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OF SOUTH WEST AFRICA

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Proclamation

Proklamasie

by the

van die

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

*(Approved by the State President on
9 October 1989)*

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

*(Deur die Staatspresident goedgekeur op
9 Oktober 1989)*

No. AG. 49 1989

No. AG. 49 1989

PROVISION FOR HOLDING AN ELECTION
FOR A CONSTITUENT ASSEMBLY, AND
FOR INCIDENTAL MATTERS

VOORSIENING VIR DIE HOU VAN 'N
VERKIESING VIR 'N GRONDWET-
GEWENDE VERGADERING, EN VIR
BYKOMSTIGE AANGELEENTHEDE

WHEREAS a constituent assembly is to be established in the territory of South West Africa by way of free and fair elections under the supervision and control of the United Nations pursuant to Security Council Resolution 435 (1978);

NADEMAAL 'n grondwetgewende vergadering ingestel moet word in die gebied Suidwes-Afrika by wyse van vrye en regverdige verkiesings onder die toesig en beheer van die Verenigde Nasies ingevolge Veiligheidsraadresolusie 435 (1978);

AND WHEREAS I am called upon to make provision for holding such an election in the territory for such purpose;

EN NADEMAAL ek geroepe is om voorsiening te maak vir die hou van sodanige verkiesing in die gebied vir sodanige doel;

AND WHEREAS the methods of supervision and control of the United Nations in regard to the said election are to be set out in an exchange of letters between myself and the Special Representative appointed by the Secretary-General of the United Nations and made known in the *Official Gazette*;

EN NADEMAAL die metodes van toesig en beheer van die Verenigde Nasies met betrekking tot genoemde verkiesing uiteengesit word in 'n verwisseling van briewe tussen die Spesiale Verteenwoordiger aangewys deur die Sekretaris-generaal van die Verenigde Nasies en ekself, en wat bekend gemaak word in die *Offisiële Koerant*;

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

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

L. A. PIENAAR

Administrator-General

Windhoek, 9 October 1989

L. A. PIENAAR

Administrateur-generaal

Windhoek, 9 Oktober 1989

nu: X2/10876 A

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BYLAE

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Definitions

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

- (i) "Assembly" means the constituent assembly about to be established in the territory in terms of and subject to laws to be introduced pursuant to Security Council Resolution 435 (1978); (xxiii)
- (ii) "chief electoral officer" means the chief electoral officer appointed under section 2(1) of the Registration of Political Organizations (Constituent Assembly) Proclamation, 1989 (Proclamation AG. 43 of 1989); (vii)
- (iii) "controller" means a controller appointed under section 3(1); (x)
- (iv) "counting agent" means a counting agent referred to in section 7(7); (xxi)
- (v) "counting officer" means a counting officer appointed under section 5(3); (xxii)
- (vi) "district" includes a part of a district and, in relation to an electoral officer appointed for a particular district, and anything to be done in or in respect of that district, includes any part of another district included in that district for the purposes of the appointment of such electoral officer; (ii)
- (vii) "election agent" means an election agent appointed under section 7(1); (xxiv)
- (viii) "electoral officer" means an electoral officer appointed under section 4(1); (xxv)
- (ix) "identity document" means an identity document issued in terms of section 3 of the Identification of Persons Act, 1979 (Act 2 of 1979), or any passport, reference book, certificate of citizenship or official document of identity or any other document of proof of identity

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Woordomskrywings

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

- (i) "bevoegde persoon", met betrekking tot die Vergadering, 'n persoon wat ingevolge artikel 37, bevoeg is om as lid van die Vergadering verkies te word; (xvii)
- (ii) "distrik" ook 'n deel van 'n distrik en, met betrekking tot 'n verkiesingsbeampte wat vir 'n bepaalde distrik aangestel is, en enigiets wat in of ten opsigte van daardie distrik gedoen moet word, ook 'n deel van 'n ander distrik wat by daardie distrik ingesluit is vir die doeleindes van die aanstelling van daardie verkiesingsbeampte; (vi)
- (iii) "gebied" die gebied Suidwes-Afrika; (xxv)
- (iv) "geregistreeerde adres", met betrekking tot 'n geregistreeerde party, die adres deur hom ingevolge artikel 3(1)(d) van die Proklamasie op die Registrasie van Politieke Organisasies (Grondwetgewende Vergadering), 1989 (Proklamasie AG. 43 van 1989), verstrek; (xviii)
- (v) "geregistreeerde kieser" 'n persoon wat ingevolge die Registrasieproklamasie as kieser geregistreeer is; (xx)
- (vi) "geregistreeerde party" 'n politieke organisasie wat beskou word vir die verkiesing geregistreeer te wees ingevolge artikel 4 van die Proklamasie op die Registrasie van Politieke Organisasies (Grondwetgewende Vergadering), 1989 (Proklamasie AG. 43 van 1989); (xix)
- (vii) "hoofverkiesingsbeampte" die hoofverkiesingsbeampte kragtens artikel 2(1) van die Proklamasie op die Registrasie van Politieke Organisasies (Grondwetgewende Vergadering), 1989 (Proklamasie AG. 43 van 1989), aangestel; (ii)

- issued by or on authority of the government of the territory or the government of the Republic of South Africa or any foreign country or any organ of the United Nations, and on which the name and a photograph of the bearer of such passport, book, certificate or document appear, or any document of proof of identity issued by any institution, board, council or other body established by or under any law, and on which the name and a photograph of the bearer of such document appear; (viii)
- (x) "list of objections postponed *sine die*" means the list compiled in terms of section 25(3) and (4) of the Registration Proclamation, and containing particulars of the postponement *sine die* of hearings of objections, lodged under that Proclamation, to the retention of the names of any registered voters on the register of voters; (xiii)
- (xi) "member" means an elected member of the Assembly; (xi)
- (xii) "member of the United Nations Transition Assistance Group" means any member of a section referred to in paragraph 2(b) or (c) of Annexure 1 of the Schedule to the Status of the United Nations Transition Assistance Group in South West Africa Proclamation, 1989 (Proclamation 49 of 1989), of the State President of the Republic of South Africa, and including locally recruited personnel; (xii)
- (xiii) "political organization" means a political party or any association of political parties or of any political party and any other association or group of persons; (xiv)
- (xiv) "polling agent" means a polling agent appointed under section 7(5); (xix)
- (xv) "polling officer" means a polling officer appointed under section 5; (xx)
- (xvi) "presiding officer" means a presiding officer appointed under section 5; (xxvi)
- (xvii) "qualified person" in relation to the Assembly, means any person who is in
- (viii) "identiteitsdokument" 'n identiteitsdokument ingevolge artikel 3 van die Wet op die Identifikasie van Persone, 1979 (Wet 2 van 1979), uitgereik, of enige paspoort, bewysboek, sertifikaat vir burgerskap of amptelike identiteitsdokument of 'n ander dokument van bewys van identiteit uitgereik deur of op gesag van die regering van die gebied of die regering van die Republiek van Suid-Afrika of 'n vreemde land of 'n liggaam van die Verenigde Nasies met die naam en foto van die draer van sodanige paspoort, boek, sertifikaat of dokument daarop, of 'n dokument van bewys van identiteit uitgereik deur 'n instelling, raad of ander liggaam ingestel by of kragtens 'n wet met die naam en foto van die draer van sodanige dokument daarop; (ix)
- (ix) "kieser" iemand wat gestem het of iemand wat wil stem, na gelang van die samehang; (xxvi)
- (x) "kontroleur" 'n kontroleur kragtens artikel 3(1) aangestel; (iii)
- (xi) "lid" 'n verkose lid van die Vergadering; (xi)
- (xii) "lid van die Verenigde Nasies Oorgangsbystandsgroep" 'n lid van 'n afdeling bedoel in paragraaf 2(b) of (c) van Aanghangsel 1 van die Bylae by die Proklamasie op die Status van die Verenigde Nasies Oorgangsbystandsgroep in Suidwes-Afrika, 1989 (Proklamasie 49 van 1989), van die Staatspresident van die Republiek van Suid-Afrika, en met inbegrip van plaaslik gewerfde personeel; (xii)
- (xiii) "lys van *sine die*-uitgestelde besware" die lys wat ingevolge artikel 25(3) en (4) van die Registrasieproklamasie opgestel is en wat besonderhede bevat van die uitstelling *sine die* van verhore van besware kragtens daardie Proklamasie ingedien teen die behoud van die name van geregistreerde kiesers op die register van kiesers; (x)
- (xiv) "politieke organisasie" 'n politieke party of 'n vereniging van politieke partye of van 'n politieke party en enige ander vereniging van of groep persone; (xiii)

- terms of section 37 qualified to be elected as a member of the Assembly; (i)
- (xviii) "registered address", in relation to a registered party, means the address furnished by it in terms of section 3(1)(d) of the Registration of Political Organizations (Constituent Assembly) Proclamation, 1989 (Proclamation AG. 43 of 1989); (iv)
- (xix) "registered party" means any political organization regarded as registered for the election in terms of section 4 of the Registration of Political Organizations (Constituent Assembly) Proclamation, 1989 (Proclamation AG. 43 of 1989); (vi)
- (xx) "registered voter" means any person registered as a voter in terms of the Registration Proclamation; (v)
- (xxi) "register of voters" means the duplicates of registration cards referred to in section 15(2) of the Registration Proclamation; (xv)
- (xxii) "registration card" means a registration card as defined in the Registration Proclamation, and, in relation to a registered voter, the registration card issued to him on his registration as a voter in terms of that Proclamation; (xvi)
- (xxiii) "registration number" or "number", in relation to a registration card, means the distinctive serial number appearing in accordance with the provisions of section 1(3) of the Registration Proclamation on the registration form used for that registration card; (xvii)
- (xxiv) "Registration Proclamation" means the Registration of Voters (Constituent Assembly) Proclamation, 1989 (Proclamation AG. 19 of 1989); (xviii)
- (xxv) "territory" means the territory of South West Africa; (iii)
- (xxvi) "voter" means a person who has voted or a person who wishes to vote, as the context may require. (ix)
- (xv) "register van kiesers" die duplikate van registrasiekaarte in artikel 15(2) van die Registrasieproklamasie bedoel; (xxi)
- (xvi) "registrasiekaart" 'n registrasiekaart soos in die Registrasieproklamasie omskryf, en, met betrekking tot 'n geregistreerde kieser, die registrasiekaart wat by sy registrasie as 'n kieser ingevolge daardie Proklamasie aan hom uitgereik is; (xxii)
- (xvii) "registrasienuommer" of "nommer", met betrekking tot 'n registrasiekaart, die onderskeidende reeksnommer wat ooreenkomstig artikel 1(3) van die Registrasieproklamasie op die registrasievorm verskyn wat vir daardie registrasiekaart gebruik is; (xxiii)
- (xviii) "Registrasieproklamasie" die Proklamasie op die Registrasie van Kiesers (Grondwetgewende Vergadering), 1989 (Proklamasie AG. 19 van 1989); (xxiv)
- (xix) "stemagent" 'n stemagent kragtens artikel 7(5) aangestel; (xiv)
- (xx) "stemopnemer" 'n stemopnemer kragtens artikel 5 aangestel; (xv)
- (xxi) "telagent" 'n telagent bedoel in artikel 7(7); (iv)
- (xxii) "telbeampte" 'n telbeampte kragtens artikel 5(3) aangestel; (v)
- (xxiii) "Vergadering" die grondwetgewende vergadering wat, ingevolge Veiligheidsraadresolusie 435 (1978), in die gebied ingestel staan te word ingevolge en behoudens wette wat ingevoer word; (i)
- (xxiv) "verkiesingsagent" 'n verkiesingsagent kragtens artikel 7(1) aangestel; (vii)
- (xxv) "verkiesingsbeampte" 'n verkiesingsbeampte kragtens artikel 4(1) aangestel; (viii)
- (xxvi) "voorsittende beampte" 'n voorsittende beampte kragtens artikel 5 aangestel. (xvi)

ADMINISTRATIVE PROVISIONS IN CONNECTION WITH THE ELECTION

Chief electoral officer

2. (1) The chief electoral officer, shall, subject to the control of the Administrator-General, be charged with the organization and control of the election and perform the other duties and functions assigned to him by this Proclamation in an impartial manner.

(2) Without derogating from the generality of the provisions of subsection (1), the chief electoral officer shall, to the best of his ability, ensure that every person referred to in section 3, 4 or 5 performs his duties and functions under this Proclamation in an impartial manner.

Controllers

3. (1) The chief electoral officer may appoint as controllers such number of persons as he may deem necessary for the purpose of assisting him in the performance of his duties and functions.

(2) A controller may —

- (a) to the extent authorized by the chief electoral officer, perform any duty or function assigned to, and exercise any power conferred upon, the chief electoral officer;
- (b) in any district act in the place and on behalf of the electoral officer for such district after such consultation with the latter as may be practicable under the circumstances;
- (c) at any polling station perform any duty or function or exercise any power of a presiding officer or a polling officer for that polling station.

(3) A notice of any appointment made under subsection (1), shall promptly be published in the *Official Gazette*.

Electoral officers

4. (1) The chief electoral officer shall appoint for each district in the territory an electoral officer, who shall, subject to the control of the chief electoral officer, organize and supervise the carrying out of the provisions of this Proclamation in relation to the district for which he is appointed.

ADMINISTRATIEWE BEPALINGS IN VERBAND MET DIE VERKIESING

Hoofverkiesingsbeampte

2. (1) Die hoofverkiesingsbeampte is, onder beheer van die Administrateur-generaal, belas met die organisasie en beheer van die verkiesing en moet die ander pligte en werksaamhede wat by hierdie Proklamasie aan hom opgedra is, op 'n onpartydige wyse verrig.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bepalings van subartikel (1), moet die hoofverkiesingsbeampte, na die beste van sy vermoë, seker maak dat elke persoon bedoel in artikel 3, 4 of 5 sy pligte en werksaamhede kragtens hierdie Proklamasie op 'n onpartydige wyse verrig.

Kontroleurs

3. (1) Die hoofverkiesingsbeampte kan as kontroleurs die aantal persone aanstel wat hy nodig ag om hom by die verrigting van sy pligte en werksaamhede by te staan.

(2) 'n Kontroleur kan —

- (a) in die mate deur die hoofverkiesingsbeampte gemagtig, 'n plig of werksaamheid verrig wat aan die hoofverkiesingsbeampte opgedra is en 'n bevoegdheid uitoefen wat aan hom verleen is;
- (b) in 'n distrik optree in die plek van en namens die verkiesingsbeampte vir daardie distrik, na oorlegpleging met laasgenoemde wat onder die omstandighede doenlik is;
- (c) by 'n stemburo enige plig of werksaamheid verrig, of enige bevoegdheid uitoefen, van 'n voorsittende beampte of 'n stembeampte vir daardie stemburo.

(3) 'n Kennisgewing van 'n aanstelling kragtens subartikel (1) gedoen, word spoedig in die *Offisiële Koerant* gepubliseer.

Verkiesingsbeamptes

4. (1) Die hoofverkiesingsbeampte stel vir elke distrik in die gebied 'n verkiesingsbeampte aan wat onder beheer van die hoofverkiesingsbeampte die uitvoering van die bepalings van hierdie Proklamasie ten opsigte van die distrik waarvoor hy aangestel is, beheer, organiseer en daarvoor toesig hou.

(2) A notice of any appointment made under subsection (1), shall promptly be published in the *Official Gazette*.

Presiding officers, polling officers and counting officers

5. (1) The chief electoral officer shall appoint for each polling station in a district —

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

(2) Notwithstanding the provisions of subsection (1), a presiding officer or a polling officer for a polling station in any district may, in a case of urgency, be appointed by any controller, and a polling officer for any polling station may be appointed by the presiding officer for such polling station.

(3) The chief electoral officer shall appoint as counting officers such number of persons, including persons who are handwriting experts or fingerprint experts, as he may deem necessary for the purpose of assisting him in the determination of the result of the poll.

(4) A notice of any appointment made under subsection (1) or (3), shall promptly be published in the *Official Gazette*.

Conditions of appointment

6. (1) Any person appointed under section 3, 4 or 5 shall be entitled to remuneration or allowances or both remuneration and allowances, under such circumstances or on such basis or in respect of such services rendered by him and at such tariffs, as may be determined by the Administrator-General.

- (2) (a) Different circumstances, bases, services or tariffs may be determined under subsection (1) in respect of the different offices provided for in sections 3, 4 and 5, or in respect of persons appointed to such offices who are in the full-time service of the State and persons so appointed who are not in the full-time service of the State, or in respect of work done under different circumstances or in different areas.

(2) 'n Kennisgewing van 'n aanstelling kragtens subartikel (1) gedoen, word spoedig in die *Offisiële Koerant* gepubliseer.

Voorsittende beamptes, stemopnemers en telbeamptes

5. (1) Die hoofverkiesingsbeampte stel vir elke stemburo in 'n distrik —

- (a) 'n 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 in enige distrik, in die geval van dringendheid, deur 'n kontroleur aangestel word, en kan 'n stemopnemer vir 'n stemburo deur die voorsittende beampte vir daardie stemburo aangestel word.

(3) Die hoofverkiesingsbeampte kan as telbeampte die aantal persone, met inbegrip van persone wat handskrifdeskundiges of vingerafdrukdeskundiges is, aanstel wat hy nodig ag om hom by die vasstelling van die uitslag van die stemming by te staan.

