

Statutory Instrument No. 39 of 1969

THE TOWNSHIPS PROCLAMATION (CHAPTER 120)

**THE LOCAL GOVERNMENT (DISTRICT COUNCILS)
LAW, 1965**

**THE LOCAL COUNCILS (ELECTION ROLLS)
REGULATIONS, 1969**

(Published on 21st March, 1969)

In the exercise of the powers vested in him by section 2 of the Townships Proclamation (Chapter 120) and section 55 of the Local Government (District Councils) Law, 1965, His Excellency the President makes the following regulations —

Citation

1. These regulations may be cited as the Local Councils (Election Rolls) Regulations, 1969.

Interpretation

2. (1) In these regulations, unless the context otherwise requires —

“constituency” means, until the coming into force of a Proclamation under section 66(5) of the Constitution, an area delimited as such under the Bechuanaland (Electoral Provisions) Order, 1964, and thereafter means a constituency delimited in accordance with Chapter V of the Constitution ;

“District Council” means any district council duly established under the Local Government (District Councils) Law, 1965 ;

“election” means the election of a member of a district council or a town council ;

“election roll” means a roll prepared in pursuance of regulation 4 ;

“election instrument” means an election instrument issued in pursuance of regulation 5 of the Local Councils (Conduct of Elections) Regulations, 1966 ;

“enrolled” means enrolled in pursuance of the provisions of regulation 4 ;

“his polling station” means in relation to a person claiming to be registered under the provisions of regulation 5, the polling station in respect of which he claims registration ;

“magistrate” means a person appointed or entitled to hold a subordinate court of the first or second class having jurisdiction in the polling district concerned ;

“registration officer” means in relation to any polling district any person appointed as such under regulation 3 ;

“Supervisor” means a person appointed as a Local Government Election Supervisor under the provisions of regulation 3 of the Local Councils (Conduct of Elections) Regulations, 1966 ;

"Town Council" means a town council established under regulations made under the provisions of the Townships Proclamation (Chapter 120);

"voter" means a person entitled to vote at an election;

"voter's registration card" means a voter's registration card given to a voter under section 9, 16 or 24 of the Electoral Act, 1968, or under regulation 5, and includes a duplicate of such card given under section 28 of the said Act or under regulation 17;

"voter's registration record card" means a voter's registration record card completed in respect of a voter under regulation 5(2)(a).

(2) In these regulations "polling district" and "polling station" have the same meanings as are assigned thereto respectively in the Electoral Act, 1968, and "member" has the same meaning as is assigned thereto in the Local Councils (Conduct of Elections) Regulations, 1966.

Appointment of Officers

3. (1) The Supervisor shall —

- (a) exercise general direction and supervision over the registration of voters for elections;
- (b) issue to registration officers such instructions as he may deem necessary to ensure effective execution of the provisions of these regulations;
- (c) execute and perform all other powers and duties conferred or imposed on him by these regulations.

(2) The Supervisor shall appoint registration officers who shall be either District Commissioners or Town Clerks for each polling district and such other officers as may be necessary who shall execute and perform the powers and duties conferred upon them by these regulations in accordance with such instructions as may be given by the Supervisor.

[S. 1-55-1969]
(3) Appointments made under this regulation may be by name or by office and shall be notified in the Gazette.

Preparation of Election Roll for Each Polling District

4. (1) Whenever an election instrument is issued in pursuance of regulation 5 of the Local Councils (Conduct of Elections) Regulations, 1966, the Supervisor shall prepare an election roll for each polling district concerned. The election roll for any polling district shall contain the names of all voters registered on the day on which the said instrument is issued —

- (a) in the relevant sections of existing rolls prepared and certified in terms of the Electoral Act, 1968, for the constituency in which the polling district is situated;
- (b) in all quarterly lists prepared in pursuance of regulation 5(3) in respect of that polling district;

(2) Every roll shall —

- (a) state the surname, initials, sex and address of every voter named therein and the serial number of voter's registration card given to him;

- (b) be compiled in a regulation order in relation to such serial numbers ; and
- (c) be divided into sections each relating to the voters registered in respect of a particular polling station.

