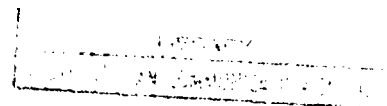




REPUBLIC OF SOUTH AFRICA 1997-07-22



GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

VOL. 385

CAPE TOWN, 11 JULY 1997

KAAPSTAD, 11 JULIE 1997

No. 18126

PRESIDENT' S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 938.

11 July 1997 No. 938.

11 Julie 1997

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

No. 20 of 1997: Electoral Amendment Act, 1997.

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

No. 20 van 1997: Kieswysigingswet 1997

GENERAL EXPLANATORY NOTE:

- [1 Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Electoral Act, 1993, so as to delete, insert or amend certain definitions; to repeal obsolete provisions with regard to the erstwhile Transitional Executive Council and temporary voters' cards; to make a new arrangement as regards the entitlement of persons to vote; to make provision for one national common voters' roll at elections for the National Assembly and the legislatures of the provinces; to re-regulate the registration of political parties, the proclamation of elections and the submission of lists of candidates; to amend the provisions regarding voting stations and counting stations and repeal those regarding foreign voting stations; to re-determine the provisions regarding places of voting, the manner of voting and special voting; in section 44 to dispense with the provisions requiring elections for the National Assembly and those for the legislatures of the provinces to be held and dealt with together; to repeal the provisions relating to the determination of the result of an election for the legislature of a province and to the number of seats therein to which registered political parties are entitled following the conclusion of an election in which they participated; to repeal the provisions relating to (1) the designation of the representatives of registered political parties in the respective legislatures following the conclusion of an election (2) the supplementation of lists of candidates (3) the review of lists of candidates by those registered parties and (4) the filling of vacancies in a legislature; to make new provision for the destruction of election material after the conclusion of an election and for the institution of proceedings on account of the contravention of the Electoral Code of Conduct; to repeal section 74 (relating to the State Electoral Fund) and section 75A (containing obsolete special provisions in relation to the Inkatha Freedom Party); to restrict or abolish the power of the responsible Minister to make regulations regarding certain topics; and to make provision for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 2 July 1997.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 202 of 1993, as amended by Proclamation 69 of 1994 and Proclamation 73 of 1994

1. (1) Section 1 of the Electoral Act, 1993 (hereinafter called the principal Act), is 5 hereby amended—

- (a) by the deletion of the definitions of “Administration Directorate”, “Appeal Tribunal”, “Chief Director”, “Chief Director: Monitoring”, “controlled area”, “counting centre”, “deputy director”, “directorate”, “election centre”, “Electoral Tribunal”, “foreign voting station”, “inner perimeter”, “interim party liaison committee”, “international observer”, “monitor”, “Monitoring Directorate”, “observer”, “security force”, “Special Electoral court”, “temporary voter’s card”, “Transitional Council” and “Tribunal”; 5
- (b) by the insertion after the definition of “candidate” of the following definition:
 “ ‘chief electoral officer’ means the person appointed to that office by the Commission under section 12 of the Commission Act;”; 10
- (c) by the substitution for the definition of “Commission” of the following definition:
 “ ‘Commission’ means the [Independent] Electoral Commission established by section [4(1)] 3 of the Commission Act;”; 15
- (d) by the substitution for the definition of “Commission Act” of the following definition:
 “ ‘Commission Act’ means the [Independent] Electoral Commission Act, [1993 (Act No. 202 of 1993)] 1996;”; 20
- (e) by the insertion after the definition of “electoral officer” of the following definition:
 “ ‘Electoral Court’ means the court established by section 18 of the Commission Act;”; 25
- (f) by the substitution for the definition of “Republic” of the following definition:
 “ ‘Republic’ means the Republic of South Africa[, including the Republics of **Transkei, Bophuthatswana, Venda and Ciskei**] contemplated in section 1 of the Constitution;”; 30
- (g) by the deletion of paragraphs (b), (c) and (e) of the definition of “voters’ eligibility document”; and
- (h) by the insertion after the definition of “voters’ eligibility document” of the following definition:
 “ ‘voters’ roll’ means the voters’ roll compiled and maintained in terms of section 17A;”. 35
- (2) The amendment effected by subsection (1)(f) will be deemed to have come into operation on 14 January 1994. 35

Substitution of section 2 of Act 202 of 1993

2. (1) The following section is hereby substituted for section 2 of the principal Act:

“Application of Act

2. The provisions of this Act and any amendment thereof shall apply—
- (a) in respect of the elections held in terms of the Constitution for the National Assembly and all provincial legislatures; and 40
- (b) in the Republic as a whole, to the exclusion of and in substitution for any other electoral law in force in any part of the national territory immediately prior to the commencement of section 2 of the Electoral Amendment Act, 1996.” 45

- (2) This section will be deemed to have come into operation on 14 January 1994.