(4) 'n Kennisgewing van 'n aanstelling kragtens subartikel (1) of (3) gedoen, word spoedig in die *Offisiële Koerant* gepubliseer.

Voorwaardes van aanstelling

6. (1) 'n Persoon kragtens artikel 3, 4 of 5 aangestel, is op besoldiging of toelaes of sowel besoldiging as toelaes geregtig onder die omstandighede of op die grondslag of ten opsigte van die dienste deur hom gelewer en teen die tariewe, wat die Administrateur-generaal bepaal.

- (2) (a) Verskillende omstandighede, grondslae, dienste of tariewe kan kragtens subartikel (1) bepaal word ten opsigte van die verskillende ampte waarvoor daar in artikels 3, 4 en 5 voorsiening gemaak word, of ten opsigte van persone in sodanige ampte aangestel wat in die heelydse diens van die Staat is en persone aldus aangestel wat nie in die heelydse diens van die Staat is nie, of ten opsigte van werk onder verskillende omstandighede of in verskillende gebiede verrig.

(b) In this subsection "State" includes any authority determined by the Administrator-General.

(3) The remuneration or allowances paid to any person in terms of subsection (1), shall not be regarded as income for the purposes of any law imposing a tax on income.

(4) The appointment of any person under section 3, 4 or 5 may be withdrawn, without prior notice to any person and without any person being entitled to a hearing, by any person or authority empowered by the relevant section to make an appointment of the nature in question.

(5) An appointment made under section 3, 4 or 5 otherwise than in writing shall be confirmed in writing as soon as circumstances permit.

(6) No person who —

- (a) is employed by a political organization or registered party, whether or not such person receives or is entitled to receive any remuneration for such services, or has openly identified himself with any party politics; or
- (b) is a serving member of any military force or police force in the territory; or
- (c) was a serving member of any military force or police force or any unit thereof demobilized after 1 April 1989,

shall be appointed under section 3, 4 or 5 or be in such office.

Agents of registered parties

7. (1) A registered party may appoint election agents for any district, and shall advise the electoral officer of the district concerned not later than 3 days before the first polling day referred to in section 9(1), in writing of the name and address of any election agent so appointed.

(2) The electoral officer shall post the advice relating to the appointment of any election agent outside the principal outer door of the magistrate's office of the district concerned.

(3) An electoral officer may at his discretion consult with any election agent appointed under

(b) In hierdie subartikel beteken "Staat" ook enige owerheid deur die Administrateur-generaal bepaal.

(3) Die besoldiging of toelaes wat ingevolge subartikel (1) aan iemand betaal word, word by die toepassing van 'n wet wat 'n belasting op inkomste hef, nie as inkomste beskou nie.

(4) Die aanstelling van iemand kragtens artikel 3, 4 of 5 kan sonder kennisgewing vooraf aan enigiemand en sonder dat enigiemand geregtig is om aangehoor te word, ingetrek word deur enige persoon of owerheid wat by die betrokke artikel gemagtig word om 'n aanstelling van die betrokke aard te doen.

(5) 'n Aanstelling kragtens artikel 3, 4 of 5 wat nie in skrif is nie, moet skriftelik bevestig word sodra omstandighede dit toelaat.

(6) Niemand wat —

- (a) deur 'n geregistreerde party in diens geneem is hetsy sodanige persoon enige vergoeding ontvang of geregtig is om te ontvang vir sodanige dienste of nie, of homself openlik met partypolitiek geïdentifiseer het; of
- (b) 'n diensdoende lid van 'n militêre mag of polisiemag in die gebied is; of
- (c) 'n diensdoende lid was van 'n militêre mag of polisiemag of 'n eenheid daarvan wat gedemobiliseer is na 1 April 1989,

word kragtens artikel 3, 4 of 5 aangestel of mag in sodanige amp wees nie.

Agente van geregistreeerde partye

7. (1) 'n Geregistreeerde party kan verkiesings-agente vir 'n distrik aanstel, en moet die verkiesings-beampte vir die betrokke distrik nie later nie as 3 dae voor die eerste stembag bedoel in artikel 9(1), skriftelik in kennis stel van die naam en adres van 'n verkiesingsagent aldus aangestel.

(2) Die verkiesingsbeampte moet die kennisgewing met betrekking tot die aanstelling van 'n verkiesingsagent aan die buitekant van die hoofbuitendeur van die landdroskantoor van die betrokke distrik opplak.

(3) 'n Verkiesingsbeampte kan na goeddunke met enige verkiesingsagent wat kragtens subartikel

subsection (1) for his district who is readily available, about any matter connected with the taking of the poll in that district.

- (4) (a) A registered party may at any time revoke the appointment of any election agent.
- (b) When a registered party revokes the appointment of any election agent under paragraph (a) or if any election agent dies or becomes incapacitated, the registered party shall inform the electoral officer concerned in writing of such revocation, death or incapacity, and the registered party may appoint any other person as election agent in his place and shall forthwith notify in writing the electoral officer concerned of the name and address of the person so appointed.
- (5) A registered party may, subject to the provisions of paragraph (b), appoint polling agents for any polling station and shall advise the electoral officer concerned in writing of the name of any polling agent so appointed.
- (b) One polling agent for a particular polling station shall be entitled to attend, at any time, at that polling station as the representative and observer of the registered party which appointed him as its agent.
- (6) (a) No polling agent shall interfere with the voting in the polling station concerned, except as provided in this Proclamation, or to do any canvassing at that polling station or carry on him or have with him anything which indicates that he is a representative of a particular registered party, and such agent shall be obliged to carry on him such identification as determined by the chief electoral officer.
- (b) The presiding officer may, notwithstanding any provisions to the contrary contained in section 17(2)(a), order any agent referred to in paragraph (a) of this subsection to leave the polling station concerned until such time as he complies with the provisions of that paragraph, and the provisions of section 17(2)(b) shall *mutatis mutandis* apply in respect of any such agent who fails to leave the polling station when so ordered.
- (1) vir sy distrik aangestel is en wat gereedelik beskikbaar is, oorleg pleeg oor enige aangeleentheid wat met die stemming in daardie distrik in verband staan.
- (4) (a) 'n Geregistreerde party kan te eniger tyd die aanstelling van 'n verkiesingsagent intrek.
- (b) Wanneer 'n geregistreerde party die aanstelling van 'n verkiesingsagent kragtens paragraaf (a) intrek of indien 'n verkiesingsagent te sterwe kom of onbekwaam raak, moet die geregistreerde party die betrokke verkiesingsbeampte skriftelik in kennis stel van sodanige intrekking, dood of onbekwaamheid en die geregistreerde party kan 'n ander persoon as verkiesingsagent in sy plek aanstel en moet onverwyld die betrokke verkiesingsbeampte skriftelik in kennis stel van die naam en adres van die persoon aldus aangestel.
- (5) (a) 'n Geregistreerde party kan, behoudens die bepalings van paragraaf (b), stemagente vir 'n stemburo aanstel en moet die betrokke verkiesingsbeampte skriftelik in kennis stel van die naam van 'n aldus aangestelde stemagent.
- (b) Een stemagent vir 'n bepaalde stemburo is geregtig om te eniger tyd in daardie stemburo teenwoordig te wees as verteenwoordiger en waarnemer van die geregistreerde party wat hom as sy agent aangestel het.
- (6) (a) 'n Stemagent mag hom nie bemoei met die stemming in die betrokke stemburo of die werwing van stemme by daardie stemburo doen of enigiets op hom dra of by hom hê wat aandui dat hy 'n verteenwoordiger van die geregistreerde party is wat hom as sy agent aangestel het nie, en sodanige agent is verplig om sodanige identifikasie as wat die hoofverkiesingsbeampte bepaal op hom te dra.
- (b) Die voorsittende beampte kan, ondanks andersluidende bepalings in artikel 17(2)(a) vervat, 'n agent bedoel in paragraaf (a) van hierdie subartikel, gelas om die betrokke stemburo te verlaat totdat hy aan die bepalings van daardie paragraaf voldoen en die bepalings van artikel 17(2)(b) is *mutatis mutandis* van toepassing ten opsigte van enige sodanige agent wat versuim om die stemburo te verlaat wanneer hy daartoe gelas word.

(7) A registered party shall be entitled to be represented at any place where the determination of the result of the poll and any related verification occurs as hereinafter provided, by not more than four counting agents.

(8) No person shall be appointed under this section as an election agent or a polling agent or a counting agent for a registered party unless he is a registered voter in respect of the election.

(9) When any officer is in terms of this Proclamation required to seal any thing, any election agent, polling agent or counting agent who is entitled to be present, and is present, shall be entitled to place the seal of the registered party which appointed him on that thing, and before any thing that has been sealed may be opened, any such agent shall be entitled to inspect such seals.

Declaration of secrecy

8. Every controller, electoral officer, presiding officer, polling officer or counting officer and every agent appointed under section 7, shall make in a form prescribed by the chief electoral officer, and before assuming his duties or performing any function or attending at any polling station or, attending at the place where the result of the election is determined as hereinafter provided, a declaration of secrecy by affirmation or on an oath before a justice of the peace or a commissioner of oaths or if he is not a controller or an electoral officer, before a controller, electoral officer or presiding officer who is hereby authorized to take any affirmation or administer any oath which is to be made under this Proclamation.

DETERMINATION OF POLLING DAYS AND SUBMISSION OF LISTS OF CANDIDATES

Determination of polling days

9. (1) The Administrator-General shall by proclamation in the *Official Gazette* determine the days upon which the poll in respect of the election shall take place.

(2) The Administrator-General may by further proclamation in the *Official Gazette* amend any proclamation promulgated under subsection (1), and may by any such amendment alter the period of the poll in respect of the territory or any part of the territory or any polling station.

(7) 'n Geregistreerde party is geregtig om by enige plek waar die vasstelling van die uitslag van die stemming en enige aanverwante verifikasie plaasvind, verteenwoordig te wees deur hoogstens vier persone deur hom as sy telagente aangestel.

(8) Niemand word kragtens hierdie artikel as 'n verkiesingsagent of 'n stemagent of 'n telagent vir 'n geregistreeerde party aangestel nie, tensy hy 'n geregistreeerde kieser ten opsigte van die verkiesing is.

(9) Wanneer 'n beampte by 'n stemburo iets ingevolge hierdie Proklamasie moet verseël, is 'n verkiesingsagent, stemagent of telagent wat geregtig is om teenwoordig te wees en wat teenwoordig is, geregtig om die seël van die geregistreeerde party wat hom aangestel het, daarop aan te bring, en voordat iets wat geseël is, geopen mag word, is enige sodanige agent geregtig om sodanige seëls te inspekteer.

Verklaring van geheimhouding

8. Elke kontroleur, verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte en elke agent kragtens artikel 7 aangestel 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 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 kontroleur of 'n verkiesingsbeampte is nie, voor 'n kontroleur, verkiesingsbeampte of voorsittende beampte, wat hierby gernagtig word om enige bevestiging of eed wat kragtens hierdie Proklamasie afgelê moet word, af te neem.

BEPALING VAN STEMDAE EN VOORLEGGING VAN LYSIE VAN KANDIDATE

Bepaling van stemdae

9. (1) Die Administrateur-generaal moet by proklamasie in die *Offisiële Koerant* die dae bepaal waarop die stemming ten opsigte van die verkiesing moet plaasvind.

(2) Die Administrateur-generaal kan 'n proklamasie wat kragtens daardie subartikel uitgevaardig is, by verdere proklamasie in die *Offisiële Koerant* wysig en kan deur so 'n wysiging die stemtydperk ten opsigte van die gebied of 'n deel van die gebied of 'n stemburo verander.

List of candidates to be submitted to the chief electoral officer

10. (1) A registered party shall take part in the election by submitting to the chief electoral officer a list of candidates in writing at any time, but not later than a day determined by the chief electoral officer by notice in the *Official Gazette*, and which shall contain the names of at least twenty-four candidates with a view to the filling of any seats in the Assembly to which that registered party may become entitled in accordance with the provisions of section 38, and shall further comply with the provisions of subsections (2), (3), (4), (5) and (6).

(2) The names on a list of candidates shall appear in such order as the registered party may determine with a view to the provisions of section 39(1)(b).

(3) Every candidate shall be a qualified person in relation to the Assembly.

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

(5) A list of candidates shall be accompanied by a declaration that each person whose name appears on the said list of candidates has accepted his nomination as a candidate of the registered party submitting the list and that he is a qualified person in relation to the Assembly.

(6) Any person whose name appears on more than one list of candidates shall be deemed not to be a candidate for any registered party.

(7) No documents shall be received as aforesaid after 11h00 on the day determined by the chief electoral officer under subsection (1).

Publication of lists of candidates

11. (1) The chief electoral officer shall as soon as possible after the provisions of section 10 have been complied with, publish a notice in the *Official Gazette* —

- (a) stating, in alphabetical order, the names of all the registered parties;
- (b) setting out the list of candidates of each such registered party for the election, as drawn up by the registered party in terms of section 10 and declaring that the persons

Lys van kandidate voorgelê te word aan hoofverkie-singsbeampte

10. (1) 'n Geregistreerde party neem deel aan die verkiesing deur 'n lys van kandidate te eniger tyd, maar nie later nie as 'n dag deur die hoofverkie-singsbeampte by kennisgewing in die *Offisiële Koerant* bepaal, aan die hoofverkie-singsbeampte skrif-telik voor te lê, en wat die name van ten minste vier-en-twintig kandidate bevat met die oog op die vul van enige setels in die Vergadering waarop daardie geregistreeerde party geregtig mag word ooreenkomstig die bepalings van artikel 38, en wat verder voldoen aan die bepalings van subartikels (2), (3), (4), (5) en (6).

(2) Die name op 'n lys van kandidate moet in die volgorde verskyn wat die geregistreeerde party met die oog op die bepalings van artikel 39(1)(b) be-paal.

(3) Elke kandidaat moet 'n bevoegde persoon wees met betrekking tot die Vergadering.

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

(5) 'n Lys van kandidate moet vergesel gaan van 'n verklaring dat elke persoon wie se naam op genoemde lys van kandidate verskyn, sy nominasie as 'n kandidaat van die geregistreeerde party wat die lys voorlê, aanvaar het en 'n bevoegde persoon is met betrekking tot die Vergadering.

(6) 'n Persoon wie se naam op meer as een lys van kandidate verskyn, word geag nie 'n kandidaat vir enige geregistreeerde party te wees nie.

(7) Geen dokumente word na 11h00 soos voor-meld, op die dag deur die hoofverkie-singsbeampte kragtens subartikel (1) bepaal, ontvang nie.

Publikasie van lyste van kandidate

11. (1) Die hoofverkie-singsbeampte moet so gou doenlik nadat aan die bepalings van artikel 10 voldoen is, 'n kennisgewing in die *Offisiële Koerant* publiseer waarin —

- (a) die name van al die geregistreeerde partye, in alfabetiese volgorde, aangegee word;
- (b) die lys van die kandidate van elke sodanige geregistreeerde party vir die verkiesing, soos deur die geregistreeerde party ingevolge artikel 10 opgestel, aangegee word, en ver-

whose names appear on the list have been nominated as the candidates of the registered party concerned for the election.

(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 not to be a qualified person in relation to the Assembly or withdraws his candidature, at any time before the last polling day, the chief electoral officer shall amend such notice by further notice in the *Official Gazette* by the deletion from that list of the name and registration number of such person and by the addition at the end of that list of the name and registration number of a qualified person who has been nominated in writing by the registered party whose list of candidates it is 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 the election, shall cease to be a candidate for the election;
- (b) been added to the list of candidates of a registered party for the election, shall thereby become a candidate of such registered party for the election.

(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 to the contrary, be conclusive evidence that the requirements of this Proclamation relating to the submission of lists of candidates by registered parties and to matters precedent or incidental thereto have been complied with in respect of any registered party whose name is set out therein, and that any candidates on that list of candidates are the candidates nominated in respect of that registered party, but subject to the provisions of section 39(1)(b).

klaar word dat die persone wie se name op die lys verskyn, as die kandidate van die betrokke geregisteerde party vir die verkiesing genomineer 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 stembag van die verkiesing te sterwe kom of bevind word nie 'n bevoegde persoon met betrekking tot die Vergadering te wees nie, of sy kandidatuur terugtrek, kan die hoofverkiesingsbeampte daardie kennisgewing by verdere kennisgewing in die *Offisiële Koerant* wysig deur die skraping van die naam en registrasienommer van daardie persoon van daardie lys en die byvoeging aan die einde van daardie lys, van die naam en registrasienommer van 'n bevoegde persoon wat skriftelik deur die geregisteerde party wie se lys van kandidate dit is, 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 geregisteerde party vir die verkiesing, hou op om 'n kandidaat vir die verkiesing te wees;
- (b) bygevoeg is tot die lys van kandidate van 'n geregisteerde party vir die verkiesing, word daardeur 'n kandidaat van die geregisteerde party vir die verkiesing.

