptelike uitgereikte stembrief is, die nommer en die amptelike merk en die aanduiding van die betrokke verkiesing daarop sigbaar sou wees en die kruis deur die kieser gemaak nie sigbaar sou wees nie.

(10) Die stemming by 'n stemburo word nie weens 'n defek wat ontstaan in 'n werktuig wat vir die doeleindes van subartikel (5)(c) of (6)(c) by daardie stemburo gebruik word, onderbreek nie, en die voorsittende beampte of 'n stemopnemer weier nie om 'n stembrief aan 'n persoon wat wil stem, te oorhandig bloot op grond van sodanige defek nie.

(11) Die identiteitsdokument voorgelê deur 'n persoon aan wie 'n stembrief onder die in subartikel (10) beoogde omstandighede uitgereik is, word gemerk ooreenkomstig die voorskrifte deur die hoofverkiesingsbeampte uitgereik.

(12) Indien die voorsittende beampte of 'n stemopnemer —

(a) by die ondersoek en vergelyking van 'n identiteitsdokument ingevolge subartikel (4), bevind —

(i) dat die persoon wie se naam daarop verskyn nie 'n lid van die in subartikel (5)(a)(i) of (ii) bedoelde bevolkingsgroep of stam is nie, of onder die ouderdom van agtien jaar is of 'n inwoner vir 'n tydperk van minder as 'n jaar is; of

(ii) dat die naam en identiteitsnommer op daardie identiteitsdokument op die kontrolelys verskyn; of

(iii) dat die merk wat ooreenkomstig subartikel (6) (c) of (11) op 'n identiteitsdokument aangebring moet word wanneer 'n stembrief aan die houer daarvan oorhandig word, op daardie identiteitsdokument verskyn; of

(b) oortuig is dat die persoon wat wil stem nie die persoon is aan wie daardie identiteitsdokument uitgereik is en wie se naam en foto daarop verskyn nie; of

(c) deur die persoon wat wil stem meegedeel is dat hy ingevolge artikel 19(1)(c) of (d) nie geregtig is om te stem nie,

is die persoon wat wil stem en daardie identiteitsdokument voorgelê het, nie op 'n stembrief geregtig nie en word 'n stembrief nie aan hom uitgereik nie.

Kieser wat nie kan lees nie of onbekwaam is

25. (1) (a) Op persoonlike versoek van 'n kieser wat nie kan lees nie of wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem op die wyse in artikel 24(7) voorgeskryf, uit te bring nie, moet die voorsittende beampte, behoudens die bepalings van subartikel (2) van hierdie artikel, die stem van daardie kieser op die stembrief merk op die wyse deur die kieser verlang, en die stembrief in die stembus plaas.

in such a manner that, if the paper were a ballot paper officially issued, the number and the official mark and the indication of the relevant election on it would be visible and the cross made by the voter would not be visible.

(10) The voting at a polling station shall not be interrupted by any defect occurring in any instrument used at such polling station for the purposes of subsection (5)(c) or (6)(c), and the presiding officer or a polling officer shall not refuse, merely because of such defect, to hand a ballot paper to a person who wishes to vote.

(11) The identity document submitted by a voter to whom a ballot paper is issued under the circumstances contemplated in subsection 10, shall be marked in accordance with the instructions issued by the chief electoral officer.

(12) If the presiding officer or a polling officer —

(a) at the examination and comparison of the identity document in terms of subsection (4), finds —

(i) that the person whose name appears on it is not a member of the population group or tribe referred to in subsection (5)(a)(i) or (ii), or is under the age of eighteen years or is a resident for a period less than a year; or

(ii) that the name and identity number on that identity document appears on the control list; or

(iii) that the mark in terms of subsection (6)(c) or (11) is required to be placed upon an identity document when a ballot paper is handed to the holder thereof, appears on that identity document; or

(b) is satisfied that the person who wishes to vote is not the person to whom that identity document was issued and whose name and photo appear on it; or

(c) has been informed by the person who wishes to vote that he is in terms of section 19(1)(c) or (d) not entitled to vote,

the person who wishes to vote and submitted that identity document shall not be entitled to a ballot paper and a ballot paper shall not be issued to him.

Voter who cannot read or is incapacitated

25. (1) (a) At the request in person of a voter who cannot read or who is incapacitated by blindness or other physical cause from voting in the manner prescribed in section 24(7), the presiding officer shall, subject to the provisions of subsection (2) of this section, mark the vote of that voter on the ballot paper in the manner directed by the voter, and place the ballot paper in the ballot box.

- (b) Indien daar op die identiteitsdokument wat deur 'n kieser aan die voorsittende beampte of 'n stemopnemer voorgelê word, 'n vingerafdruk verskyn van die persoon aan wie dit uitgereik is maar nie ook 'n handtekening van daardie persoon nie, kan die voorsittende beampte of bedoelde stemopnemer die kieser vra of hy sy stembrief deur die voorsittende beampte wil laat merk, en as die kieser bevestigend antwoord, word daardie antwoord by die toepassing van paragraaf (a) geag 'n versoek soos in daardie paragraaf beoog, te wees.
- (c) Indien die opdrag van die kieser oor die wyse waarop sy stem deur die voorsittende beampte op die stembrief gemerk moet word, nie duidelik genoeg is om die voorsittende beampte in staat te stel om die stem te merk sonder om nadere opdrag van die kieser te verkry nie, kan die voorsittende beampte die vrae aan die kieser stel wat na sy oordeel nodig is om sodanige nadere opdrag te verkry.
- (2) (a) Indien een of meer verkiesingsagente of stem-agente in artikel 11(5) bedoel in die stemburo teenwoordig is wanneer so 'n versoek aan die voorsittende beampte gerig word, moet die voorsittende beampte, voordat hy aan die versoek voldoen, die kieser vra of hy toestem dat sy stembrief gemerk word in die teenwoordigheid van bedoelde agent of, indien daar twee of meer sodanige agente is, in die teenwoordigheid van almal of enige van hulle.
- (b) Indien die kieser soos voormeld toestem, moet die voorsittende beampte aan bedoelde versoek voldoen in die teenwoordigheid van elke sodanige agent tot wie se teenwoordigheid die kieser toestem en wat teenwoordig wil wees.
- (3) Op persoonlike versoek van 'n in subartikel (1)(a) bedoelde kieser wat nie versoek dat sy stem ingevolge daardie subartikel deur die voorsittende beampte gemerk word nie en wat deur 'n volwasse persoon vergesel is, kan die voorsittende beampte, indien hy oortuig is dat daardie volwasse persoon die vader, moeder, broer, suster, man, vrou, seun, dogter of vriend van die kieser is, daardie kieser toelaat om met die hulp van daardie volwasse persoon te stem, en nadat bedoelde verlof verleen is, kan enigiets wat ingevolge artikel 24 (7) deur die kieser gedoen moet word, gedoen word met die hulp van daardie volwasse persoon.
- (b) If the identity document produced by a voter to the presiding officer or a polling officer bears any fingerprint of the person to whom it was issued but not also a signature of that person, the presiding officer or such polling officer may ask the voter whether he wishes to have his ballot paper marked by the presiding officer, and if the voter replies in the affirmative, such reply shall for the purposes of paragraph (a) be deemed to be such a request as is contemplated in that paragraph.
- (c) If the instructions of the voter as to the manner in which the presiding officer is to mark his vote on the ballot paper are not sufficiently clear to enable the presiding officer to mark the vote without obtaining further instructions from the voter, the presiding officer may put such questions to the voter as in his opinion are necessary to elicit such further instructions.
- (2) (a) If one or more election agents or polling agents referred to in section 11(5) are in attendance at the polling station when such a request is made to the presiding officer, the presiding officer, before complying with such request, shall ask the voter whether he consents to the marking of his ballot paper taking place in the presence of such agent or, if there are two or more such agents, in the presence of all or any of them.
- (b) If the voter consents as aforesaid, the presiding officer shall comply with such request in the presence of every such agent to whose presence the voter consents and who wishes to be present.
- (3) At the request in person of a voter referred to in subsection (1)(a) who does not request to have his vote marked by the presiding officer in terms of that subsection and who is accompanied by an adult person, the presiding officer may, if he is satisfied that such adult person is the father, mother, brother, sister, husband, wife, son, daughter or friend of the voter, permit such voter to vote with the assistance of such adult person, and upon such permission being granted, anything which by section 24(7) is required to be done by the voter may be done with the assistance of such adult person.

