

# ELECTORAL (AMENDMENT) ACT, 2016

No. 7



of 2016

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**An Act to amend the Electoral Act.**

*Date of Assent:* 20.09.16

*Date of Commencement:* ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 2016, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title  
and  
commencement

2. The Electoral Act, (in this Act referred to as “the Act”) is amended in section 2 by —

Amendment  
of section 2  
of  
Cap.02:09

(a) substituting for the definition of “election roll”, the following new definition —

““election roll” means a print or electronic roll prepared in pursuance of section 12 (4);”;

(b) substituting for the definition of “general roll”, the following new definition —

““general roll” means a print or electronic roll prepared in pursuance of section 12 (2) and includes, in the circumstances set out in section 12 (7), an election roll;”;

(c) substituting for the definition of “roll”, the following new definition —

““roll” means a print or electronic general roll or election roll prepared in pursuance of section 12;”;

(d) inserting in their correct alphabetical order, the following new definitions -

“ballot button” means a ballot button on the ballot section of the control unit which enables a voter to cast his vote after a ballot is released;

“ballot unit” means a unit of the voting machine which consists of —

- (a) an interconnecting cable;
- (b) a voting machine ballot paper screen;
- (c) candidate buttons and one register button;
- (d) candidate lamps and one register lamp;
- (e) a slide switch window; and
- (f) a ready lamp;

“ballot section” means a section of the control unit which consists of a ballot button and a total button;

“candidate button” means a button on the ballot unit of the voting machine which a voter presses to select a candidate of his choice;

“candidate lamp” means a lamp located between the ballot paper screen and candidate button and which lamp glows red when a voter presses the candidate button to select a candidate of his choice;

“candidate set button” means a button on the candidate set section of the control unit which sets the number of candidates contesting in an election;

“candidate set section” means a section on the control unit of the voting machine which consists of the power pack compartment and the candidate set button;

“clear button” means a “clear button” located on the result section of the control unit which clears the voting machine to show that there are no votes recorded in the voting machine;

“close button” means a “close button” on the result section of the control unit which closes the poll when pressed;

“control unit” means a control unit of the voting machine that is operated by a polling officer which enables a voter to cast his vote and consists of a —

- (a) display section;
- (b) candidate set section;
- (c) result section; and
- (d) ballot section;

“display panel” means a display panel on the display section of the control unit which displays —

- (a) the serial number of the control unit of the voting machine;
- (b) the number of candidates contesting in an election;
- (c) the status of the battery of the voting machine;

- (d) the results and date of the poll;
- (e) the starting time and date of the poll;
- (f) the ending time and date of the poll; and
- (g) any other information that may be displayed on the display panel;

“display section” means the display section on the control unit of the voting machine which consists of a display panel, on lamp and busy lamp;

“electronic vote” means a vote recorded on a voting machine;

“register button” means a button on the ballot unit of the voting machine which a voter presses to cast his vote after selecting his candidate by secretly pressing the candidate button corresponding to the candidate of his choice;

“register lamp” means lamp on the left side of the register button that glows red when a voter presses the register button to cast his vote;

“result section” means a section on the control unit of the voting machine which consists of a close button, result button, print button and clear button;

“result button” means the button on the result section of the control unit which if pressed shows the total number of votes of a candidate in respect of the polling station in which a voting machine is used;

“tabulator” means a portable instrument for the counting of the results of votes recorded on the control units of voting machines;

“total button” means the total button on the ballot section of the control unit, which when pressed, shows —

- (a) the battery status;
- (b) current time and date;
- (c) the number of candidates; and
- (d) the total number of votes recorded;

“voting machine” means any machine or apparatus whether operated electronically, used for the giving and recording of votes;

“voting machine ballot paper” means a paper on a voting machine which is inserted and displayed on the voting machine ballot paper screen; and

“voting machine ballot paper screen” means a screen on the ballot unit where a ballot paper is inserted and displayed on the ballot unit;”.

Amendment  
of section 3  
of the Act

**3.** Section 3 of the Act is amended by inserting the following new paragraph immediately after paragraph (d) —

“(e) promote civic and conduct voter education.”.

Amendment  
of section 4  
of the Act

**4.** Section 4 of the Act is amended by inserting immediately after subsection (5), the following new subsection —

“(6) An officer appointed by the Secretary under subsections (1) and (2) shall not —

(a) publicly speak or conduct himself or herself in a manner which is in favour of or against any politician or political party; or

(b) be an active member of, or hold office in, any political party.”.

Amendment  
of section 7  
of the Act

**5.** Section 7 of the Act is amended by —

(a) inserting immediately after subsection (2), the following new proviso —

“Provided that the Commission may undertake any general registration of voters by way of an electronic voter registration system or any other voter registration system in the manner determined by the Commission, including —

(a) the manner of capturing information in the system and the storing of information in the system;

(b) the printing of voter registration cards; and

(c) the safe custody of information stored in the system.”; and  
(b) substituting for the words “principal registration officer” appearing in subsection (3), the words “principal election officer”.

Deletion of  
section 8  
of the Act  
Amendment  
of section 9  
of the Act

**6.** The Act is amended by deleting section 8.

**7.** Section 9 of the Act is amended by substituting for subsection (2), the following new subsection —

“(2) Whenever a registration period is appointed under section 7, the Secretary shall cause a notice to be published in —

(a) a foreign newspaper in a foreign country circulating in the area of the country where citizens of Botswana are resident; or

(b) any other suitable medium,

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 10 shall, with such modifications and adaptations as may be necessary, have effect.”.