Registration of Certain Persons

5. (1) Any person who claims that —
- (a) he has attained the age of 21 years ; and
 - (b) he is lawfully resident in Botswana and has been so resident for a continuous period of at least twelve months immediately preceding the date on which he applies for registration ; and
 - (c) his sole or principal residence is in the polling district in which the polling station in respect of which he claims registration is situated ;

may make application for registration by attending before the registration officer of the district which contains that polling station in respect of which he claims registration.

(2) The registration officer shall determine whether the applicant referred to in sub-regulation (1) is entitled to registration in respect of that polling station and, if satisfied that he is, shall —

- (a) complete a voter's registration record card in Form A in the Schedule in relation to the applicant ;
- (b) require the applicant to make a declaration set out in that form ;
- (c) register the applicant as a voter in respect of that polling station by completing and giving him a voter's registration card in Form B in the Schedule in relation to the applicant, marking it with a date stamp of such pattern as the Supervisor may from time to time determine ;
- (d) forward the completed voter's registration record card to the Supervisor.

(3) The registration officer shall cause to be prepared quarterly a list of all persons registered by him in terms of sub-regulation (2) and he shall cause one copy of the quarterly list to be forwarded to the Supervisor and one copy to be affixed to a notice board in a public place at his office.

Entitlement to Enrolment

6. Any person registered in a voter's roll in pursuance of the Electoral Act, 1968, or in pursuance of regulation 5 shall be entitled to be enrolled on an election roll.

Entitlement to Vote

7. (1) Subject to the provisions of the Local Councils (Conduct of Elections) Regulations, 1966, all persons enrolled on an election roll shall be entitled to vote at an election at the polling station in respect of which they are registered and enrolled.

(2) For the avoidance of doubt it is declared that in this and the last preceding regulation "registered" and "enrolled" shall not be deemed to include registration or enrolment in pursuance of any provisions repealed by these regulations.

Publication of Rolls

8. On the completion of any election roll and on the certification thereof, the Supervisor shall publish any such roll by —

- (a) making it and copies thereof available for inspection by the public in accordance with the provisions of regulation 10, and
- (b) giving notice thereof in the *Gazette* and in such other manner as he may consider appropriate, specifying the place at which it and such copies are so available, and setting out the manner in which objections in respect of the roll may be made.

Certification of Election Rolls

9. (1) As soon as practicable after any objection has been determined, the Supervisor shall certify the roll in the manner provided in Form C of the Schedule:

Provided that if at the expiration of 28 days any objection has not yet been determined, the Supervisor may certify the election roll in accordance with the provisions of this regulation notwithstanding such objection, but if he does so he shall thereafter, in accordance with the provisions of regulation 13, alter the election roll if necessary to give effect to the decision of the magistrate in relation to that objection.

(2) As soon as practicable after the certification of an election roll, the Supervisor shall give notice in the *Gazette* and in such other manner as he may consider appropriate that the election roll has been certified and is in operation, and that it and copies thereof are open for inspection by the public in accordance with the provisions of regulation 10, specifying the place at which it and such copies are so available.

Inspection of Election Rolls

10. (1) Every election roll shall be open for inspection by the public without fee at the office of the Supervisor during the hours at which that office is open.

(2) A copy of an election roll for a polling district shall be kept at the office of the District Commissioner in whose district the polling district is and shall be open for inspection by the public without fee during the hours at which that office is open.

(3) Any person may, without fee, make copies of an election roll or take extracts therefrom during the hours aforesaid.

Objections

11. Any person whose name is enrolled on an election roll for any polling district may object to the inclusion of any other name appearing thereon and all objections so made shall be made, determined and heard in like manner, *mutatis mutandis*, as objections made, determined and heard under the provisions of sections 17, 18 and 19 of the Electoral Act, 1968.

Cancellations

12. If any registration officer has reason to believe that any voter enrolled on an election roll in his polling district is not, or is no longer, entitled to be so enrolled he shall send to that voter written notice of cancellation whereupon such person may appeal against such cancellation and the hearing of such appeal shall be dealt with in like manner, *mutatis mutandis*, as is provided under sections 21 and 22 of the Electoral Act, 1968.