Bedorwe stembriewe

26. Indien 'n kieser 'n stembrief onopsetlik bederf, kan hy dit teruggee aan die voorsittende beampte wat, indien hy oortuig is dat dit onopsetlik gebeur het, aan hom 'n ander stembrief gee en die bedorwe stembrief behou, waarna die bedorwe stembrief gekanselleer en die kansellasië op die teenblad daarvan aangeteken word.

Spoiled ballot papers

26. If a voter inadvertently spoils a ballot paper, he may return it to the presiding officer who, if satisfied of the inadvertence, shall give him another ballot paper and retain the spoiled ballot paper, whereupon the spoiled ballot paper shall be cancelled and the cancellation noted on its counterfoil.

Verseëling van stembus en ander verkiesingsmateriaal, en aflewering daarvan

27: (1) Onmiddellik na die sluit van die stemming by 'n stemburo op die laaste stemdag, moet die voorsittende beampte in die teenwoordigheid van die verkiesingsagente en stemagente in artikel 11(5) bedoel wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van diegene van genoemde agente wat hulle seëls wil aanheg, maak van —

- (a) elke stembus aan hom toevertrou, ongeopen;
- (b) die teenblaaie van alle gebruikte stembriewe;
- (c) die bedorwe stembriewe; en
- (d) die ongebruikte stembriewe,

en moet hy elke pakket merk en die pakkette aan die verkiesingsbeampte vir die betrokke stemgebied aflewer of laat aflewer ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte.

(2) Die pakkette moet vergesel gaan van 'n verslag in 'n vorm deur die hoofverkiesingsbeampte voorgeskryf, waarin die voorsittende beampte rekenskap gee van die aantal stembriewe wat aan hom toevertrou is, onder die hoofde van stembriewe in die stembus, bedorwe stembriewe en ongebruikte stembriewe.

(3) Die verkiesingsbeampte moet die pakkette tesame met genoemde verslag sonder versuim aan die hoofverkiesingsbeampte aflewer of laat aflewer ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte, en moet terselfder tyd aan die hoofverkiesingsbeampte 'n verslag verstrek waarin hy rekenskap gee van die aantal stembriewe wat aan hom toevertrou is.

(4) Met die verkiesingsmateriaal wat nie in subartikel (1) genoem word nie, word gehandel ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte.

BEPALING VAN UITSLAG VAN STEMMING EN AANKONDIGING VAN UITSLAG VAN VERKIESING

Kennisgewing van plek en tyd vir bepaling van uitslag van die stemming

28. Die hoofverkiesingsbeampte stel elke geregistreerde party by sy adres ingevolge artikel 3 verstrek in kennis van die plek waar die uitslag van die stemming bepaal sal word en van die dag en tyd waarop die bepaling sal begin.

Toets van stembriefverslag

29. (1) By ontvangs van die in artikel 27 bedoelde pakkette van 'n stemburo, neem die hoofverkiesingsbeampte dit in sy bewaring, ondersoek hy of die seëls in orde is en gee

Sealing of ballot box and other election material, and delivery thereof

27. (1) Immediately after the close of the poll on the last polling day at any polling station, the presiding officer shall, in the presence of such election agents and polling agents referred to in section 11(5) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of such of the said agents as may wish to affix their seals —

- (a) each ballot box entrusted to him, unopened;
- (b) the counterfoils of all used ballot papers;
- (c) the spoiled ballot papers; and
- (d) the unused ballot papers,

and shall mark each packet and deliver the packets to the electoral officer for the polling area concerned without delay, or cause them to be so delivered, in accordance with the instructions of the chief electoral officer.

(2) The packets shall be accompanied by a statement in a form prescribed by the chief electoral officer, 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, spoiled ballot papers and unused ballot papers.

(3) The electoral officer shall deliver the packets accompanied by the said statement to the chief electoral officer without delay, or cause them to be so delivered, in accordance with the instructions of the chief electoral officer, and shall at the same time furnish the chief electoral officer with a statement in which he accounts for the number of ballot papers entrusted to him.

(4) The electoral material not mentioned in subsection (1) shall be dealt with in accordance with the instructions of the chief electoral officer.

DETERMINATION OF RESULT OF POLL AND ANNOUNCEMENT OF RESULT OF ELECTION

Notice of place and time for determining result of the poll

28. The chief electoral officer shall inform each registered party at its address furnished in terms of section 3 of the place where the result of the poll will be determined and of the day upon which and the time at which the determination will commence.

Verification of ballot paper account

29. (1) On receiving the packets referred to in section 27 from a polling station, the chief electoral officer shall take charge of them, examine whether the seals are in order

hy aanwesige agente van geregistreerde partye 'n geleentheid om dieselfde te doen.

(2) Daarna moet die hoofverkiesingsbeampte elke stembus wat van die betrokke stemburo ontvang is, oopmaak, die stembriewe daaruit haal en tel, die getal aanteken en die stembriewe in die stembus terugplaas.

(3) Die hoofverkiesingsbeampte toets dan die stembriefverslag wat die voorsittende beampte van die betrokke stemburo ingevolge artikel 27(2) verstrek het, deur dit te vergelyk met die getal stembriewe wat ingevolge subartikel (2) van hierdie artikel getel is, en die bedorwe en ongebruikte stembriewe, en maak 'n aantekening van foute wat onder sy aandag kom.

(4) Die hoofverkiesingsbeampte plaas die bedorwe en ongebruikte stembriewe in hul onderskeie pakkette terug en verseël die pakkette.

(5) Wanneer die stembriefverslae van al die voorsittende beamptes ingevolge hierdie artikel getoets is, moet die hoofverkiesingsbeampte 'n verslag opstel oor foute wat hy ingevolge subartikel (3) aangeteken het, en die verslag aan die Administrateur-generaal stuur.

Tel van stemme

30. (1) Nadat die bepalings van artikel 29 met betrekking tot die stembriefverslae van al die voorsittende beamptes nagekom is, en ongeag of bedoelde verslae korrek bevind is of nie, moet die hoofverkiesingsbeampte —

- (a) die stembriewe uit die stembusse verwyder en op so 'n wyse deurmekaar maak dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is;
- (b) hom vergewis dat die stembriewe op die agterkant die amptelike merk dra;
- (c) die stembriewe met hul voorkant na bo sorteer op die grondslag van die verkiesing ten opsigte waarvan die stemme uitgebring is en die geregistreerde party vir wie die stemme by die betrokke verkiesing uitgebring is, en
- (d) die stemme tel wat op elke geregistreerde party by die betrokke verkiesing uitgebring is.