Repeal of section 3 of Act 202 of 1993

3. Section 3 of the principal Act is hereby repealed.

Amendment of section 5 of Act 202 of 1993, as amended by section 1 of Act 1 of 1994

4. Section 5 of the principal Act is hereby amended by the deletion of subsections (1) and (2). 50

Substitution of section 15 of Act 202 of 1993, as amended by Proclamation 73 of 1994

5. The following section is hereby substituted for section 15 of the principal Act:

“Persons entitled to vote

15. [(1)] Any person of the age of 18 years or older who is a South African citizen **[of or permanently resident in the Republic]**, whose name is included in the voters’ roll and who is in possession of a voters’ eligibility document shall, in accordance with and subject to the provisions of this Act, be entitled to vote [at the] in an election in respect of which he or she is registered as-a voter.

[(2) For the purposes of this section a person shall be permanently resident in the Republic if he or **she—**

(a) holds a permit for permanent residence in the Republic in terms of section 25 of the Aliens Control Act, 1991 (Act No. 96 of 1991); or

(b) has been exempted from the requirement of holding a permit for permanent residence in terms of section 28(2) of the Aliens Control Act, 1991.

(3) For the purposes of this section a person shall be deemed to be permanently resident in the Republic if such person—

(a) is a former South African citizen, and, notwithstanding any requirement for the exercise of a discretion by the Minister of Home Affairs in terms of section 25bis of the South African Citizenship Act, 1949 (Act No. 44 of 1949), qualifies for the restoration of South African citizenship in terms of the said Act;

(b) was born to or is a spouse of a South African citizen or former South African citizen and has entered the Republic with the intention of residing permanently therein;

(c) establishes, to the satisfaction of the Commission, in the prescribed manner that he or she—

(i) entered the Republic on or before 13 June 1986;

(ii) has been ordinarily resident in the Republic since the date of his or her entry into the Republic; and

(iii) is not a prohibited person in terms of the Aliens Control Act, 1991; or

(d) is a child of a person who satisfies the criteria referred to in paragraph (c) and who establishes, to the satisfaction of the Commission, in the prescribed manner that he or she was born in the Republic and has been ordinarily resident therein since the date of his or her birth.

(4) Any person who satisfies the criteria referred to in paragraph (a), (b), (c) or (d) of subsection (3) shall be deemed to fulfil the requirements of section 4 of the Identification Act, 1986 (Act No. 72 of 1986), for the purposes of obtaining an identity document in terms of section 8 or a temporary identity certificate in terms of section 9 of the said Act or a temporary voter’s card.]”.

Repeal of section 17 of Act 202 of 1993

6. Section 17 of the principal Act is hereby repealed.

Insertion of section 17A in Act 202 of 1993

7. The following section is hereby inserted in the principal Act after section 16:

“Voters’ roll

17A. For the purposes of elections for the National Assembly and for the legislatures of the provinces, the Commission shall compile and maintain, [

in the prescribed manner, one national common voters' roll in which shall be included—

(u) the names of the persons who are eligible to vote in an election of the members of the National Assembly; and

(b) for each province, under its own separate segment, the names of the persons who are eligible to vote in an election of the members of the legislature of that province.”.

