

THE ELECTORAL (AMENDMENT) ACT, 1969

No. 49



of 1969

AN ACT TO AMEND THE ELECTORAL ACT, 1968, TO MAKE PROVISION ANCILLARY TO THE PRESIDENTIAL ELECTIONS ACT, 1969, AND TO THE CONSTITUTION OF BOTSWANA RELATIVE TO THE ELECTION OF A PRESIDENT; TO MAKE SUPPLEMENTARY PROVISION RELATIVE TO THE ADMINISTRATION OF THE ELECTORAL ACT AND FOR PURPOSES CONNECTED THEREWITH.

Date of Assent: 22.8.69

Date of Commencement: 22.8.69

ENACTED by the Parliament of Botswana.

Short Title

1. This Act may be cited as the Electoral (Amendment) Act, 1969.

Amendment of Section 17 of Act No. 38 of 1968

2. Section 17 of the Electoral Act, 1968 (hereinafter referred to as the principal law) is amended in paragraph (b) of subsection (2) by the deletion of the figures "23" and by the substitution therefor of the figures "24".

Amendment of Section 19 of Act No. 38 of 1968

3. Section 19 of the principal law is amended by the insertion immediately after the word "place" appearing therein of the words "and time".

Amendment of Section 31 of Act No. 38 of 1968

4. Section 31 of the principal law is amended —

- (a) by the deletion of subsection (2) thereof and by the substitution therefor of a new subsection as follows:—

“(2) The day fixed under paragraph (a) of subsection (1) of this section shall not be earlier than fourteen days after the day on which the writ issued and, in the case of a general election, shall be not less than five days nor more than ten days after the day which, in accordance with the provisions of the Presidential Elections (Supplementary Provisions) Act, 1969, is the day for nomination of Presidential candidates.”;

and

(b) by the addition, immediately after subsection (6) thereof, of a new subsection as follows —

“(7) Where a poll is countermanded in accordance with the provisions of section 33(5) of the Constitution the President shall issue fresh writs which shall supersede the original writs.”

Amendment of Section 32 of Act No. 38 of 1968

5. Section 32 of the principal law is amended in subsection (2) thereof by the addition immediately after paragraph (d) thereof, of two new subparagraphs as follows:—

- “(e) in his discretion, a declaration as to the candidate, if any, whom he supports in the election to the office of President; and
- (f) if his nomination contains a declaration made under paragraph (e) a declaration in the Form OO by the Presidential candidate named in his nomination that such Presidential candidate consents to the declaration being made in his favour.”

Amendment of Section 33 of Act No. 38 of 1968

6. Section 33 of the principal law is amended by the deletion of subsection (1) thereof and by the substitution therefor of a new subsection as follows:

“Every candidate shall

- (i) either before his nomination paper is delivered to the returning officer deposit or cause to be deposited in any convenient Government revenue office the sum of twenty rands in cash and, at the time of delivery of his nomination paper, produce or cause to be produced to the returning officer the official receipt for that sum or, at the time of delivery of his nomination paper, deposit or cause to be deposited with the returning officer the sum of twenty rands in cash; and
- (ii) at the time of delivery of his nomination paper produce or cause to be produced to the returning officer his certificate of proficiency in English as issued in terms of section 35;

and no nomination shall be valid unless such deposit has been made (and, in the case of a deposit made at a Government revenue office the receipt therefor is produced to the returning officer) and the certificate of competency is produced to the returning officer.”

Amendment of Section 34 of Act No. 38 of 1968

7. Section 34 of the principal law is amended in subsection (2) thereof:—

(a) in paragraph (c) by the deletion of the word and sign “constituency” appearing therein and by the substitution therefor of the words and sign “constituency; or”; and

(b) by the addition, immediately after paragraph (c) thereof, of a new paragraph as follows —

“(d) that the nomination is void by virtue of the provisions of section 33 (3) (b) of the Constitution.”

Amendment of Section 42 of Act No. 38 of 1968

8. Section 42 of the principal law is repealed and the following section is substituted therefor—

“42. Subject to the provisions of section 33(3) (c) of the Constitution the Supervisor of Elections shall allocate a voting colour and symbol to each candidate and in so doing the Supervisor of Elections shall have regard to the preference expressed by the candidate:

Provided that where a voting colour and symbol have been registered by a political party in accordance with the provisions of section 149 of this Act the Supervisor of Elections shall, subject to the provisions of section 33(3) (c) of the Constitution allocate such colour and symbol to any candidate, whom he is satisfied on such evidence as he may deem necessary, is the candidate of such party.”

Amendment of First Schedule to Act No. 38 of 1968

9. The First Schedule to the principal law is amended —

(a) by the deletion of Form D and by the substitution therefor of a new form as follows —

**“BOTSWANA ELECTIONS
THE ELECTORAL ACT, 1968**

(Section 13 (b))

**NOTICE OF PUBLICATION OF GENERAL/SUPPLEMENTARY
VOTERS ROLLS**

Notice is hereby given that the voters rolls specified in the first column of the Schedule hereto of the voters registered during 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 Supervisor of Elections 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.....

.....Objections must be made on the prescribed form and must be accompanied by a deposit of one rand (R1).

First Column (Voter's Rolls)	Second Column (Period)	Third Column (Constituency)	Fourth Column (Place where copies avail- able)	Fifth Column (Address of Principal Re- gistration Officer)
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Date.....
.....
Supervisor of Elections”;

- (b) (i) by the deletion of Form “O” Nomination Paper, and the substitution of a new Form “O” Nomination Paper, as follows:

Form O

BOTSWANA ELECTIONS
THE ELECTORAL ACT, 1968
(section 32)

NOMINATION PAPER

We, the undersigned voters on the existing electoral roll for the.....

Constituency hereby nominate:

Mr./Mrs./Miss.....
(full name in BLOCK CAPITALS)

of.....
(ADDRESS)

as a candidate in the aforesaid Constituency.

	Full Name in BLOCK CAPITALS, Surname first	ADDRESS	SIGNA- TURE	Polling Station at which registered	Number on the Election Roll
Proposed by					
Seconded by					
Supporters:					
1					
2					
3					
4					
5					
6					
7					

(ii) in Form "O" (back of Nomination Paper) by the insertion, immediately after the words "My preference of symbol) voting colour and symbol for the purpose of this election....." appearing therein, of the words: I support.....in the election to the Office of President";

(c) by the insertion immediately after Form O of a new Form as follows —
"Form OO

BOTSWANA ELECTIONS
THE ELECTORAL ACT, 1968
(Section 32)

Acceptance of Support

I,.....(full name) having been declared to be a candidate for election to the office of President hereby declare that in the Parliamentary election for the..... Constituency I accept the support of.....(full name).

Signed....."

Passed by the National Assembly this day, 13th August, 1969.

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