(2) By voldoening aan die bepalings van subartikel (1) kan die hoofverkiesingsbeampte, indien en vir sover hy dit dienstig ag, afsonderlik handel met die stembusse en stembriewe wat van verskillende stemgebiede of verskillende stemburo's ontvang is.

(3) Die hoofverkiesingsbeampte tref alle voorsorgmaatreëls wat hy nodig ag om te verhoed dat enigiemand wat by die tel van die stemme aanwesig is, enigiets doen waar-

and give any agents of the registered parties who are present, an opportunity to do the same.

(2) Thereafter the chief electoral officer shall open every ballot box received from the polling station concerned, take out and count the ballot papers, record the count and replace the ballot papers in the ballot box.

(3) The chief electoral officer shall then verify the ballot paper account furnished by the presiding officer of the polling station concerned in terms of section 27(2), by comparing it with the number of ballot papers counted in terms of subsection (2) of this section, and the spoiled and unused ballot papers, and shall keep a record of any errors coming to his attention.

(4) The chief electoral officer shall replace the spoiled and unused ballot papers in their respective packets and seal the packets.

(5) When the ballot paper accounts of all the presiding officers have been verified in terms of this section, the chief electoral officer shall draw up a report on any errors recorded by him in terms of subsection (3), and submit the report to the Administrator-General.

Counting of votes

30. (1) After the provisions of section 29 have been complied with in respect of the ballot paper accounts of all the presiding officers, and irrespective of whether or not such accounts were found to be correct, the chief electoral officer shall —

- (a) remove the ballot papers from the ballot boxes and mix the ballot papers together in such manner that it is impossible to determine from which ballot box any particular ballot paper was taken;
- (b) ascertain that the ballot papers bear the official mark on the back;
- (c) sort the ballot papers, with the front facing upwards, on the basis of the election in respect of which the votes were recorded and the registered party to which the votes concerned were given; and
- (d) count the votes given to each registered party at the election concerned.

(2) In complying with the provisions of subsection (1) the chief electoral officer may, if and in so far as he deems it expedient, deal separately with the ballot boxes and ballot papers received from different polling areas or different polling stations.

(3) The chief electoral officer shall take all precautions that he deems necessary in order to prevent any person present at the counting of the votes from doing anything whereby

deur hy of iemand anders 'n stembrief as dié van 'n bepaalde kieser identifiseer of sal kan identifiseer.

he or any other person identifies or will be able to identify any ballot paper as being that of a particular voter.

Stembriewe wat verwerp moet word

31. (1) Die hoofverkiesingsbeampte moet 'n stembrief verwerp en nie tel nie wat —

- (a) stemme op meer as een geregistreerde party uitbring; of
- (b) wat nie die amptelike merk dra nie en ten opsigte waarvan hy gegronde rede het om te glo dat dit nie amptelik ingevolge artikel 24(6) aan 'n kieser oorhandig is nie; of
- (c) ongemerk of weens onsekerheid kragteloos is.

(2) Die hoofverkiesingsbeampte verwerp nie maar tel 'n stembrief met 'n ander merk of skrif daarop as die naam van die kieser soos in artikel 24 (8) bedoel, waardeur 'n kieser sy keuse duidelik aangedui het op 'n ander wyse as deur 'n kruis.

Endossering van stembriewe wat verwerp is of teen beswaar verwerp of aanvaar is

32. (1) Die hoofverkiesingsbeampte endosseer die woord "verwerp" of "rejected" op 'n stembrief wat hy ingevolge hierdie Proklamasie verwerp.

(2) Indien die hoofverkiesingsbeampte 'n stembrief verwerp en 'n agent van 'n geregistreerde party teen die verwerping beswaar maak, moet die hoofverkiesingsbeampte die woorde "beswaar teen verwerping" of "rejection objected to" op die stembrief endosseer.

(3) Indien die hoofverkiesingsbeampte 'n stembrief aanvaar en 'n agent van 'n geregistreerde party teen die aanvaarding beswaar maak, moet die hoofverkiesingsbeampte die woorde "beswaar teen aanvaarding" of "acceptance objected to" op die stembrief endosseer.

Bepaling van aantal kandidate van geregistreerde party wat verkose verklaar moet word

33. (1) Wanneer al die stemme getel is en die aantal stemme bepaal is wat by die verkiesing op 'n geregistreerde party uitgebring is, bepaal die hoofverkiesingsbeampte, op die wyse hieronder voorgeskryf, die aantal kandidate van daardie geregistreerde party, indien daar is, wat ingevolge artikel 34 (1)(b) tot behoorlik verkose lede van die betrokke wetgewende owerheid verklaar moet word.

(2) Vir die berekening van genoemde aantal kandidate word 'n kwota stemme vir een kandidaat vasgestel deur —

- (a) in die geval van 'n ander verkiesing as 'n verkiesing op stamgrondslag, die totale aantal stemme wat op al

Ballot papers that are to be rejected

31. (1) The chief electoral officer shall reject and not count any ballot paper which —

- (a) gives votes to more than one registered party; or
- (b) does not bear the official mark and in respect of which he has reasonable grounds to believe that it was not officially handed to a voter in terms of section 24(6); or
- (c) is unmarked or void for uncertainty.

(2) The chief electoral officer shall not reject but shall count any ballot paper on which there is a mark or writing, other than the name of the voter as contemplated in section 24(8), by means of which a voter has clearly indicated his choice otherwise than by a cross.

Endorsement of ballot papers rejected, or rejected or accepted against objection.

32. (1) The chief electoral officer shall endorse the word "rejected" or "verwerp" on any ballot paper rejected by him in terms of this Proclamation.

(2) If the chief electoral officer rejects any ballot paper and any agent of a registered party objects to the rejection, the chief electoral officer shall endorse the words "rejection objected to" or "beswaar teen verwerping" on the ballot paper.

(3) If the chief electoral officer accepts any ballot paper and any agent of a registered party objects to the acceptance, the chief electoral officer shall endorse the words "acceptance objected to" or "beswaar teen aanvaarding" on the ballot paper.

Determination of number of candidates of registered party to be declared duly elected

33. (1) When all the votes have been counted and the number of votes given to a registered party at the election has been determined, the chief electoral officer shall determine in the manner hereinafter provided the number of candidates of that registered party, if any, to be declared in terms of section 34(1) (b) to be duly elected as members of the legislative authority concerned.

(2) For the purpose of calculating the said number of candidates, a quota of votes for one candidate shall be fixed by —

- (a) in the case of any election other than an election on tribal basis, dividing the total number of votes

die geregistreerde partye by die verkiesing uitgebring is, te deel deur die aantal setels in die wetgewende owerheid wat deur middel van die verkiesing gevul moet word; en

- (b) in die geval van 'n verkiesing op stamgrondslag, die totale aantal stemme wat op al die geregistreerde partye by die verkiesing ten opsigte van die betrokke stam uitgebring is, te deel deur die aantal setels in die verteenwoordigende owerheid ten opsigte van daardie stam wat deur middel van die verkiesing gevul moet word,

terwyl 'n breuk wat by die berekening van die waarde van die betrokke kwota verkry word, buite rekening gelaat word.