(4) 'n Verwysing in hierdie Proklamasie na 'n kennisgewing ingevolge subartikel (1) gepubliseer, word, met betrekking tot '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 *Offisiële Koerant* waarin dit gepubliseer is, en in die afwesigheid van bewys tot die teendeel, afdoende bewys dat aan al die vereistes van hierdie Proklamasie met betrekking tot die voorlegging van lyste van kandidate deur geregisteerde partye en aangeleenthede wat dit voorafgaan of daarmee verband hou, voldoen is ten opsigte van 'n geregisteerde party waarvan die naam daarin aangegee word, en dat enige kandidate op daardie lys van kandidate die kandidate is wat ten opsigte van daardie geregisteerde party genomineer is, maar behoudens die bepalings van artikel 39(1)(b).

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

PRELIMINARY ARRANGEMENTS FOR THE TAKING OF THE POLL

Polling stations

12. (1) For the purpose of conveniently taking a poll of registered voters in any district there shall be as many polling stations at such places in the district concerned as may be determined, subject to the provisions of subsection (2), by the chief electoral officer or by any controller or the electoral officer for that district acting under the authority of the chief electoral officer.

(2) No polling station shall be established —

- (a) in or at any police station;
- (b) in or at any military base;
- (c) in or at any residence of any traditional chief or headman;
- (d) in or at any office of any political organization or registered party; or
- (e) in any place where any intoxicating liquor is sold as contemplated in the Liquor Ordinance, 1969 (Ordinance 2 of 1969).

(3) Every electoral officer shall post outside the magistrate's office of his district a notice of the places in his district 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.

(4) The chief electoral officer or any controller or electoral officer authorized by him, may provide one or more mobile polling stations in any district or other area for the purpose of taking a poll of registered voters.

(5) A mobile polling station shall be under the general control of the electoral officer for a district designated by the chief electoral officer and shall for the purposes of this Proclamation, except subsections (2) and (3) of this section, be regarded as a polling station in that district.

(6) The electoral officer referred to in section 4,

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

VOORAFGAANDE REËLINGS VIR DIE STEMMING

Stemburo's

12. (1) Ten einde die stemming deur geregistreerde kiesers in 'n distrik te vergemaklik, moet daar soveel stemburo's op sodanige plekke in die betrokke distrik wees as wat deur die hoofverkiesingsbeampte of deur 'n kontroleur of die verkiesingsbeampte vir daardie distrik handelende op gesag van die hoofverkiesingsbeampte, behoudens die bepalings van subartikel (2), bepaal word.

(2) Geen stemburo word ingestel nie —

- (a) in of by enige polisiestasie;
- (b) in of by enige militêre basis;
- (c) in of by enige woning van 'n tradisionele kaptein of hoofman;
- (d) in of by enige kantoor van enige politieke organisasie of geregistreerde party; of
- (e) in enige plek waar enige sterk drank verkoop word soos beoog in die Drankordonnansie 1969 (Ordonnansie 2 van 1969).

(3) Elke verkiesingsbeampte moet aan die buitentant van die landdroskantoor van sy distrik 'n kennisgewing opplak van die plekke in sy distrik 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.

(4) Die hoofverkiesingsbeampte of 'n kontroleur of verkiesingsbeampte deur hom gemagtig kan een of meer mobiele stemburo's in 'n distrik of ander gebied voorsien vir die opneem van die stemme van geregistreerde kiesers.

(5) 'n Mobiele stemburo val onder die algemene beheer van die verkiesingsbeampte vir 'n distrik deur die hoofverkiesingsbeampte aangewys en word by die toepassing van hierdie Proklamasie, behalwe subartikels (2) en (3) van hierdie artikel, as 'n stemburo in daardie distrik beskou.

(6) Die verkiesingsbeampte in artikel 4 bedoel,

shall, 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 during the polling period and the times at which it shall visit such places.

(7) The presiding officer in control of, any polling officer and polling agent 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 registered voters on that land, or for the purposes of ascertaining whether there are any registered voters on that land.

(8) Additional polling stations may be established in any district at any time after the commencement of the poll and any election agent for that district shall be notified thereof as soon as practicable.

Furnishing of electoral material and equipment

13. (1) The chief electoral officer shall furnish ballot boxes, ballot papers, ballot paper envelopes, instruments, seals and other requisites 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 district, a sufficient quantity of the requisites referred to in subsection (1) to ensure the effectual taking of the poll at those polling stations.

(3) (a) The chief electoral officer shall cause copies to be made of —

- (i) the list of objections postponed *sine die*;
- (ii) a list compiled by the chief electoral officer of cancelled registration cards including registration cards which in terms of the Registration Proclamation ceased to be valid but have not yet been cancelled; and
- (iii) a list compiled by the chief electoral officer of the numbers and particulars of registration cards issued to a voter who has registered more than once.

kan op die wyse wat hy goed ag en vir sover dit prakties is om dit te doen, die plekke wat gedurende die stemtydperk deur 'n mobiele stemburo besoek sal word en die tye waarop dit sodanige plekke sal besoek, bekend maak.

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

(8) Addisionele stemburo's kan te eniger tyd na die begin van die stemming in 'n distrik ingestel word en 'n verkiesingsagent vir daardie distrik moet so gou doenlik daarvan in kennis gestel word.

Verskaffing van verkiesingsmateriaal en uitrusting

13. (1) Die hoofverkiesingsbeampte verskaf stembusse, stembriewe, stembriefkoeverte, werktuie, seëls en ander benodighede en verrig die ander handeling 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 benodighede van die hoofverkiesingsbeampte te verkry en aan die voorsittende beamptes vir die stemburo's in sy distrik te verskaf ten einde die doeltreffende hou van die stemming by daardie stemburo's te verseker.

(3) (a) Die hoofverkiesingsbeampte laat afskrifte maak van —

- (i) die lys van *sine die*-uitgestelde besware;
- (ii) 'n lys saamgestel deur die hoofverkiesingsbeampte van gekanselleerde registrasiekaarte met inbegrip van registrasiekaarte wat ingevolge die Registrasieproklamasie opgehou het om geldig te wees, maar wat nog nie gekanselleer is nie; en
- (iii) 'n lys saamgestel deur die hoofverkiesingsbeampte van registrasiekaarte uitgereik aan 'n kieser wat meer as een keer geregistreer het.

- (b) Each copy of each such list shall be certified by or on behalf of the chief electoral officer as a true copy.
- (c) Each presiding officer for a polling station shall be furnished with at least one certified copy of each such list.

The voting compartment

14. (1) The voting compartment in or at any polling station shall be arranged so as to permit a voter to mark his vote in secrecy and shall be in a position where a person can neither enter nor leave 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 the voting compartment while a voter is in 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, that is screened off, to the satisfaction of the presiding officer, in such a manner that the voter may record his vote in secret.

The ballot box

15. (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 all ballot boxes to be used at such polling station are empty;
- (b) permit the inspection of the interior of all such empty ballot boxes by such persons entitled in terms of section 17(1) to attend at the polling station, and as are present; and
- (c) immediately thereafter close and seal all such ballot boxes in accordance with the instructions issued by the chief electoral officer.

(2) If for any reason it becomes necessary at any time during the polling period to use any additional ballot box at any polling station, such additional ballot box shall be made available for inspection, closed and sealed *mutatis mutandis* in accordance

- (b) Elke afskrif van elke sodanige lys word deur of namens die hoofverkiesingsbeampte gesertifiseer as 'n juiste afskrif.
- (c) Elke voorsittende beampte vir 'n stemburo word van minstens een gesertifiseerde afskrif van elke sodanige lys voorsien.

Die stemkompartement

14. (1) Die stemkompartement in of by 'n stemburo word ingerig ten einde 'n kieser in staat te stel om sy stem in die geheim te merk en word op 'n plek geplaas waar 'n persoon dit nie kan binnegegaan of verlaat sonder om deur die voorsittende beampte of 'n stemopnemer deur hom aangewys, gesien te word nie, en die voorsittende beampte of bedoelde stemopnemer moet toesien, dat, terwyl 'n kieser daarin is ten einde sy stem uit te bring, niemand anders die stemkompartement binnegaan nie behalwe ooreenkomstig die bepaling 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

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

- (a) homself oortuig dat al die stembusse wat by daardie stemburo gebruik gaan word, leeg is;
- (b) die inspeksie van die binnekant van al sodanige leë stembusse deur die persone wat ingevolge artikel 17(1) geregtig is om in die stemburo teenwoordig te wees en wat aanwesig is, toelaat; en
- (c) onmiddellik daarna al sodanige stembusse toemaak en verseël ooreenkomstig die voorskrifte deur die hoofverkiesingsbeampte uitgereik.

(2) Indien dit te eniger tyd gedurende die stemburo tydperk nodig word om 'n addisionele stembus by 'n stemburo te gebruik, word daardie addisionele stembus *mutatis mutandis* ooreenkomstig die bepaling van subartikel (1) vir inspeksie beskikbaar

with the provisions of subsection (1), before being made available for the deposit of ballot papers.

(3) A ballot box closed and sealed as aforesaid may not be opened, and the seal shall not be broken, except under the circumstances contemplated in this proclamation.

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

- (a) at the closing of the poll on each polling day, close and seal the aperture in any ballot box used at the polling station; and
- (b) break the seal and open the said aperture at the commencement of the poll on the following polling day,

in accordance with the instructions issued by the chief electoral officer, and in the presence of such persons entitled in terms of section 17(1) to attend at the polling station, and as are present.

(5) All sealed ballot boxes used in or at a polling station shall be placed in a position where they can be seen at all times during polling hours at that polling station by the presiding officer or a polling officer designated by him.

(6) The presiding officer and a police officer shall be responsible for the safe-keeping of all ballot boxes used at his polling station until they are delivered to the electoral officer concerned or chief electoral officer, as the case may be.

Commencement and closing of the poll at polling stations

16. (1) The poll shall commence at 07h00 and shall close at 19h00 of each polling day: Provided that the presiding officer —

- (a) before closing the poll on any polling day at the hour so prescribed shall permit every voter who at that hour is inside the room or other enclosure where the ballot box is, to record his vote;
- (b) may at his discretion permit any voter who at the said hour on any polling day, is present at the polling station although not

gestel, toegemaak en verseël voordat dit vir die deponering 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 onder die omstandighede in hierdie Proklamasie beoog.

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

- (a) by die sluiting 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 stembus,

ooreenkomstig die voorskrifte deur die hoofverkiegingsbeampte uitgereik en in die teenwoordigheid van sodanige persone wat geregtig is om in die stemburo teenwoordig te wees ingevolge artikel 17(1), en wat aanwesig is.

(5) Alle verseëelde stembusse wat in of by 'n stemburo gebruik word, moet op 'n plek geplaas word waar hulle te alle tye gedurende die stembus by daardie stemburo deur die voorsittende beampte of 'n stemopnemer deur hom aangewys, gesien kan word.

(6) Die voorsittende beampte en 'n polisiebeampte is vir die veilige bewaring van alle stembusse wat by sy stemburo gebruik word, verantwoordelik totdat hulle aan die betrokke verkiesingsbeampte of hoofverkiegingsbeampte, na gelang van die geval, afgelewer word.

Aanvang en sluit van stemming by stemburo's

16. (1) Die stemming begin om 07h00 en sluit om 19h00 van elke stembus: Met dien verstande dat die voorsittende beampte —

- (a) voordat hy die stemming op die aldus voorgeskrewe uur op 'n stembus sluit, elke kieser wat op daardie uur binne die vertrek of ander afsluiting is waar die stembus is, moet toelaat om sy stem uit te bring;
- (b) na goeëddunke enige kieser wat op genoemde uur op enige stembus, by die stemburo aanwesig is alhoewel nie binne ge-

inside the said room or enclosure, to record his vote.

(2) Notwithstanding any provisions to the contrary contained in subsection (1) of this section, voters may, after 07h00 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.

Powers of presiding officers at polling stations

17. (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, a controller, the electoral officer for the district, the polling officers and any polling agent entitled in terms of section 7 to attend at the polling station, and any other person authorized by or on the authority of the Administrator-General or the chief electoral officer.

(2) (a) The presiding officer may order any person, excluding the persons referred to in subsection (1) and any person recording his vote, to leave the polling station.

(b) Any person who fails to leave the polling station when so ordered in accordance with paragraph (a), shall be guilty of an offence and may, by order of the presiding officer, be arrested without a warrant.

(3) The presiding officer, after consultation with the police officials on duty (if any), may take any steps that he deems necessary for the protection of himself and other officials or for stopping or preventing any violence or disturbance 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 entitled to vote, from having an opportunity to record his vote.

(5) In the application of this section in respect of a mobile polling station, the expression "polling station" shall include an area indicated or demar-

noemde vertrek of afsluiting nie, kan toelaat om sy stem uit te bring.

(2) Ondanks andersluidende bepalings van subartikel (1) van hierdie artikel, kan kiesers na 07h00 van die eerste stemburg toegelaat word om hulle stemme by 'n mobiele stemburg uit te bring te eniger tyd op enige stemburg en op enige plek waar die mobiele stemburg is of op enige plek wat deur die voorsittende beampte in beheer van die mobiele stemburg as gerieflik beskou word.

Bevoegdhede van voorsittende beamptes by stemburg's

17. (1) Die voorsittende beampte en ander beamptes by 'n stemburg hou daar orde, reël die aantal kiesers wat tegelyk binnegeelaat word, en hou alle ander persone buite, behalwe die hoofverkiegingsbeampte, 'n kontroleur, die verkiesingsbeampte vir die distrik, die stemopnemers en 'n stemagent wat geregtig is om in 'n stemburg teenwoordig te wees ingevolge artikel 7, en enige ander persoon wat deur of op gesag van die Administrateur-generaal of die hoofverkiegingsbeampte gemagtig is om teenwoordig te wees.

(2) (a) Uitgesonderd die persone in subartikel (1) bedoel en 'n persoon wat sy stem uitbring, kan die voorsittende beampte by 'n stemburg enigeen gelas om die stemburg te verlaat.

(b) Enigeen wat versuim om 'n stemburg te verlaat wanneer hy ingevolge paragraaf (a) daartoe gelas word, is aan 'n misdryf skuldig en kan op bevel van die voorsittende beampte sonder lasbrief in hegtenis geneem word.

(3) Die voorsittende beampte kan, na oorlegging 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 enige geweldpleging of steuring in of in die nabyheid van die stemburg.

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

(5) By die toepassing van hierdie artikel ten opsigte van 'n mobiele stemburg, beteken die uitdrukking "stemburg" ook 'n gebied wat deur

cated by the presiding officer at any place where such mobile polling station is stationary for the purpose of taking a poll thereat, or at any place where a voter is permitted in terms of section 16(2), to record his vote.

VOTING AT POLLING STATIONS

Franchise

18. (1) Every registered voter shall be entitled to vote at the election subject to and upon compliance with the provisions of this Proclamation.

(2) A voter shall be entitled to record at the election one vote for one registered party only.

Place of voting

19. (1) A voter should normally vote in the district where he is registered.

(2) A voter who wishes to vote in any district other than where he is registered, shall vote in accordance with the provisions of section 24(1).

Voting to be by secret ballot

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

(2) Every ballot paper shall contain the names, abbreviations and distinctive symbols of the registered parties taking part in the election as set out in the Annexure to this Proclamation.

Manner of voting

21. (1) The voting at any polling station shall be conducted substantially and as nearly as possible in accordance with the provisions of this section and, under the relevant circumstances contemplated in sections 22, 23 and 24.

(2) No voter shall be entitled or permitted to vote, unless he —

- (a) subject to the provisions of section 24(3), produces and surrenders his registration card to the presiding officer or a polling officer; and
- (b) has produced to the presiding officer or a polling officer in proof of his identity, his identity document or, if he is unable to so

die voorsittende beampte aangewys of afgemerks 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 16(2) toegelaat word om sy stem uit te bring.

STEMMING BY STEMBURO'S

Stemreg

18. (1) Elke geregistreerde kieser is geregtig om by die verkiesing te stem, onderworpe aan en by nakoming van die bepalings van hierdie Proklamasie.

(2) 'n Kieser is geregtig om by die verkiesing een stem op slegs een geregistreerde party uit te bring.

Plek van stemming

19. (1) 'n Kieser behoort normaalweg te stem in die distrik waar hy geregistreer is.

(2) 'n Kieser wat wil stem in 'n ander distrik as waar hy geregistreer is, moet ooreenkomstig die bepalings van artikel 24(1) stem.

Stemming vind per geheime stembrief plaas

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

(2) Elke stembrief moet die name, afkortings en kentekens van die geregistreerde partye wat aan die verkiesing deelneem, bevat soos uiteengesit in die Aanhangsel by hierdie Proklamasie.

Wyse waarop gestem word

21. (1) Stemming by 'n stemburo vind in wese en sover doenlik plaas ooreenkomstig die bepalings van hierdie artikel en, onder die betrokke omstandighede in artikels 22, 23 en 24 beoog.

(2) Geen kieser is geregtig en word nie toegelaat om te stem nie tensy hy —

- (a) behoudens die bepalings van artikel 24(3), sy registrasiekaart voorlê en oorgee aan die voorsittende beampte of 'n stemopnemer; en
- (b) sy identiteitsdokument as bewys van sy identiteit aan die voorsittende beampte of 'n stemopnemer voorlê of, indien hy nie in

produce any identity document, any other voter who is registered and who has identified himself by producing his identity document to the presiding officer or to a polling officer designated by the presiding officer for that purpose, and makes before the presiding officer or such polling officer an affidavit in a form prescribed by the chief electoral officer in which proof of the identity of the first-mentioned voter is furnished.