Amendment  
of section  
12 of the Act

**8.** Section 12 of the Act is amended —

(a) in subsection (1) by deleting the words “, supplementary rolls” appearing therein;

(b) by deleting subsection (3);

(c) in subsection (4) by substituting for that subsection, the following new subsection —

“(4) Whenever a writ of election is issued, the Secretary shall prepare the general roll for such constituency known as an election roll and such roll may be maintained in such form of permanent record as the Minister may prescribe.”;

- (d) in subsection (6) by deleting the words “and any existing supplementary rolls” appearing therein ; and
- (e) in subsection (7) by deleting the words “general roll and all supplementary rolls which have been amalgamated into the” appearing therein.
- 9.** Section 14 of the Act is amended —
- (a) by deleting the words “or supplementary roll” appearing therein; and
- (b) in paragraph (b) by deleting the words “or a supplementary roll” appearing therein.
- 10.** Section 15 of the Act is amended —
- (a) in subsection (1) by —
- (i) deleting the words “or supplementary roll” appearing therein, and
- (ii) deleting the words “or twenty-one (21) days in the case of a supplementary roll” appearing therein; and
- (b) in subsection (2) by deleting the words “or supplementary roll” appearing therein,
- 11.** Section 17 of the Act is amended by substituting for the words “principal registration officer” appearing therein, the words “principal election officer”.
- 12.** Section 18 of the Act is amended —
- (a) by substituting for the words “principal registration officer” appearing therein, the words “principal election officer”; and
- (b) in subsection (2) by deleting the words “twenty-one (21) days in the case of the supplementary roll, and” appearing therein.”.
- 13.** Section 19 of the Act is amended by substituting for the words “principal registration officer” appearing therein, the words “principal election officer”.
- 14.** Section 21 of the Act is amended by substituting for the words “principal registration officer” appearing therein, the words “principal election officer”.
- 15.** Section 22 of the Act is amended by substituting for the words “principal registration officer” appearing therein, the words “principal election officer”.
- 16.** Section 27 of the Act is amended by substituting for subsection (1), the following new subsection —
- “(1) Upon making any alteration to a roll, the Secretary shall forthwith notify the principal registration officer and principal election officer concerned of the details of such alteration, and the principal registration officer and principal election officer shall cause a similar alteration to be made in every copy of such roll in his possession or control or in the possession or control of any other registration officer in that constituency.”.

Amendment  
of section 14  
of the Act

Amendment  
of section  
15 of the Act

Amendment  
of section 17  
of the Act

Amendment  
of section 18  
of the Act

Amendment  
of section 19  
of the Act

Amendment  
of section 21  
of the Act

Amendment  
of section 22  
of the Act

Amendment  
of section 27  
of the Act

Amendment  
of section 32  
of the Act

**17.** Section 32 of the Act is amended in subsection (2) by inserting immediately after the words “are resident” appearing therein, the words “or in any other suitable medium”.

Amendment  
of section 35  
of the Act

**18.** Section 35 of the Act is amended in subsection (2) by —

(a) deleting paragraph (c); and

(b) inserting immediately after subsection (2), the following new subsection —

“(2A) A proposer, seconder and supporter shall sign a nomination form in Form O for one candidate only.”.

Amendment  
of section 36  
of the Act

**19.** Section 36 of the Act is amended —

(a) in subsection (1) by —

(i) substituting for the word “P500” appearing therein, the word “P5000”; and

(ii) substituting for the word “P100” appearing therein, the word “P1000”; and

(b) in subsection (2) by deleting paragraph (e).

Amendment  
of section 52  
of the Act

**20.** Section 52 of the Act is amended by inserting immediately after paragraph (e) the following new paragraph —

“(f) one or more voting machines.”.

Insertion of  
section 53A  
of the Act

**21.** The Act is amended by inserting immediately after section 53 the following new sections —

*“Checking of  
voting  
machines and  
tabulators*

53A. (1) The Commission shall ensure that any voting machine or any tabulator or printer used at an election is checked by a person designated by the Commission having expert knowledge on the operation of the voting machine or tabulator or printer to ensure that any voting machine or tabulator or printer used at an election is in working order and that there is no fault in any of the voting machines or tabulators or printers.

(2) The process of the checking of the voting machines, tabulators and printers shall be done prior to any election at the Commission in the presence of election agents and any other person authorised by the Commission.

*Preparation  
of ballot unit  
by returning  
officer*

53 B. (1) A returning officer shall prepare the ballot unit of the voting machine at the Commission offices in the presence of the election agents and other persons authorised by the Commission.

(2) The returning officer, in preparing the ballot unit referred to in subsection (1), shall —

- (a) open the carrying case of the ballot unit of the voting machine and remove the ballot unit, push the latch backwards and lift the cover;
- (b) ensure that a ballot unit is displayed in such a manner that the ballot unit is visible to all election agents present before he commences the process of preparing the ballot unit of the voting machine;
- (c) record the serial number of the ballot unit in Form V set out in the Schedule and allow election agents to verify the serial number of the ballot unit recorded on the Form;
- (d) open the voting machine ballot paper screen by pushing the latch backwards and lifting the cover;
- (e) stamp the voting machine ballot paper to be inserted and displayed on the voting machine ballot paper screen with an official mark of the Commission;
- (f) insert the voting machine ballot paper in the voting machine ballot paper screen and ensure that the name of the candidate corresponds with the candidate button;
- (g) close the voting machine ballot paper screen and seal the voting machine ballot paper screen with the seal clip provided by the Commission;
- (h) sign the seal tag and record the clip seal number in Form V and allow the election agents who are present to sign the seal tag and verify the clip seal number recorded in Form V;
- (i) unmask the candidate buttons corresponding with the number of candidates on the ballot paper screen;
- (j) unmask the register button;
- (k) set the slide switch located on the top right side of the ballot in accordance with subsection (3);