Notification to Supervisor

13. If a magistrate upholds an objection or if notice of cancellation is given to any voter in pursuance of these regulations and either such voter does not appeal and the notice is not withdrawn, or such voter does appeal and his appeal is dismissed, the registration officer concerned shall —

- (a) notify the Supervisor accordingly who shall, subject to the provisions of regulation 16 cancel the voter's enrolment by making an appropriate endorsement on the voter's registration record card relating to such voter, and deleting his name from the election roll; and
- (b) require the person whose enrolment is cancelled to surrender to him the voter's registration card given to that person, if the said card was given to him in pursuance of regulation 5 (2)(c), and forward such card to the Supervisor; or, if the voter's registration card of the person whose enrolment is cancelled was issued in pursuance of the Electoral Act, 1968, notify the Supervisor forthwith of the number and all other particulars entered upon such card to enable the Supervisor to inform the Supervisor of Elections appointed under the said Act of such cancellation and the reason therefor.

Formal Alterations to Election Rolls

14. An alteration to any election roll which is required —

- (a) to insert a voter's name which is incorrectly omitted;
- (b) to transfer a voter's name from an incorrect section or list to the correct section or list;
- (c) to correct any clerical error made therein;
- (d) to change, on the application of a voter, the original name or address of that voter to an altered name or address; or
- (e) to delete the name of any person who the Supervisor is satisfied is dead;

may, subject to the provisions of regulation 16, be made by the Supervisor at any time:

Provided that no alteration shall be made to an election roll in terms of paragraph (d) of this regulation unless the voter provides the voter's registration card given to him to enable it to be endorsed under regulation 15(2).

Procedure for Alteration of Election Rolls

15. (1) Upon making any alteration to an election roll, the Supervisor shall forthwith notify the registration officer concerned of the details of such alteration, and the registration officer shall cause a similar alteration to be made to every copy of such roll in his possession.

(2) In addition, in the case of —

- (a) any alteration involving the insertion of a name in terms of regulation 14(a), the Supervisor shall give notice thereof in the *Gazette* and in such other manner as he may consider appropriate, specifying the place at which the altered election roll and copies thereof are available for inspection by the public in terms of regulation 10 and setting out the manner in which objections in respect of such insertions may be made;

(b) any alterations in terms of regulation 14(d), the Supervisor shall make a corresponding endorsement to the voter's registration record card relating to the voter, and cause a corresponding endorsement to be made to his voter's registration card;

(c) any alteration in terms of regulation 14(e), the Supervisor shall make a corresponding endorsement to the voter's registration record card relating to the deceased voter and destroy the card after the expiration of such period as he may deem fit or if the card was issued or is deemed to have been issued in pursuance of the Electoral Act, 1968, forward such card to the Supervisor of Elections appointed under that Act.

(3) Any such alteration as is referred to in subregulation (2) shall be reported to the Supervisor of Elections appointed under the Electoral Act, 1968.

Restriction on Acts of Supervisor after Issue of Election Instrument

16. After the issue of any election instrument, the Supervisor shall not —

- (a) prepare, publish or certify any election roll;
- (b) make any endorsement to a voter's registration record card;
- (c) cause any endorsement to be made to a voter's registration card; or
- (d) make any alteration to a roll;

having effect in relation to the polling district to which the instrument relates, until the close of the polling in the election to which the instrument relates.

Issue of Duplicate Voter's Registration Card

17. Where a voter loses his voter's registration card, issued in pursuance of regulation 5 or the card so issued is destroyed, a registration officer for the polling district in which the voter is registered, on being satisfied as to such loss or destruction, may issue a duplicate voter's registration card to such person:

Provided that no duplicate voter's registration card shall be issued on any day fixed for polling in that polling district.

Inaccurate Description of Places and Names

18. No misnomer or inaccurate description of any person or place named or described in any election roll or other document whatsoever prepared or issued under or for the purposes of these regulations shall in any way affect the validity of any entry in or part of such roll or document as respects that person or place, if the person or place is so designated in such roll or document as to be identifiable.

