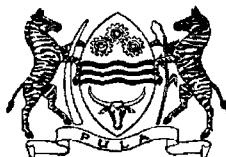


ELECTORAL (AMENDMENT) ACT, 1998

No. 14



of 1998

ARRANGEMENT OF SECTIONS

SECTION

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3. Amendment of section 3 of the Act
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18. Addition of section 152 to the Act

An Act to amend the Electoral Act.

Date of Assent: 26.8.98.

Date of Commencement: 4.9.98.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 1998.
2. The Electoral Act (in this Act referred to as "the Act") is amended —
 - (a) in section 2 thereof —
 - (i) by inserting immediately after the definition of the word "constituency" which appears therein, the following new definition —

"'council' means a district council, city council or town council;";

Short title

Amendment
of section 2 of
Cap. 02:07

- (ii) by inserting immediately after the definition of the words “identity card” which appear therein the following —
“‘Independent Electoral Commission’ means the Independent Electoral Commission appointed under section 65A of the Constitution (in this Act referred to as ‘the Commission’);”;
- (iii) by inserting immediately after the definition of the word “roll” which appears therein the following —
“‘Secretary’ means the Secretary to the Independent Electoral Commission appointed under section 66 of the Constitution;”;
- (iv) by deleting the definition of “Supervisor of Elections” which appears therein;
- (b) by substituting the word “Secretary” for the words “Supervisor of Elections” wherever they appear in the Act;
- (c) by substituting —
 - (i) the words “ballot paper” for “ballot envelope”, or “envelope”,
 - (ii) the words “ballot papers” for “ballot envelopes”, or “envelopes”,
 - (iii) the words “tendered ballot papers” for “tendered ballot envelopes”, and
 - (iv) the words “tendered ballot paper” for “tendered envelope”, wherever they appear in the Act; and
- (d) by deleting the words “and counters” or “or counter” or “counters” wherever they appear in the Act.

Amendment
of section 3
of the Act

3. Section 3 of the Act is amended by substituting the words “The Secretary shall, subject to the directions and supervision of the Independent Electoral Commission —”, for the words, “The Supervisor of Elections shall —” which appear therein.

Amendment
of section 4
of the Act

4. Section 4 of the Act is amended by inserting immediately after subsection (3) thereof, the following new subsection —

“(3A) For purposes of registration and elections to be conducted outside Botswana, the Secretary shall appoint registration and election officers in such countries as he may consider necessary.”.

Amendment
of section 7 of
the Act

5. Section 7 of the Act is amended by substituting the words “Independent Electoral Commission” for the word “President” wherever it appears in the section.

Insertion of
section 8A
in the Act

6. The Act is amended by inserting immediately after section 8 thereof, the following new section —

“Registration
of non-
resident
citizens

8A (1) Where a person entitled to register as a voter in terms of this Act is resident outside Botswana, such person may be registered in accordance with the provisions of this section.

(2) Whenever a registration period is appointed under section 7 or 8, the Secretary shall cause a notice to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of

Botswana are resident calling upon every citizen entitled to be registered as a voter in terms of this Act to apply for registration during the registration period on such date, time and place as may be specified in the notice; and the provisions of section 9 shall, with such modifications and adaptations as may be necessary, have effect.

(3) The registration officer shall, on completion of a registration of any person, forward the completed voter's registration record card to the Secretary who shall incorporate the registration in the roll of the voters in the constituency of that person.”.

7. The proviso to subsection (1) of section 14 of the Act is amended by substituting for the figures “28” and “14” which appear therein the figures “42” and “21” respectively.

Amendment
of section 14
of the Act

8. The Act is amended by inserting immediately after section 30 thereof, the following new section —

Insertion of
section 30A
in the Act

“Extension of
franchise

30A (1) Without prejudice to the provisions of section 30, a person who is not resident in Botswana shall be entitled to vote at an election in accordance with the provisions of this section if he has been registered in accordance with the provisions of section 8A.

(2) Whenever a writ of election has been issued under section 31, the Secretary shall cause a notice, of the day, time and place outside Botswana fixed for the taking of a poll which has become necessary, to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of Botswana are resident, calling upon every citizen resident in that country who has been registered in accordance with the provisions of section 8A and entitled to vote at the election to attend at the place and time on the day specified in the notice to cast his or her vote; and the provisions of section 51 shall, with such modifications and adaptations as may be necessary, have effect.”.

9. Section 45 of the Act is amended by substituting for that section, the following —

Amendment
of section 45
of the Act

“Ballot
papers

45 (1) Subject to subsection (3), the ballot of every person voting at an election shall consist of a ballot paper in a form to be determined by the Commission and having a serial number printed on it.

(2) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(3) The ballot of every non-resident voter shall consist of a ballot paper and envelope in a form to be determined by the Commission.”.

10. Section 50 of the Act is amended by deleting subsection (3) thereof.

Amendment
of Section 50
of the Act

Amendment of
section 51
of the Act

11. Section 51 of the Act is amended —

- (a) in paragraph (b) (iii) thereof, by deleting the words “and such number of counters as there are candidates for election, each counter having the voting colour of a particular candidate” which appear therein;
- (b) by substituting for paragraphs (d), (e) and (g), the following respectively —
 - “(d) subject the provisions of paragraph (g) a voter on receiving a ballot paper shall go immediately into a polling booth and there secretly mark his paper and fold it up so as to conceal his vote;
 - (e) he shall then show the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer;
 - (g) on the application in person of any voter who is incapacitated by blindness or other physical cause from voting, the presiding officer, in the presence of the person with whose assistance the voter came to cast his vote, shall cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.”.

Repeal of
section 56 of
the Act
Amendment
of section 62
of the Act

12. Section 56 of the Act is repealed.

13. Section 62 of the Act is amended by inserting immediately after the words “the presiding officer he may,” which appear therein the words “be removed by a police officer or”.

Amendment
of section 142
of the Act

14. Section 142 of the Act is amended by substituting for the provisions of that section the following new provisions —

“Any person who knowingly —

- (a) registers at a polling station in respect of which he is not entitled to be registered, or
 - (b) gives false information to a registration officer,
- shall be guilty of an offence and shall be liable to the penalties prescribed in section 144.”.

Amendment of
section 144 of
the Act

15. Section 144 of the Act is amended by substituting for the words “P200” which appear therein, the words “P1,000”.

Amendment
of section 145
of the Act
Amendment
of section
146 of the
Act

16. Section 145 (1) is amended by deleting paragraph (d) thereof.

17. Section 146 of the Act is amended by substituting for the words “P200” which appear therein, the words “P1,000”.

18. The Act is amended by adding at the end of section 151 thereof, the following new section —

“Application
of Act to
council
elections

152. This Act shall have effect in relation to council elections as it has in relation to elections conducted under it, and consequently the provisions of this Act shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring the provisions of the Act into conformity with the circumstances of council elections.”.

Addition of
section 152 to
the Act

PASSED by the National Assembly this 18th day of August, 1998.

C.T. MOMPEI,
Clerk of the National Assembly.