- (l) close and seal the ballot unit cover; and
  - (m) sign the seal tag of the ballot unit cover and record in Form V the seal number and allow the election agents who are present to sign the seal tag and verify the seal number recorded in Form V.
- (3) The returning officer may connect more than one ballot unit to a single control unit by setting the slide switch to the position marked “1” if a single ballot unit is used or to the position marked “2” if two ballot units are used.

*Preparation of control unit by returning officer*

53 C. (1) A returning officer, after having completed the preparation of a ballot unit under section 53B, shall prepare the control unit of the voting machine in the presence of the election agents and other persons authorised by the Commission.

(2) The returning officer, in preparing the control unit referred to in subsection (1) shall —

- (a) connect the ballot unit to the control unit using the interconnecting cable;
- (b) switch on the control unit of the voting machine;
- (c) record in Form V the serial number of the control unit;
- (d) open the outer cover of the candidate set section on the control unit;
- (e) open the inner cover of the candidate set section on the control unit; and
- (f) press the candidate set button to configure the voting machine.

(3) After a returning officer has completed the processes referred to in subsection (2), the control unit of the voting machine requests the setting of the number of elections and the returning officer shall set the number of elections by pressing the first candidate button on the ballot unit.

(4) The returning officer shall set the number of candidates by pressing the last unmasked button on the ballot unit after having completed the process referred to in subsection (3) and the control unit of the voting machine has requested for the setting of the number of candidates.

(5) After the returning officer has completed the process referred to in subsection (4), the display panel confirms the selection and displays the words “configuration completed”.

(6) The returning officer shall, after performing the processes referred to in subsections (2) to (5) —

- (a) close the inner cover of the candidate set section on the control unit and seal it;
- (b) record in Form V the seal number of the clip seal and allow the election agents who are present to verify the seal number of the clip seal on Form V;
- (c) close the outer cover of the candidate set section on the control unit and seal it;
- (d) sign the seal tag and record in Form V the serial number and allow election agents who are present to sign the seal tag and verify the serial number recorded in Form V;
- (e) place the control unit and ballot unit in their respective carrying cases; and
- (f) affix a seal to the carrying cases referred to in paragraph (e), sign the seal tag and record the seal number on Form V and allow each counting agent who is present to affix his own seal and record the seal numbers of the seals affixed by each counting agent and each counting agent shall verify the seal numbers recorded in Form V.

(7) The returning officer shall cause Form V where the seal numbers and serial numbers are recorded by him, in respect of a voting machine, to accompany the respective voting machine to the polling station where the voting machine is to be used.

*Preparation  
of  
voting  
machine  
by  
presiding  
officer at  
polling  
station*

53D. (1) A presiding officer responsible for a polling station shall in the presence of the polling agents and other persons present at the polling station —

- (a) verify the seals on the carrying cases of the voting machine, using Form V;
- (b) remove the ballot unit and the control unit from their carrying cases;
- (c) verify the seals and the serial numbers on the control unit and the ballot unit of the voting machine by using Form V;

- (d) connect the ballot unit to the control unit and switch on the control unit; and
- (e) open the outer and inner cover of the result section of the control unit and press total button to indicate that there are no votes recorded on the voting machine and in the case where votes have been recorded on the voting machine, the presiding officer shall press the clear button to clear any recorded votes.

*Clearing of voting machine at polling station*

53E. (1) A presiding officer shall, before the commencement of a poll, satisfy himself, the polling agents and other persons present at the polling station, that the voting machine is in working order and that the voting machine is cleared of any votes by carrying out the processes referred to in this section and section 53F.

(2) The presiding officer shall —

- (a) open the outer cover of the result section of the control unit by pressing slightly inwards the latch provided on the left side of the control unit;
- (b) after performing the process referred to in paragraph (a), open the inner cover of the result section of the control unit by inserting his thumb and a finger through the two apertures above the result button and print button;
- (c) press the latches inside slightly inwards simultaneously and pull the closure up; and
- (d) press the clear button on the compartment of the inner cover to show to polling agents and other persons present at the polling station that the previous vote count in the control unit memory has been set to zero.

(3) When the clear button is pressed under subsection (2) (d), the display panel on the display section displays the following information in sequence, with every display followed by a beeping sound—

- (a) number of candidates (cd) = number of candidates set;

- (b) total votes cast (to) = 0;
- (c) total votes per candidate = 0; and
- (d) end.

(4) A voting machine is not cleared of any result if after pressing the clear button under subsection 2 (d) the display panel does not display the zero results.

(5) In order to clear the voting machine, the presiding officer shall –

- (a) ensure that the ballot unit and the control unit are connected to each other with the interconnecting cable;
- (b) press the close button; and
- (c) press the result button.

(6) After performing the processes under subsection (5), the display panel displays the information referred to in subsection (3) and the display of zero votes on the display panel shall serve as proof to polling agents and other persons present at the polling station that there are no votes recorded in the voting machine.