(3) The presiding officer or a polling officer shall ascertain —

- (a) by examining, and by putting relevant questions relating to the particulars appearing on, the registration card and identity document or affidavit, produced to him by the voter as contemplated in subsection (2) that —
 - (i) the voter is the person whose name appears on the registration card; and
 - (ii) the registration card is a registration card officially issued in terms of the Registration Proclamation;
- (b) in the manner prescribed in subsection (4) of this section and subject to the provisions of paragraph (c) of that subsection, that the voter has not already voted at the election; and
- (c) that the number and relevant particulars of the registration card do not appear —
 - (i) on the list of objections postponed *sine die*;
 - (ii) on the list of cancelled registration cards contemplated in section 13(3)(a)(ii); or
 - (iii) on the list contemplated in section 13(3)(a)(iii).
- (4) (a) In this subsection and in subsection (7) "identification mark" shall mean the mark approved by the chief electoral officer for the purpose of the identification of a voter who has voted at the election.
- (b) The presiding officer or a polling officer

staat is om 'n identiteitsdokument aldus voor te lê nie, 'n ander kieser wat geregistreer is en wat homself deur sy identiteitsdokument voor te lê aan die voorsittende beampte of aan 'n stemopnemer vir dié doel deur die voorsittende beampte aangewys, geïdentifiseer het, voor die voorsittende beampte of so 'n stemopnemer 'n beëdigde verklaring in 'n vorm voorgeskryf deur die hoofverkiegingsbeampte aflê waarin bewys van identiteit van eersgenoemde kieser gelewer word.

(3) Die voorsittende beampte of 'n stemopnemer moet vasstel —

- (a) deur die ondersoek van, en deur tersaaklike vrae te stel wat betrekking het op die besonderhede wat verskyn op die registrasiekaart en identiteitsdokument of beëdigde verklaring wat, soos in subartikel (2) beoog, deur die kieser aan hom voorgelê is, dat —
 - (i) die kieser die persoon is wie se naam op daardie registrasiekaart verskyn; en
 - (ii) die registrasiekaart 'n registrasiekaart is wat amptelik ingevolge die Registrasieproklamasie uitgereik is;
- (b) op die wyse in subartikel (4) van hierdie artikel voorgeskryf en behoudens die bepalinge van paragraaf (c) van daardie subartikel, dat die kieser nie reeds by die verkiesing gestem het nie; en
- (c) dat die nommer en tersaaklike besonderhede van daardie registrasiekaart —
 - (i) nie op die lys van *sine die*-uitgestelde besware verskyn nie;
 - (ii) nie op die lys van gekanselleerde registrasiekaarte beoog in artikel 13(3)(a)(ii) verskyn nie; of
 - (iii) nie op die lys beoog in artikel 13(3)(a)(iii) verskyn nie.
- (4) (a) In hierdie subartikel en in subartikel (7) beteken "identifikasiemerk" die merk wat deur die hoofverkiegingsbeampte goedgekeur is vir die identifisering van 'n kieser wat by die verkiesing gestem het.
- (b) Die voorsittende beampte of 'n stemop-

shall require the voter, and the voter when so required, is obliged to cause his fingers to be examined by the presiding officer or such polling officer, and if upon examination no one of the fingers of the voter displays the identification mark, he shall be presumed not to have already voted at the election.

- (c) If upon such examination, any of the fingers of the voter displays the identification mark, the presiding officer shall give to every polling agent who is present an opportunity to observe such identification mark, and shall not permit the voter to vote.
- (d) If any person has in terms of paragraph (c) been prohibited from voting, the presiding officer shall retain the registration card produced by him, and endorse it to the effect that such person was so prohibited.
- (e) The provisions of paragraph (b) of subsection (3) and of paragraph (b) of this subsection and of subsection (7) shall not apply in the case of a voter who suffers from a physical defect which, in the opinion of the presiding officer, makes the application of the said provisions impossible.

(5) Having ascertained in terms of subsection (3) that the number and relevant particulars of a registration card appear on the list of cancelled registration cards, the presiding officer or a polling officer shall not permit the voter to vote, and shall retain the registration card produced to him and endorse it to that effect.

(6) The matters referred to in subsection (3) having been ascertained, the voter shall, in the presence and in accordance with the instructions of the presiding officer or a polling officer —

- (a) if the registration card produced by him as aforesaid bears the signature of the person to whom it was issued, sign that registration card;
- (b) if the said registration card bears the imprint of any finger or fingers of the person to whom it was issued, place the imprint of the

nemer moet die kieser aansê, en die kieser, wanneer aldus aangesê, is verplig om sy vingers deur die voorsittende beampte of bedoelde stemopnemer te laat ondersoek, en indien geeneen van die kieser se vingers by sodanige ondersoek die identifikasie-merk toon nie, word vermoed dat hy nie reeds by die verkiesing gestem het nie.

- (c) Indien enige van die kieser se vingers by sodanige ondersoek die identifikasie-merk toon, moet die voorsittende beampte elke stemopnemer wat teenwoordig is 'n geleentheid gee om daardie identifikasie-merk waar te neem, en moet hy die kieser nie toelaat om te stem nie.
- (d) Indien 'n persoon ingevolge paragraaf (c) verbied is om te stem, moet die voorsittende beampte die registrasiekaart behou wat deur hom voorgelê is, en dit endosseer ten effekte dat bedoelde persoon aldus verbied is.
- (e) Die bepalinge van paragraaf (b) van subartikel (3) en van paragraaf (b) van hierdie subartikel en van subartikel (7), is nie van toepassing nie in die geval van 'n kieser wat aan 'n liggaamlike gebrek ly wat na die oordeel van die voorsittende beampte die toepassing van bedoelde bepalinge onmoontlik maak.

(5) Wanneer ingevolge subartikel (3) vasgestel is dat die nommer en relevante besonderhede van 'n registrasiekaart op die lys van gekanselleerde registrasiekaarte verskyn, moet die voorsittende beampte of 'n stemopnemer die kieser nie toelaat om te stem nie, en word die registrasiekaart wat aan hom voorgelê is, behou en te dien effekte geëndosseer.

(6) Wanneer die in subartikel (3) bedoelde aangeleentheid vasgestel is, moet die kieser, in die teenwoordigheid en ooreenkomstig die voorskrifte van die voorsittende beampte of 'n stemopnemer —

- (a) indien daar op die registrasiekaart deur hom soos voormeld voorgelê, die handtekening verskyn van die persoon aan wie dit uitgereik is, daardie registrasiekaart teken;
- (b) indien daar op genoemde registrasiekaart die afdruk van enige vinger of vingers verskyn van die persoon aan wie dit uitgereik

corresponding finger or fingers of the voter on that registration card;

- (c) if the said registration card bears, instead of the signature or any fingerprint of the person to whom it was issued, any mark made by that person, place a similar mark on that registration card.

(7) When the provisions of subsection (6) have been complied with, the voter shall in the presence and in accordance with the instructions of the presiding officer or a polling officer place the identification mark on the fingers of his left hand or of his right hand or cause it to be placed thereon by the presiding officer or such polling officer, except as provided in subsection (4)(e).

(8) If a voter refuses that the prescribed identification mark be applied to his fingers, he shall not be issued with a ballot paper and shall be ordered to leave the polling station.

(9) When the voter has complied with the provisions of subsection (7), the presiding officer or a polling officer shall —

- (a) tear out a ballot paper from the ballot paper book and mark that ballot paper on the back with the official mark;
- (b) hand that ballot paper to the voter; and
- (c) retain the said registration card, endorse thereon the number of the ballot box in use and keep it in a safe place.

(10) When the voter 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, abbreviation and distinctive symbol of that registered party;

is, die afdruk van die ooreenstemmende vinger of vingers van die kieser op daardie registrasiekaart plaas;

- (c) indien daar op genoemde registrasiekaart, in plaas van die handtekening of 'n vingerafdruk van die persoon aan wie dit uitgereik is, 'n merk verskyn wat deur daardie persoon gemaak is, 'n soortgelyke merk op daardie registrasiekaart plaas.

(7) Wanneer aan die bepalings van subartikel (6) voldoen is, moet die kieser in die teenwoordigheid en ooreenkomstig die voorskrifte van die voorsittende beampte of 'n stemopnemer, die identifikaasiemerk op die vingers van sy linkerhand of van sy regterhand plaas of deur die voorsittende beampte of bedoelde stemopnemer daarop laat plaas, behalwe soos bepaal in subartikel (4)(e).

(8) Indien 'n kieser weier dat die voorgeskrewe identifikaasiemerk aan sy vingers aangebring word, word 'n stembrief nie aan hom oorhandig nie en moet hy versoek word om die stemburo te verlaat.

(9) Wanneer die kieser aan die bepalings van subartikel (7) voldoen het, moet die voorsittende beampte of 'n stemopnemer —

- (a) 'n stembrief uit die stembriefboek skeur en daardie stembrief agterop merk met die amptelike merk;
- (b) daardie stembrief aan die kieser oorhandig; en
- (c) genoemde registrasiekaart behou, die nommer van die stembus in gebruik daarop aanteken en dit op 'n veilige plek bewaar.

(10) Wanneer die kieser 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, afkorting en kenteken van daardie geregistreerde party;

(c) fold the ballot paper in such manner that the official mark is visible and the names, abbreviations and distinctive symbols of the registered parties and the cross made by him are not visible;

(d) display the ballot paper in such manner that the presiding officer or a polling officer designated by him may 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.

(11) 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 (4)(b), and the vote recorded by any voter shall not be invalid merely because the provisions of subsection (3)(b) were not complied with in his case because of such defect.

(12) The registration card produced and surrendered by a voter to whom a ballot paper is issued under the circumstances contemplated in subsection (11), shall be endorsed or marked in accordance with the instructions issued by the chief electoral officer.

Voter who cannot read or is incapacitated

22. (1) Any voter who is not able to read shall, in the presence of any member of the United Nations Transition Assistance Group, be instructed by the presiding officer or any polling officer designated by him, in accordance with the instructions of the chief electoral officer, in the manner of voting as prescribed in section 21(10).

(2) If the registration card produced by a voter to the presiding officer or a polling officer does not bear a signature of the person to whom it was issued, the presiding officer or such polling officer may ask the voter whether he desires to be instructed in the manner of voting, and if the voter replies in the affirmative, such voter shall for the purposes of subsection (1) be deemed to be a voter who is not able to read as is contemplated in that subsection.

(c) die stembrief op so 'n wyse opvou dat die amptelike merk sigbaar is en die name, afkortings en kentekens van die geregistreerde partye en die kruis deur hom gemaak nie sigbaar is nie;

(d) die stembrief op so 'n wyse vertoon dat die voorsittende beampte of 'n stemopnemer deur hom aangewys die amptelike merk kan herken;

(e) die stembrief in die stembus laat val wat voor die voorsittende beampte of bedoelde stemopnemer staan.

(11) Die stemming by 'n stemburo word nie deur 'n defek wat ontstaan in 'n werktuig wat vir die doeleindes van subartikel (4)(b) by daardie stemburo gebruik word, onderbreek nie, en die stem deur 'n kieser uitgebring is nie ongeldig bloot omdat die bepalings van subartikel (3)(b) in sy geval weens sodanige defek nie nagekom is nie.

(12) Die registrasiekaart voorgelê en oorgegee deur 'n kieser aan wie 'n stembrief onder die in subartikel (11) beoogde omstandighede uitgereik is, word geëndossee of gemerk ooreenkomstig die voorskrifte deur die hoofverkiesingsbeampte uitgereik.

Kieser wat nie kan lees nie of onbekwaam is

22. (1) 'n Kieser wat nie kan lees nie, moet, in die teenwoordigheid van 'n lid van die Verenigde Nasies Oorgangsbystandsgroep, deur die voorsittende beampte of 'n stemopnemer deur hom aangewys, ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte ingelig word oor die wyse van stemming soos voorgeskryf in artikel 21(10).

(2) Indien daar op die registrasiekaart wat deur 'n kieser aan die voorsittende beampte of 'n stemopnemer voorgelê word, nie 'n handtekening verskyn van die persoon aan wie dit uitgereik is nie, kan die voorsittende beampte of bedoelde stemopnemer die kieser vra of hy verlang dat hy deur die voorsittende beampte ingelig word oor die wyse van stemming, en as die kieser bevestigend antwoord, word sodanige kieser by die toepassing van subartikel (1) geag 'n kieser wat nie kan lees nie soos in daardie subartikel beoog, te wees.

(3) At request in person of a voter who is incapacitated by blindness or other physical cause from voting, the presiding officer may permit such voter to vote with the assistance of any person of his choice, and upon such permission being granted anything which by section 21(10) is required to be done by the voter, may be done with the assistance of such person.

(4) The secrecy of the voting shall as far as possible be preserved in the application of the provisions of this section.

Objection by polling agent

23. Any polling agent present at a polling station may, in the manner prescribed by, and in accordance with the instructions of the chief electoral officer, object to any voter who wishes to vote, on the ground thereof that —

- (a) the registration card produced by the voter is not a registration card officially issued in terms of the Registration Proclamation; or
- (b) the voter is not the person whose name appears on the registration card.

Tendered ballot papers

24. (1) If —

- (a) any voter wishes to vote in any other district than the district in which he was registered as a voter;
- (b) in the case of a list referred to in section 21(3)(c)(iii), the number and relevant particulars of the registration card produced by any voter are found to appear on that list; or
- (c) any presiding officer or polling officer is satisfied, taking into account any objection made by a polling agent, that —
 - (i) the registration card produced by any voter is not a registration card officially issued in terms of the provisions of the Registration Proclamation; or

(3) Op persoonlike versoek van 'n kieser wat weens blindheid of ander liggaamlike oorsaak nie in staat is om sy stem uit te bring nie, kan die voorsittende beampte daardie kieser toelaat om met die hulp van 'n persoon van sy keuse te stem en nadat bedoelde verlof verleen is, kan enigiets wat ingevolge artikel 21(10) deur die kieser gedoen moet word, gedoen word met die hulp van daardie persoon.

(4) Die geheimhouding van die stemming moet, so ver as moontlik, by die toepassing van die bepalings van hierdie artikel, behou word.

Beswaar deur stemagent

23. 'n Stemagent wat in 'n stemburo teenwoordig is, kan, op die wyse voorgeskryf deur, en ooreenkomstig die voorskrifte van die hoofverkiesings-beampte, beswaar maak teen enige kieser wat wil stem, op grond daarvan dat —

- (a) die registrasiekaart deur die kieser voorgelê, nie 'n registrasiekaart is wat amptelik ingevolge die bepalings van die Registrasieproklamasie uitgereik is nie; of
- (b) die kieser nie die persoon is wie se naam op die registrasiekaart verskyn nie.

Aangebode stembriewe

24. (1) Indien —

- (a) 'n kieser in 'n ander distrik wil stem as die distrik waarin hy as kieser geregistreer is;
- (b) in die geval van 'n lys bedoel in artikel 21(3)(c)(iii), dit bevind word dat die naam en relevante besonderhede van die registrasiekaart deur 'n kieser voorgelê, op daardie lys verskyn; of
- (c) 'n voorsittende beampte of stemopnemer van oordeel is, terwyl hy 'n beswaar gemaak het deur 'n stemagent in ag neem, dat —
 - (i) die registrasiekaart wat deur 'n kieser voorgelê word, nie 'n registrasiekaart is wat amptelik ingevolge die bepalings van die Registrasieproklamasie uitgereik is nie; of

- (ii) a voter is not the person whose name appears on the registration card,

that voter shall be entitled to vote in the same manner and subject to the same requirements as any other voter except that the ballot paper (hereinafter referred to as a tendered ballot paper) shall be sealed in an envelope marked "tendered ballot paper" or "aangebode stembrief" and that envelop containing the tendered ballot paper on which his vote is marked, shall be handed to the presiding officer or polling officer designated by the presiding officer who shall place that envelop together with the registration card of the voter concerned and any record or an objection by a polling agent in a covering envelope which shall be closed and placed in a ballot box or container marked "tendered ballot box" or "aangebode stembus".

- (2) (a) If, on a list of objections postponed *sine die* referred to in section 21(3)(c), the number and relevant particulars of the registration card produced by a voter are found to appear, the voter concerned shall be entitled to vote by way of tendered ballot paper in the same manner and subject to the same requirements as contemplated in subsection (1), except that the covering envelope containing the registration card and the tendered ballot paper on which his vote is marked, and sealed in the tendered ballot paper envelope, shall not be placed in a tendered ballot box, but in a separate packet.

- (b) The presiding officer or a polling officer shall inform the voter that his vote shall be rejected and may not be counted if the magistrate who postponed the relevant objection *sine die* allows the objection, before the counting of the votes is finalized, and shall hand the voter a notice in writing in a form prescribed by the chief electoral officer, requiring the voter to appear before and produce the notice to the said magistrate if he desires to oppose the objection, setting out the particulars recorded on the list of objections postponed *sine die* in connection with the relevant objection, and stating the fact that the registration card concerned has been surrendered to the presiding officer.

