



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)

BUITELANDS 40c ABROAD

POSVRY · POST FREE

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Words underlined with solid line indicate insertions proposed by Minister on introduction.

ACT

To amend the Electoral Act, 1979, so as to provide for the application of that Act, subject to certain modifications, in respect of the first general elections for the House of Representatives and the House of Delegates; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 26 March 1984.)*

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

1. Section 2 of the Electoral Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

Amendment of section 2 of Act 45 of 1979.

“(2) The provisions of this Act, save in so far as they relate to absent voters, shall, subject to section 2 of the Electoral Act Amendment Act, 1984, apply in respect of the first general election of members of the House of Representatives and the first general election of members of the House of Delegates and in respect of the registration of voters for such general elections.”

2. For the purposes of the application of the principal Act in respect of the first general elections for the House of Representatives and the House of Delegates—

Application of principal Act in respect of first general elections for House of Representatives and House of Delegates.

- (a) a reference in a provision of the principal Act to the House of Assembly shall, except where it is inconsistent with the context or clearly inappropriate, be construed as a reference to the House of Representatives or the House of Delegates, as the case may be;
- (b) a reference in a provision of the principal Act to a division or to a division of the House of Assembly shall, except where it is inconsistent with the context or clearly inappropriate, be construed as a reference to an electoral division of the House of Representatives or of the House of Delegates, as the case may be, delimited as provided in the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983);
- (c) the provisions of the principal Act relating to the simultaneous holding of elections for the House of Assembly and the provincial councils shall be applicable as aforesaid as they are in terms of section 119 of the principal Act applicable in respect of elections for the House of Assembly only;
- (d) sections 4 (1) (c), 34 (3) and (4), 41 (4) (b) (ii) and (5), 82 (2) (d), 123 (1) (b) and (c) and 187 shall be deemed not to form part of the principal Act; and
- (e) a provision of the principal Act specified in the first column of the Schedule to this Act shall be deemed to be amended or substituted as set out in the second column of the Schedule.

3. This Act shall be called the Electoral Act Amendment Act, 1984. Short title.

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Schedule

PROVISIONS OF PRINCIPAL ACT DEEMED IN TERMS OF SECTION 2 (c) OF THIS ACT TO BE AMENDED OR SUBSTITUTED FOR PURPOSES OF FIRST GENERAL ELECTIONS FOR HOUSE OF REPRESENTATIVES AND HOUSE OF DELEGATES.