*Pre-poll  
test of  
voting  
machine  
at polling  
station*

53F. (1) The presiding officer shall, after demonstrating that there are no votes recorded in the voting machine under section 53E, but before the commencement of any poll, conduct a pre-poll test to ensure that all candidate buttons are functioning properly.

(2) The presiding officer shall conduct the pre-poll test referred to in subsection (1) by –

- (a) pressing the ballot button on the ballot section of the control unit, and on pressing the ballot button the busy light on the display section of the control unit glows red and simultaneously, the ready light on the ballot unit glows green; and
- (b) allowing each polling agent present at the polling station to select his candidate which the polling agent is representing by pressing the candidate button corresponding to the name of his candidate and pressing the register button to cast his vote.

(3) After the candidate button referred to in subsection (2) (b) is pressed, the candidate lamp next to the candidate button glows red to indicate that a candidate has been selected.

(4) After the register button referred to in (2) (b), is pressed the ready light on the ballot unit goes off and a beeping sound is heard and the busy light on the display section on the control unit goes off indicating that a vote has been recorded and the voting machine is ready to be used by the next voter.

(5) If a polling agent for any political party participating in an election is not present at the polling station during the pre-poll test, the presiding officer shall, on behalf of that polling agent, perform the processes referred to in subsection (2) (a) for purposes of subsection (1).

(6) After each polling agent present at the polling station has performed the processes referred to in subsection (2), the presiding officer shall press the close button to close the pre-poll test and the display panel displays the words "poll closed".

(7) The presiding officer shall, after closing the poll under subsection (5), press the result button to show the result of the pre-poll test.

(8) After the results of the pre-poll are shown under subsection (7), the presiding officer shall press the clear button to clear the votes recorded during the pre-poll test which process shall conclude the pre-poll test.

(9) After the pre-poll test has been concluded under subsection (8), the presiding officer shall close and seal the inner and outer cover of the result section with a clip seal, record the clip seal numbers on Part A of Form W set out in the Schedule and allow polling agents to verify the clip seal number recorded on Part A of Form W."

22. Section 54 of the Act is amended by substituting for that section, the following new section —

Amendment  
of section  
54 of  
the Act

*"Method  
of  
voting*

54. Voting at an election shall be conducted in the following manner —

- (a) every voter desiring to record his vote shall present himself at the polling station in respect of which he is registered to vote, and shall produce his voter's registration card and his national identity card to the presiding officer;
- (b) the presiding officer, shall satisfy himself —

- (i) that the name of such voter appears on his copy of the election roll for that constituency and in the section thereof relating to that polling station,
  - (ii) that such voter has not already voted at that election, and
  - (iii) that such voter has not become disqualified from voting;
- (c) the number and name of the voter, as stated in the election roll, shall then be called out;
- (d) a mark shall be made on the copy of the election roll against the number of such voter to show that he has been issued with a ballot paper and the voter's registration card shall be marked by the presiding officer with the date and his initials;
- (e) subject to the provisions of subparagraph (g), a voter voting in terms of section 61 (4) shall, on receiving a ballot paper, go immediately into a polling booth and there secretly mark his paper and fold it up so as to conceal his vote;
- (f) 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) in the case of a person voting outside Botswana, that person shall be issued with a ballot envelope and the name of the constituency, under which that person has been registered, shall then be written or stamped on it;
- (h) every voter shall vote without undue delay and shall leave the polling station as soon as he has voted; and
- (i) on the application in person of any voter who is incapacitated by blindness, illiteracy or other physical cause from voting, the presiding officer, in the presence of the voter's nominated aide, shall cause the vote of the voter to be marked on the ballot paper or recorded in the manner directed by the voter and the ballot paper to be placed in the ballot box."

23. The Act is amended by inserting immediately after section 54 the following new section –

*“Voting  
procedure  
using a  
voting  
machine*

54A. (1) A presiding officer shall, after the verification process of voters as contemplated in section 54 of the Act has been completed, record in Form X set out in the Schedule the voter registration number and other information required to be recorded in Form X.

(2) After the process referred to in subsection (1) is completed, the presiding officer responsible for the issuing of an electronic ballot shall –

- (a) press the ballot button on the ballot section on the control unit to issue the ballot and to activate the ballot unit situated in the voting booth; and
- (b) ensure that the busy light on the control unit glows red before instructing a voter to enter the voting booth.

(3) When a voter enters a voting booth, he shall select from the list of names of candidates displayed on the voting machine ballot paper screen of the ballot unit by secretly pressing the candidate button corresponding to the name of the candidate of his choice.

(4) If a voter under subsection (3) mistakenly selects a candidate who is not of his choice, the voter shall de-select the candidate by secretly pressing the same candidate button pressed under subsection (3) and re-select the candidate of his choice by secretly pressing the candidate button next to the name of the candidate of his choice.

(5) When a voter selects his candidate by secretly pressing the candidate button corresponding to the name of the candidate of his choice, the candidate lamp next to the name of the candidate glows red.

(6) If the voter is satisfied that the candidate that he has selected, under subsection (3) or (4), is the one that he intends to cast a vote for, the voter shall secretly press the register button to cast his vote.

(7) Where a beeping sound is heard after the vote has been cast under subsection (6), and if the voter leaves the voting booth before the beeping sound is heard, the presiding officer shall advise the voter to return to the voting booth and cast his vote by secretly pressing the register button.