- (ii) 'n kieser nie die persoon is wie se naam op sodanige registrasiëkaart verskyn nie,

is daardie kieser geregtig om op dieselfde wyse en onderworpe aan dieselfde vereistes as enige ander kieser te stem, behalwe dat die stembrief (hierna 'n aangebode stembrief genoem) in 'n koevert gemerk "aangebode stembrief" of "tendered ballot paper" verseël moet wees en daardie koevert wat die stembrief bevat waarop sy stem gemerk is, moet aan die voorsittende beampte of stemopnemer deur die voorsittende beampte aangewys, oorhandig word wie daardie koevert tesame met die registrasiëkaart van die betrokke kieser en enige aantekening van 'n beswaar deur 'n stemagent, in 'n omslagkoevert plaas wat toegemaak en in 'n stembus of houer gemerk "aangebode stembus" of "tendered ballot box" geplaas moet word.

- (2) (a) Indien, op 'n lys van *sine die*-uitgestelde besware bedoel in artikel 21(3)(c), gevind word dat die nommer en relevante besonderhede van die registrasiëkaart deur 'n kieser voorgelê, verskyn, is die betrokke kieser geregtig om by wyse van aangebode stembrief op dieselfde wyse en onderworpe aan dieselfde vereistes soos beoog in subartikel (1), te stem, behalwe dat die omslagkoevert wat die registrasiëkaart en die aangebode stembrief waarop sy stem gemerk is, en verseël in 'n stembriefkoevert, nie in die aangebode stembus geplaas word nie, maar in 'n aparte pakket.

- (b) Die voorsittende beampte of 'n stemopnemer moet die kieser mededel dat sy stem verwerp sal word en nie getel sal word nie indien die landdroos wat die betrokke beswaar *sine die* uitgestel het die beswaar handhaaf voordat die tel van die stemme afgehandel is, en moet die kieser 'n skriftelike kennisgewing in 'n deur die hoofverkiesingsbeampte voorgeskrewe vorm oorhandig waarin die kieser aangesê word om indien hy die beswaar wil bestry, voor genoemde landdroos te verskyn en die kennisgewing aan hom voor te lê, die besonderhede aangegee word wat in verband met die betrokke beswaar op die lys van *sine die*-uitgestelde besware aangeteken is, en die feit genoem word dat die betrokke registrasiëkaart aan die voorsittende beampte oorgegee is.

- (c) The said magistrate shall, upon the voter appearing before him and producing such notice to him, act in accordance with section 19(4)(c) of the Registration Proclamation, and shall advise the chief electoral officer, without delay, of his decision under that Proclamation in respect of the objection, and, if such advice is not in writing, confirm it in writing as soon as possible.
- (d) The provisions of sections 22 and 23 of the Registration Proclamation shall not apply in respect of an objection allowed under the circumstances contemplated in paragraph (c) of this subsection.
- (3) (a) When any voter wishes to vote at any polling station and he cannot produce and surrender his registration card to the presiding officer on the ground thereof that the voter concerned has lost his registration card or because it has been destroyed or if he so produces and surrenders his registration card, it is illegible, the voter concerned may, notwithstanding anything to the contrary contained in this Proclamation or the Registration Proclamation, apply to the said presiding officer to vote without a registration card in the form of an affidavit prescribed by the chief electoral officer.
- (b) When any voter has so applied to vote, that voter shall be entitled to vote by way of tendered ballot paper in the same manner and subject to the same requirements as contemplated in subsection (1), except that the affidavit referred to in paragraph (a) of this subsection shall be placed in the covering envelope, instead of a registration card.
- (c) The provisions of section 24 of the Registration Proclamation shall not be construed so as to prohibit any registered voter who wishes to apply for the replacement of his registration card as contemplated in that section to so apply after the period referred to in section 2 of that Proclamation: Pro-
- (c) Genoemde landdros moet, wanneer die kieser voor hom verskyn en die kennisgewing aan hom voerlê, ooreenkomstig die bepalings van artikel 19(4)(c) van die Registrasieproklamasie handel, en moet die hoofverkiesingsbeampte sonder versuim van sy besluit kragtens daardie Proklamasie ten opsigte van die beswaar in kennis stel en, indien sodanige kennisgewing nie in skrif is nie, dit so gou doenlik skriftelik bevestig.
- (d) Die bepalings van artikels 22 en 23 van die Registrasieproklamasie is nie met betrekking tot 'n beswaar wat onder die in paragraaf (c) van hierdie subartikel beoogde omstandighede gehandhaaf word, van toepassing nie.
- (3) (a) Wanneer 'n kieser by 'n stemburo in die gebied wil stem en hy nie sy registrasiekaart kan voerlê en oorgee aan die voorsittende beampte nie, op grond daarvan dat die betrokke kieser sy registrasiekaart verloor het of dat dit vernietig is, of indien hy wel sy registrasiekaart aldus voerlê en oorgee, dit onleesbaar is, kan die betrokke kieser, ondanks andersluidende bepalings van hierdie Proklamasie of die Registrasieproklamasie, by die voorsittende beampte aansoek doen om sonder 'n registrasiekaart te stem in die die vorm van 'n beëdigde verklaring voorge skryf deur die hoofverkiesingsbeampte.
- (b) Wanneer 'n kieser aldus aansoek doen om te stem is daardie kieser geregtig om te stem by wyse van aangebode stembrief op dieselfde wyse en onderworpe aan dieselfde vereistes soos beoog in subartikel (1), behalwe dat die beëdigde verklaring bedoel in paragraaf (a) van hierdie subartikel, in plaas van 'n registrasiekaart, in die omslagkoevert geplaas moet word.
- (c) Die bepalings van artikel 24 van die Registrasieproklamasie word nie so uitgelê dat 'n geregistreerde kieser wat wil aansoek doen vir die vervanging van sy registrasiekaart soos beoog in daardie artikel, belet is om aldus aansoek te doen na die tydperk bedoel in artikel 2 van daardie Proklamasie

Verification of registration cards received by the chief electoral officer from a district

27. (1) On receiving the boxes or containers referred to in section 26 from a district, the chief electoral officer shall take charge of them, examine whether the seals are in order and give any counting agents of the registered parties who are present, an opportunity to do the same, and shall thereafter open all the boxes or containers and record the number of registration cards so received.

(2) The chief electoral officer shall verify the registration cards so received by examining and comparing them with the register of voters or any extract of that register prepared for that purpose.

(3) If upon such examination and comparison any irregularity in respect of any registration card is found, or the chief electoral officer is of the opinion that any irregularity took place which may affect the voting at a polling station or in a district, the chief electoral officer shall record such matter and inform the Administrator-General in writing thereof.

(4) At any time during the poll or thereafter, the Administrator-General may, if he deems it advisable, direct the chief electoral officer to discontinue with the verification of the registration cards as contemplated in subsection (2).

(5) The provisions of this section shall not be construed so as to prevent the Administrator-General to direct that a complete verification of all registration cards or of affidavits submitted in lieu of registration cards in terms of section 24(3), shall take place after the polling period.

Sealing of ballot boxes and other election material by presiding officer

28. (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 polling agents as may be in attendance, make up into separate packets, sealed with his own seal —

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

Verifikasie van registrasiekaarte deur die hoofverkiegingsbeampte ontvang vanaf 'n distrik

27. (1) By ontvangs van die in artikel 26 bedoelde pakkette of houers van 'n distrik, neem die hoofverkiegingsbeampte dit in sy bewaring, ondersoek hy of die seëls in orde is en gee hy aanwesige telagente van geregistreerde partye 'n geleentheid om dieselfde te doen en maak hy daarna al die pakkette of houers oop, en teken hy die getal registrasiekaarte aldus ontvang aan.

(2) Die hoofverkiegingsbeampte moet die registrasiekaarte aldus ontvang verifieer deur dit te ondersoek en te vergelyk met die register van kiesers of enige uittreksel van daardie register vir daardie doel gemaak.

(3) Indien by sodanige ondersoek en vergelyking daar enige onreëlmatigheid ten opsigte van enige registrasiekaart gevind word of die hoofverkiegingsbeampte is van oordeel dat enige onreëlmatigheid plaasgevind het wat die stemming by 'n stembus of in 'n distrik kan beïnvloed, moet die hoofverkiegingsbeampte sodanige aangeleentheid aanteken en die Administrateur-generaal daarvan skriftelik in kennis stel.

(4) Die Administrateur-generaal kan te eniger tyd gedurende die stemming of daarna, indien hy dit nodig vind, die hoofverkiegingsbeampte gelas om die verifikasie van registrasiekaarte soos beoog in subartikel (2), te staak.

(5) Die bepalinge van hierdie artikel word nie so uitgelê dat die Administrateur-generaal die geleentheid ontnem word om te gelas dat 'n volledige verifikasie van al die registrasiekaarte of beëdigde verklarings in die plek van registrasiekaarte voorgelê ingevolge artikel 24(3), na die stemtydperk moet plaasvind nie.

Verseëling van stembusse en ander verkiesingsmateriaal deur voorsittende beampte

28. (1) Onmiddellik na die sluiting van die stemming by 'n stemburo op die laaste stemdag, moet die voorsittende beampte in die teenwoordigheid van stemagente wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël, maak van —

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

- (c) the registration cards in respect of which ballot papers were issued and placed in a ballot box and which were not required to be delivered in terms of section 26(1);
- (d) the registration cards in respect of which no ballot papers were issued and which were retained under section 21(4)(d) and (5);
- (e) each packet containing tendered ballot papers issued in respect of registration cards of which the numbers and particulars appear on the list of objections postponed *sine die*; and
- (f) each tendered ballot box containing the tendered ballot papers and relevant registration cards or affidavits in lieu of registration cards which were not previously delivered, unopened,

and shall mark each packet and deliver the packets to the electoral officer for the district 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 separate statements in a form prescribed by the chief electoral officer in which the presiding officer accounts for —

- (a) the number of ballot papers entrusted to him and the number of registration cards produced to and retained by him or the polling officers at the polling station during the polling period;
- (b) the number of tendered ballot papers issued in respect of voters and the number of affidavits made and registration cards produced, and accompanying the tendered ballot paper envelopes containing tendered ballot papers.

(3) The electoral officer shall deliver the packets referred to in paragraphs (c), (d), (e) and (f) of subsection (1), and accompanied by the statement referred to in paragraph (b) of subsection (2), 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.

- (c) die registrasiekaarte ten opsigte waarvan stembriewe uitgereik en in die stembus geplaas is en wat nie ingevolge die voorskrifte van artikel 26(1) afgelewer is nie;
- (d) die registrasiekaarte ten opsigte waarvan geen stembriewe uitgereik is nie en wat kragtens artikel 21(4)(d) en (5) behou is,
- (e) elke pakket wat aangebode stembriewe uitgereik ten opsigte van registrasiekaarte waarvan die nommers en besonderhede op die lys van *sine die*-uitgestelde besware verskyn, bevat; en
- (f) elke aangebode stembus wat die aangebode stembriewe en relevante registrasiekaarte of beëdigde verklarings in die plek van registrasiekaarte wat nie voorheen afgelewer is nie, bevat, ongeopen,

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

(2) Die pakkette moet vergesel gaan van afsonderlike verslae in 'n vorm deur die hoofverkiesingsbeampte voorgeskryf, waarin die voorsittende beampte rekenskap gee van —

- (a) die aantal stembriewe wat aan hom toevertrou is en die aantal registrasiekaarte wat gedurende die stemtydperk voorgelê is aan en behou is deur hom of die stemopnemers by die stemburo;
- (b) die aantal aangebode stembriewe uitgereik ten opsigte van kiesers en die aantal beëdigde verklarings gemaak en registrasiekaarte voorgelê, en wat die aangebode stembriefkoeverte wat aangebode stembriewe bevat, vergesel.

(3) Die verkiesingbeampte moet die pakkette bedoel in paragrawe (c), (d), (e) en (f) van subartikel (1), en vergesel deur die verslag bedoel in paragraaf (b) van subartikel (2), aan die hoofverkiesingsbeampte sonder versuim aflewer of laat aflewer ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte, en moet terselfdertyd aan die hoofverkiesingsbeampte 'n verslag verstrek waarin hy rekenskap gee van die aantal stembriewe wat aan hom toevertrou is.

(2) When all the votes in respect of all the polling stations in the district have so been counted and the number of votes recorded for a registered party has been determined in the district concerned, the electoral officer or such counting officer shall as soon as practicable and in accordance with the instructions of the chief electoral officer, inform the chief electoral officer of the number of votes recorded in that district for each registered party, and shall thereupon announce outside the principal outer door of the premises in which the counting of the votes took place, the number of votes so recorded for each registered party and also the number of tendered ballots that had been cast in that district.

(3) (a) The electoral officer or such counting officer shall reject and not count any ballot paper —

(i) which records votes to more than one registered party; or

(ii) which does not bear the official mark and in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of section 21(6); or

(iii) which is unmarked or on which it is impossible to determine with certainty for which registered party the ballot is cast.

(b) The electoral officer or such counting officer shall not reject but shall count any ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a cross on the ballot paper concerned.

(4) The rejection or acceptance of any ballot paper by the electoral officer or such counting officer under the provisions of subsection (3), shall be final, and no court of law shall have jurisdiction to pronounce upon the validity thereof.

(5) The electoral officer or such counting officer shall endorse the word "rejected" or "verwerp" on any ballot paper finally rejected in terms of this Proclamation.

(6) When the electoral officer or such counting officer has complied with the provisions of this section, he shall as soon as practicable enclose in separate packets —

(2) Wanneer al die stemme ten opsigte van al die stemburo's in die distrik aldus getel is en die aantal stemme wat op 'n geregistreerde party uitgebring is vir die betrokke distrik bepaal is, moet die verkiesingsbeampte of sodanige telbeampte so gou doenlik en ooreenkomstig die voorskrifte van die hoofverkiesingsbeampte, die hoofverkiesingsbeampte in kennis stel van die aantal stemme wat op elke geregistreerde party in daardie distrik uitgebring is, en kondig hy die aantal stemme wat op elke geregistreerde party aldus uitgebring is, buitekant die hoofbuitendeur van die perseel waarin die tel van stemme plaasgevind het, aan en ook die aantal aangebode stembriewe wat in die distrik uitgebring is.

(3) (a) Die verkiesingsbeampte of sodanige telbeampte moet 'n stembrief verwerp en nie tel nie —

(i) wat stemme op meer as een geregistreerde party uitbring; of

(ii) wat nie die amptelike merk dra nie en ten opsigte waarvan hy gegronde rede het om te glo dat dit nie amptelik ingevolge artikel 21(6) aan 'n kieser uitgereik is nie; of

(iii) wat ongemerk is of waarop dit onmoontlik is om met sekerheid te bepaal vir watter geregistreerde party die stem uitgebring is.

(b) Die verkiesingsbeampte of sodanige telbeampte verwerp nie, maar tel 'n stembrief met 'n merk of skrif daarop waardeur 'n kieser sy keuse duidelik aangedui het op 'n ander wyse as deur 'n kruis op die betrokke stembrief.

(4) Die verwerping of aanvaarding van 'n stembrief deur die verkiesingsbeampte of sodanige telbeampte kragtens die bepalings van subartikel (3) is finaal, en geen geregshof is bevoeg om uitspraak oor die geldigheid daarvan te doen nie.

(5) Die verkiesingsbeampte of sodanige telbeampte endosseer die woord "verwerp" of "rejected" op 'n stembrief wat finaal ingevolge hierdie Proklamasie verwerp is.

(6) Wanneer die verkiesingsbeampte of sodanige telbeampte aan die bepalings van hierdie artikel voldoen het, moet hy so gou doenlik in afsonderlike pakkette toemaak —

- (a) all counted ballot papers;
- (b) all rejected ballot papers; and
- (c) the unused or spoiled ballot papers and the counterfoils of used or spoiled ballot papers,

and shall seal such packets and cause them to be delivered to the chief electoral officer.

Verification of tendered ballot paper account

32. (1) On receiving the packets referred to in section 28(3) from any district, the chief electoral officer shall take charge of them, examine whether the seals are in order and give any agents of registered parties who are present, an opportunity to do the same and shall thereafter open all the packets.

(2) The chief electoral officer shall verify the presiding officer's tendered ballot paper account by comparing it with the contents of the packets, and shall for that purpose open each tendered ballot box and cause the covering envelopes contained in it to be counted.

(3) If there appears to be any discrepancy in the verification of the tendered ballot paper account, the chief electoral officer shall in writing inform the Administrator-General accordingly.

(4) When the preceding provisions of this section have been complied with, the chief electoral officer shall cause the covering envelopes containing the tendered ballot paper envelopes and accompanying registration cards or affidavits in lieu of registration cards to be replaced into the tendered ballot box from which they were taken and shall close and seal such ballot box.

(5) (a) Notwithstanding the provisions of section 28, the chief electoral officer may, if he deems it practicable, direct that the tendered ballot boxes together with any tendered ballot paper accounts as contemplated in that section, be delivered to him *mutatis mutandis* in accordance with the provisions of section 26 after the closing of the poll on every polling day at a polling station designated by the chief electoral officer in terms of that section.

- (b) When any such tendered ballot boxes and accounts have been received by the chief electoral officer, he shall deal therewith in accordance with the provisions of this section and section 33.

- (a) alle getelde stembriewe;
- (b) alle verworpe stembriewe; en
- (c) die ongebruikte of gekanselleerde stembriewe en die teenblaaië van gebruikte of gekanselleerde stembriewe,

en moet sodanige pakkette verseël en dit aan die hoofverkiesingsbeampte laat aflewer.