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Amendment of section 19 of Act 202 of 1993, as amended by section 3 of Act 1 of 1994

8. Section 19 of the principal Act is hereby amended—

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

“(1) An application for the registration of a party as a participant in [the] an election shall be submitted in the prescribed form to the [Chief Director] chief electoral officer not later than 10 days after the proclamation of the election in terms of section 21 [: Provided that in respect of the first election for the National Assembly and provincial legislatures to be held after the commencement of this Act, an application for late registration or amendment of registration may be so submitted not later than 30 days after **such proclamation**].”:

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

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“(4) [No] A party shall not be registered as a participant in [the] an election unless the duly authorised representative of the party has, on behalf of the party, signed a declaration in the form prescribed by the [Chief Director] chief electoral officer **[has been signed on behalf of such party by the duly authorized representative of the party]** in terms of which the party commits and subjects itself and its office-bearers, officials and candidates (including the office-bearers and officials of parties which are constituent members of a group of parties jointly functioning as a single party for the purposes of the election) to the Electoral Code of Conduct.”;

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

“(5) Within three days after the 10 day period referred to in subsection (1) has expired, the Commission shall cause to be published in the *Gazette* a notice containing a complete list of applications received in terms of that subsection, stating the address at which copies of the original applications and supporting documents shall be available for public inspection, and inviting objections to those applications by any interested parties.”;

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(d) by the substitution for subsections (6) and (7) of the following subsections:

“(6) A copy of each document submitted to the [Chief Director] chief electoral officer for the purposes of the registration of a party as a participant in the election, shall be kept at the address referred to in subsection (5) for inspection by the public, and anyone who desires to inspect such a document, may do so free of charge during office hours.

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(7) The [Chief Director] chief electoral officer shall, upon payment of the prescribed fees, provide a copy of any document referred to in subsection (6) to any person applying therefor.”;

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

“(9) Any objection against the registration of a party as a participant in the election, together with the reasons therefor, shall be lodged in writing with the chief electoral officer within 10 days after the date of publication of the list referred to in subsection (5).”;

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(f) by the substitution for subsection (10) of the following subsection:

“(10) If, after having taken **[the Commission is of the opinion, taking]** into account any objections received against the registration of a party, the Commission is of the opinion that the party's application submitted in terms of subsection (1) —

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(a) complies with the provisions of this section, it shall register that

party as a participant in the election and issue to it a registration certificate in the prescribed form; or

- (b) does not comply with [the] those provisions [of this Act], it shall afford the party an opportunity to rectify such application, but shall make its final determination not later than 28 days after the date of the proclamation of the election in terms of section 21(1) **[or, in respect of a late registration or amendment of registration contemplated in the proviso to subsection (l), not later than 34 days after such date].**”.

Substitution of section 20 of Act 202 of 1993, as amended by section 4 of Act 1 of 1994

9. The following section is hereby substituted for section 20 of the principal Act:

“Notice of registration to be published in *Gazette*

20. [The Chief Director shall] Within three days after the expiry of the 28 [or 34] day period referred to in section 19(10)(b), [as the case may be,] the chief electoral officer shall cause to be published in the *Gazette* a notice containing—

- (a) the full name and business address of the registered party;
 (b) the distinguishing mark or symbol of the registered party;
 (c) the abbreviated name, if any, of the registered party; and
 (d) the address at which a copy of the original application and supporting documents shall be available for public inspection.”.

Substitution of section 21 of Act 202 of 1993, as amended by Proclamation 91 of 1994

10. The following section is hereby substituted for section 21 of the principal Act:

“Determination of voting days and hours of voting

21. (1) Subject to subsection (3), the **[State] President, in the case of an election of members of the National Assembly, or a Premier, in the case of any election of members of a provincial legislature shall. [upon the advice of the Transitional Council]** in consultation with the Electoral Commission, by proclamation in the *Gazette* determine the voting period of the election as well as the hours during which the voting shall take place: Provided that the first voting day shall be at least 60 days but not later than 90 days after the date of such proclamation,

(2) **[The election shall,]** For the purposes of this Act and any other law, an election shall be deemed to have commenced on the date of the proclamation of the election in terms of subsection(1) and to have ended on the **[date of the certification of the results of the election or the declaration that it was unable so to certify by the Commission in terms of section 18 of the Commission Act]** day immediately following the last day of the voting period.

(3) The voting period shall consist of at least one day for special votes followed by not more than two days for general voting[, one of which shall be a public holiday.

(4) Notwithstanding the provisions of subsections (1) and (3) and of Proclamation 17 of 1994, **the** voting period for general voting for the areas known as **Ciskei, Gazankulu,** Lebowa, **KwaZulu, Transkei** and Venda, as they existed on 26 April 1994, **shall** be from 27 April 1994 until 29 April 1994: Provided that votes cast on 29 **April** 1994 **shall** be kept and counted separately].”.