(8) If a voter decides not to cast his vote —

- (a) after the particulars of the voter have been recorded on Form X under subsection (1);
- (b) after a ballot has been issued under subsection (2) (a);
- (c) after being advised under subsection (7) or after being assisted as contemplated in section 54 (i); or
- (d) for any other reason, the presiding officer shall, for purposes of reconciling the total number of votes recorded on the voting machine and the total number of voters recorded on Form X, endorse on Form X that the voter has not cast his vote.

(9) After Form X has been endorsed under subsection (8), the presiding officer shall de-activate the ballot issued under subsection (2) (a) in respect of a voter referred to in that subsection by —

- (a) switching off the control unit of the voting machine; and
- (b) switching on the control unit of the voting machine.

(10) The presiding officer shall, after switching on the control unit of the voting machine under subsection (9) (b), press the total button to obtain a total number of votes cast on the voting machine.

(11) The total number of votes recorded on the voting machine under subsection (10) shall correspond with the total number of voters recorded on Form X as reconciled with the endorsement of voters that have not voted under subsection (8) and the presiding officer shall allow the polling agents to verify the total number of votes recorded on the voting machine, as displayed on the display panel of the display section, against the total number of voters recorded on Form X before proceeding with the voting process for the next voter.

(12) The presiding officer shall inform the polling agents the reason why the voting machine has to be switched off and on under subsection (9) and why an endorsement has to be made on Form X.

(13) Polling agents and accredited observers may observe how a presiding officer operates the control unit of the voting machine to enable continuation of voting.”.

Amendment  
of section 56  
of the Act

**24.** Section 56 of the Act is amended by substituting for that section the following new section —

*“Interference  
with  
voters* 56. (1) Except as provided in this Act, no person shall approach, interfere with, speak to or assist a voter from the time he has received his ballot paper or electronic ballot to the time he has completed voting.

(2) Notwithstanding subsection (1), a voter’s nominated aide may speak to or assist a voter from the time he has —

- (a) received his ballot paper; or
- (b) entered the polling booth to record his vote, to the time he has completed voting.”.

Amendment  
of section 65  
of the Act

**25.** Section 65 of the Act is amended in subsection (1) by inserting the words “, voting machines” immediately after the words “ballot papers”.

Amendment  
of section 66  
of the Act

**26.** Section 66 of the Act is amended in subsection (4) by substituting for the word “P2000” appearing therein, the word “P7500”.

Amendment  
of section 67  
of the Act

**27.** Section 67 of the Act is amended by —

(a) inserting immediately after subsection (3) appearing therein the following new subsections —

“(3A) The presiding officer of each polling station as soon as practicable after the closing of the poll, shall, in the presence of such of the candidates and their polling agents as attend —

- (a) open the black cap covering the close button of a voting machine and press the close button to close the poll; and
- (b) take charge of any voting machines sealed with his seal and complete Form TA set out in the Schedule.

(3B) After closing the poll under subsection (3A), the presiding officer shall —

- (a) disconnect the ballot unit from the control unit;
- (b) allow polling agents to verify the seals on the outer cover of the result section;
- (c) break the seal on the outer cover of the result section and open the outer cover;
- (d) pierce through the paper seal over the result button and press the result button;
- (e) record the results on Form Y set out in the Schedule in the sequence the results appear on the display panel of the display section of the control unit and allow polling agents to verify the recording made on Form Y;
- (f) switch off the control unit, connect it to a printer and switch on the control unit to print the results;
- (g) close the outer cover of the result section and seal the cover of the result section with a seal tag, sign the seal tag, record the seal number on Part C of Form W and allow polling agents to sign the seal tag and verify the seal number recorded on Form W; and
- (h) place the control unit and ballot unit in their respective carrying cases, seal the carrying cases and record the seal number on Part C of Form W and allow polling agents to affix their seals to the carrying cases, record them and allow each polling agent to verify the recording.”; and

(b) inserting immediately after subsection (4) appearing therein the following new subsection —

“(4A) The presiding officer shall despatch each such sealed voting machine in safe custody to the returning officer.”.

28. The Act is amended in section 68 by substituting for subsection (1), the following new subsection —

Amendment  
of section 68  
of the Act

“(1) Each candidate may appoint not more than two persons (referred to in this Act as “counting agents”) to attend at the counting of the votes:

Provided that the appointees are from among persons registered for elections in the constituency in which the candidate is seeking election.”.

Insertion  
of section  
70A of  
the Act

**29.** The Act is amended by inserting immediately after section 70 the following new section —

*“Verification of electronic votes*      70A. (1) The returning officer shall, as any voting machine is received from a polling station, in the presence of any candidate or counting agent who wishes to be present, proceed to verify the accounts of that polling station.

(2) The returning officer shall prepare a statement as to the result of the verification and shall on request allow any candidate or counting agent to copy such statement.

(3) When the procedures set out in subsections (1) and (2) have been completed in respect of each polling station in a constituency, the returning officer shall then count the votes in the manner set out in section 71.”.

Amendment  
of section 71  
of the Act

**30.** Section 71 of the Act is amended by inserting immediately after subsection (7) the following new subsections —

“(8) The presiding officer shall cause the voting machines and returns, including Form Y and the printout of the results referred to under section 67(3B)(f), to be delivered to the returning officer in terms of section 79.

(9) The returning officer shall, after verifying the electronic votes in the manner set out in section 70A, collate and prepare a report on all the results of the election concerned.

(10) Where the verified electronic votes and the number of votes on Form TA do not accord, the verified electronic votes shall be accepted as the number of votes for the polling station.”.

Amendment  
of section 73  
of the Act

**31.** Section 73 of the Act is amended by inserting immediately after the word “paper” appearing therein, the words “or voting machine”.

