

REPUBLIC OF SOUTH AFRICA

**ELECTORAL LAWS SECOND
AMENDMENT BILL**

*(As introduced in the National Assembly as a section 75 Bill)
(The English text is the official text of the Bill)*

(MINISTER OF HOME AFFAIRS)

[B 73—2003]

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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Electoral Laws Amendment Act, 2003, so as to substitute a phrase in the long title thereof; to amend the Electoral Act, 1998, so as to enable voters who are temporarily absent from the Republic during elections to apply for a special vote.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Substitution of long title of Act 34 of 2003

1. The following long title is hereby substituted for the long title of the Electoral Laws Amendment Act, 2003: 5

“To amend the Electoral Act, 1998, so as to limit the application of the Act with regard to municipal councils; to make new provision regarding applications for registration as a voter; to repeal obsolete provisions; to make new provision regarding voters’ rolls, prisoners’ voting, special votes, voting hours, assistance to **[handicapped]** voters with disabilities, objections, review of voting districts, voting stations and conciliation in disputes; to change the Schedule; and to insert a new Schedule prescribing the system of representation in the National Assembly and provincial legislatures; and to amend the Electoral Commission Act, 1996, so as to make new provision regarding the registration of parties; and to provide for matters connected therewith.”. 10
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Amendment of section 33 of Act 73 of 1998, as amended by Act 34 of 2003

2. Section 33 of the Electoral Act, 1998, is hereby amended by the addition in subsection (1) of the following paragraph:

“(e) temporary absence from the Republic for purposes of a holiday, a business trip, attendance of a tertiary institution or an educational visit or participation in an international sports event, if the person notifies the Commission within 15 days after the proclamation of the date of the election, of his or her intended absence from the Republic, his or her intention to vote, and the place where he or she will cast his or her vote.”. 20

Short title 25

3. This Act is called the Electoral Laws Second Amendment Act, 2003, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE ELECTORAL LAWS
SECOND AMENDMENT BILL, 2003**

1. The attached Bill contains proposed amendments to the Electoral Laws Amendment Act, 2003 and the Electoral Act, 1998.
2. The Bill seeks to amend the long title of the Electoral Laws Amendment Act, 2003, by substituting the more acceptable phrase "voters with disabilities" for the politically insensitive phrase "handicapped voters".
3. The Bill also seeks to amend the Electoral Act, 1998, so as to enable citizens who are temporarily absent from the Republic for purposes of a holiday, a business trip, attendance of a tertiary institution or an educational visit or participation in a sports event during elections to apply for special votes. It is proposed that such citizens must have been registered on the voter's roll and must have informed the Electoral Commission within a specific time, of their intended absence from the Republic, their intention to vote and where they will cast their votes.

4. PARLIAMENTARY PROCEDURE

The Department of Home Affairs and the State Law Advisers are of the opinion that this Bill should be dealt with in terms of section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.