Verifikasie van aangebode stembriefverslag

32. (1) By ontvangs van die pakkette bedoel in artikel 28(3) van 'n distrik, neem die hoofverkiesingsbeampte dit in sy bewaring, ondersoek hy of die seëls in orde is, en gee hy aanwesige agente van geregistreeerde partye 'n geleentheid om dieselfde te doen en maak hy daarna al die pakkette oop.

(2) Die hoofverkiesingsbeampte verifieer die voorsittende beampte se aangebode stembriefverslag deur dit met die inhoud van die pakkette te vergelyk, en maak vir dié doel elke aangebode stembus oop en laat tel die omslagkoeverte wat daarin is.

(3) Indien enige verskil in die verifikasie van die aangebode stembriefverslag voorkom, moet die hoofverkiesingsbeampte die Administrateur-generaal dienooreenkomstig skriftelik in kennis stel.

(4) Wanneer die voorafgaande bepalings van hierdie artikel nagekom is, laat die hoofverkiesingsbeampte die omslagkoeverte wat die aangebode stembriefkoeverte en meegaande registrasiekaarte of beëdigde verklarings in die plek van registrasiekaarte bevat, terugplaas in die aangebode stembus waaruit hulle gehaal is en maak hy sodanige stembus toe en verseël hy dit.

(5) (a) Ondanks die bepalings van artikel 28, kan die hoofverkiesingsbeampte, indien hy dit doenlik ag, gelas dat die aangebode stembusse tesame met enige aangebode stembriefverslae beoog in daardie artikel, aan hom afgelewer word *mutatis mutandis* ooreenkomstig die bepalings van artikel 26, na die sluiting van die stemming op elke stemdag by 'n stemburo wat deur die hoofverkiesingsbeampte aangewys is ingevolge daardie artikel.

- (b) Wanneer sodanige aangebode stembusse en verslae deur die hoofverkiesingsbeampte ontvang word, moet hy ooreenkomstig die bepalings van hierdie artikel en artikel 33 daarmee handel.

- (c) The chief electoral officer may, if he deems it necessary, direct that the delivery of any such tendered ballot boxes and accounts be discontinued at any time during the polling period in respect of any or all the districts or any designated polling station.

Examination of registration cards accompanying tendered ballot papers

33. (1) As soon as practicable after the provisions of section 32 have been complied with, the chief electoral officer shall open the tendered ballot boxes and remove the registration card or affidavit in lieu of any registration card from each covering envelope containing the ballot paper envelope unopened, and shall cause the covering envelope to be destroyed and the registration card or the particulars in such affidavit to be examined and to be compared with the register of voters or any extract of that register prepared for that purpose.

- (2) If, upon such examination and comparison

- (a) It is found that —

- (i) the duplicate of the registration card has been cancelled under any provision of the Registration Proclamation;
- (ii) no duplicate registration card in respect of a voter who voted by affidavit in lieu of a registration card, is to be traced;
- (iii) any voter who had been issued with more than one registration card, had voted more than once; or

- (b) the chief electoral officer is satisfied that —

- (i) the registration card is not a registration card officially issued under the provisions of the Registration Proclamation; or
- (ii) the person to whom that tendered ballot paper was issued in respect of that registration card, is not the person to whom that registration card was issued under the said provisions,

- (c) Die hoofverkiesingsbeampte kan indien hy dit nodig ag, gelas dat die aflewering van sodanige aangebode stembusse en verslae te eniger tyd gedurende die stemtydperk ten opsigte van enige of al die distrikte of 'n aangewese stemburo, gestaak word.

Ondersoek van registrasiekaarte wat aangebode stembriewe vergesel

33. (1) So gou doenlik nadat die bepalings van artikel 32 nagekom is, moet die hoofverkiesingsbeampte die aangebode stembusse oopmaak en die registrasiekaart of beëdigde verklaring in die plek van 'n registrasiekaart, uit elke omslagkoevert wat die stembrieffkoevert ongeopen bevat, haal, en laat die omslagkoevert vernietig en die registrasiekaart of die besonderhede in sodanige beëdigde verklaring ondersoek en vergelyk met die register van kiesers of enige uittreksel van daardie register wat hy vir daardie doel gemaak het.

- (2) Indien, by sodanige ondersoek en vergelyking —

- (a) daar gevind word dat —

- (i) die duplikaat van die registrasiekaart kragtens die een of ander bepaling van die Registrasieproklamasie gekanselleer is
- (ii) geen duplikaat van die registrasiekaart ten opsigte van 'n kieser wat by wyse van beëdigde verklaring in die plek van 'n registrasiekaart gestem het, opgespoor kan word nie;
- (iii) 'n kieser aan wie meer as een registrasiekaart uitgereik is, meer as een keer gestem het; of

- (b) die hoofverkiesingsbeampte van oordeel is —

- (i) dat die registrasiekaart nie 'n registrasiekaart is wat amptelik kragtens die bepalings van die Registrasieproklamasie uitgereik is nie; of
- (ii) dat die persoon aan wie 'n aangebode stembrief op grond van daardie registrasiekaart uitgereik is, nie die persoon is aan wie daardie registrasiekaart kragtens genoemde bepalings uitgereik is nie,

the ballot paper contained in the tendered ballot paper envelope accompanying that registration card shall be rejected and not be counted.

(3) Any decision under subsection (2)(b)(ii) that the signature or any fingerprint of the person to whom a ballot paper was issued in respect of a particular registration card is not the signature or fingerprint of the person to whom that registration card was issued, shall be taken by the chief electoral officer after consultation, in the case of a signature, with at least two counting officers who are handwriting experts, and, in the case of a fingerprint, with at least two counting officers who are fingerprint experts.

(4) In deciding any question that arises in the application of the provisions of subsection (2)(b), the chief electoral officer shall exercise the discretion vested in him in such a manner that, as far as possible, no vote shall be rejected merely because a person who holds or, at any time, held any appointment or office under this Proclamation or the Registration Proclamation failed to perform or properly to perform any duty or function which he was required to perform in terms of any provision of the relevant Proclamation, and for that purpose the chief electoral officer may take into consideration, and make enquiries as to, any information or any circumstances, occurrence or fact which in his opinion is relevant to the decision of that question.

(5) Each tendered ballot paper envelope containing a ballot paper which is not rejected in terms of this section shall be replaced in the tendered ballot box from which it was taken.

(6) All registration cards or affidavits in lieu of a registration card accompanying those envelopes referred to in subsection (5) shall be removed.

(7) The tendered ballot box containing ballot paper envelopes shall be sealed and be kept in a safe place until it shall be opened in terms of this Proclamation.

Circumstances under which a tendered ballot paper issued in respect of registration cards on which the numbers and particulars appear on the list of objections postponed sine die is to be rejected

34. (1) Upon receiving from a magistrate an advice contemplated in section 24(2)(c), the chief

word die stembrief in die aangebode stembriefkoevert wat daardie registrasiekaart vergesel, verwerp en nie getel nie.

(3) 'n Beslissing kragtens subartikel (2)(b)(ii) dat die handtekening of 'n vingerafdruk van die persoon aan wie 'n stembrief op grond van 'n bepaalde registrasiekaart uitgereik is, nie die handtekening of vingerafdruk is nie van die persoon aan wie daardie registrasiekaart uitgereik is, word deur die hoofverkiegingsbeampte gegee na oorlegpleging, in die geval van 'n handtekening, met minstens twee telbeampptes wat handskrifdeskundiges is, en, in die geval van 'n vingerafdruk, met minstens twee telbeampptes wat vingerafdrukdeskundiges is.

(4) By die beslissing van 'n vraag wat uit die toepassing van die bepalings van subartikel (2)(b) voortspruit, oefen die hoofverkiegingsbeampte die diskresie wat by hom berus op so 'n wyse uit dat, sover moontlik, geen stem verwerp word nie bloot omdat iemand wat 'n aanstelling of amp kragtens hierdie Proklamasie of die Registrasieproklamasie hou of beklee of te eniger tyd gehou of beklee het, versuim, het om 'n plig of werkzaamheid te verrig of na behore te verrig, wat hy ingevolge 'n bepaling van die betrokke Proklamasie moes verrig het, en vir daardie doel kan die hoofverkiegingsbeampte enige inligting, of enige omstandigheid, gebeure of feit wat na sy oordeel by die beslissing van sodanige vraag ter sake is, in ag neem en daarvoor navraag doen.

(5) Elke aangebode stembriefkoevert wat 'n stembrief bevat wat nie ingevolge hierdie artikel verwerp is nie, moet in die aangebode stembus waaruit dit gehaal is, teruggeplaas word.

(6) Alle registrasiekaarte of beëdigde verklaarings in die plek van 'n registrasiekaart wat daardie koeverte bedoel in subartikel (5) vergesel, moet verwyder word.

(7) Die aangebode stembus wat die stembriefkoeverte bevat, moet verseël word en in 'n veilige plek gehou word totdat dit oopgemaak moet word ingevolge hierdie Proklamasie.

Omstandighede waaronder 'n aangebode stembrief uitgereik ten opsigte van registrasiekaarte waarop die nommers en besonderhede op 'n lys van sine die-uitgestelde besware verskyn, verwerp moet word

34. (1) By ontvangs van 'n in artikel 24(2)(c) beoogde kennisgewing van 'n landdros, endosseer

electoral officer shall endorse the decision to which the advice relates on the duplicate of the relevant registration card and on the relevant tendered ballot paper envelope removed from the covering envelope and if the objection to which the decision relates was allowed by the magistrate, remove that envelope from the packet concerned.

(2) If, after the provisions of section 33 have been complied with in respect of all registration cards received under section 28(3) from a particular district, there remains in any packet so received from that district, a tendered ballot paper envelope that has not been endorsed in terms of subsection (1) of this section, the chief electoral officer shall enquire from the magistrate who postponed the relevant objection *sine die*, and shall endorse on the relevant registration card and on such tendered ballot paper envelope, whether the objection has been decided upon and, if so, whether it was dismissed or allowed or, if it has not been decided upon, to immediately decide upon the objection, and if any such objection was allowed, remove such tendered ballot paper envelope from the packet concerned.

(3) The ballot paper contained in a tendered ballot paper envelope removed from any packet in terms of subsection (1) or (2) shall be rejected and not be counted.

(4) The provisions of section 24(2)(d) shall *mutatis mutandis* apply to any decision taken by a magistrate when required to do so by the chief electoral officer as contemplated in subsection (2).

Counting of votes in respect of tendered ballot papers and determination of result of the poll in the election

35. (1) When the provisions of the preceding sections have been complied with in respect of all the tendered ballot boxes and packets in respect of objections postponed *sine die* received from any district, the chief electoral officer shall —

- (a) remove from the tendered ballot boxes and relevant packets all tendered ballot paper envelopes containing ballot papers not rejected in terms of the preceding provisions of this Proclamation;
- (b) open each such envelope and take out the ballot paper contained in it;
- (c) remove and destroy all the envelopes so opened;

die hoofverkiesingsbeampte die beslissing waarop die kennisgewing betrekking het op die duplikaat van die betrokke registrasiekaart en op die betrokke aangebode stembrieffkoevert wat verwyder is uit die omslagkoevert en, indien die beswaar waarop die beslissing betrekking het deur die landdros gehandhaaf is, verwyder hy daardie koevert uit die betrokke pakkie.

(2) Indien daar, nadat die bepalings van artikel 33 nagekom is ten opsigte van alle registrasiekaarte ontvang kragtens artikel 28(3) vanaf 'n bepaalde distrik, in enige pakket 'n aangebode stembrieffkoevert oorbly wat nie ingevolge subartikel (1) van hierdie artikel geëndosseer is nie, doen die hoofverkiesingsbeampte by die landdros wat die betrokke beswaar *sine die* uitgestel het navraag, en endosseer hy op die betrokke registrasiekaart en op daardie aangebode stembrieffkoevert, of die beswaar uitgewys is, of, indien dit nie uitgewys is nie, om onmiddellik die beswaar uit te wys, en indien enige sodanige beswaar gehandhaaf is, verwyder hy daardie aangebode stembrieffkoevert uit die pakket waarin dit is.

(3) Die stembrief in 'n aangebode stembrieffkoevert wat ingevolge subartikel (1) of (2) uit 'n pakket verwyder is, word verwerp en nie getel nie.

(4) Die bepalings van artikel 24(2)(d) is *mutatis mutandis* van toepassing op enige besluit deur 'n landdros geneem wanneer hy deur die hoofverkiesingsbeampte gevra word om dit te doen soos beoog in subartikel (2).

Tel van stemme ten opsigte van aangebode stembriewe en bepaling van die uitslag van die stemming in die verkiesing

35. (1) Nadat die bepalings van die voorafgaande artikels nagekom is ten opsigte van al die aangebode stembusse en pakkette ten opsigte van *sine die*-uitgestelde besware ontvang van 'n distrik, moet die hoofverkiesingsbeampte —

- (a) alle aangebode stembrieffkoeverte waarin daar stembriewe is wat nie ingevolge die voorafgaande bepalings van hierdie Proklamasie verwerp is nie, uit die aangebode stembusse en betrokke pakkette verwyder;
- (b) elke sodanige koevert oopmaak en die stembrief daarin uithaal;
- (c) al die aldus oopgemaakte koeverte onmiddellik verwyder en vernietig;

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| <p>(d) sort the ballot papers, with regard to the provisions of subsection (3), on the basis of the registered parties in respect of which the votes were recorded;</p> <p>(e) count the votes recorded in respect of each registered party; and</p> <p>(f) determine the result of the poll in any district by adding —</p> <p style="padding-left: 20px;">(i) the number of votes received from the district; and</p> <p style="padding-left: 20px;">(ii) the number of tendered ballot paper votes, recorded in respect of each registered party.</p> <p>(2) When the provisions of subsection (1) have been complied with in respect of all the districts in the territory the chief electoral officer shall determine the result of the poll in the election by adding the numbers of the votes recorded in all the districts in respect of a registered party.</p> <p>(3) (a) The chief electoral officer shall reject and not count any tendered ballot paper —</p> <p style="padding-left: 20px;">(i) which records votes to more than one registered party; or</p> <p style="padding-left: 20px;">(ii) which does not bear the official mark and in respect of which he has reasonable grounds to believe that it has not been officially issued to a voter in terms of section 21(6); or</p> <p style="padding-left: 20px;">(iii) which is unmarked or on which it is impossible to determine with certainty for which registered party the ballot is cast.</p> <p>(b) The chief electoral officer shall not reject but shall count any tendered ballot paper on which there is a mark or writing, by means of which a voter has clearly indicated his choice otherwise than by a cross on such ballot paper.</p> <p>(4) The rejection or acceptance of any tendered ballot paper by the chief electoral officer under any provisions of this Proclamation shall be final, and no court of law shall have jurisdiction to pronounce upon the validity thereof.</p> | <p>(d) die stembriewe sorteer, met inagneming van die bepalings van subartikel 3, op die grondslag van die geregistreerde partye vir wie die stemme uitgebring is;</p> <p>(e) die stemme tel wat op elke geregistreerde party uitgebring is; en</p> <p>(f) die uitslag van die stemming in 'n distrik bepaal deur —</p> <p style="padding-left: 20px;">(i) die aantal stemme ontvang van 'n distrik; en</p> <p style="padding-left: 20px;">(ii) die aantal aangebode stembriefstemme, uitgebring ten opsigte van elke geregistreerde party, bymekaar te tel.</p> <p>(2) Nadat die bepalings van subartikel (1) nagekom is ten opsigte van al die distrikte in die gebied, moet die hoofverkiesingsbeampte die uitslag van die stemming in die verkiesing bepaal deur die getalle van die stemme in al die distrikte ten opsigte van 'n geregistreerde party uitgebring, bymekaar te tel.</p> <p>(3) (a) Die hoofverkiesingsbeampte moet 'n aangebode stembrief verwerp en nie tel nie —</p> <p style="padding-left: 20px;">(i) wat stemme op meer as een geregistreerde party uitbring; of</p> <p style="padding-left: 20px;">(ii) wat nie die amptelike merk dra nie en ten opsigte waarvan hy gegronde rede het om te glo dat dit nie amptelik ingevolge artikel 21(6) aan 'n kieser uitgereik is nie; of</p> <p style="padding-left: 20px;">(iii) wat ongemerk is of waarop dit onmoontlik is om met sekerheid te bepaal vir watter geregistreerde party die stem uitgebring is.</p> <p>(b) Die hoofverkiesingsbeampte verwerp nie, maar tel 'n aangebode stembrief met 'n merk of skrif daarop waardeur 'n kieser sy keuse duidelik aangedui het op 'n ander wyse as deur 'n kruis op die betrokke stembrief.</p> <p>(4) Die verwerping of aanvaarding van 'n aangebode stembrief deur die hoofverkiesingsbeampte kragtens die bepalings van hierdie Proklamasie is finaal, en geen gereghof is bevoeg om uitspraak oor die geldigheid daarvan te doen nie.</p> |
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(5) The chief electoral officer shall endorse the word "rejected" or "verwerp" on any tendered ballot paper finally rejected in terms of this Proclamation, and shall for that purpose open every tendered ballot paper envelope containing such a ballot paper, take out the ballot paper without unfolding it, and remove and destroy such envelope.

Constitution of Assembly

36. The Assembly shall consist of 72 members who shall be persons nominated by the registered parties elected for that purpose at the election held in accordance with the provisions of this Proclamation, and declared as duly elected in terms of section 39(1)(b).