Provision of principal Act	Amendment or substitution
Section 1	<p>(a) The substitution therein for the definition of "adult person" of the following definition: "adult person" means a person of or over the age of 18 years;"</p> <p>(b) The substitution therein for the definition of "chief electoral officer" of the following definition: "chief electoral officer" means the officer designated under section 5 (1) as chief electoral officer;"</p> <p>(c) The insertion therein after the definition of "chief electoral officer" of the following definition: "Coloured person" means a person classified as a member of the Cape Coloured, Malay or Griqua group or the group Other Coloureds in terms of the Population Registration Act, 1950;"</p> <p>(d) The substitution therein for the definition of "electoral officer" of the following definition: "electoral officer" means an officer designated under section 5 (2) as an electoral officer or to act as an electoral officer;"</p> <p>(e) The insertion therein after the definition of "independent State" of the following definition: "Indian" means a person classified as a member of the Indian group in terms of the Population Registration Act, 1950;"</p> <p>(f) The insertion therein after the definition of "nomination day" of the following definition: "ordinary place of residence"—</p> <p>(a) in relation to a person who applied for registration as a voter in terms of section 6 (1) (a) or (b), means the place in the Republic where such person is ordinarily resident: Provided that the ordinary place of residence of—</p> <p>(i) a student at a university, university college, teachers' training college, technikon, industrial school, technical high school or commercial high school or any other college or school, shall be deemed to be the place where he actually resides for the purpose of receiving training at the university, college or school concerned;</p> <p>(ii) a person undergoing continuous or full-time training by virtue of the second proviso to section 2 (1) of the Defence Act, 1957 (Act No. 44 of 1957), or section 33 of the Police Act, 1958 (Act No. 7 of 1958), shall be deemed to be the place where he actually retained his home (irrespective of where he resided for the purposes of such training), or, if he did not retain any such home, the place where he actually retained his home immediately prior to the date on which such continuous or full-time training commenced;</p> <p>(iii) a person who due to the nature of his occupation is required to change his place of residence often, and who does not retain a home, shall be deemed to be the place where his principal place of business is situated, or, if he is in employment, where the principal place of business of his employer, or the office or branch business of his employer from which his remuneration is paid, is situated;</p> <p>(iv) a person domiciled in the Republic who is in the service of the State or of a statutory body as defined in section 1 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or of an institution or a body contemplated in section 84 (1) (f) of the Constitution Act and performs any functions outside the Republic or has been seconded to the service of the government of any other country (and the wife or child of any such person who resides with him), shall, while he is engaged in such service and during a period of two months thereafter, be deemed to be the place where the head office of the State department or administration on the establishment of which he occupies a post, or the head office of the statutory body concerned or of the institution or body concerned, as the case may be, is situated or, if he expressly so requests, the place where any dwelling is situated of which he is the registered owner; or</p> <p>(v) a South African citizen who has his home in an independent State on land which previously formed part of a province of the Republic, shall be deemed to be the place where the magistrate's office in that province which is the nearest to his home, measured in a straight line, is situated; and</p> <p>(b) in relation to a person who is deemed in terms of section 6 (2) to have applied for registration as a voter, means the residential address of such a person according to the relevant voters' list referred to in that section or, if any change in the ordinary place of residence has in terms of section 10 of the Population Registration Act, 1950, been recorded in the population register in respect of such person after that residential address was recorded in such voters' list, means the ordinary place of residence of such person according to the population register;"</p> <p>(g) The substitution therein for the definition of "political party" of the following definition:</p>

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	<p>“political party” means a political party registered in terms of the provisions of section 36 as a political party, and, in so far as a provision in which it is used is applied with respect to—</p> <p>(a) the House of Representatives or the first general election of members of that House, means a political party registered as aforesaid for purposes of the first general election for that House; or</p> <p>(b) the House of Delegates or the first general election of members of that House, means a political party registered as aforesaid for purposes of the first general election for that House;”</p> <p>(h) The deletion therein of the definition of “register”;</p> <p>(i) The insertion therein before the definition of “returning officer” of the following definition: “registration” means the inclusion of a person’s name and particulars in a voters’ list in terms of this Act; and “registered” has a corresponding meaning;”</p> <p>(j) The substitution in the definition of “voter” for the expression “section 6” of the expression “section 11”.</p>
<p>Section 3</p>	<p>The substitution thereof of the following section:</p> <p>“Persons entitled to vote.</p> <p>3. Every Coloured person and Indian who—</p> <p>(a) is a South African citizen in terms of the South African Citizenship Act, 1949; and</p> <p>(b) is of or over the age of 18 years; and</p> <p>(c) is not subject to any of the disqualifications mentioned in section 4 (1) or (2) of this Act,</p> <p>shall, on compliance with and subject to the provisions of this Act, be entitled to vote at the first general election of members of the House of Representatives and of members of the House of Delegates, respectively, in the division of the House in question in which he is registered as a voter in terms of this Act.”</p>
<p>Chapter II</p>	<p>The substitution thereof of the following chapter:</p> <p style="text-align: center;">“Chapter II</p> <p style="text-align: center;">REGISTRATION OF VOTERS</p> <p>Electoral officers.</p> <p>5. (1) (a) An officer in the Department of Internal Affairs designated by the Minister shall be the chief electoral officer for the first general elections for the House of Representatives and the House of Delegates.</p> <p>(b) The chief electoral officer shall perform the functions assigned to him by or under this Act or by the Minister.</p> <p>(2) (a) The chief electoral officer shall divide the Republic—</p> <p>(i) into areas consisting of one or more divisions of the House of Representatives; and</p> <p>(ii) into areas consisting of one or more divisions of the House of Delegates,</p> <p>and designate in respect of each area a person holding the office of regional representative in the Department of Internal Affairs as electoral officer for that area: Provided that the same person may be designated electoral officer for an area referred to in subparagraph (i) and for an area referred to in subparagraph (ii).</p> <p>(b) An electoral officer shall in respect of his area or areas perform the functions assigned to him by or under this Act or by the chief electoral officer.</p> <p>(c) Whenever an electoral officer is absent or unable to perform his functions as electoral officer, or whenever the designation of an electoral officer is pending, the chief electoral officer may designate any officer serving in the Department of Internal Affairs to act in the area or areas concerned as electoral officer during such electoral officer’s absence or incapacity or until an electoral officer is designated.</p> <p>Registration of voters for first general elections for House of Representatives and House of Delegates</p> <p>6. (1) (a) Every Coloured person and Indian complying with the qualifications mentioned in paragraphs (a), (b) and (c) of section 3, shall on or before a date fixed by the State President by proclamation in the <i>Gazette</i>, on the form and in the manner mentioned in section 7, apply for registration as a voter in respect of the first general election for the House of Representatives and for the House of Delegates, respectively.</p> <p>(b) Any application for registration as a voter in terms of the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964), or the Electoral Act for Indians, 1977 (Act No. 122 of 1977), made prior to the commencement of the Electoral Act Amendment Act, 1984, and which at such commencement has not yet been dealt with by the Department of Internal Affairs or which is received by that Department after such commencement, shall be deemed to be an application made in terms of paragraph (a) of this subsection.</p>