(3) Genoemde aantal kandidate word bereken ooreenkomstig die formule:

$$X = (A \div B) + C$$

waarin —

X genoemde aantal voorstel;

A die aantal stemme voorstel wat op die betrokke geregistreerde party uitgebring is;

B die toepaslike kwota voorstel wat ingevolge subartikel (2) vasgestel is;

C die waarde 1 voorstel indien 'n kandidaat ingevolge subartikel (4) aan die betrokke geregistreerde party toegewys word, en die waarde 0 voorstel indien geen kandidaat aldus aan die betrokke geregistreerde party toegewys word nie,

en 'n breuk wat by die berekening van die waarde van $(A \div B)$ verkry word, buite rekening gelaat word behalwe by die toepassing van subartikel (4), waarin daar na sodanige breuk verwys word as nie-toegewysde stemme.

(4) Indien, wanneer die waarde van $(A \div B)$ ingevolge subartikel (3) vir elke geregistreerde party bepaal is, die aantal kandidate wat deur al sodanige waardes gesamentlik verteenwoordig word, minder is as die aantal setels wat soos voormeld gevul moet word, word die aantal wat die tekort verteenwoordig, op die grondslag van een kandidaat elk toegeken aan 'n gelyke aantal geregistreerde partye, synde dié geregistreerde partye wat die grootste getalle nie-toegewysde stemme het.

Aankondiging van uitslag van verkiesing

34. (1) So gou doenlik nadat daar ten opsigte van al die geregistreerde partye aan die bepalings van artikel 33 voldoen is, kondig die hoofverkiesingsbeampte die uitslag van die verkiesing aan deur —

- (a) die totale aantal stemme getel en die toepaslike kwota ingevolge daardie artikel vasgestel en, met betrekking

given to all the registered parties at the election, by the number of seats in the legislative authority required to be filled by means of the election; and

- (b) in the case of an election on tribal basis, dividing the total number of votes given to all the registered parties at the election in respect of the tribe concerned, by the number of seats in the legislative authority in respect of that tribe required to be filled by means of the election,

any fraction obtained in calculating the value of the quota in question being disregarded.

(3) The said number of candidates shall be calculated in accordance with the formula:

$$X = (A \div B) + C$$

in which —

X represents the said number;

A represents the number of votes given to the registered party concerned;

B represents the appropriate quota fixed in terms of subsection (2);

C represents the value 1 if a candidate is allocated to the registered party concerned in terms of subsection (4), and the value 0 if no candidate is so allocated to the registered party concerned,

and any fraction obtained in calculating the value of $(A \div B)$ is disregarded except for the purposes of subsection (4), in which such fraction is referred to as unallocated votes.

(4) If, when the value of $(A \div B)$ has been determined in terms of subsection (3) for each registered party, the number of candidates represented by the aggregate of all such values is less than the number of seats required to be filled as aforesaid, the number representing the shortfall shall be allocated on the basis of one candidate each to an equal number of registered parties, being those registered parties having the greatest numbers of unallocated votes.

Announcement of result of election

34. (1) As soon as possible after the provisions of section 33 have been complied with in respect of all the registered parties, the chief electoral officer shall announce the result of the election by —

- (a) making known the total number of votes counted and the appropriate quota fixed in terms of that section

tot elke geregistreerde party, die aantal stemme op hom uitgebring en die aantal kandidate, indien daar is, ingevolge daardie artikel in sy geval bepaal, bekend te maak; en

- (b) die kandidate op die lys van kandidate van elke geregistreerde party in wie se geval 'n aantal kandidate bepaal is soos voormeld, in die volgorde (met die naam bo-aan die lys as begin) waarin hul name op die lys verskyn en tot die aantal in die betrokke geval bepaal, te verklaar as behoorlik verkies tot lede van die wetgewende owerheid met ingang van die laaste stemdag ten opsigte van die verkiesing bepaal.

(2) Indien daar op 'n lys van kandidate die naam verskyn van 'n persoon wat op of voor die datum van die verklaring in paragraaf (b) van subartikel (1) beoog, te sterwe gekom het of onbevoeg bevind is om lid van die wetgewende owerheid te wees, word daardie naam by die toepassing van daardie paragraaf geag nie op die betrokke lys te verskyn nie.

(3) Indien die setel van 'n lid van die wetgewende owerheid wat ingevolge subartikel (1) (b) tot behoorlik verkose lid verklaar is, vakant word voordat daardie lid die ampseel afgelê het wat by die grondwet van die wetgewende owerheid vir lede daarvan voorgeskryf word, word die vakature, ondanks andersluidende bepalings van daardie grondwet, gevul deur die verklaring, deur die hoofverkiesingsbeampte, tot behoorlik verkose lid van die wetgewende owerheid met ingang van die datum van die verklaring, van —

- (a) die persoon, indien daar een is, wat by die verkiesing 'n kandidaat was van die geregistreerde party waarvan die persoon wat die setel ontruim het so 'n kandidaat was, en wie se naam volgende op die ingevolge artikel 7 (1) gepubliseerde lys van sodanige kandidate verskyn ná die name van persone wat reeds tot behoorlik verkose lede van die wetgewende owerheid verklaar is of te sterwe gekom het of onbevoeg bevind is om lede van die wetgewende owerheid te wees; of

- (b) indien die naam van geen persoon aldus op genoemde lys verskyn nie, 'n bevoegde persoon wat vir dié doel skriftelik deur genoemde geregistreerde party genomineer is en wat sy nominasie skriftelik aanvaar het.

Gronde vir tersydestelling van aankondiging van uitslag van verkiesing

35. (1) Die aankondiging van die uitslag van die verkiesing deur die hoofverkiesingsbeampte ingevolge artikel 34 gedoen, word nie deur 'n geregshof tersyde gestel nie behalwe by bewys op aansoek deur 'n geregistreerde party gedoen binne die maande na die datum van die aankondiging —

- (a) dat persone wat nie kiesers is nie, by die verkiesing gestem het; of
- (b) dat stembriewe aanvaar is wat nie aanvaar moes gewees het nie en teen die aanvaarding waarvan daar beswaar aangeteken is; of

and, in respect of each registered party, the number of votes given to it and the number of candidates, if any, determined in its case in terms of that section; and

- (b) declaring the candidates on the list of candidates of each registered party in whose case a number of candidates has been determined as aforesaid, in the order (starting with the name at the top of the list) in which their names appear on the list and up to the number determined in the case concerned, to be duly elected as members of the legislative authority with effect from the last polling day fixed in respect of the election.

(2) If there appears on any list of candidates the name of a person who died or was found disqualified from being a member of the legislative authority on or before the date of the declaration contemplated in paragraph (b) of subsection (1), that name shall for the purposes of that paragraph be deemed not to appear on the list in question.

(3) If the seat of a member of the legislative authority who has in terms of subsection (1) (b) been declared to be a duly elected member becomes vacant before such member has taken the oath of office prescribed by the constitution of the legislative authority for its members, the vacancy shall, notwithstanding anything to the contrary contained in such constitution, be filled by the chief electoral officer declaring to be a duly elected member of the legislative authority with effect from the date of the declaration —

- (a) the person, if any, who at the election was a candidate of the registered party of which the person who vacated the seat was such a candidate, and whose name appears next on the list of such candidates published in terms of section 7(1), after the names of persons who have already been declared to be duly elected members of the legislative authority or have died or have been found to be disqualified from being members of the legislative authority; or

- (b) if the name of no such person appears on the said list, a qualified person who has been nominated in writing for that purpose by the said registered party and who has in writing accepted his nomination.

