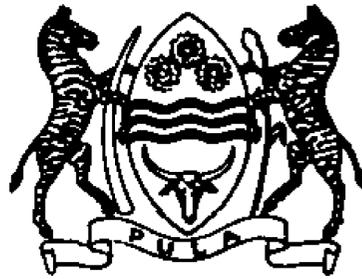


ELECTORAL (AMENDMENT) ACT, 1988

No. 18



of 1988

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Amendment of section 2 of Cap. 02:07
3. Amendment of section 8 of the principal Act
4. Amendment of section 11 of the principal Act
5. Amendment of section 30 of the principal Act
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7. Amendment of section 34 of the principal Act
8. Amendment of section 47 of the principal Act
9. Amendment of section 51 of the principal Act
10. Amendment of section 59 of the principal Act
11. Amendment of section 64 of the principal Act
12. Amendment of section 79 of the principal Act
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14. Amendment of section 112 of the principal Act

An Act to amend the Electoral Act

Date of Assent: 29.12.88.

Date of Commencement: 30.12.88.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Electoral (Amendment) Act, 1988.

Short title

2. Section 2 of the Electoral Act (in this Act referred to as "the principal Act") is hereby amended by the insertion immediately after the definition of the word "general roll" appearing therein, of the following new definition —

Amendment
of section 2
of Cap. 02:07

"identity card" means an identity card issued under the National Registration Act, 1986.

Act No. 26
of 1986

3. Section 8 of the principal Act is hereby amended —

Amendment
of section 8
of the
principal Act

(a) by renumbering the said section 8 as subsection (1) of section 8; and

(b) by adding immediately after subsection (1) thereof the following new subsection —

“(2) Notwithstanding the provisions of subsection (1), a District Commissioner or his authorised representative may, during any official visit to any part of his district, register voters in that part of the district.”

**Amendment
of section
11 of the
principal Act**

4. Subsection (4) of section 11 of the principal Act is hereby amended by the deletion of the full-stop at the end thereof and the addition to the said subsection of the following words —

“and may be maintained in such form of permanent record as the Minister may by regulations prescribe.”

**Amendment
of section
30 of the
principal Act**

5. Subsection (1) of section 30 of the principal Act is hereby amended by the insertion immediately after the words “voter’s registration card” appearing in line five thereof of the words “and his identity card”.

**Amendment
of section
32 of the
principal Act**

6. Section 32 of the principal Act is hereby amended —

(a) in subsection (2) thereof by the substitution for paragraphs (a) and (b) therein, of 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;”;

(b) by the addition at the end of subsection (5) thereof, of the following new subsections —

“(6) The returning officer shall require a candidate nominated, his proposer, seconder and his seven supporters to produce their identity cards for him to inspect.

(7) Where any person required under subsection (6) to produce his identity card fails to do so, the returning officer shall reject the nomination.”

**Amendment
of section
34 of the
principal Act**

7. Subsection (2) of section 34 of the principal Act is hereby amended —

(a) by the deletion of the word “or” appearing at the end of paragraph (c) thereof;

(b) by the substitution of a semi-colon and the word “or” for the full-stop appearing at the end of paragraph (d) thereof; and

(c) by the addition thereto of the following new paragraph —
“(e) that the candidate, his proposer, seconder or any one of his supporters has failed to comply with the provisions of subsection (6) of section 32.”

**Amendment
of section
47 of the
principal Act**

8. Section 47 of the principal Act is hereby amended by the addition at the end of subsection (2) thereof, of the following new subsection —

“(3) Notwithstanding the provisions of subsections (1) and (2) where a 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 extend the time for the taking of the poll for a further period not exceeding two hours beyond the closing time."

9. Section 51 of the principal Act is hereby amended by —

(a) the insertion in paragraph (a) thereof after the words "voter's registration card" appearing therein of the words "and his identity card";

(b) the insertion in paragraph (g) thereof after the words, "presiding officer shall" appearing therein of the words, ",in the presence of the person with whose assistance the blind voter came to cast his vote,".

Amendment
of section
51 of the
principal Act

10. Subsection (4) of section 59 of the principal Act is hereby amended by —

(a) the deletion of the word "and" at the end of paragraph (a) thereof;

(b) by the substitution of a semicolon for the fullstop at the end of paragraph (b) and the addition of the word "and" thereafter; and

(c) by the addition of the following new paragraph thereto —
"(c) inform the candidates of each constituency in respect of which a poll is to be taken in accordance with the preceding provisions of this subsection, by notice published in the Gazette, at least seven days before the day fixed for that purpose, of the times, places and days fixed by him for the taking of the poll."

Amendment
of section
59 of the
principal Act

11. Section 64 of the principal Act is hereby amended —

(a) by renumbering the said section as subsection (1) of section 64; and

(b) by adding the following new subsections —

"(2) Any person, other than the persons entitled to be present in accordance with the provisions of 67(2) at the counting of votes, who between the hour appointed for the closing of the poll and the declaration of the result, remains, in association with two or more persons within a radius of 1 000 metres from the place appointed for the counting of votes with the intent to disturb or disrupt the counting of votes shall be guilty of an offence.

(3) Where a police officer finds or suspects any persons of contravening the provisions of subsection (2), he may order those persons to disperse or withdraw further away from the place appointed for the counting of votes and any person who fails to comply with the order shall be guilty of an offence.

(4) Any person guilty of an offence under subsection (2) or (3) shall, on conviction, be liable to a fine not exceeding

Amendment
of section
64 of the
principal Act

P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 30 of the Penal Code or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal punishment not exceeding six strokes.

(5) In any proceedings under subsection (3), any person charged under that section shall, until the contrary is provided, be deemed to have remained within a radius of 1 000 metres from the place appointed for the counting of votes with the intent to disturb or disrupt the counting of votes”.

Amendment
of section
79 of the
principal Act

12. Section 79 of the principal Act is hereby amended by the substitution for the figure “P2 000” appearing therein of the figure “P20 000”.

Amendment
of section
111 of the
principal Act

13. Section 111 of the principal Act is hereby amended —

(a) in subsection (1) thereof, by the substitution for the words, “two hundred yards” appearing therein, of the following new words “200 metres”;

(b) by the substitution for subsection (3) thereof, of the following new subsection —

“(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 30 of the Penal Code or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal punishment not exceeding six strokes.”

Amendment
of section
112 of the
principal Act

14. Section 112 of the principal Act is hereby amended by substituting for that section, the following new section —

“Dis-
orderliness
at political
meetings

112. (1) Any person who at a political meeting held in any constituency after the publication of a notice in terms of section 31(5) in respect of that constituency —

(a) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or

(b) has in his possession an offensive weapon or missile,

shall be guilty of an offence.

(2) No person shall, after the publication of a notice in terms of section 31(5) in respect of that constituency, himself hold, or organise or participate in any meeting, intended to promote the candidature of any person, at any place within the radius of 1 000

metres from a meeting being held or to be held on that day and at that time to promote the candidature of a rival candidate; and any person who contravenes the provisions of this subsection shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 30 of the Penal Code or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal punishment not exceeding six strokes."

PASSED by the National Assembly this 13th day of December, 1988

C.G. MOKOBI,
Clerk of the National Assembly.