Amendment of section 22 of Act 202 of 1993, as amended by section 5 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

11. (1) The marginal note to section 22 of the principal Act will be deemed to read as follows:

“Submission of lists of candidates to chief electoral officer”.

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(2) Section 22 of the principal Act is hereby amended—

(a) by the deletion of subsection (1);

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

“(2) A registered party shall submit [in the prescribed form] to the [Chief Director] chief electoral officer in the prescribed form, the lists of candidates in respect of the National Assembly [and each of the] or a provincial [legislatures] legislature in which such party wishes to be represented as contemplated in Schedule 2 to the Constitution, within [37] 30 days after the date of the proclamation of the election in terms of section 21 (1): Provided that a registered party may adjust **any such** list or lists of candidates within 51 days after the date of such proclamation.”;

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

“(5) Each list of candidates shall be accompanied—

(a) by a declaration in the prescribed form, signed by the duly authorized office-bearer of the relevant registered party, to the effect that each person whose name appears on the list is a qualified person and, if any such candidate—

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(i) is not a member of that registered party; or

(ii) in addition to being a member of such registered party, is also a member of another party,

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also the name of the party, if any, of which such candidate is a member. or, as the case may be, is also a member; and

(b) in respect of each candidate whose name appears on the list, a declaration, signed by him or her, to the effect that he or she accepts the nomination for candidacy and that he or she commits and subjects himself or herself to the Electoral Code of Conduct,”;

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(d) by the substitution for subsection (6) of the following subsection:

“(6) No documents contemplated in subsections (2) and (5)(a) shall be received after 16:30 on the last day of the [37 or 51] **30** day period referred to in subsection (2).”; and

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

“(8) If a candidate’s name appears on more lists of candidates than is provided for in subsection (7)(a) and that candidate has signed **[acceptances]** declarations of acceptance of nomination in respect of such lists of candidates, the **[Chief Director]** chief electoral officer **[shall]**, in consultation with the registered parties concerned, shall, delete the name of the candidate from all the lists on which it appears.”.

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Amendment of section 23 of Act 202 of 1993, as amended by section 6 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

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

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

“(1) [The Chief Director shall] Within five days after the expiry of the [51] 30 day period referred to in section 22(2), the chief electoral officer shall cause to be published in the *Gazette* a notice in respect of an election for the National Assembly [and each of the] or a provincial [legislatures] legislature, as the case may be, setting out—

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(a) **[in alphabetical order]** the names of all the registered parties in alphabetical order; and

(b) each list of candidates of each such registered party **[in the order of their nomination,]** as compiled by the relevant registered party in terms of section 22, showing the names of its candidates in the order of their nomination and declaring that the persons whose names appear on the list or lists of that party, have been nominated as the

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candidates of [the registered party concerned] that party for the election and that such candidates have accepted their nominations.”; and

- (b) by the substitution for the words “Chief Director”, where they occur in subsections (2) and (3), of the words “chief electoral officer”. 5

Amendment of section 24 of Act 202 of 1993, as amended by Proclamation 45 of 1994 and Proclamation 73 of 1994

13. Section 24 of the principal Act is hereby amended—

- (a) by the deletion of subsection (1);
- (b) in subsection (2)— 10
- (i) by the substitution for the words “Chief Director”, where they occur in paragraph (a), of the words “chief electoral officer”: and
- (ii) by the deletion of paragraph (b);
- (c) by the substitution for subsection (4) of the following subsection: 15
- “(4) The **[Chief Director] chief** electoral officer shall, at least [30] 45 15 days before the first voting day, cause to be published in the *Gazette* and in any other public media as he or she may consider necessary to ensure the widest possible publicity, a list of the locations of all voting stations determined in terms of subsection (2), and shall from time to time so determine and, if possible, cause to be published a list of, such additional 20 and alternative locations **[of]** for voting stations as may be necessary.”;
- (d) by the substitution for subsection (9) in the Afrikaans text of the following subsection:
- “(9) Die voorsittende beampte van ‘n mobiele stemburo, enige ander **[stembeampte] verkiesingsbeampte en** enige voorgeskrewe getal party- 25 **stemagente kan** enige grond of gebou betree met sodanige mobiele stemburo vir die doeleindes van stemming.”; and
- (e) by the addition after subsection (9) of the following subsection: 30
- “(10) (a) The presiding officer of a voting station, in consultation with the district electoral officer and the officer in command of the local police, shall take all such steps as maybe necessary to secure such voting station and protect the persons and property at the voting station.
- (b) For the purposes of paragraph (a), the presiding officer may declare an area around the voting station to be part of the voting station.”.