Qualifications of members of Assembly

37. Any person whose name appears on the register of voters and who is of or over the age of twenty-one years shall be qualified to be elected as a member of the Assembly.

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

38. (1) When all the votes have been counted and the number of votes recorded for 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 39(1)(b) to be duly elected as members of the Assembly.

(2) For the purpose of calculating the said number of candidates, a quota of votes for one candidate shall be determined by dividing the total number of votes recorded for all the registered parties at the election, by the number seventy-two (that number being the number of seats in the Assembly required to be filled by means of the election as contemplated in section 36), while any remainder obtained in calculating the value of the quota in question shall be 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;

(5) Die hoofverkiegingsbeampte endosseer die woord "verwerp" of "rejected" op 'n aangebode stembrief wat finaal ingevolge hierdie Proklamasie verwerp is, en vir dié doel moet hy elke aangebode stembriefkoevert wat so 'n stembrief bevat, oopmaak, die stembrief uithaal sonder om dit oop te vou, en die koevert verwyder en vernietig.

Samestelling van Vergadering

36. Die Vergadering bestaan uit 72 lede wat persone moet wees wat genomineer is deur die geregistreerde partye wat vir daardie doel verkies is by die verkiesing gehou ooreenkomstig die bepalinge van hierdie Proklamasie, en wat behoorlik as verkose verklaar is ingevolge artikel 39(1)(b).

Kwalifikasies van lede van Vergadering

37. Enige persoon wie se naam op die register van kiesers verskyn en wat een-en-twintig jaar oud of ouer is, is bevoeg om as lid van die Vergadering verkies te word.

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

38. (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 hoofverkiegingsbeampte, op die wyse hieronder voorgeskryf, die aantal kandidate van daardie geregistreerde party, indien daar is, wat ingevolge artikel 39(1)(b) tot behoorlik verkose lede van die Vergadering verklaar moet word.

(2) Vir die berekening van genoemde aantal kandidate word 'n kwota stemme vir een kandidaat vasgestel deur die totale aantal stemme wat op al die geregistreerde partye by die verkiesing uitgebring is, te deel deur die getal twee-en-sewentig (daardie getal synde die aantal setels in die Vergadering wat deur middel van die verkiesing gevul moet word soos beoog in artikel 36), 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 represents the number of votes recorded for the registered party concerned;

B represents the appropriate quota determined 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 remainder obtained in calculating the value of $(A \div B)$ is disregarded except for the purposes of subsection (4), in which such remainder shall be 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.

(5) If, in the application of the provisions of subsection (4), only one seat remains to be allocated and two or more registered parties have an equal number of unallocated votes, and such registered parties have more unallocated votes than any other registered party that has not been allocated a seat under that subsection, the remaining seat shall be allocated to that registered party with the equal number of unallocated votes that has received the lowest total number of votes in the election.

Announcement of result of election

39. (1) As soon as possible after the provisions of section 38 have been complied with in respect of all the registered parties, the chief electoral officer shall thereupon announce, outside the principal outer door of the premises in which the counting of the votes took place, the result of the election by —

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

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.

(5) Indien, by die toepassing van die bepalings van subartikel (4), daar slegs een setel oorbly om toegeken te word en twee of meer geregistreerde partye het 'n gelyke aantal nie-toegewysde stemme, en sodanige geregistreerde partye het meer nie-toegewysde stemme as enige ander geregistreerde party wat nie 'n setel kragtens daardie subartikel toegeken is nie, word die oorblywende setel toegeken aan daardie geregistreerde party met die gelyke aantal nie-toegewysde stemme wat die minste totale aantal stemme in die verkiesing verkry het.

Aankondiging van uitslag van verkiesing

39. (1) So gou doenlik, nadat daar ten opsigte van al die geregistreerde partye aan die bepalings van artikel 38 voldoen is, kondig die hoofverkiesingsbeampte die uitslag van die verkiesing buitekant die hoofbuite deur van die perseel waarin die tel van stemme plaasgevind het, aan deur —

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

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

(b) declaring —

- (i) 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; and
- (ii) if the number of candidates determined as aforesaid is more than the candidates available 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,

to be duly elected as members of the Assembly with effect from the last polling day determined in respect of the election.

(2) If there appears on any list of candidates the name of a person who died or was found not to be a qualified person in relation to the Assembly on or before the date of the declaration contemplated in subsection (1)(b), 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 who has in terms of subsection (1)(b) been declared to be a duly elected member becomes vacant before the day the Assembly is first convened, the vacancy shall be filled by the chief electoral officer declaring to be a duly elected member 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 is the next available name on the list of such candidates published in terms of section 11(1); or
- (b) if the name of no such person is available 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.

treerde party, die aantal stemme op hom uitbring en die aantal kandidate, indien daar is, ingevolge daardie artikel in sy geval bepaal, bekend te maak; en

- (b) (i) 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; en

- (ii) indien die aantal kandidate vasgestel soos voormeld meer is as die kandidate wat op genoemde lys beskikbaar is, 'n bevoegde persoon wat skriftelik genomineer is vir daardie doel deur genoemde geregistreerde party en wat sy nominasie skriftelik aanvaar het,

te verklaar as behoorlik verkies tot lede van die Vergadering met ingang van die laaste stembag 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 verklaring in subartikel (1)(b) beoog, te sterwe gekom het of bevind is nie 'n bevoegde persoon met betrekking tot die Vergadering te wees nie, 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 wat ingevolge subartikel (1)(b) tot behoorlik verkose lid verklaar is, vakant word voordat die Vergadering vir die eerste maal vergader, word die vakature gevul deur die verklaring, deur die hoofverkiesingsbeampte, tot behoorlik verkose lid 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 bedoelde setel ontruim het so 'n kandidaat was, en wie se naam die volgende beskikbare naam is op die ingevolge artikel 11(1) gepubliseerde lys van sodanige kandidate; of
- (b) indien die naam van geen persoon aldus op genoemde lys beskikbaar is nie, 'n bevoegde persoon wat vir dié doel skriftelik deur genoemde geregistreerde party genomineer is en wat sy nominasie skriftelik aanvaar het.

Jurisdiction in respect of setting aside announcement of result of election

40. The announcement of the result of the election made by the chief electoral officer in terms of section 39 shall not be set aside by any court of law.

Publication of result of election

41. (1) The chief electoral officer shall cause a notice of the announcement made by him in terms of section 39 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 and safe-keeping of election material

42. (1) The chief electoral officer shall as soon as practicable after the announcement of the result of the election enclose in separate packets —

- (a) all counted tendered ballot papers;
- (b) all rejected tendered ballot papers;
- (c) all registration cards together with the register of voters; and
- (d) all lists of voters and ballot paper accounts,

and shall seal such packets and cause them, together with the packets referred to in section 31(6), to be delivered to the Registrar of the Supreme Court of South West Africa.

(2) The said Registrar shall be responsible for the safe-keeping of all the packets received in terms of this Proclamation, and shall retain them until such time any competent authority directs otherwise.

(3) Subject to the provisions of subsection (4), no person shall open, or inspect the contents of the packets referred to in subsection (2), except by order of the said court, which may be granted on the court being satisfied by evidence on oath that the inspection or production of any document contained in such packet is required for the purposes of instituting or maintaining a prosecution for an offence in relation to the election or in relation to the registration of voters under the

Regsbevoegdheid ten opsigte van die tersydestelling van aankondiging van uitslag van verkiesing

40. Die aankondiging van die uitslag van die verkiesing deur die hoofverkiesingsbeampte ingevolge artikel 39 gedoen, word nie deur 'n geregshof tersyde gestel nie.

Publikasie van uitslag van verkiesing

41. (1) Die hoofverkiesingsbeampte laat 'n kennisgewing van die aankondiging deur hom ingevolge artikel 39 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 en bewaring van verkiesingsmateriaal

42. (1) Die hoofverkiesingsbeampte moet so gou doenlik na die aankondiging van die uitslag van die verkiesing in afsonderlike pakkette toemaak —

- (a) alle getelde stembriewe;
- (b) alle verworpe stembriewe; en
- (c) alle registrasiekaarte tesame met die register van kiesers; en
- (d) alle lysie van kiesers en stembriefverslae,

en sodanige pakkette verseël en hulle, tesame met die pakkette bedoel in artikel 31(6) aan die Griffier van die Hooggeregshof van Suidwes-Afrika laat aflewer.

(2) Genoemde Griffier is verantwoordelik vir die veilige bewaring van die pakkette ontvang ingevolge hierdie Proklamasie en behou hulle totdat 'n bevoegde gesag anders gelas.

(3) Behoudens die bepalinge van subartikel (4), mag niemand die pakkette bedoel in subartikel (2) oopmaak of die inhoud daarvan insien nie behalwe kragtens 'n bevel van genoemde hof, wat verleen kan word wanneer die hof op grond van beëdigde getuieniis oortuig is dat insae in of voorlegging van 'n stuk in so 'n pakket bevat, vereis word ten einde 'n vervolging met betrekking tot die verkiesing of met betrekking tot die registrasie van kiesers kragtens die Registrasieproklamasie in te stel of voort

Registration Proclamation, and any such order may be made subject to such conditions as to persons and time, place and manner of inspection or production as the court may deem fit.

(4) The chief electoral officer, or such other person as a competent authority may determine, shall be entitled to open and inspect any packet containing registration cards or the register of voters, in order to ascertain for the purposes of any provision of this Proclamation that the name of any person appears on the register of voters: Provided that such packet shall be closed and sealed after every such inspection.

(5) Any power conferred upon the court by this section may be exercised by any judge of the court in chambers.

OFFENCES AND PENALTIES

Infringement of secrecy

43. (1) Every officer or agent to the extent determined by this Proclamation, present 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 determined by 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.

(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) (a) Every person present at the determination of the result of the poll shall maintain, and aid in maintaining, the secrecy of the

te sit, en so 'n bevel kan onderworpe gestel word aan die voorwaardes aangaande persone en tyd, plek en wyse van insae of voorlegging wat die hof goed ag.

(4) Die hoofverkiesingsbeampte, of die ander persoon wat die Administrateur-generaal bepaal, is geregtig om 'n pakket wat registrasiekaarte of die register van kiesers bevat, oop te maak en in te sien ten einde vir die doeleindes van die een of ander bepaling van hierdie Proklamasie vas te stel dat die naam van 'n persoon op die register van kiesers verskyn: Met dien verstande dat bedoelde pakket na elke sodanige insae toegemaak en verseël moet word.

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

MISDRYWE EN STRAWWE

Skending van geheimhouding

43. (1) Elke beampte of agent in die mate by hierdie Proklamasie bepaal 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 bywet gemagtigde doel, enige inligting meedeel wat die geheimhouding van die stemming waarskynlik sal verydel nie.

(2) Behalwe soos by hierdie Proklamasie bepaal, 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.

(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) (a) Elkeen wat teenwoordig is by die bepaling van die uitslag van die stemming moet die geheimhouding van die stemming hand-

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.

- (b) No person present at the counting of votes shall communicate to any other person any information obtained at such counting about the registered party in respect of which a vote has been recorded in any spoiled ballot paper.

(5) Except under the provisions of section 22, no person shall attempt to ascertain, or directly or indirectly assist in ascertaining, for which registered party any voter has recorded his vote.

(6) Any person who, in the carrying out of his duties under this Proclamation, has obtained any knowledge as to the registered party for which any person has recorded his vote, shall not disclose such knowledge.

(7) No person shall, except upon the order of any court or as authorized by this Proclamation, break the seal of a sealed packet or open such a packet.

(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 to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Neglect of duty

44. Any controller, electoral officer, presiding officer, polling officer or counting officer, who after having accepted an appointment as such, 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 derogating from any other provision of this Proclamation, be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

haaf 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.

- (b) Niemand wat by die tel van stemme teenwoordig is, mag aan iemand anders enige inligting oordra nie wat by sodanige tel van stemme verkry is oor die geregistreerde party ten opsigte waarvan 'n stem op 'n bedorwe stembrief uitgebring is.

(5) Behalwe kragtens die bepalings van artikel 22, mag niemand poog om vas te stel, of regstreeks of onregstreeks help om vas te stel, op watter geregistreerde party 'n kieser sy stem uitgebring het nie.

(6) Iemand wat by die verrigting van sy pligte ingevolge hierdie Proklamasie te wete gekom het op watter geregistreerde party iemand sy stem uitgebring het, mag daardie kennis nie openbaar nie.

(7) Niemand mag, behalwe op bevel van 'n hof of ingevolge magtiging by hierdie Proklamasie verleen, die seël van 'n verseëlde pakket breek of so 'n pakket oopmaak nie.

(8) Iemand wat 'n bepaling van hierdie artikel oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R6 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf.

Pligsversuim

44. 'n Kontroleur, verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte wat, nadat hy 'n aanstelling as sodanige aanvaar het, 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 R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met sowel daardie boete as daardie gevangenisstraf.

Disturbance of proceedings and obstruction of officers

45. Any person who —

- (a) wilfully obstructs or disturbs any proceedings under this Proclamation at a polling station or obstructs or interferes with the chief electoral officer or any controller, 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; or
- (b) on any polling day does any canvassing for votes or erects any poster or structure, other than for official purposes, nearer than 500 metres from the polling station; or
- (c) on any polling day uses any form of loud-speaker, excluding for official purposes, or organizes any procession of or demonstration by persons or participates therein,

shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Undue influence

46. 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 bodily or psychological injury, damage, hazard or loss, upon or against, or does or threatens to do anything to the disadvantage of, any person or his next of kin 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 to vote in favour of a particular registered party, or impedes, hinders or prevents the

Onderbreking van verrigtinge en belemmering van beamptes

45. Iemand wat —

- (a) enige verrigtinge kragtens hierdie Proklamasie by 'n stemburo opsetlik belemmer, onderbreek of versteur, of wat die hoofverkiegingsbeampte of 'n kontroleur, 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
- (b) op 'n stemburg enige stemme werf of 'n plakkaat of struktuur oprig buiten vir amptelike doeleindes nader as 500 meter aan die stemburo; of
- (c) op 'n stemburg, uitgesonderd vir amptelike doeleindes, enige vorm van luidspreker gebruik of wat enige optog van of betoging deur persone reël of daaraan deelneem,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.

Onbehoorlike beïnvloeding

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

- (a) op of teen enige persoon of sy naasbestaandes geweld of dwang gebruik of dreig om dit te gebruik, of enige persoon of sy naasbestaandes enige liggaamlike of psigiese leed, skade, kwaad of verlies aandoen of berokken of dreig om dit te doen, of iets tot nadeel van enige persoon of sy naasbestaandes 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

free exercise of the franchise by any voter at the election,

van sy stemreg by die verkiesing belemmer, verhinder of belet,

shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel daardie boete as daardie gevangenisstraf.

Bribery

Omkoopery

47. (1) Any person who, whether himself or through an intermediary and whether directly or indirectly —

47. (1) Iemand wat, hetsy self of deur 'n ander persoon en hetsy regstreeks of onregstreeks —

(a) corruptly gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure, or promises to endeavour to procure, any money or any other thing, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person —

(a) op korrupte wyse aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir 'n ander persoon, geld of enigiets anders skenk, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied of beloop of beloop om dit te verkry of beloop om te probeer om dit te verkry —

(i) for the purpose of inducing such voter to record or abstain from recording his vote in the election; or

(i) met die doel om sodoende 'n kieser te beweeg om sy stem by die verkiesing uit te bring of hom van stemming te onthou; of

(ii) on account of the fact that such voter has recorded or abstained from recording his vote in the election; or

(ii) vanweë die feit dat sodanige kieser sy stem by die verkiesing uitgebring het of hom van stemming onthou het; of

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

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

(c) makes any such gift, loan, offer or promise or effect for him any such procurement or enters into any such agreement to or for or with any other person for the purpose of inducing such person to vote for any particular registered party; or

(c) aan 'n ander persoon sodanige skenking maak of aanbod of belofte doen of vir hom sodanige lening gee, of vir hom sodanige verkryging bewerkstellig of met hom sodanige ooreenkoms aangaan met die doel om sodanige persoon te beweeg om vir 'n bepaalde geregistreerde party te stem; of

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

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

- (e) advances or pays, or causes to be advanced or paid, any money, to, or for the use of, any other person with the intention that such money, or any part thereof, is to be expended in bribery in the election, or who knowingly pays, or causes to be paid, any money to any other person in discharge or repayment of any money which has in full or in part been expended in bribery in the election; or
- (f) before or during the election, receives or negotiates any payment or loan on his own behalf or on behalf of any other person in consideration for his voting or his agreeing to vote in such election or his abstaining from voting, or his agreeing to abstain from voting, in such election; or
- (g) after the election has received any money on account of the fact that any other person —
 - (i) has recorded his vote or has abstained from recording his vote in such election; or
 - (ii) has induced any further person to record or to abstain from recording his vote in such election,

shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment.

(2) Nothing —

- (a) in subsection (1)(a) contained shall be construed as applying to any transportation rendered to any voter for the purpose of recording his vote;
- (b) in this section contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure *bona fide* and lawfully incurred.