Grounds for sitting aside announcement of result of election

35. (1) The announcement of the result of the election made by the chief electoral officer in terms of section 34 shall not be set aside by any court of law except upon proof upon an application made by a registered party within three months after the date of the announcement —

- (a) that persons who are not voters voted at the election; or
- (b) that ballot papers were accepted which should not have been accepted and against the acceptance of which objection was made; or

(c) dat stembriewe verwerp is wat nie verwerp moes gewees het nie en teen die verwerping waarvan beswaar aangeteken is; en

(d) dat, indien bedoelde persone se stemme by die bepaling van die uitslag van die verkiesing buite rekening gelaat was of bedoelde stembriewe nie aanvaar of, na gelang van die geval, nie verwerp was nie, een of meer kandidate by die toepassing van artikel 33 aan die geregistreerde party wat die aansoek doen, toegewys moes gewees het, of meer kandidate as wat wel by die toepassing van daardie artikel aan daardie geregistreerde party toegewys is, aan hom toegewys moes gewees het.

(2) Die bepaling van subartikel (1) is nie van toepassing nie op die tersydestelling van 'n verklaring kragtens artikel 34 (1) (b) gedoen vir sover die verklaring betrekking het op 'n lid van die wetgewende owerheid wat ten tyde van die verklaring nie bevoeg was om tot sodanige lid verkies te word nie.

Publikasie van uitslag van verkiesing

36. (1) Die hoofverkiesingsbeampte laat 'n kennisgewing van die aankondiging deur hom ingevolge artikel 34 gedoen en die besonderhede in die aankondiging vervat, in die *Offisiële Koerant* publiseer.

(2) Sodanige kennisgewing is by blote voorlegging in geregtelike verrigtinge *prima facie*-bewys van die aankondiging waarop dit betrekking het en van die besonderhede daarvan.

Verseëling van stukke deur hoofverkiesingsbeampte

37. (1) Die hoofverkiesingsbeampte maak geen verseëelde pakket van teenblaai van gebruikte stembriewe oop nie, maar maak onmiddellik na die aankondiging van die uitslag van die verkiesing afsonderlike geslote pakkette van die getelde en verworpe stembriewe ten opsigte van daardie verkiesing.

(2) Die hoofverkiesingsbeampte behou alle teenblaai, stembriewe en stembriefverslae vir 'n tydperk van een jaar vanaf die laaste stembag van die verkiesing, en laat dit daarna, tensy die hof anders gelas, vernietig.

(3) Niemand word toegelaat om insae te verkry in enige verworpe stembriewe in die bewaring van die hoofverkiesingsbeampte nie, behalwe op bevel van die hof, wat deur die hof verleen kan word as hy deur beëdigde getuienis oortuig is dat die insae of voorlegging van bedoelde stembriewe nodig is ten einde 'n vervolging weens 'n misdryf in verband met stembriewe in te stel of voort te sit of vir die doel van 'n aansoek in artikel 35(1) bedoel, en so 'n bevel tot insae of voorlegging van stembriewe kan onderworpe gestel word aan die voorwaardes betreffende persone, tyd, plek en wyse van insae of voorlegging wat die hof na goeddunke mag opla.

(c) that ballot papers were rejected which should not have been rejected and against the rejection of which objection was made; and

(d) that, if the votes of such persons had been disregarded at the determination of the result of the election or such ballot papers had not been accepted or, as the case may be, had not been rejected, one or more candidates should in the application of section 33 have been allocated to the registered party making the application, or more candidates than were in fact allocated to that registered party in the application of that section, should have been allocated to it.

(2) The provisions of subsection (1) shall not apply to the setting aside of any declaration made under section 34(1) (b) in so far as such declaration relates to a member of the legislative authority who at the time of the declaration was not qualified to be elected as such a member.

Publication of result of election

36. (1) The chief electoral officer shall cause a notice of the announcement made by him in terms of section 34 and the particulars contained in the announcement to be published in the *Official Gazette*.

(2) Such notice shall on its mere production in any legal proceedings be *prima facie* evidence of the announcement to which it relates and the particulars thereof.

Sealing up of papers by chief electoral officer

37. (1) The chief electoral officer shall not open any sealed packet of counterfoils of used ballot papers, but shall immediately after the declaration of the result of the election, enclose in separate packets the counted and rejected ballot papers in respect of that election.

(2) The chief electoral officer shall retain all counterfoils, ballot papers and ballot paper accounts for a period of one year from the last polling day of the election, and shall thereafter, unless the court otherwise directs, cause them to be destroyed.

(3) No person shall be allowed to inspect any rejected ballot papers in the custody of the chief electoral officer, except under the order of the court, which may be granted by the court on its being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of an application contemplated in section 35(1), and any such order for the inspection or production of ballot papers may be made subject to such conditions as to persons, time, place and mode of inspection or production as the court may think expedient.

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

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

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

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

(8) In hierdie artikel beteken "hof" die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika.

MISDRYWE EN STRAWWE

Skending van geheimhouding

38. (1) Elke beampte, agent of gemagtigde persoon wat in 'n stemburo teenwoordig is, moet die geheimhouding van die stemming in daardie stemburo handhaaf en help om dit te handhaaf, en mag aan niemand, behalwe vir 'n by wet gemagtigde doel, enige inligting meedeel wat die geheimhouding van die stemming waarskynlik sal verydel nie.

(2) Behoudens die bepalings van hierdie Proklamasie, mag niemand hom met 'n kieser, wanneer hy sy stem merk, bemoei of poog te bemoei nie, of op 'n ander wyse poog om by 'n stemburo inligting te verkry aangaande die geregistreerde party waarvoor 'n kieser by daardie stemburo gaan stem of gestem het nie, of te eniger tyd aan enigiemand inligting meedeel nie wat by 'n stemburo verkry is aangaande die geregistreerde party waarvoor 'n kieser by daardie stemburo gaan stem of gestem het, of aangaande die nommer agter op die stembrief wat aan 'n kieser by daardie stemburo oorhandig is.

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

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

(6) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing, shall be *prima facie* evidence that the person who voted by such ballot paper was the person who has as identity number on his identity document, the same number as the number written on such counterfoil.

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

(8) In this section "court" means the South West Africa Division of the Supreme Court of South Africa.

OFFENCES AND PENALTIES

Infringement of secrecy

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

(2) Except as provided in this Proclamation, no person shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at a polling station information as to the registered party for which any voter at that polling station is about to vote or has voted, or communicate at any time to any person any information obtained at a polling station as to the registered party for which any voter at such polling station is about to vote or has voted, or as to the number on the back of the ballot paper handed to any voter at such polling station.

(3) Niemand mag 'n kieser regstreeks of onregstreeks beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat iemand die naam van die geregistreerde party waarvoor die kieser sy stem gemerk het, te wete kom nie.

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

(5) Elkeen wat teenwoordig is by die bepaling van die uitslag van die stemming moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie by sodanige bepaling poog om die wyse waarop 'n besondere persoon sy stembrief gemerk het, vas te stel nie, of inligting daarvoor wat by sodanige bepaling verkry is, oordra nie.

