

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**ELECTORAL LAWS
AMENDMENT BILL**

[B 54—2003]

*(As agreed to by the Portfolio Committee on Home Affairs
(National Assembly))*

[B 54A—2003]

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AMENDMENTS AGREED TO

ELECTORAL LAWS AMENDMENT BILL
[B 54—2003]

CLAUSE 3

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 7 of Act 73 of 1998, as amended by section 93 of Act 27 of 2000

3. Section 7 of the Electoral Act, 1998, is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) A person applying for registration as a voter must do so **[(a)]** in the prescribed manner [**; and (b) only for the voting district in which that person is ordinarily resident.**].

(2) **[For the purposes of this section the]** The head office in the Republic of a person referred to in section **[33(1)(a)(ii)]** **33(1)(b)** is regarded as the ordinary place of residence of that person or a member of that person’s household.”.

CLAUSE 7

1. On page 3, in line 46, to omit “Omissions from voters’ roll” and to substitute:

Voting in voting district where not registered

2. On page 3, in line 49, to omit “for that voting district within a period of two years”.
3. On page 4, from line 7, to omit subparagraph (iv).
4. On page 4, from line 9, to omit “in that voting district within a period of two years”.
5. On page 4, from line 12, to omit subparagraph (vi).
6. On page 4, in line 15, after “district” to insert:

for the purposes of the election for the National Assembly and also for the purposes of the election for the provincial legislature if he or she had so applied for registration in the province in which that voting district is situated

7. On page 4, from line 19, to omit “in that voting district within a period of two years”.
8. On page 4, in line 21, to omit “referred to in paragraph (b)(v)”.
9. On page 4, in line 26, to omit “(1)(b)(vii)” and to substitute “(1)(b)(v)”.

10. On page 4, from line 28, to omit “referred to in subsection (1)(b)(iv)” and to substitute:

requested for the purposes of the election for the National Assembly and also for the purposes of the election for the provincial legislature if that person had applied for registration in the province where that voting station is situated

11. On page 4, from line 30, to omit the proposed new section 24B and to substitute:

Prisoners

24B. (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.

(2) A person who is in prison on election day may only vote if he or she is not serving a sentence of imprisonment without the option of a fine.

CLAUSE 9

1. On page 4, in line 49, to omit “or”.
2. On page 4, after line 51, to insert:

(e) temporary absence from the Republic, where he or she ordinarily resides, for one of the following purposes, but in this case, only in an election for the National Assembly:

- (i) Study at a tertiary educational institution;
- (ii) to perform activities flowing from his or her employment in the Republic;
- (iii) to pursue business activities.”

NEW CLAUSE

1. That the following be a new Clause:

Amendment of section 38 of Act 73 of 1998

11. Section 38(5) of the Electoral Act, 1998, is hereby amended by the insertion after paragraph (a) of the following paragraph:

“(b) mark the voter’s identity document in the prescribed manner;”.

CLAUSE 11

1. On page 5, in line 52, after “including” to insert “blindness or other”.

CLAUSE 24

1. On page 9, in line 6, after “must” to insert “together”.
2. On page 9, in line 28, to omit “of seats”.
3. On page 10, in line 7, after the first “seats” to insert “so awarded”.
4. On page 11, in line 39, to omit “charges” and to substitute “changes”.

5. On page 11, in line 41, after “both” to insert “a”.
6. On page 11, in line 45, after “and” to insert “(b)”.
7. On page 11, in line 48, to omit “(b)” and to substitute “(2)”.
8. On page 12, after line 5, to insert:

9A. (1) If a party gained no allocation of seats in terms of items 6(b) and (c), but the party gained a provisional seat in respect of the seats referred to in item 2(a), or if a party gained less seats in terms of items 6(b) and (c) than the number of provisional seats in respect of item 2(a), then the provisional allocation of seats in terms of item 2(a) becomes the final allocation of seats for such party, and if a recalculation is required in terms of item 7, the adjusted allocation becomes the final allocation.

(2) If a seat is allocated to a party in terms of sub-item (1), then the determination of seats in terms of item 2(b) must be recalculated as follows:

- (a) An amended quota of votes per seat must be determined by dividing the total number of votes cast nationally on national ballot papers, minus the votes cast for a party referred to in sub-item (1), by the total number of seats in the National Assembly plus one, minus the seats awarded in terms of sub-item (1), and the result plus one, disregarding fractions, is the quota of votes per seat.
- (b) The number of seats to be awarded to a party for the purposes of paragraph (d) must, subject to paragraph (c), be determined by dividing the total number of votes cast nationally in favour of each party, excluding those awarded seats in terms of sub-item (1), by the quota of votes per seat determined in terms of paragraph (a).
- (c) Where the result of the recalculation in terms of paragraph (b) yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties participating in the recalculation, and any seat or seats not awarded in terms of paragraph (b) must be awarded to the party or parties concerned in sequence of the highest surplus.
- (d) The aggregate of a participating party’s awards in terms of paragraphs (b) and (c) must be reduced by the number of seats provisionally allocated to it in terms of item 5(f) and the results indicate that party’s provisional allocation of the seats in terms of item 2(b).

(3) If no recalculation of provisional allocations is required in terms of item 7 in respect of the seats referred to in item 2(b), the provisional allocation of such seats in terms of paragraph (d) becomes the final allocation of such seats to the various parties, and if such a recalculation is required, the provisional allocation of such seats, as adjusted in terms of item 7, becomes the final allocation of such seats to the various parties.

(4) If a party forfeits a seat in terms of item 7(1) which was allocated to it in terms of sub-item (1), then the seats provisionally allocated to other parties in terms of item 2(b) must be recalculated in terms of item 7(2) and (3), taking such forfeiture into account.