Repeal of section 25 of Act 202 of 1993, as amended by Proclamation 69 of 1994 35

14. Section 25 of the principal Act is hereby repealed.

Amendment of section 26 of Act 202 of 1993

15. Section 26 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) The **[Chief Director] chief electoral officer** shall in respect of each voting 40 day supply such voting materials to a provincial electoral officer [and the presiding officer of any foreign voting station] as may be necessary for the proper conduct of the election in the province [and at the foreign voting station] concerned.”.

Substitution of section 31 of Act 202 of 1993, as substituted by Proclamation 69 of 45 1994

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

“Place of voting

- 31. (1) Subject to the provisions of subsection (2), a voter shall cast his or her vote at the voting station in the voting district where he or she is 50 registered as a voter.**

(2) Subsection (1) shall not apply to a voter who at any time during the voting period of the relevant election cannot attend such voting station and who, in terms of section 39, qualifies as a special voter.”

Amendment of section 35 of Act 202 of 1993, as amended by section 10 of Act 1 of 1994 and Proclamation 69 of 1994

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17. Section 35 of the principal Act is hereby amended—

(a) in subsection (2)—

- (i) by the deletion of the word “and” at the end of paragraph (a); and
- (ii) by the insertion after paragraph (a) of the following paragraph:

“(aA) by examining the voters’ roll in order to ascertain whether the holder of the voter’s eligibility document is registered as a voter in terms of this Act; and”;

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

“(a) A voter shall not be given a ballot paper if he or she bears the identification mark or **[his or her voter’s eligibility document bears]** if the mark contemplated in subsection (4)(b) has been made on or opposite his or her name in the voters’ roll.”;

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

“(b) the voter’s **[eligibility document] name in the voters’ roll shall be marked in the prescribed manner [unless such document is a temporary voter’s card in which case such document shall be retained by the presiding officer in the prescribed manner].**”;

and

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

“(5) Subject to subsection (4)(u), a voter who refuses to have the identification mark administered to him or her in accordance with that subsection, shall not be issued with a ballot paper and shall be ordered by the presiding officer to leave the voting station forthwith.”.

Amendment of section 39 of Act 202 of 1993, as amended by Proclamation 69 of 1994 and Proclamation 73 of 1994

18. Section 39 of the principal Act is hereby amended—

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

“(2) A presiding officer shall at all times **[on the day before the first day for general voting]. during the day or days and the hours determined in terms of section 21(1) [on the said day] for special votes. take the necessary steps to enable special voters to cast their votes at the place where the office of the presiding officer is situated.**”;

(b) by the deletion of subsections (7) and (8); and

(c) in subsection (9)—

- (i) by the substitution for the portion preceding paragraph (a) in the Afrikaans text of the following:

“Die Kotnmissie kan die procedures bepaal vir stemming by wyse van spesiale stemming-”; and

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

“(b) by members of the staff of any hospital or old age home referred to in subsection (3)(b) **[or a prison or place referred to in subsection (7)(a)(i)].**”.

Amendment of section 40 of Act 202 of 1993, as amended by section 13 of Act 1 of 1994 and Proclamation 69 of 1994

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

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

“(a) When the presiding officer [has] is satisfied [himself or **herself**] that the voter is entitled to vote and [that he or she] has not voted in the election previously. [he or she] the presiding officer shall tear from the

ballot paper book [in respect of the election for the National Assembly] a ballot paper, mark it on the back with the official mark and hand the ballot paper to the special voter concerned.”: and
(b) by the deletion of subsection (4).

Amendment of section 42 of Act 202 of 1993

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

“(1) The counting officer of a counting station, in consultation with the district electoral officer and the officer in command of the local police, shall take all such steps as may be necessary to secure such counting station and protect the persons and property at the counting station.”.