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	<p>(2) Every Coloured person and Indian whose name immediately prior to the commencement of the Electoral Act Amendment Act, 1984, appears on a voters' list referred to in section 3 of the Coloured Persons Representative Council Act, 1964, and on a voters' list referred to in section 6 of the Electoral Act for Indians, 1977, respectively, and who does not apply for registration in accordance with the provisions of subsection (1) of this section, shall, provided he complies with the qualifications mentioned in paragraphs (a), (b) and (c) of section 3 of this Act, be deemed to have applied for registration in accordance with the said provisions.</p> <p>(3) Different dates may be fixed by the State President under subsection (1) in respect of registrations for the first general election for the House of Representatives and for the first general election for the House of Delegates.</p>
<p>Application form.</p>	<p>7. (1) Application for registration as a voter shall be made on the prescribed form and such form shall be completed in one of the official languages of the Republic, so as to show all the prescribed particulars required for the purpose of establishing the applicant's identity, his right to vote and the division in which he is to be registered as a voter, and shall, subject to the provisions of section 9, be signed by the applicant personally together with and in the presence of a witness who is an adult person, and shall contain a declaration signed by such witness that the applicant personally signed the application form in his presence.</p> <p>(2) The application form duly completed in accordance with subsection (1) shall on or before the appropriate date referred to in section 6 (1) be posted to an electoral officer or to any magistrate's office or police station in the Republic or be handed in at the office of an electoral officer or at any such magistrate's office or police station.</p> <p>(3) A form prescribed under the Coloured Persons Representative Council Act, 1964 (Act No. 49 of 1964); or the Electoral Act for Indians, 1977 (Act No. 122 of 1977), as the form on which application for registration as a voter for purposes of that Act is to be made, may be used as an application form for registration under section 6 of this Act, and any such form shall, whenever it is so used, for all purposes be deemed to be the prescribed form referred to in subsection (1) of this section.</p>
<p>Gathering of additional information.</p>	<p>8. An electoral officer may by notice in writing at any time require any person to furnish on the prescribed form referred to in section 7 (1) or otherwise, and in the manner and within the period specified in the notice, such particulars as may be prescribed or as the electoral officer may specify in the notice, as to such person's or any other person's identity, age, nationality or ordinary place of residence or as to any other matter relevant to the registration of such person or of such other person as a voter.</p>
<p>Circumstances under which application may be completed and signed by person on behalf of applicant.</p>	<p>9. (1) If application for registration as a voter is made by any person who is unable to read or write or who by reason of physical infirmity or physical disability is unable to sign the application form, the application form may, subject to the provisions of subsection (2), be signed on his behalf by any adult person.</p> <p>(2) Any such application form shall be completed and signed in the presence of the applicant and of a magistrate, an electoral officer or a commissioner of oaths, and shall be accompanied by a prescribed form on which the following shall appear—</p> <p>(a) a statement by the person signing it on behalf of the applicant stating that the applicant is unable to read or write or setting forth the nature of the physical infirmity or disability in question, as the case may be, and stating that the applicant has authorized him to sign the application form on his behalf; and</p> <p>(b) a statement by the magistrate, electoral officer or commissioner of oaths that the application form was completed and signed on behalf of the applicant in his presence and in the presence of the applicant and that the contents thereof were explained to the applicant.</p>
<p>Applications for registration transmitted free of charge.</p>	<p>10. Any application for registration and any document relating thereto may, if marked "election documents", be transmitted by post free of charge.</p>
<p>Preparation of voters' lists.</p>	<p>11. (1) As soon as may be practicable after the date determined under section 6 (1) in respect of registrations for the first general election for the House of Representatives or for the House of Delegates, as the case may be, the chief electoral officer shall in respect of the different divisions of the House concerned cause lists to be prepared in accordance with subsection (2) of Coloured persons, in the case of the House of Representatives, or of</p>