Amendment  
of section 74  
of the Act

**32.** Section 74 of the Act is amended by substituting for that section, following new section —

*“Method of dealing with votes*      74. (1) At the conclusion of the counting of the votes the returning officer shall seal up —

- (a) in separate packets the –
  - (i) counted ballot papers,
  - (ii) rejected ballot papers, and
  - (iii) tendered ballot papers; and
- (b) voting machines.

(2) The returning officer shall at no time open the sealed packet containing the marked copy of the election roll or the sealed packet containing the tendered votes list.

(3) The returning officer shall take charge of all voting machines and other returns referred to in section 71 (8) and verify the correctness of all the returns and examine whether the seals of the voting machines are in order in the presence of the counting agents.

(4) A returning officer shall –

- (a) connect the control units of the voting machines received from the presiding officers under section 71 to the tabulator;
- (b) collate and prepare a report of the results of the election held;
- (c) record the report of the results prepared under paragraph (b) on Form Z set out in the Schedule and allow counting agents to verify the results recorded on Form Z;
- (d) transmit Form Z to the Secretary;
- (e) place all control units and tabulators in their respective carrying cases, allow counting agents to affix their seals to the carrying cases; and
- (f) ensure that the voting machines and tabulators are kept in the safe custody of an officer authorised by the Commission until they are dispatched to the Commission.

(5) The total number of votes for a candidate collated by a tabulator shall correspond with the total number of verified votes obtained by the candidate at the polling stations using Form Y.”.

**33.** The Act is amended by inserting immediately after section 74 the following new section –

Insertion of section 74A of the Act

*“Safe-keeping of voting machines and tabulators before commencement of polls* 74A. (1) The Commission shall, before the commencement of the polling process, ensure the security and safekeeping of all tabulators, voting machines and their accessories.

(2) The storeroom in which the voting machines and tabulators are stored may not have multiple entrances and the storeroom shall be fitted with at least two different locks of which the keys are kept by two different people designated by the Commission.”.

Amendment of section 79 of the Act

**34.** Section 79 of the Act is amended in subsection (1) by inserting immediately after the word “documents” appearing therein, the words “and signed Form T, Form TA and results printout”.

Amendment of section 82 of the Act

**35.** Section 82 of the Act is amended by inserting immediately after subsection (1) the following new proviso —

“Provided that no person shall be appointed as an election agent unless his name appears on the election roll for the constituency of the candidate who appointed him.”.

Amendment of section 87 of the Act

**36.** Section 87 of the Act is amended in subsection (5) by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 88 of the Act

**37.** Section 88 of the Act is amended in subsection (3) by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 95 of the Act

**38.** Section 95 of the Act is amended by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 99 of the Act

**39.** Section 99 of the Act is amended by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 103 of the Act

**40.** Section 103 of the Act is amended by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 113 of the Act

**41.** Section 113 of the Act is amended in subsection (3) by substituting for the word “P2000” appearing therein, the word “P7500”.

Amendment of section 114 of the Act

**42.** Section 114 of the Act is amended in subsection (3) by substituting for the word “P2000” appearing therein, the word “P7500”.

Amendment of section 115 of the Act

**43.** Section 115 of the Act is amended in subsection (7) by substituting for the word “P200” appearing therein, the word “P500”.

Amendment of section 126 of the Act

**44.** Section 126 of the Act is amended in subsection (2) by substituting for the word “P400” appearing therein, the word “P7500”.

Amendment of section 141 of the Act

**45.** Section 141 of the Act is amended in paragraph (a) by substituting for the words “principal registration officer” appearing therein, the word “Secretary”.

**46.** Section 142 of the Act is amended by substituting for the word “P200” appearing therein, the word “P500”.

Amendment  
of section 142  
of the Act

**47.** Section 146 of the Act is amended in subsection (1) by substituting for the word “P1000” appearing therein, the word “P5000”.

Amendment  
of section 146  
of the Act

**48.** Section 147 of the Act is amended —

Amendment  
of section 147  
of the Act

(a) in subsection (1) by —

- (i) inserting in paragraph (c) immediately after the word “paper” appearing therein, the words “or voting machine”,
- (ii) inserting in paragraph (e) immediately after the word “paper”, appearing therein, the words “or voting machine”,
- (iii) substituting for paragraph (f), the following new paragraph —

“(f) without due authority, destroys, takes, opens or otherwise interferes with any voting machine, ballot box or packet of ballot papers then in use for the purpose of the election;”

(iv) inserting immediately after paragraph (f) the following new paragraphs —

“(g) fraudulently defaces or fraudulently destroys any voting machine; and

(h) tampers with a voting machine.”, and

(v) by substituting for the word “P400” appearing therein, the word “P1000”; and

(b) in subsection (2) by inserting immediately after the word “boxes” wherever it appears therein, the words “, voting machines”.

**49.** Section 148 of the Act is amended by substituting for the word “P1000” appearing therein, the word “P2000”.

Amendment  
of section 148  
of the Act

**50.** Section 149 of the Act is amended —

Amendment  
of section 149  
of the Act

(a) in subsection (2), by inserting immediately after paragraph (b), the following new paragraph —

“(c) use or have in his possession photographic or other electronic monitoring, communications or recording device or cellular telephone from the time he has received his ballot paper or electronic ballot to the time he has completed voting.”; and

Insertion  
of section 151  
A of the Act

(b) in subsection (3), by substituting for the word “P100” appearing therein, the word “P5000”.

