

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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## THE PRESIDENCY

No. 914

26 November 2013

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

**Act No. 18 of 2013: Electoral Amendment Act, 2013**



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**Amendment of section 7 of Act 73 of 1998, as amended by section 93 of Act 27 of 2000 and section 3 of Act 34 of 2003**

3. Section 7 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:  
“(1) A person applying for registration as a voter must do so in person in the prescribed manner.”; and
  - (b) by the deletion of subsection (2).

**Amendment of section 8 of Act 73 of 1998, as substituted by section 4 of Act 34 of 2003**

4. Section 8 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for paragraph (d) of the following paragraph:  
“(d) is detained under the [**Mental Health Act, 1973 (Act 18 of 1973)**] Mental Health Care Act, 2002 (Act No. 17 of 2002).”;
  - (b) by the deletion in subsection (2) of paragraph (f); and
  - (c) by the substitution for subsection (3) of the following subsection:  
“(3) A person’s name must be entered in the voters’ roll only for the voting district in which that person is ordinarily resident and for no other voting district[.]; Provided that where that person is ordinarily resident outside the Republic, his or her name must be entered in a segment of the voters’ roll created for that purpose.”.

**Amendment of section 24B of Act 73 of 1998, as inserted by section 7 of Act 34 of 2003**

5. Section 24B of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:  
“(1) In an election for the National Assembly or a provincial legislature, a person who on election day is in prison [**and not serving a sentence of imprisonment without the option of a fine**] and whose name appears on the voters’ roll for another voting district, is deemed for that election day to have been registered by his or her name having been entered on the voters’ roll for the voting district in which he or she is in prison.”; and
  - (b) by the deletion of subsection (2).

**Substitution of section 33 of Act 73 of 1998, as amended by section 9 of Act 34 of 2003 and section 2 of Act 40 of 2003**

6. The following section is hereby substituted for section 33 of the principal Act:

**“Special votes in election for National Assembly**

**33.** (1) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, if, on election day, that person cannot vote at a voting station in a voting district in which he or she is registered as a voter, due to his or her—

- (a) physical infirmity or disability, or pregnancy;
- (b) absence from that voting district while serving as an officer in the election; or
- (c) being on duty as a member of the security services in connection with the election.

(2) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her intended absence from that voting district.

(3) In an election for the National Assembly, the Commission must allow a person, who is outside the Republic, to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons who are in the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic. 5

(4) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons ordinarily resident at a place outside the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote. 10 15

(5) For the purposes of Schedule 1A, votes cast in accordance with subsections (3) and (4) shall be counted as votes cast nationally.

(6) The Commission must prescribe—  
(a) the procedures for applying for special votes in an election for the National Assembly; and  
(b) the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.”. 20

**Insertion of section 33A in Act 73 of 1998**

7. The following section is hereby inserted after section 33 of the principal Act: 25

**“Special votes in election for provincial legislatures**

**33A.** (1) In an election for a provincial legislature, the Commission must allow a person to apply for and cast a special vote, prior to election day, if that person cannot vote at a voting station in the voting district in which he or she is registered, due to his or her—  
(a) physical infirmity or disability, or pregnancy;  
(b) absence from that voting district while serving as an officer in the election; or  
(c) being on duty as a member of the security services in connection with the election. 30 35

(2) In an election for a provincial legislature, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered, if that person cannot vote in that voting district on election day, due to his or her intended absence from that voting district on election day. 40

(3) The Commission must prescribe—  
(a) the procedure for applying for special votes in an election for a provincial legislature; and  
(b) the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.”. 45

**Repeal of section 34 of Act 73 of 1998**

8. Section 34 of the principal Act is hereby repealed.

**Amendment of section 57 of Act 73 of 1998**

**9.** Section 57 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If the Commission is unable to determine and declare the result of an election within the seven-day period required by subsection (2)(c), the Commission must apply to the Electoral Court for an extension of that period.”. 5

**Amendment of section 58 of Act 73 of 1998**

**10.** Section 58 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) two party agents for each voting station or, if voting or counting at a voting station takes place in more than one room or separately enclosed area, two party agents in respect of each room or area; and” 10

**Short title**

**11.** This Act is called the Electoral Amendment Act, 2013.