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	<p>Indians, in the case of the House of Delegates, who in terms of section 6 applied or are deemed to have applied for registration and who according to information available to the chief electoral officer complied on the relevant date concerned with the qualifications referred to in paragraphs (a), (b) and (c) of section 3.</p> <p>(2) The name and particulars of a Coloured person or Indian referred to in subsection (1) shall be included in the list for the division of the House of Representatives or the House of Delegates, as the case may be, in which his ordinary place of residence is situated.</p> <p>12. (1) A voters' list shall show in respect of each person whose name is included therein—</p> <p>(a) his serial number;</p> <p>(b) his surname and immediately thereafter, his christian names and, in the case of a female voter, if she is or has been married, her maiden name;</p> <p>(c) his profession, trade or occupation; and</p> <p>(d) his residential address and postal address,</p> <p>and all surnames shall be in alphabetical order.</p> <p>(2) If a division is divided into polling districts under section 45, the voters' list for that division shall be prepared and printed so as to show—</p> <p>(a) the surnames of the voters in each polling district in serial numbers and in alphabetical order; and</p> <p>(b) in which polling district every voter is, subject to the provisions of this Act, required to vote.</p> <p>and a separate voters' list may be prepared and printed for each polling district or, subject to the provisions of section 45 (4), for two or more polling districts.</p> <p>(3) At the end of every voters' list a certificate that the list has been checked and is correct shall be signed and dated by or on behalf of the chief electoral officer.</p>
Particulars to be shown in voters' list	<p>13. (1) An electoral officer shall, as soon as may be practicable after the voters' lists for the different divisions of the House of Representatives or of the House of Delegates, as the case may be, have been prepared—</p> <p>(a) furnish a copy of the voters' list for each division of the House concerned in his area free of charge to the authorized representative of each political party registered in respect of the general election for that House; and</p> <p>(b) make a copy of the voters' list for each such division for a period of at least seven days available in his office and in the office of the magistrate of the district in which that division or any part of that division is situated and at such other place or places as may be determined by the electoral officer, for inspection free of charge by members of the public.</p> <p>(2) During the time which a voters' list is in terms of subsection (1) available for inspection, any person shall be entitled to make, at his own expense, a copy of or an extract from such voters' list at the place where the list is so made available.</p> <p>(3) An electoral officer shall on request in writing by any person furnish such person free of charge with particulars regarding the registration of a voter registered in a division in his area.</p>
Inspection of voters' lists	<p>14. An electoral officer may at any time before the voters' lists for the first general election for the House of Representatives or for the House of Delegates, as the case may be, are printed in terms of section 15, amend a voters' list for a division of the House concerned by—</p> <p>(a) adding the name and particulars of any person whose name was erroneously or contrary to the provisions of this Act omitted from the list;</p> <p>(b) removing the name and particulars of any person whose name was erroneously or contrary to the provisions of this Act included in the list;</p> <p>(c) transferring the name and particulars of any person whose name was erroneously or contrary to the provisions of this Act included in the list under any particular polling district to the appropriate polling district;</p> <p>(d) correcting any error on the list in the name or particulars of a person, supplying any omission in such a name or particulars or recording any change in such name or particulars; or</p> <p>(e) removing any superfluous entry in the list where the name of the same person appears more than once in that list.</p>
Amendment of voters' lists	<p>15. Not later than 30 days before the first general election of members of the House of Representatives or of the House of Delegates is to be held, the chief electoral officer shall cause to be printed for the purposes of such election the voters' lists prepared in terms of section 11 in respect of the House concerned or as they may be amended under section 14.</p>
Printing of voters' lists	<p>16. As soon as any voters' list for any division has been printed, any person shall be entitled to obtain, on payment of such charges and subject to such conditions as may be prescribed, a reasonable number of copies of that list: Provided that the fees prescribed for the acquisition of copies of a voters' list by a candidate in the division concerned, the authorized representa-</p>
Copies of printed voters' lists	