Impersonation

48. Any person who —

- (a) in the election applies for a ballot paper in

- (e) aan of vir die gebruik van 'n ander persoon geld voorskiet of betaal, of laat voorskiet of betaal, met die bedoeling dat sodanige geld of 'n deel daarvan by die verkiesing aan omkopery bestee moet word, of wat willens en wetens aan 'n ander persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat ten volle of ten dele by 'n verkiesing aan omkopery bestee is; of
- (f) voor of gedurende die verkiesing, vir homself of ten behoeve van 'n ander persoon, enige betaling of lening ontvang of beding as teenprestasie daarvoor dat hy by sodanige verkiesing gestem het of ooreengekom het om by sodanige verkiesing te stem, of dat hy hom by sodanige verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou; of

- (g) na die verkiesing geld ontvang het vanweë die feit dat 'n ander persoon —

- (i) by sodanige verkiesing sy stem uitbring het of hom van stemming onthou het; of
- (ii) by sodanige verkiesing 'n verdere persoon beweeg om sy stem uit te bring of hom van stemming te onthou,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of met gevangenisstraf vir 'n tydperk van hoogstens tien jaar of met sowel daardie boete as daardie gevangenisstraf.

(2) Geen bepaling —

- (a) van subartikel (1)(a) word uitgelê as sou dit van toepassing wees op enige vervoer verskaf aan 'n kieser ten einde sy stem te kan uitbring nie;
- (b) van hierdie artikel word uitgelê as sou dit van toepassing wees op geld wat vir of weens *bona fide* en wettige aangeane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word nie.

Uitgee vir 'n ander

48. Iemand wat —

- (a) by die verkiesing in die naam van 'n ander

the name of some other person living or dead or of a fictitious person and who records a vote in the name of any such person; or

- (b) having voted once in the election, in such election applies again for a ballot paper; or
- (c) submits any affidavit required in terms of this Proclamation containing any information or allegation which he knows to be false,

shall be guilty of an offence and liable on conviction to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Corrupt procurement or withdrawal of candidature

49. Any person who —

- (a) corruptly induces or procures any other person to become a candidate or to withdraw as a candidate in the election in consideration of any payment or promise of any nature; or
- (b) becomes a candidate or withdraws as a candidate in the election as a result of inducement or procurement provided in paragraph (a); or
- (c) for the purpose of promoting or securing the election of another candidate or registered party, before or during the election, publishes a false statement of the withdrawal of a registered party or the death or withdrawal of a candidate from such election, knowing such statement to be false,

shall be guilty of an offence and liable on conviction to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment.

Treating

50. Any person who —

- (a) corruptly, whether himself or through an intermediary, whether before or during or

persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen en in die naam van sodanige persoon 'n stem uitbring; of

- (b) nadat hy een maal by die verkiesing gestem het, by sodanige verkiesing weer om 'n stembrief aansoek doen; of
- (c) ingevolge die voorskrifte van hierdie Proklamasie 'n beëdigde verklaring voorlê wat enige inligting of bewering bevat wat hy weet vals is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R6 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf.

Korrupte verkryging of terugtrekking van kandidatuur

49. Iemand wat —

- (a) 'n ander persoon op korrupte wyse beweeg of verkry om, as teenprestasie vir 'n betaling of belofte van watter aard ookal, by die verkiesing 'n kandidaat te word of hom as kandidaat terug te trek; of
- (b) as gevolg daarvan dat hy beweeg of verkry is soos in paragraaf (a) bedoel, by 'n verkiesing 'n kandidaat word of hom as kandidaat terugtrek; of
- (c) met die doel om die verkiesing van 'n ander kandidaat of geregistreerde party te bevorder of te bewerkstellig voor of gedurende die verkiesing 'n valse verklaring dat 'n geregistreerde party of kandidaat by sodanige verkiesing teruggetrek het, publiseer wetende dat sodanige verklaring vals is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R6 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf.

Trakteerdery

50. Iemand wat —

- (a) op korrupte wyse, hetsy voor, gedurende of na die verkiesing, hetsy self of deur 'n

after the election and whether directly or indirectly, gives or provides, or pays in full or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any other person —

- (i) for the purpose of corruptly influencing such other person or any further person to record or abstain from recording his vote in such election; or
 - (ii) on account of the fact that such other person or any further person has recorded or has abstained from recording or is about to record or to abstain from recording his vote in such election; or
- (b) being a voter, corruptly accepts or takes any food, drink, entertainment, lodging or provisions referred to in paragraph (a),

shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

Offences relating to voting procedures and polling stations and equipment

51. (1) Any person who —

- (a) for the purpose to have a ballot paper issued to him, knowingly produces to any presiding officer or polling officer a registration card issued to or in the name of some other person, living or dead, or a fictitious person, or a registration card which has been altered with intent to deceive, or any document purporting to be but not being a registration card; or
- (b) having previously voted at the election, votes again or produces to any presiding officer or polling officer, for the purpose to have a ballot paper issued to him, a registration card, whether issued to him or in the name of some other person, living or dead, or a fictitious person, or any document purporting to be but not being a registration card; or

tussenpersoon en hetsy regstreeks of onregstreeks aan 'n ander persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, ten volle of ten dele betaal —

- (i) met die doel om sodanige ander persoon of 'n verdere persoon op korrupte wyse te beïnvloed om sy stem by sodanige verkiesing uit te bring of hom van stemming te onthou; of
 - (ii) vanweë die feit dat sodanige ander persoon of 'n verdere persoon sy stem by sodanige verkiesing uitgebring het of hom van stemming onthou het of sy stem gaan uitbring of hom van stemming gaan onthou; of
- (b) 'n kieser is en wat op korrupte wyse voedsel, drank, vermaak, inwoning of lewensmiddele in paragraaf (a) bedoel, ontvang of neem,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf van 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.

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

51. (1) Iemand wat —

- (a) wetens 'n registrasiekaart wat aan of op die naam van 'n ander lewende of afgestorwe persoon of 'n denkbeeldige persoon uitgereik is of 'n registrasiekaart wat verander is, of 'n stuk wat heet 'n registrasiekaart te wees maar dit nie is nie, aan 'n voorsittende beampte of stemopnemer voorlê met die doel dat 'n stembrief aan hom uitgereik word; of
- (b) terwyl hy voorheen by die verkiesing gestem het, weer stem, of 'n registrasiekaart, hetsy dit aan hom of aan of op die naam van 'n ander lewende of afgestorwe persoon of 'n denkbeeldige persoon uitgereik is, of 'n stuk wat heet 'n registrasiekaart te wees maar dit nie is nie, aan 'n voorsittende beampte of stemopnemer voorlê met die doel dat 'n stembrief aan hom uitgereik word; of

- (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 issued to him in terms of this Proclamation or into any tendered ballot paper envelope any paper other than a ballot paper so issued to him; or
- (f) fraudulently takes out of any polling station any ballot paper or ballot paper envelope; 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; or
- (i) without lawful authority destroys, mutilates, defaces or removes any notice exhibited under this Proclamation,

shall be guilty of an offence and liable on conviction —

- (i) in the case of an offence in terms of paragraph (a), (b) or (c), to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment; and
- (ii) in any other case, to a fine not exceeding R2 000 or to imprisonment for a period not exceeding one year 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 a registration card 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 21, or that a registration card when so produced has been altered, it shall be presumed, unless the contrary is proved, that the accused has produced such registration card or document for the purpose

- (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 uitgereik is, in 'n stembus plaas of 'n ander stuk papier as 'n stembrief aldus aan hom uitgereik in 'n aangebode stembriefkoevert plaas; of
- (f) op bedrieglike wyse 'n stembrief of stembriefkoevert 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 wat deur die voorsittende beampte by 'n stemburo gegee word, verontagsaam;
- (i) sonder wettige magtiging, 'n kennisgewing wat kragtens hierdie Proklamasie vertoon is vernietig, beskadig, onleesbaar maak of verwyder,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar —

- (i) in die geval van 'n misdryf ingevolge paragraaf (a), (b) of (c), met 'n boete van hoogstens R6 000 of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf; en
- (ii) in enige ander geval met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar 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 registrasiekaart 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 plig en werksaamhede kragtens artikel 21 te verrig, of dat 'n registrasiekaart aldus voorgelê verander was, word vermoed, tensy die teendeel bewys word, dat die beskuldigde daardie registrasiekaart of stuk voorgelê het met

to have a ballot paper issued to him, and, in the case of a prosecution under the said paragraph (a), that he so produced the registration card knowing it to have been issued to or in the name of some other person or a fictitious person, or that the registration card has been 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 a registration card, as the case may be.

(3) If, in any prosecution under paragraph (b) of subsection (1) of this section, it is proved that any finger of the accused, upon being examined as contemplated in paragraph (b) of subsection (4) of section 21, displays the identification mark as defined in paragraph (a) of the said subsection (4), and that the provisions of paragraph (c) of the said subsection (4) relating to the observing of such identification mark were complied with, shall be presumed, unless the contrary is proved, that the accused had previously voted at the election.

Printed matter to bear publisher's name

52. (1) Every bill, placard, poster, pamphlet and circular and all other printed matter related to the election, shall contain the name and address of the printer and publisher thereof in a clearly legible form.

(2) No person shall print, publish or post up, or cause to be printed, published or posted up, any printed matter contemplated in subsection (1), failing to contain the name and address of the printer and publisher thereof in a clearly legible form.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed in his newspaper as a headline to each article or paragraph —

- (a) which contains electoral matter: and
- (b) (i) the insertion of which has been or is to be paid for: or
- (ii) for the insertion of which any reward or compensation has been or is to be given or any promise of reward or compensation has been or is to be made.

(4) For the purposes of subsection (3), the word "electoral matter" shall mean all matter which on the face of it is intended or calculated to affect the

die doel dat 'n stembrief aan hom uitgereik word, en, in die geval van 'n vervolging ingevolge genoemde paragraaf (a), dat hy die registrasiekaart aldus, voorgelê het wetende dat dit aan of op die naam van 'n ander persoon of denkbeeldige persoon uitgereik was of dat die registrasiekaart 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 registrasiekaart was nie, na gelang van die geval.

(3) Indien daar by 'n vervolging kragtens paragraaf (b) van subartikel (1) van hierdie artikel bewys word dat 'n vinger van die beskuldigde by die ondersoek daarvan soos in paragraaf (b) van subartikel (4) van artikel 21 beoog, die identifikaasiemerk soos in paragraaf (a) van genoemde subartikel (4) omskryf, getoon het en dat die bepaling van paragraaf (c) van genoemde subartikel (4) met betrekking tot die waarneming van sodanige identifikaasiemerk nagekom is, word vermoed, tensy die teendeel bewys word, dat die beskuldigde voorheen by die verkiesing gestem het.

Drukwerk moet naam van uitgewer dra

52. (1) Elke biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief en alle ander drukwerk wat op die verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan in 'n duidelik leesbare vorm bevat.

(2) Niemand mag drukwerk in subartikel (1) beoog wat nie die naam en adres van die drukker en uitgewer in 'n duidelik leesbare vorm bevat nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van elke nuusblad moet in sy nuusblad die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf —

- (a) wat verkiesingstof bevat; en
- (b) (i) vir die opneming waarvan betaal is of gaan word; of
- (ii) vir die opneming waarvan 'n beloning of vergoeding gegee is of gaan word of 'n belofte van beloning of vergoeding gedoen is of gaan word.

(4) By die toepassing van subartikel (3) beteken "verkiesingstof" alles wat, na die uiterlike geoordeel, bedoel of daarop bereken is om die uitslag

result of the election, including any report of a speech of a candidate or representative of a political organization or registered party, if the insertion of such report has been or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular and cartoon and all other printed matter, hereinafter in this subsection referred to as a newspaper article, which, on the face of it, is intended or calculated to affect the result of the election which is inserted in any newspaper or otherwise produced, shall contain at the foot thereof the full name and address of the person by whom such newspaper article has been written or produced: Provided that —

- (a) any newspaper article which is inserted in a newspaper as aforesaid and which has been altered substantially by the editor of the newspaper, may be signed by the editor;
- (b) in the case of a report of any public meeting written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if such report as a whole contains on the front page thereof the full names and addresses of the persons by whom it has been written; and
- (c) in the case of a headline to any newspaper article which is inserted in any issue of a newspaper as aforesaid, and in the case of any bill, placard or poster referred to in such headline and published in the ordinary practice of such newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headline, bill, placard or poster has been written, together with a statement that the said headline, bill, placard or poster has been written by the said persons, is published in such issue of the said newspaper.

(6) The provisions of this section shall not apply to any printed matter printed, published or posted up before the date of commencement of this Proclamation.

(7) Any person who contravenes or fails to comply with any provision of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to imprisonment

van die verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n verteenwoordiger van 'n politieke organisasie of geregistreerde party, indien daar vir die opneming van sodanige verslag betaal is of gaan word.

(5) Elke verslag, brief, artikel, biljet, plakkaat, aanplakbiljet, pamflet, omsendbrief en spotprent en alle ander drukwerk, hierna in hierdie subartikel 'n nuusbladartikel genoem, wat, na die uiterlike geoordeel, bedoel of daarop bereken is om die uitslag van die verkiesing te beïnvloed, wat in 'n nuusblad opgeneem word of op 'n ander wyse geproduseer word, moet onderaan die volle naam en adres bevat van die persoon deur wie sodanige nuusbladartikel geskryf of geproduseer is: Met dien verstande dat —

- (a) 'n nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, deur die redakteur onderteken mag word;
- (b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit by die toepassing van hierdie subartikel voldoende is as sodanige verslag in sy geheel op die voorbladsy daarvan die volle name en adresse bevat van die persone deur wie dit geskryf is; en
- (c) in die geval van 'n opskrif by 'n nuusbladartikel wat soos voormeld in enige uitgawe van 'n nuusblad opgeneem is, en in die geval van 'n biljet, plakkaat of aanplakbiljet wat op sodanige opskrif betrekking het en wat volgens die gewone gebruik van sodanige nuusblad uitgegee word, dit by die toepassing van hierdie subartikel voldoende is as die volle name en adresse van die persone deur wie sodanige opskrif, biljet, plakkaat of aanplakbiljet deur genoemde persone geskryf is, gepubliseer word in sodanige uitgawe van genoemde nuusblad.

(6) Die bepalings van hierdie artikel is nie van toepassing nie op enige drukwerk gedruk, gepubliseer of aangeplak voor die datum van inwerking-treding van hierdie Proklamasie.

(7) Iemand wat 'n bepaling van hierdie artikel oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met

for a period not exceeding five years or to both such fine and such imprisonment.

GENERAL

Jurisdiction in respect of penalties

53. Notwithstanding anything to the contrary contained in any other law, a magistrate's court shall have jurisdiction to impose any penalty prescribed by this Proclamation.

Voter not required in legal proceedings to disclose his vote

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

Evidence of election

55. 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.

Submissions in writing by registered parties

56. Where a registered party is in terms of 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 registered party concerned if it is submitted under the signature of the secretary of such registered party or under a signature of a person purporting to act on behalf of that registered party.

Sundays and public holidays

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

gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met sowel daardie boete as daardie gevangenisstraf.

ALGEMEEN

Regsbevoegdheid ten opsigte van strawwe

53. Ondanks andersluidende wetsbepalings, is 'n landdroshof bevoeg om enige by hierdie Proklamasie voorgeskrewe straf op te lê.

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

54. 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.

Bewys van verkiesing

55. 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 besig was om gehou te word of gehou is, voldoende bewys van die feit dat die verkiesing besig was om gehou te word of gehou is.

Skriftelike voorleggings deur geregistreerde partye

56. Waar '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 geregistreerde party voorgelê word indien dit onder die handtekening van die sekretaris van daardie geregistreerde party voorgelê word of onder 'n handtekening van 'n persoon wat heet namens daardie geregistreerde party te handel.

Sondae en openbare vakansiedae

57. Wanneer enigiets volgens voorskrif van hierdie Proklamasie op 'n bepaalde datum begin, voltooi of gedoen moet word en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare vakansiedag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende dag na daardie Sondag of openbare vakansiedag of, as laasbedoelde dag ook 'n Sondag of openbare vakansiedag is, dan op die eersvolgende dag na daardie Sondag of openbare vakansiedag.

Instructions and forms

58. 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 and which is not prescribed by those provisions.

Saving

59. No decision taken by the chief electoral officer, any electoral officer, presiding officer, polling officer or counting officer under any power conferred or duty imposed upon him by any provision of this Proclamation shall be justiciable in any court of law on the ground thereof that such power or duty was exercised or performed by such person in concurrence with the Special Representative of the United Nations or any member of the United Nations Transition Assistance Group.

Short title

60. This Proclamation shall be called the Election (Constituent Assembly) Proclamation, 1989.

Voorskrifte en vorms

58. 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.

Voorbehoud

59. Geen beslissing deur die hoofverkiesingsbeampte, 'n verkiesingsbeampte, voorsittende beampte, stemopnemer of telbeampte geneem kragtens 'n bevoegdheid of 'n plig hom verleen of opgelê deur enige bepaling van hierdie Proklamasie is op grond daarvan dat sodanige bevoegdheid of plig uitgeoefen of verrig is deur sodanige persoon met die instemming van die Spesiale Verteenwoordiger van die Verenigde Nasies of 'n lid van die Verenigde Nasies Oorgangsbystandsgroep, in enige hof beregbaar nie.

Kort titel

60. Hierdie Proklamasie heet die Verkiesingsproklamasie (Grondwetgewende Vergadering), 1989.