

ELECTORAL (AMENDMENT) ACT, 1993

No. 10



of 1993

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap.02:07
3. Amendment of section 12(a) of the Act
4. Amendment of section 30(1) of the Act
5. Amendment of section 32 of the Act
6. Amendment of section 34 of the Act
7. Amendment of section 47 of the Act
8. Amendment of section 51 of the Act
9. Amendment of section 67 of the Act
10. Amendment of section 69 of the Act
11. Amendment of section 74 of the Act
12. Amendment of section 80 of the Act
13. Amendment of the Schedule to the Act

An Act to amend the Electoral Act

Date of Assent: 17th August, 1993.

Date of Commencement: 20th August, 1993.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 1993. Short title
2. Section 2 of the Electoral Act (in this Act referred to as "the Act") is amended — Amendment of section 2 of Cap.02:07
 - (a) by the insertion immediately after the definition of the words "general roll" appearing therein, the following new definition, "'identity card' means an identity card issued under the National Registration Act;"; and Cap.01:02
 - (b) by the insertion immediately after the definition of the words "personal representative" appearing therein, the following new definition, "'police officer' has the meaning assigned to it by section 2 of the Police Act;".
3. Paragraph (a) of section 12 of the Act is amended by substituting for the words "sex and address" which appear therein, the words "sex, address and house number or plot number (where practicable)". Cap. 21:01
Amendment of section 12(a) of the Act

Amendment
of section
30(1) of
the Act

4. Subsection (1) of section 30 of the Act is amended by the insertion of the words "and his identity card" immediately after the words "his voter's registration card" which appear therein.

Amendment
of section 32
of the Act

5. Section 32 of the Act is amended —

(a) in subsection (2) thereof by the substitution for paragraphs (a) and (b) therein, the following new paragraphs —

"(a) the name, identity card number and address of the candidate, the name of the constituency in which he is registered, together with his number on the electoral roll for that constituency;

(b) the names, identity card numbers, addresses and the numbers on the electoral roll for that constituency of the proposer, seconder and supporters of the candidate;" and

(c) by the addition at the end of subsection (6) thereof, of the following new subsections —

"(7) The returning officer shall require the proposer, seconder and seven supporters of the nominated candidate to produce their identity cards for him to inspect.

(8) Where any person required under subsection (7) to produce his identity card fails to do so, the returning officer shall reject the nomination."

Amendment
of section 34
of the Act

6. Subsection (2) of section 34 of the Act is amended by adding immediately at the end of paragraph (d) thereof, the following new paragraph —

"(e) that the proposer, seconder or any one of the supporters of a nominated candidate has failed to comply with the provisions of subsection (7) of section 32."

Amendment
of section 47
of the Act

7. Section 47 of the Act is amended by substituting for subsection (3) thereof, the following new subsections —

"(3) Notwithstanding the provisions of subsections (1) and (2), if at the end of the period stipulated for the taking of the poll, the presiding officer is satisfied that for conditions beyond their control, many voters would not be able to cast their votes within the stipulated closing time, he may permit the taking of the poll to continue for a further period not exceeding two hours beyond the closing time.

(4) Any votes cast within any period extended under this section shall not be held to be invalid solely on the ground that the votes were cast during the extended period."

Amendment
of section 51
of the Act

8. Section 51 of the Act is amended in paragraph (a) thereof by inserting the words "and his identity card" immediately after the words "voter's registration card" appearing therein.

Amendment
of section 67
of the Act

9. Section 67 of the Act is hereby amended by substituting for the provisions of subsection (2) thereof, the following new provisions —

“(2) Except with the consent of the returning officer, no person other than —

- (a) the returning officer;
- (b) the assistant returning officers;
- (c) the candidates and their spouses; or
- (d) the election and counting agents of the candidates,

may be present at the counting of the votes.”

10. Section 69 of the Act is amended by substituting for subsection (5) thereof the following new subsection —

Amendment
of section 69
of the Act

“(5) (a) The returning officer shall provide each counting agent with copies of Form T prescribed in the Schedule hereto for recording the results of the voting.

(b) He shall then count the ballot envelopes in favour of each candidate and record the results on Form T which shall, at the end of the counting of the votes, be signed by him and the counting agents present and willing to do so.”

11. Section 74 of the Act is amended by substituting for the provisions of that section the following new provisions —

Amendment
of section 74
of the Act

“Fresh election in event of equality of votes 74. Where after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates, a fresh election shall be held in respect of that constituency.”

12. Section 80 of the Act is amended by adding at the end of subsection (3) thereof, the following new subsection —

Amendment
of section 80
of the Act

“(4) A candidate’s election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised under this Act to be done in the presence of the polling or counting agents may be done in the presence of a candidate’s election agent instead of his polling agents or counting agents.”

13. The Schedule to the Act is amended —

Amendment
of the
Schedule
to the Act

- (a) by substituting for Form O thereof, the new Form O set out in the Schedule hereto; and
- (b) by adding at the end of Form S thereof, Form T set out in the Schedule hereto.

SCHEDULE

“FORM O

BOTSWANA ELECTIONS
ELECTORAL ACT(Cap. 02:07)
(Section 32)
NOMINATION PAPER

We, the undersigned voters enrolled on the existing electoral roll for the.....
constituency, hereby nominate:
Mr/Mrs/Miss (Full name in block capitals).....
of (Address).....as a candidate for the aforesaid constituency.

	Full Names in Block Capitals (Surname First)	Address	Signature/Mark and name and Signature of witness	Polling Station at which registered	Number on the Election roll	Number of identity card
Proposed by						
Seconded by						
Supporters						
(2)						
(3)						
(4)						
(5)						
(6)						
(7)						

FORM O

(Reverse)

I, the said
(candidate's full name)

do hereby accept the nomination made on this paper and declare that —

(a) I am registered as a voter under No.....at the.....Polling Station
in theconstituency.

(b) My identity card No is

(c) I possess all the qualifications referred to in section 61 of the Constitution and none of
the disqualifications referred to in section 62 of the Constitution.

(d) I have not accepted nomination as a candidate(or no longer remain a nominated
candidate) in this election in any constituency other than that to which this paper relates.

My preference of symbol and voting colour for the purpose of this election is
.....

I supportin the election to the Office of
the President.

Signature of Candidate

Date.....

Address.....

.....”

“FORM T

BOTSWANA ELECTIONS
ELECTORAL ACT(CAP.02:07)
(SECTION 69)
COUNTING OF VOTES

POLLING STATION:

CONSTITUENCY:.....

POLITICAL PARTIES	POLITICAL PARTIES
1.	21.
2.	22.
3.	23.
4.	24.
5.	25.
6.	26.
7.	27.
8.	28.
9.	29.
10.	30.
11.	31.
12.	32.
13.	33.
14.	34.
15.	35.
16.	36.
17.	37.
18.	38.
19.	39.
20.	40.
TOTAL	

PRESIDING/RETURNING OFFICER:.....
.....for.....
.....for.....
.....for.....
.....for.....”

PASSED by the National Assembly this 5th day of August, 1993.

T.G. SEELETSO,
Clerk of the National Assembly.