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Printed voters' lists to be final voters' lists	<p>tive of a political party, a State department, a statutory body as defined in section 1 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), or an institution or body as contemplated in section 84 (1) (f) of the Constitution Act, may be smaller than the fees prescribed for the acquisition of copies of a voters' list by a person other than such a candidate, authorized representative, State department, statutory body or institution.</p> <p>17. The voters' lists for the House of Representatives and the House of Delegates as printed in terms of section 15 or as thereafter rectified under section 18, shall be the final voters' lists for the first general election for the House concerned, and shall notwithstanding any provision to the contrary in this Act contained but subject to section 97 (1), be conclusive as to the right of every person whose name appears on any such list, to record his vote in the division for which such list was printed.</p>
Voters' lists not invalidated by reason of errors.	<p>18. If through accident, inadvertence or oversight, anything required by law to be done in the preparation of any voters' list is erroneously done or omitted to be done, the voters' list shall not be invalidated thereby, and an electoral officer may, and shall if ordered by the chief electoral officer to do so, at any time before four o'clock in the afternoon of the day before polling day take or cause to be taken such steps as are necessary to rectify the error or omission.</p>
Penalties.	<p>19. Any person who—</p> <p>(a) makes a false statement in an application in terms of section 6 (1), knowing it to be false;</p> <p>(b) having obtained possession of any other person's application for registration as a voter with the object of handing it in at or posting it to an electoral officer or a magistrate's office or police station or under the pretext that he will so hand it in or post it, fails to so hand in or post such application;</p> <p>(c) having been required under section 8 to furnish any prescribed or specified particulars, fails to do so or furnishes any particular which is not true, knowing it to be not true;</p> <p>(d) being an officer having a duty under this Act in connection with the registration of voters, wilfully or with gross negligence fails to perform that duty or to perform it in a due and proper manner;</p> <p>(e) under the name of any other person (whether living, dead or fictitious) signs an application for the registration of that person as a voter, or signs as a witness in respect of an application which has been so signed; or</p> <p>(f) procures the registration of himself or any other person (whether living, dead or fictitious) in any division, knowing that he or such other person is not entitled to registration in that division or is already registered therein,</p> <p>shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding six months or to both that fine and that imprisonment."</p>
Section 34	<p>The substitution therein for subsection (5) of the following subsection:</p> <p>"(5) At the first general election of members of the House of Representatives or of members of the House of Delegates all polls shall be taken on one and the same day in all the divisions of the House concerned, save as may otherwise be required by reason of the circumstances described in section 41."</p>
Section 35	<p>The substitution therein for subsection (1) of the following subsection:</p> <p>"(1) No person shall as a representative of a political party be nominated under section 41 as a candidate at the first general election for the House of Representatives or for the House of Delegates, as the case may be, unless the political party which he purports to represent has been registered as a political party under section 36 for purposes of the general election for that particular House."</p>
Section 36	<p>(a) The substitution therein for subsection (1) of the following subsection:</p> <p>"(1) The chief electoral officer shall on the written application of a political party, made on the prescribed form, register it as a political party for purposes of the first general election for the House of Representatives or for the House of Delegates, as the case may be, provided—</p> <p>(a) he is satisfied that it is an object of that political party to promote the election as members of the House of Representatives or of the House of Delegates, as the case may be, of candidates representing the party;</p> <p>(b) the application is accompanied by the amount prescribed by section 37 (1), as well as—</p> <p>(i) in the case of a political party established prior to the date of commencement of the Electoral Act Amendment Act, 1984, a copy of</p>