(6) Behoudens die bepalings van artikel 25, mag niemand poog om vas te stel, of regstreeks of onregstreeks help om vas te stel, op watter geregistreerde party 'n kieser sy stem uitbring het nie.

(7) Iemand wat by die verrigting van sy pligte ingevolge hierdie proklamasie te wete gekom het op watter geregistreerde party iemand sy stem uitbring het, mag daardie kennis nie openbaar nie behalwe in antwoord op 'n vraag wat wettig aan hom gestel is in die loop van verrigtinge in 'n hof.

(8) Niemand mag, behalwe op bevel van 'n hof of ingevolge magtiging by hierdie Proklamasie verleen, die seël van 'n in artikel 27 of 37 bedoelde verseëelde pakket breek of so 'n pakket oopmaak nie.

(9) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Pligversuim

39. 'n Verkiesingsbeampte, assistent-verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte wat opsetlik versuim om enige van die pligte te verrig wat hy ingevolge die bepalings van hierdie Proklamasie of die voorskrifte deur die hoofverkiesingsbeampte daarkragtens uitgereik, moet verrig, is, sonder om afbreuk te doen aan enige ander bepaling van hierdie Proklamasie, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand.

Belemmering van verrigtinge en beamptes

40. Iemand wat enige verrigtinge kragtens hierdie Proklamasie by 'n stemburo opsetlik belemmer of versteur, of wat die hoofverkiesingsbeampte of 'n verkiesingsbeampte, assistent-verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte by die uitoefening van sy bevoegdhede of die verrigting van sy pligte of werksaamhede ingevolge hierdie Proklamasie, belemmer of hom met hom

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked it, in such a manner as to make known to any person the name of the registered party for which the voter has marked his vote.

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

(5) Every person in attendance at the determination of the result of the poll shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such determination, or communicate any information obtained at such determination as to, the manner in which any particular person marked his ballot paper.

(6) Subject to the provisions of section 25, no person shall attempt to ascertain, or directly or indirectly assist in ascertaining, for which registered party any voter has given his vote.

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

(8) No person shall, except upon the order of any court or as authorized by this Proclamation, break the seal of, or open, any sealed packet referred to in section 27 or 37.

(9) Any person who contravenes, or fails to comply with, any provision of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.

Neglect of duty

39. Any electoral officer, assistant electoral officer, presiding officer, polling officer or counting officer who wilfully fails to perform any of the duties which he is required to perform in terms of the provisions of this Proclamation or the instructions issued under it by the chief electoral officer, shall, without prejudice to any other provision of this Proclamation, be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand.

Obstruction of proceedings and officers

40. Any person who wilfully obstructs or disturbs any proceedings under this Proclamation at a polling station or obstructs or interferes with the chief electoral officer or any electoral officer, assistant electoral officer, presiding officer, polling officer or counting officer in the exercise of his powers or the performance of his duties and functions under this Proclamation, shall be guilty of an offence and

bemoei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

Onbehoorlike beïnvloeding en omkoperij

41. Iemand wat regstreeks of onregstreeks, self of deur 'n ander —

- (a) op of teen enige persoon geweld of dwang gebruik of dreig om dit te gebruik, of enige persoon enige leed, skade, kwaad of verlies aandoen of berokken of dreig om dit te doen, of iets tot nadeel van enige persoon doen of dreig om dit te doen, ten einde enige persoon te beweeg of te dwing om by die verkiesing te stem of nie te stem nie, of omdat enige persoon by die verkiesing gestem het of nie gestem het nie; of
- (b) op 'n wyse soos voormeld of deur enige bedrieglike middel of plan 'n kieser beweeg, dwing of oorhaal om by die verkiesing of ten gunste van 'n bepaalde geregistreerde party te stem of nie aldus te stem nie, of die vrye uitoefening deur 'n kieser van die stemreg by die verkiesing belemmer of belet; of
- (c) aan of vir 'n kieser of ander persoon enige geld of ander vergoeding gee, leen of verkry, of ooreenkom om dit aldus te gee, te leen of te verkry, of dit aldus aanbied of beloof, ten einde daardie kieser of 'n ander kieser te beweeg om by die verkiesing of ten gunste van 'n bepaalde geregistreerde party te stem of nie aldus te stem nie; of
- (d) vir homself of vir 'n ander persoon enige geld of ander vergoeding ontvang of beding omdat hy by die verkiesing of ten gunste van 'n bepaalde geregistreerde party gestem het of ooreengekom het om aldus te stem, of nie aldus gestem het nie of ooreengekom het om nie aldus te stem nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf.

Misdrywe met betrekking tot stemprosedure en stemburo's en -uitrusting

42 (1) Iemand wat —

- (a) wetens 'n identiteitsdokument wat aan of op die naam van 'n ander persoon, hetsy lewend of dood, of 'n denkbeeldige persoon uitgereik is of 'n identiteitsdokument wat verander is met die opset om te bedrieg, of 'n stuk wat heet 'n identiteitsdokument te wees maar dit nie is nie, aan 'n voorsittende beampte of stemopnemer voorlê vir die oorhandiging aan hom van 'n stembrief; of

liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

Undue influence and bribery

41. Any person who, directly or indirectly, by himself or by any other person —

- (a) makes use or threatens to make use of any violence, force or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, upon or against, or does or threatens to do anything to the disadvantage of, any person in order to induce or compel any person to vote or to refrain from voting at the election, or on account of any person having voted or refrained from voting at the election; or
- (b) by any such means as aforesaid or any fraudulent device or contrivance induces, compels or prevails upon any voter to vote or refrain from voting at the election or in favour of a particular registered party, or impedes or prevents the free exercise of the franchise by any voter at the election; or
- (c) gives, lends or procures, or agrees to give, lend or procure, or offers or promises, any money or other reward to or for any voter or any other person, in order to induce such voter or any other voter to vote or to refrain from voting at the election or in favour of a particular registered party; or
- (d) receives or contracts for any money or other reward for himself or for any other person, on account of voting or agreeing to vote, or refraining or agreeing to refrain from voting, at the election or in favour of a particular registered party,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Offences relating to voting procedures and polling stations and equipment

42. (1) Any person who —

- (a) for the purpose of the handing to him of a ballot paper, knowingly produces to any presiding officer or polling officer an identity document issued to or in the name of some other person, whether living or dead, or a fictitious person, or an identity document which has been altered with intent to deceive, or any document purporting to be but not being an identity document; or

- (b) terwyl hy voorheen by die verkiesing gestem het, weer stem, of 'n identiteitsdokument aan 'n voorsittende beampte of stemopnemer voorlê vir die oorhandiging aan hom van 'n stembrief; of
- (c) 'n stembrief of die amptelike merk op 'n stembrief vervals of namaak of op bedrieglike wyse vernietig; of
- (d) sonder behoorlike magtiging 'n stembrief aan enigiemand verskaf; of
- (e) op bedrieglike wyse 'n ander stuk papier as 'n stembrief wat ingevolge hierdie Proklamasie aan hom oorhandig is, in 'n stembus plaas; of
- (f) op bedrieglike wyse 'n stembrief uit 'n stemburo wegneem; of
- (g) sonder behoorlike magtiging 'n stembus, stemkompartement, werktuig, vorm, stuk of ander uitrusting wat gebruik word of bestem is vir gebruik by 'n stemburo, vernietig, neem, oopmaak, gebruik of hom op 'n ander wyse daarmee bemoei; of
- (h) 'n steurnis by 'n stemburo veroorsaak, of 'n wettige bevel deur die voorsittende beampte by 'n stemburo gegee, veronagsaam.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel daardie boete as daardie gevangenisstraf.