51. The Act is amended by inserting immediately after section 151, the following new section —

*“Fault or  
capacity  
of control  
unit of  
voting  
machine*

151A. (1) A control unit of the voting machine can store up to 2000 votes in its memory.

(2) If the control unit is full of votes or if there is any fault with the control unit, the presiding officer shall use another control unit which shall be checked in terms of sections 53A to 53F.

(3) A presiding officer shall in Form ZA record the particulars of the control unit which is to replace the control unit which is full or faulty.

(4) The presiding officer shall place the control unit, which is full or which is faulty, in its carrying case, seal it and —

- (a) allow each polling agent to place his seal to the carrying case;
- (b) record on Part C of Form W the seal numbers affixed by him and by each polling agent; and
- (c) allow each polling agent to verify the records made on Part C of Form W.

(5) When the presiding officer records the total number of votes cast at a polling station, he shall take into account the number of votes recorded on the control unit referred to in subsection (4).

(6) The presiding officer shall only allow the next voter to proceed with the voting process after the process referred to in subsection (2) is completed.”

52. The Schedule to the Act is amended by —  
(a) substituting for Form D, the following new form —

Amendment  
of Schedule  
to the Act

“Form D

NOTICE OF PUBLICATION OF GENERAL VOTERS ROLL

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap. 02:09)  
(Section 14 (b))

Notice is hereby given that the voters rolls specified in the first column of the Schedule hereto of the voters registered during the period set forth in the second column thereof in the Constituency stated in the third column thereof have been completed and copies are available for inspection at the office of the Secretary and at the office of the Principal Registration Officer for the said Constituency and at the places set forth in the fourth column of the said Schedule in respect of each of the said Constituencies.

Any person who is registered as a voter in one of the said Constituencies who wishes to object to the inclusion in the roll for that Constituency of any person's name should send or deliver his objection to the Principal Registration Officer of that Constituency at the address specified in the fifth column of the said Schedule so as to reach him not later than 42 days after the publication of this notice.

Objections must be made on the prescribed form and must be accompanied by a deposit of ten pula (P10).

<i>First Column</i> <i>(Voter's Rolls)</i>	<i>Second Column</i> <i>(Period)</i>	<i>Third Column</i> <i>(Constituency)</i>	<i>Fourth Column</i> <i>(Place where</i> <i>copies available)</i>	<i>Fifth Column</i> <i>(Address of Principal</i> <i>Registration Officer)</i>
---	---	--	---	---

Date.....

.....  
*Secretary to the Independent*  
*Electoral Commission”;*

(b) substituting for Form L, the following new form —

“Form L

NOTICE OF ALTERATIONS TO GENERAL ROLL

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap. 02:09)  
(Section 27(2) (a))

Notice is hereby given that the .....  
Voters roll of voters registered during the period.....in  
the.....constituency has been altered and copies  
of the revised roll are available for inspection at the office of the Secretaries, at the  
office of the Principal Registration Officer for the said constituency and at the following  
places .....  
.....  
.....

Any person who is registered as a voter in the aforementioned constituency  
and who wishes to object to the insertion in the said roll of any person's name,  
should send or deliver his objection to the Principal Registration Officer,  
.....constituency (address)  
.....  
.....so as to reach  
him not later than 42 days after publication of this notice. Objections must be made  
on the prescribed form and must be accompanied by a deposit of Ten Pula (P10).

Date....., 20.....

.....  
*Secretary to the Independent  
Electoral Commission”;*

(c) substituting for Form O, the following new form –

“FORM O

NOMINATION PAPER

BOTSWANA ELECTIONS  
ELECTORAL ACT  
(Cap. 02:09)  
(Section 35(2) )

We, the undersigned voters enrolled on the existing roll for the .....  
constituency/polling district\*, hereby nominate:  
Mr/Mrs/Miss (Full name in block capitals)

.....  
of (Address)

.....  
as a candidate for the aforesaid constituency/polling district.\*

	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 National Identity Card	Male/ Female
Proposed by							
Seconded by							
Supporters							
(2)							
(3)							
(4)							
(5)							
(6)							
(7)							

\*Delete as necessary

I, the said .....  
(candidate's full name)

Male      Female      Age: .....(years)      Contact number:.....

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 the .....  
.....  
constituency/polling district.\*

(b) My National 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.

OR

\*I possess all the qualifications referred to in section 15 of the Local Government (District Councils) Act and regulation 15 of the Town Council Regulations, 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/polling district\* other than that to which this paper relates.

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

.....  
\*I support .....in the election to the Office of the President.

.....  
*Signature of Candidate*

Date.....

Address.....

.....  
\*Delete as necessary".

(d) inserting immediately after Form T, the following new form –

“Form TA  
RECORD OF VOTES CAST  
BOTSWANA ELECTIONS  
ELECTORAL ACT  
(Cap. 02:09)  
(Sections 67, 79)

\*CONSTITUENCY/POLLING DISTRICT

.....

POLLING STATION:.....

Serial number of the Control Unit:.....

Serial number of the Control Unit Seal:.....

Serial number of the Carry Case Seal:.....

TOTAL VOTES CAST:.....

Signed by:..... Date:.....

Presiding Officer

CANDIDATE/COUNTING AGENT:

..... for..... date.....

..... for..... date.....

..... for..... date.....

(reverse side)

FOR RETURNING OFFICER'S USE ONLY

I certify that I have verified the voting machine from this polling station and found out that;

\*(a) the number agrees with the number in the machine

\*(b) the number does not agree with the number in the machine, the discrepancy being.....