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	<p>that political party's deed of foundation signed by the persons referred to in subsection (2) (c), or, if the party does not have a deed of foundation, written proof to the satisfaction of the chief electoral officer that the party was established before the said date; or</p> <p>(ii) in the case of a political party established on or after the date referred to in subparagraph (i), the original copy of that political party's deed of foundation which has been adopted at a meeting of, and has been signed by—</p> <p>(aa) if the party intends promoting the election as members of the House of Representatives of candidates representing the party, not less than 50 Coloured persons registered or qualified to be registered as voters in respect of the first general election of members of that House;</p> <p>(bb) if the party intends promoting the election as members of the House of Delegates of candidates representing the party, not less than 50 Indians registered or qualified to be registered as voters in respect of the first general election of members of that House.</p> <p>and which complies with the requirements of subsection (3); and</p> <p>(c) the application, and the amount and deed of foundation or written proof which have to accompany it, reach the chief electoral officer not later than seven days before the nomination day for the general election concerned.”.</p> <p>(b) The substitution therein for subsection (3) of the following subsection:</p> <p>“(3) The deed of foundation referred to in subsection (1) (b) (ii) shall contain the following particulars, namely—</p> <p>(a) a statement that the said deed of foundation has been adopted at a meeting contemplated in subsection (1) (b) (ii);</p> <p>(b) the full names and dates of birth or identity numbers of the persons who have signed the said deed of foundation; and</p> <p>(c) the residential addresses of the persons referred to in paragraph (b).”.</p> <p>(c) The substitution in subsection (4) thereof for the expression “subsection (1) (b)” of the expression “subsection (1) (b) (ii)”.</p>
Section 41	<p>(a) The substitution therein for subparagraph (i) of paragraph (b) of subsection (4) of the following subparagraph:</p> <p>“(i) in the case of a candidate representing a political party, there is lodged with the returning officer before the close of the sitting of the nomination court, a statement in the prescribed form, duly signed, on or after the aforesaid date, by the chief or national leader or the chief secretary or secretary or other chief executive officer or executive officer or, if any, the provincial leader or provincial secretary or other provincial chief executive officer concerned of the said political party or by any other officer of the political party who has been authorized thereto in writing or telegraphically by any of the abovementioned leaders, secretaries or executive officers, to the effect that he is the official candidate of that political party at the election in question.”.</p> <p>(b) The insertion therein after subsection (7) of the following subsection:</p> <p>“(7A) Subject to the provisions of section 53 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), no person shall merely by reason of his not being registered or not being entitled to be registered in a division be disqualified from being nominated as a candidate in that division.”.</p> <p>(c) The substitution therein for subsection (8) of the following subsection:</p> <p>“(8) If at the close of such sitting only one person has been duly nominated, the returning officer shall forthwith declare him to be the duly elected member for the division of the House of Representatives or the House of Delegates, as the case may be, with effect from the date on which section 37 of the Republic of South Africa Constitution Act, 1983, comes into operation.”.</p>
Section 44	<p>The substitution thereof of the following section:</p> <p>“44. If, after the polling day has been fixed, any duly nominated candidate at the election in any division dies before the poll has commenced, the State President shall, upon being satisfied of the fact of the death, withdraw in so far as it concerns that division, the proclamation fixing the polling day, and all proceedings relating to the said election shall be commenced afresh after the commencement of section 37 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), in precisely the same manner as if a vacancy had occurred in the representation of the division on the date of that commencement.”.</p>
Section 47	<p>(a) The substitution in subsection (1) thereof for the words preceding paragraph (a) of the following words:</p> <p>“(1) Any person who is enrolled upon the voters' list for any division and who—”.</p> <p>(b) The substitution therein for subsection (2) of the following subsection:</p> <p>“(2) A person referred to in paragraph (iv) or (v) of the proviso to paragraph (a) of the definition of “ordinary place of residence” in section 1 who will throughout the hours of polling on polling day be outside the Republic, may make application in the manner prescribed in section 82 to vote as a special voter.”.</p>
Section 87	<p>The substitution in the proviso to subsection (1) thereof for the words “section 11(3).” of the words “paragraph (iv) of the proviso to paragraph (a) of the definition of ‘ordinary place of residence’ in section 1.”.</p>