(2) Indien daar by 'n vervolging ingevolge paragraaf (a) of (b) van subartikel (1) bewys word dat die beskuldigde 'n identiteitsdokument of stuk in die betrokke paragraaf bedoel, aan 'n voorsittende beampte of stemopnemer by 'n stemburo voorgelê het terwyl daardie voorsittende beampte of stemopnemer besig was om sy pligte en werksaamhede kragtens artikel 24 te verrig, of dat 'n identiteitsdokument aldus voorgelê, verander was, word vermoed, tensy die teendeel bewys word, dat die beskuldigde daardie identiteitsdokument of stuk voorgelê het vir die oorhandiging aan hom van 'n stembrief, en, in die geval van 'n vervolging ingevolge genoemde paragraaf (a), dat hy die identiteitsdokument aldus voorgelê het wetende dat dit aan of op die naam van 'n ander persoon of 'n denkbeeldige persoon uitgereik was, of dat die identiteitsdokument verander was met die opset om te bedrieg en dat hy dit aldus voorgelê het wetende dat dit aldus verander was, of dat hy bedoelde stuk aldus voorgelê het wetende dat dit nie 'n identiteitsdokument is nie, na gelang van die geval.

(3) Indien daar by 'n vervolging kragtens paragraaf (b) van subartikel (1) van hierdie artikel bewys word dat die beskuldigde die identiteitsdokument wat aan hom uitgereik is, vir die oorhandiging van 'n stembrief aan hom voorgelê het aan 'n voorsittende beampte of stemopnemer, en dat daardie identiteitsdokument, toe dit aldus voorgelê is, reeds gemerk was met die merk wat ooreenkomstig artikel

- (b) having previously voted at the election, votes again or produces to any presiding officer or polling officer any identity document for the purposes of the handing to him of a ballot paper; or
- (c) forges or counterfeits or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority supplies any ballot paper to any person; or
- (e) fraudulently places into any ballot box any paper other than a ballot paper handed to him in terms of this Proclamation; or
- (f) fraudulently takes out of any polling station any ballot paper; or
- (g) without due authority destroys, takes, opens, uses or otherwise interferes with any ballot box, voting compartment, instrument, form, document or other equipment used or intended for use at any polling station; or
- (h) causes a disturbance at any polling station, or disobeys any lawful order given by the presiding officer at any polling station,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding twelve months or to both such fine and such imprisonment.

(2) If, in any prosecution in terms of paragraph (a) or (b) of subsection (1), it is proved that the accused produced an identity document or document referred to in the relevant paragraph to a presiding officer or polling officer at a polling station while such presiding officer or polling officer was performing his duties and functions under section 24, or that an identity document when so produced had been altered, it shall be presumed, unless the contrary is proved, that the accused produced such identity document or document for the purposes of the handing to him of a ballot paper, and, in the case of a prosecution under the said paragraph (a), that he so produced the identity document knowing it to have been issued to or in the name of some other person or a fictitious person, or that the identity document was altered with intent to deceive and that he so produced it knowing it to have been so altered, or that he so produced such document knowing it not to be an identity document, as the case may be.

(3) If, in any prosecution under paragraph (b) of subsection (1) of this section, it is proved that the accused produced the identity document issued to him, to a presiding officer or a polling officer for the purposes of the handing to him of a ballot paper, and that such identity document, when so produced, had already been marked with the mark which in accordance with section 24(6) (c) or (11) is re-

24 (6)(c) of (11) op 'n identiteitsdokument aangebring moet word wanneer 'n stembrief aan die houer daarvan oorhandig word, word vermoed, tensy die teendeel bewys word, dat die beskuldigde voorheen by die verkiesing gestem het.

Sekere drukwerk moet naam van uitgewer dra

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

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

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

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

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

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

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

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos vermeld in 'n nuusblad opgeneem is, en van biljette, plakate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende is vir die doeleindes van hierdie subartikel as die volle name

quired to be placed upon an identity document when a ballot paper is handed to the holder thereof, it shall be presumed, unless the contrary is proved, that the accused had previously voted at the election.

Certain printed matter to bear publisher's name

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

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

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

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

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

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

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

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having references thereto, and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the

en adresse van die persone deur wie die opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat die opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin bedoelde nuusbladartikel opgeneem word.

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

(7) Niemand word weens oortreding van subartikel (2) skuldig bevind nie as hy bewys dat hy in onkunde omtrent die wetsvoorskrifte gehandel het.

(8) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n misdryf ingevolge subartikel (3), met 'n boete van hoogstens eenhonderd rand en, in enige ander geval, met 'n boete van hoogstens tweehonderd rand.

ALGEMEEN

Begin van verkiesing

44. By die toepassing van hierdie Proklamasie word die verkiesing geag te begin by die afkondiging van die in artikel 3 bedoelde proklamasie wat daarop betrekking het.

Bewys van verkiesing

45. Op 'n aanklag van 'n misdryf ingevolge hierdie Proklamasie wat na bewering by of in verband met die verkiesing gepleeg is, is die sertifikaat van die hoofverkiesingsbeampte dat die verkiesing aan die gang was of gehou is, voldoende bewys van die feit dat die verkiesing aan die gang was of gehou is.

In geregtelike verrigtinge word nie van kieser vereis om sy stem bekend te maak nie

46. Van niemand wat by die verkiesing gestem het, word in enige geregtelike verrigtinge vereis dat hy verklaar vir watter geregistreerde party hy gestem het nie.

Skriftelike voorleggings deur politieke organisasies en geregistreerde partye

47. Waar 'n politieke organisasie of 'n geregistreerde party ingevolge die een of ander bepaling van hierdie Proklamasie iets skriftelik moet voorlê, word vermoed, tensy die teendeel bewys word, dat die geskrif wat vir die doeleindes van sodanige bepaling voorgelê word, deur die betrokke politieke organisasie of geregistreerde party voorgelê word indien dit onder handtekening van die sekretaris van daardie politieke organisasie of geregistreerde party

persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of paragraph (c) of the proviso to subsection (5), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any newspaper article which fails to comply with the provisions of subsection (5).

(7) No person shall be convicted for a contravention of subsection (2) if he proves that he acted in ignorance of the requirements of the law.

(8) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on conviction, in the case of an offence in terms of subsection (3), to a fine not exceeding one hundred rand, and, in any other case, to a fine not exceeding two hundred rand.

GENERAL

Commencement of election

44. For the purposes of this Proclamation the election shall be deemed to commence at the publication of the proclamation contemplated in section 3 which relates thereto.

Evidence of election

45. Upon any charge of an offence in terms of this Proclamation alleged to have been committed at or in connection with the election, the certificate of the chief electoral officer that the election was being or had been held, shall be conclusive evidence of the fact that the election was being or had been held.

Voter not required in legal proceedings to disclose his vote

46. No person who voted at the election shall be required in any legal proceedings to state for which registered party he voted.