Signed:..... Date:.....

Returning Officer

\*Delete as necessary”;

(e) substituting for Form U, the following new form –

“Form U

**BALLOT PAPER ACCOUNT**

**BOTSWANA ELECTIONS  
ELECTORAL ACT  
(Cap. 02:09)  
(Section 67 (5)(a))**

POLLING STATION.....

NUMBER OF BALLOTS ISSUED		Less NUMBER OF UNUSED BALLOTS	Less NUMBER OF SPOILT AND CANCELLED BALLOTS	NUMBER OF BALLOTS IN BALLOT BOX

VERIFIED BY: .....

**PRESIDING OFFICER**

.....

**DATE**

**CANDIDATE/POLLING AGENT:**

..... for..... date.....  
..... for..... date.....  
..... for..... date.....

(reverse side)

**VERIFICATION  
(Section 70)**

I certify that I have counted the ballot papers indicated in the right hand column above and find that the number:

- \*(a) agrees with the number shown in the left hand column
- \*(b) does not agree with the number shown in the left hand column, the discrepancy being .....

Polling District.....

Signed;..... Date:.....  
Returning Officer

\*Delete as necessary"; and

(f) inserting immediately after Form U, the following new forms –

“FORM V

SERIAL AND CLIP SEAL NUMBERS AFFIXED  
BY RETURNING OFFICER

BOTSWANA ELECTIONS  
ELECTORAL ACT (Cap. 02:09)  
(Sections 53B, 53C, 53D)

Constituency: .....

Polling Station: .....

PART A

LIST OF SERIAL NUMBERS AND CLIP SEAL  
NUMBERS AFFIX  
TO VOTING MACHINE

Serial number of ballot unit	Clip seals number	Serial number of control unit	Clip seals number
	Screen:		Inner cover (candidate set section):
	Screen:		Outer cover (candidate set section):
	Outer cover:		
	Outer cover:		



FORM W

LIST OF SEAL NUMBERS AND TOTAL NUMBER  
OF VOTES CAST AT POLLING STATION

BOTSWANA ELECTIONS

ELECTORAL ACT  
(Cap. 02:09)  
(Sections 53F, 71, 151A)

Ballot unit serial No.: .....  
Control unit serial No.: .....  
Polling Station: .....  
Constituency: .....

Part A

Seal numbers affixed by Presiding Officer on results section of control unit during pre-poll test

Description of what is sealed	Seal number
Inner cover of the result section	
Outer cover of the result section	

.....  
Full names of Presiding Officer

.....  
Signature of Presiding Officer                      Date.....

.....  
Full names of Presiding Officer

.....  
Signature of Presiding Officer                      Date.....

**Part B**  
**Seal number of carrying cases of full or faulty control unit**  
*(Section 151A)*

Seal number provided by Presiding Officer	Remark whether control unit is full or faulty	Seals provided by counting agents	Name of counting agents

**Part C**  
**Seal of the outer result section after the printing of result**  
*(Section 71(8)(g))*

Description of what is sealed	Seal number
Outer cover of the result section	

.....  
**Full names of Presiding Officer**

.....  
**Signature of Presiding Officer**

.....  
**Date**

**Part D**

**Returns of ballot unit and control unit to the Returning Officer  
(Section 71(8)(h))**

(a) Seal of carrying case of ballot unit to be returned to the Returning Officer

Seal number provided by Presiding Officer (ballot unit)	Seal number provided by counting agents (ballot unit)	Name of counting agent

(b) Seals of carrying cases of control unit to be returned to the Returning Officer

Seal number provided by Presiding Officer (control unit)	Remark whether the control unit is full or faulty (if applicable)	Seal number provided by counting agents (control unit)	Name of counting agent

.....  
Full names of Presiding Officer

.....  
Signature of Presiding Officer

.....  
Date

FORM X

ACCOUNT OF PERSONS WHO VOTED AT POLLING STATION

BOTSWANA ELECTIONS

ELECTORAL ACT

(Cap. 02:09)

(Section 54A)

Constituency: .....

Polling station: .....

Serial number of control unit: .....

No.	Voter Registration Number (VRN)	Signature or thumb print	Remarks



FORM Z

RESULTS IN RESPECT OF TOTAL NUMBER OF VOTES RECORDED AT  
POLLING STATIONS IN RESPECT OF CANDIDATES OR PARTIES

BOTSWANA ELECTIONS

ELECTORAL ACT  
(Cap. 02:09)  
(Section 74 (4))

Constituency: .....

Polling Station: .....

No.	Name of political party (in sequence of highest to lowest number of votes)	Total number of votes recorded
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
TOTAL		

Full names of Presiding Officer: .....

Signature of Presiding Officer: ..... Date: .....  
(Sign only after counting agents have verified the results)

FORM ZA  
 ADDITIONAL CONTROL UNIT  
 BOTSWANA ELECTIONS  
 ELECTORAL ACT  
 (Cap. 02:09)  
 (Section 151A)

Constituency: .....

Polling Station: .....

Serial number of control unit	Reason for issuance

Issued by Returning Officer:.....  
 Full name of Returning Officer

Signature: .....

Date: .....

Received by Presiding Officer:.....  
 Full name of Presiding Officer

Signature: .....

Date: .....”

PASSED by the National Assembly this 12th day of August, 2016.

**BARBARA N. DITHAPO,**  
*Clerk of the National Assembly.*