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Provision of principal Act	Amendment or substitution
Section 96	<p>(a) The deletion in subsection (1) thereof of the expression "section 4 (1) (b), (2) and (4) and".</p> <p>(b) The substitution therein for paragraph (a) of subsection (3) of the following paragraph:</p> <p>"(a) Any person who is not registered in any division of the House of Representatives or of the House of Delegates which is wholly situated within one municipality or within two or more municipalities, any person referred to in paragraph (v) of the proviso to paragraph (a) of the definition of "ordinary place of residence" in section 1, and any presiding officer shall, subject to the provisions of paragraph (c), be permitted to vote at any polling station in the division of the House concerned in which he is registered, if before voting he signs a declaration in the prescribed form to the effect that he has not already voted at the election in that division or in any other division and that he is the person whose name appears on the voters' list for another polling district of the same division."</p>
Section 98	<p>The substitution therein for paragraph (h) of the following paragraph:</p> <p>"(h) For the purpose of ascertaining whether any paper which any voter is about to drop into a ballot box is a ballot paper officially issued, the presiding officer shall require him to show him the back of the paper in such a manner that if the paper were a ballot paper officially issued, the number, the official mark and the words "Election of a Member of the House of Representatives" or "Election of a Member of the House of Delegates", as the case may be, thereon would be visible but the cross made by the voter would not be visible."</p>
Section 101	<p>The substitution in subsection (1) thereof for the expression "section 17" of the words "this Act".</p>
Section 104	<p>(a) The substitution therein for subsection (13) of the following subsection:</p> <p>"(13) After the counting is completed the returning officer shall determine the result of the poll in the division by adding the number of votes given for a candidate by special voters to the number of votes given for that candidate by other voters and shall forthwith declare the candidate who has the greater or the greatest number of votes in the division, to be duly elected a member of the House of Representatives or of the House of Delegates, as the case may be, for that division with effect from the date of commencement of section 37 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983)."</p> <p>(b) The substitution therein for subsection (14) of the following subsection:</p> <p>"(14) If any candidates for election in a division received an equal number of votes and the result of the election is affected thereby, the returning officer shall declare that there has been no election, and in such event all proceedings relating to the election in that division shall be commenced afresh after the commencement of section 37 of the Republic of South Africa Constitution Act, 1983, as if a vacancy in the representation of the division occurred on the date of that commencement."</p>
Section 109	<p>The substitution therein for the words "the divisions which they respectively represent and the dates on which they were declared elected" of the words "and the divisions which they respectively represent."</p>
Section 110	<p>The substitution thereof of the following section:</p> <p>"Filling of vacancies. 110. If a vacancy occurs in the elected representation of a division of the House of Representatives or the House of Delegates before the commencement of section 37 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), such vacancy shall be filled after that commencement as if the vacancy occurred on the date of that commencement."</p>
Section 121	<p>(a) The deletion in subsection (1) thereof of the word "white".</p> <p>(b) The insertion therein after subsection (1) of the following subsection:</p> <p>"(1A) No person shall be nominated as an agent under subsection (1) unless he—</p> <p>(a) in the case of the election for the House of Representatives, is registered or qualified to be registered as a voter in respect of that House; and</p> <p>(b) in the case of the election for the House of Delegates, is registered or qualified to be registered as a voter in respect of that House."</p>
Section 122	<p>The substitution therein for paragraph (b) of subsection (1) of the following paragraph:</p> <p>"(b) No person shall be appointed under paragraph (a) as a subagent unless he—</p> <p>(i) in the case of the election for the House of Representatives, is registered or qualified to be registered as a voter in respect of that House; and</p> <p>(ii) in the case of the election for the House of Delegates, is registered or qualified to be registered as a voter in respect of that House."</p>