Submissions in writing by political organizations or registered parties

47. Where a political organization or a registered party is by any provision of this Proclamation required to submit anything in writing, such writing submitted for the purposes of such provision shall be presumed, unless the contrary is proved, to be submitted by the political organization or registered party concerned if it is submitted under the signature of the secretary of such political organization or registered party or under a signature purporting to be that

voorgelê word of onder 'n handtekening wat heet dié te wees van 'n persoon wat namens daardie politieke organisasie of geregisteerde party handel.

Voorskrifte en vorms

48. Die hoofverkiesingsbeampte kan voorskrifte uitreik wat nie onbestaanbaar met die bepalings van hierdie Proklamasie is nie, vir die meer doeltreffende uitvoering van daardie bepalings, en kan die vorm voorskryf van 'n stuk wat vir dié doel gebruik moet word en wat nie by daardie bepalings voorgeskryf word nie.

Koste van verkiesing

49. Die koste deur die hoofverkiesingsbeampte aangegaan ten opsigte van 'n verkiesing ingevolge hierdie Proklamasie gehou, word uit die Sentrale Inkomstefonds bestry.

Stemburo's vir gelyktydige partylysverkiesings en kiesafdelingsverkiesings

50. (1) In hierdie artikel beteken "die Kieswet" die Kieswet, 1979 (Wet 45 van 1979), van die Republiek van Suid-Afrika, soos toegepas deur die Afdelingsverkiesingsproklamasie, 1980 (Proklamasie AG. 46 van 1980).

(2) Indien die stembuë wat ingevolge artikel 3(1)(b) bepaal is vir verkiesings ingevolge hierdie Proklamasie gehou, dieselfde is as dié wat ingevolge artikel 34(1)(b) van die Kieswet bepaal is vir 'n verkiesing ingevolge daardie Wet gehou, dan, tensy die Administrateur-generaal in die algemeen of in die geval van 'n bepaalde stemburo anders gelas —

- (a) is elke stemburo wat ingevolge artikel 45 van die Kieswet vir die doeleindes van daardie Wet ingestel is, ook 'n stemburo vir die doeleindes van hierdie Proklamasie;
- (b) is die voorsittende beampte en elke stemopnemer wat ingevolge artikel 46 van die Kieswet aangestel is vir 'n aldus ingestelde stemburo, ook, onderskeidelik, die voorsittende beampte en 'n stemopnemer vir daardie stemburo vir die doeleindes van hierdie Proklamasie;
- (c) bly 'n persoon wat ingevolge artikel 95 van die Kieswet of artikel 18 van hierdie Proklamasie geregtig is om in 'n stemburo teenwoordig te wees, geregtig om in 'n aldus ingestelde stemburo teenwoordig te wees behoudens die wetsbepalings wat op hom van toepassing is;
- (d) word die stembuë wat in 'n aldus ingestelde stemburo vir die doeleindes van hierdie Proklamasie gebruik word, gemerk met die woorde "partylysverkiesings" en "party list elections".

(3) Indien 'n stembrief —

of a person acting on behalf of such political organization or registered party.

Instructions and forms

48. The Chief electoral officer may issue instructions, not inconsistent with the provisions of this Proclamation, for the better carrying out of those provisions, and may prescribe the form of any document to be used for that purpose which is not prescribed by those provisions.

Cost of election

49. The costs incurred by the chief electoral officer in respect of any election held in terms of this Proclamation, shall be defrayed out of the Central Revenue Fund.

Polling stations for simultaneous party list elections and electoral divisions elections

50. (1) In this section "the Electoral Act" means the Electoral Act, 1979 (Act 45 of 1979), of the Republic of South Africa, as applied by the Divisional Elections Proclamation, 1980 (Proclamation AG.46 of 1980).

(2) If the polling days determined in terms of section 3(1)(b) for elections held in terms of this Proclamation, are the same as those determined in terms of section 34(1)(b) of the Electoral Act for any election held in terms of that Act, then, unless the Administrator-General otherwise directs generally or in the case of a particular polling station —

- (a) every polling station established in terms of section 45 of the Electoral Act for the purposes of that Act, shall be a polling station also for the purposes of this Proclamation;
- (b) the presiding officer and every polling officer appointed in terms of section 46 of the Electoral Act for a polling station so established, shall also be the presiding officer and a polling officer, respectively, for that polling station for the purposes of this Proclamation;
- (c) any person entitled in terms of section 95 of the Electoral Act or section 18 of this Proclamation to attend at a polling station, shall be entitled to attend at a polling station so established, subject to such provisions of any law as may apply to him;
- (d) the ballot box used for the purposes of this Proclamation in a polling station so established, shall be marked with the words "party list elections" and "partylysverkiesings".

(3) If any ballot paper —

- (a) wat by 'n verkiesing ingevolge hierdie Proklamasie gehou, gebruik is, in 'n stembus gevind word wat vir die doeleindes van 'n verkiesing ingevolge die Kieswet gehou, gebruik is; of
- (b) wat by 'n verkiesing ingevolge die Kieswet gehou, gebruik is, in 'n stembus gevind word wat vir die doeleindes van 'n verkiesing ingevolge hierdie Proklamasie gehou, gebruik is,

word bedoelde stembrief en die stem daarop uitgebring nie by die bepaling van die uitslag van die verkiesing waarby dit gebruik is, in aanmerking geneem of getel nie, maar word dit as 'n bedorwe stembrief beskou en gestuur aan die beamppte wat die betrokke uitslag bepaal het, wat daarmee handel en dit bewaar soos deur die toepaslike wet met betrekking tot bedorwe stembriewe voorgeskryf.

Kort titel

51. Hierdie Proklamasie heet die Partylysverkiesingsproklamasie, 1980.

- (a) which was used at an election held in terms of this Proclamation, is found in a ballot box used for the purposes of an election held in terms of the Electoral Act; or
- (b) which was used at an election held in terms of the Electoral Act, is found in a ballot box used for the purposes of an election held in terms of this Proclamation,

such ballot paper and the vote recorded thereon shall not be taken into account or counted at the determination of the result of the election at which it was used, but shall be regarded as a spoiled ballot paper and sent to the officer who determined the result in question, who shall deal with and keep it as prescribed by the appropriate law relating to spoiled ballot papers.

Short title

51. This Proclamation shall be called the Party List Elections Proclamation, 1980.

AANHANGSEL/ANNEXURE

Vorm van voorkant van stembrief/Form of front of ballot paper

Teenblad
Counterfoil

(Kodesyfers
Code figures)

No.

(Kodesyfers vir
bevolkingsgroep
en, in die geval
van 'n verkiesing
op stamgrondslag,
vir stam)

Stem slegs vir
een party.
Stem deur 'n X
te maak in die
laaste vierkant
teenoor die naam
van die party
vir wie u wil
stem.

(Code figures for
population group
and, in the case
of an election on
tribal basis,
for tribe)

Vote for one
party only.
Record your
vote by a X
in the last
square opposite
the name of the
party for which
you wish to vote.

Vorm van agterkant van stembrief/Form of back of ballot paper

No.

AMPTELIKE MERK

OFFICIAL MARK

Verkiesing vir die (naam van wetgewende owerheid)
(in die geval van 'n verkiesing op stamgrondslag:)
ten opsigte van die (naam van stam)

Election for the (name of legislative authority)
(in the case of an election on tribal basis:)
in respect of the (name of tribe)