

ELECTORAL (AMENDMENT) ACT, 2023

No. 6



of 2023

ARRANGEMENT OF SECTIONS

SECTION

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An Act to amend the Electoral Act.

Date of Assent: 28.04.2023

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 2023, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint.

Short title and commencement

2. Section 4 of the Electoral Act (hereinafter referred to as "the Act") is amended by substituting for subsection (3), the following new subsection —

Amendment of section 4 of Cap. 02:09

"(3) Registration and election officers shall —

- (a) execute and perform the powers and duties conferred upon them by this Act in accordance with such instructions as they may be given by the Secretary; and

- (b) not place in jeopardy their fairness, impartiality and compliance with the provisions of this Act as is required under section 3 (b), or in any manner harm the credibility, impartiality, independence or integrity of the Commission.”.
- Amendment of section 7 of the Act
3. Section 7 of the Act is amended by inserting immediately after subsection (4), the following new subsection —
- “(5) Registration of voters may, in order to obtain accurate rolls of voters in any constituency under subsection (1) and to ensure safe custody of the rolls, be carried out by electronic or other secure means as the Secretary may determine.”.
- Amendment of section 9 of the Act
4. 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 or 8, 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 medium as the Secretary may determine, including the Commission’s website, a Government web page and any electronic media,
- 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 16 of the Act
5. Section 16 of the Act is amended by inserting immediately after subsection (3), the following new subsection —
- “(4) In addition to subsections (1) and (2), the Secretary may open a copy of every existing roll for inspection by the public in the Commission’s website, a Government web page or other electronic media as the Secretary may determine.”.
- Amendment of section 36 of the Act
6. Section 36 (1) of the Act is amended by substituting for —
- (a) the word “P500” wherever it appears in the subsection, the word “P1 000”; and
- (b) the word “P100” wherever it appears in the subsection, the word “P200”.
- Amendment of section 48 of the Act
7. Section 48 of the Act is amended by substituting for the words “which shall be either embossed or perforated” appearing in subsection (2), the words “in a form to be determined by the Commission”.
- Amendment of section 54 of the Act
8. Section 54 (c) of the Act is amended by inserting immediately after subparagraph (iv), the following new subparagraph —
- “(v) the voter shall place any electronic device in his or her possession in a place marked in a manner to be determined by the Commission;”.
- Amendment of sections 66, 113 and 114 of the Act
9. Sections 66, 113 and 114 of the Act are amended by substituting for the word “P2 000” wherever it appears in the respective sections, the word “P7 500”.

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| 10. Sections 87, 88, 95, 99, 103 and 126 of the Act are amended by substituting for the word “P400” wherever it appears in the respective sections, the word “P7 500”. | Amendment of sections 87, 88, 95, 99, 103 and 126 of the Act |
| 11. Section 115 of the Act is amended by substituting for the word “P200” appearing in subsection (7), the word “P7 500”. | Amendment of section 115 of the Act |
| 12. 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 |
| 13. Section 146 of the Act is amended by substituting for the word “P1 000” appearing in subsection (1), the word “P5 000”. | Amendment of section 146 of the Act |
| 14. Section 147 of the Act is amended by substituting for the word “P400” appearing in subsection (1), the word “P1 000”. | Amendment of section 147 of the Act |
| 15. Section 148 of the Act is amended by substituting for the word “P1 000” appearing therein, the word “P2 000”. | Amendment of section 148 of the Act |
| 16. Section 149 of the Act is amended by substituting for the word “P100” appearing in subsection (3), the word “P5 000”. | Amendment of section 149 of the Act |

PASSED by the National Assembly this 14th day of April, 2023.

BARBARA N. DITHAPO,
Clerk of the National Assembly.