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Amendment of section 44 of Act 202 of 1993, as amended by section 15 of Act 1 of 1994

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

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

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“After the provisions of sections 38 and 43 have been complied with, the counting officer shall [in respect of both the elections for the National Assembly and the provincial legislature concerned,] forthwith cause—”; and

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(b) in subsection (7) by the substitution for the portion preceding paragraph (a) of the following:

“When the counting officer has complied with the provisions of this section and section 45, he or she shall, [in respect of both the elections for the National Assembly and the provincial legislature concerned,] as soon as practicable, enclose in separate packets—”.

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Amendment of section 45 of Act 202 of 1993, as amended by Proclamation 69 of 1994

22. Section 45 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

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“(5) Upon refusal by the counting officer [of] to perform a recount, any registered party shall be entitled to [lodge an] appeal against the refusal to the Commission, which shall make such order thereon as it may consider appropriate, which order shall not be subject to appeal.”.

Amendment of section 47 of Act 202 of 1993

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23. Section 47(1) of the principal Act is hereby amended by the substitution for paragraph (ii) of the following paragraph:

“(ii) that. in respect of any particular voting station, any such deduction as it may determine shall be effected, in whole or in part, to the votes counted in favour of any registered party or parties concerned[, in respect of any particular voting station].”.

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Substitution of section 49 of Act 202 of 1993, as substituted by section 17 of Act 1 of 1994

24. The following section is hereby substituted for section 49 of the principal Act:

“Determination of results of election

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49. After expiry of 48 hours since the closing of the voting and after all alleged irregularities, challenges or objections, if any, have been dealt with in accordance with sections 45,46 and 47, the Commission shall determine, in accordance with Schedule 2 to the Constitution. the number of seats to be awarded to each registered party which participated in the election.”.

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Repeal of section 50 of Act 202 of 1993, as amended by section 18 of Act 1 of 1994

25. Section 50 of the principal Act is hereby repealed.

Repeal of sections 51,52,53 and 54 of Act 202 of 1993

26. Sections 51, 52, 53 and 54 of the principal Act are hereby repealed.

Substitution of section 68 of Act 202 of 1993

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27. The following section is hereby substituted for section 68 of the principal Act:

“Destruction of election material pertaining to past election

68. The Commission shall be responsible for the destruction of all election material relating to a past election, which destruction—
 (a) shall be effected as soon as possible after the expiry of 30 days from the date on which the list of names of representatives was published in terms of item 16 of Schedule 2 to the Constitution; or
 (b) if such a list was not published, shall be effected on a date determined by the Electoral Court.”.

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Substitution of section 70 of Act 202 of 1993

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28. The following section is hereby substituted for section 70 of the principal Act:

“Institution of proceedings in cases of infringement of Electoral Code of Conduct

70. Proceedings in connection with infringements of the Electoral Code of Conduct shall be instituted in accordance with the rules of the Electoral Court made in terms of section 20(4) of the Commission Act.”.

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Repeal of section 74 of Act 202 of 1993, as amended by section 19 of Act 1 of 1994, Proclamation 45 of 1994 and Proclamation 69 of 1994

29. Section 74 of the principal Act is hereby repealed.

Repeal of section 75A of Act 202 of 1993, as inserted by Proclamation 73 of 1994

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30. Section 75A of the principal Act is hereby repealed.

Amendment of section 76 of Act 202 of 1993, as amended by section 20 of Act 1 of 1994 and Proclamation 69 of 1994

31. Section 76(1) of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of the following paragraph: 30

“(a) voting and counting stations[, including access and activities permitted in—

(i) an election or counting centre;

(ii) an inner perimeter; and

(iii) a controlled area,

which regulations may differ according to the part of the voting or counting station involved];”;

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(b) by the deletion of paragraphs (b), (d), (f), (h)(viii), (j) and (m).

Substitution of “Chief Director” in Act 202 of 1993

32. The principal Act is hereby amended by the substitution for the words “Chief Director”, wherever they occur in the principal Act, of the words “chief electoral officer”.

Short title and commencement

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33. This Act will be called the Electoral Amendment Act, 1997, and will come into operation on a date to be determined by the President by proclamation in the *Gazette* except in so far as there has been made some other arrangement elsewhere in this Act.