ELECTORAL ACT AMENDMENT ACT, 1984

Act No. 42, 1984

Provision of principal Act	Amendment or substitution
Section 123	<p>(a) The deletion in paragraph (a) of the proviso to subsection (1) thereof of the words "and in the case where, at an election referred to in section 110, a member of the House of Assembly as well as a member of the provincial council, or, if any division of the House of Assembly is in terms of section 69 (1) of the Constitution Act divided into two divisions of the provincial council, a member of the House of Assembly and a member of the provincial council for each of the said two divisions of the provincial council, are elected in any division on one and the same day".</p> <p>(b) The substitution therein for subsection (3) of the following subsection: "(3) No person shall be appointed under subsection (1) as a polling agent or messenger unless he— (a) in the case of the election for the House of Representatives, is registered or qualified to be registered as a voter in respect of that House; and (b) in the case of the election for the House of Delegates, is registered or qualified to be registered as a voter in respect of that House."</p>
Section 128	<p>The substitution thereof of the following section: "When election commences. 128. For the purposes of this Chapter the first general election of members of the House of Representatives or of the House of Delegates shall be deemed to commence on a date fixed by the Minister by notice in the <i>Gazette</i> in respect of the House concerned."</p>
Section 156	<p>The substitution therein for paragraph (b) of the following paragraph: "(b) No application shall be presented before the date of commencement of section 37 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), or later than 42 days after that date: Provided that if the return or election is questioned upon allegation of an illegal practice, the application may be presented, if the election application specifically alleges a payment of money or some other act to have been made or done since that day by the member or an agent of the member or with the privity of the member or his election agent in pursuance or in furtherance of the illegal practice alleged in the application, at any time within 30 days after the date of such payment or other act."</p>
Section 160	<p>The substitution in paragraphs (i), (j) and (k) thereof for the words "the House of Assembly" of the word "Parliament".</p>
Section 182	<p>The addition thereto of the following subsection: "(4) (a) The rules made under this section and in force immediately prior to the commencement of the Electoral Act Amendment Act, 1984, shall, subject to paragraph (b), apply <i>mutatis mutandis</i> in respect of the first general elections for the House of Representatives and the House of Delegates. (b) The rules referred to in paragraph (a) may for the purposes of the said general elections be modified and in any such modification the provisions of subsections (1) and (2) shall apply <i>mutatis mutandis</i>."</p>
Section 198	<p>(a) The substitution therein for subsection (1) of the following subsection: "(1) The State President may for purposes of the first general elections for the House of Representatives and the House of Delegates make regulations providing for such matters as in this Act are permitted to be prescribed and generally for the better carrying out of the objects and purposes of this Act." (b) The addition thereto of the following subsection: "(5) The regulations made under this section and in force immediately prior to the commencement of the Electoral Act Amendment Act, 1984, shall, in so far as they are not inconsistent with any regulations made under subsection (1) for purposes of the first general elections for the House of Representatives and the House of Delegates, apply <i>mutatis mutandis</i> in respect of the said general elections."</p>
Schedule 1 to principal Act.	<p>The substitution thereof of the schedule set out in the Annexure hereto.</p>