Service of Notices

19. Any notification which a registration officer is required to give or cause to be given shall be deemed to have been duly given if sent by registered post to the address given in any form completed by the appellant or objector, as the case may be, or in the case of the person to whom an objection relates, to the address of such person as shown in the election roll.

Offences in Relation to Voter's Registration Cards

20. Any person who —

- (a) on being required by a registration officer under regulation 13 to surrender his voter's registration card, fails to do so;
- (b) without lawful authority, the proof whereof shall lie upon him, is in possession of a voter's registration card issued or purporting to have been issued under these regulations which was not given to him in pursuance of these regulations;
- (c) without lawful authority, the proof whereof shall lie upon him, asks or requires any other person to give to him the voter's registration card given to such other person in pursuance of these regulations; or
- (d) fraudulently destroys a voter's registration card issued under these regulations;

shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 24(1).

Offences by Registration Officers

21. Any registration officer who --

- (a) fraudulently destroys or alters a voter's registration record card; or
- (b) gives to any person a voter's registration record card otherwise than in pursuance of these regulations;

shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 24(2).

Knowingly Giving False Information to a Registration Officer

22. Any person who knowingly gives false information to a registration officer shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 24(2).

False Entry in Form of Appeal or Objection

23. Any appellant or objector who knowingly makes any false entry in any form completed by him in pursuance of these regulations for the purposes of his appeal or objection, as the case may be, shall be guilty of an offence and liable on conviction to the penalties prescribed in regulation 24(2).

Penalties

24. (1) Any person who is convicted of an offence under regulation 20 shall be liable to imprisonment for a period not exceeding six months or to a fine not exceeding fifty rand or in default of payment, imprisonment for a period of one month.

(2) Any person who is convicted of an offence under regulation 21, 22 or 23 shall be liable to a fine not exceeding one hundred rand or in default of payment, imprisonment for a period of three months, or such imprisonment without the option of a fine or both such fine and imprisonment.

Repeal of Legal Notice No. 26 of 1966

25. The Local Councils (Election Rolls) Regulations, 1966, are repealed.

SCHEDULE

Form "A"

VALID FOR COUNCIL ELECTIONS ONLY
E DIRISEDIWA TLHOPHO YA DIKHANSELE FELA
THE LOCAL COUNCILS (ELECTION ROLLS)
REGULATIONS, 1969
(regulation 5)

Constituency Polling.....
..... Station.....

VOTER'S REGISTRATION RECORD CARD

I, No
..... Sex
residing at
in Polling District
declare —

1. That I have attained the age of 21 years, and
2. That I am lawfully resident in Botswana and have been so resident for a continuous period of at least twelve months immediately preceding this date; and
3. That my sole*/principal* residence is in the
Polling District

Signature.....

Declared before me this day in the
language and a voter's registration card issued.

Date
Registration Officer

* delete whichever is inapplicable

VALID FOR COUNCIL ELECTIONS ONLY
E DIRISEDIWA TLHOPHO YA DIKHANSELE FELA
THE LOCAL COUNCILS (ELECTION ROLLS)
REGULATIONS, 1969
(regulation 5)

VOTER'S REGISTRATION CARD

No

1. Surname
 2. Other Names
 3. Sex
 4. Address
-
- Polling
- Constituency
- Station

IMPORTANT

Keep this card in a safe place.
You must produce it when you claim your vote on Polling Day.

VOTER'S REGISTRATION CARD

KARATA YA MOTLHOPHI

TLHOKOMELA

Boloka karata e sentle.

O tshwanetse go e supa ka letsatsi la Tlhopho.

Form "C"

VALID FOR COUNCIL ELECTIONS ONLY
E DIRISEDIWA TLHOPHO YA DIKHANSELE FELA
THE LOCAL COUNCILS (ELECTION ROLLS)
REGULATIONS, 1969
(regulation 9)

CERTIFICATION OF ELECTION ROLL

I hereby certify that this is the election roll for the polling district as at the 19..... prepared in accordance with the provisions of the Local Councils (Election Rolls) Regulations, 1969.

Date: 19.....

Local Government Election Supervisor.

A.M. MOGWE,
Permanent Secretary.

Office of the President,
GABERONES.
4th March, 1969.