

**VOTERS REGISTRATION ACT, 2013**

**ACT No. 4 of 2013**



**I ASSENT**

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**MSWATI III**

**KING OF SWAZILAND**

.....2013

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**AN ACT**

**Entitled**

An Act to provide for the conduct and supervision of voter registration by the Elections and Boundaries Commission and officers designated by the Commission; the preparation of voters registers for each Inkhundla; the compilation and maintenance of a National Voters Register by the Elections and Boundaries Commission; the repeal and replacement of the Voter Registration Order, No. 3 of 1992 and to provide for other matters incidental to registration of voters.

ENACTED by the King and the Parliament of Swaziland.

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## **AN ACT**

Entitled

AN ACT to provide for the conduct and supervision of voter registration by the Elections and Boundaries Commission and officers designated by the Commission; the preparation of voters registers for each Inkhundla; the compilation and maintenance of a National Voters Register by the Elections and Boundaries Commission; the repeal and replacement of the Voter Registration Order, No. 3 of 1992 and to provide for other matters incidental to registration of voters.

ENACTED by the King and the Parliament of Swaziland.

### **PART I**

#### **PRELIMINARY PROVISIONS**

##### ***Short title and commencement.***

1. (1) This Act may be cited as the Voters Registration Act, 2013.
- (2) This Act shall come into force on the date of publication the Gazette.

##### ***Interpretation.***

2. In this Act, unless the context otherwise requires—

“application” means an application to register as a voter;

“approved Form” means the approved form registered and numbered in the Schedule;

“Bucopho election” means the election of one or more members of the Bucopho in terms of section 81(2) of the Constitution and includes the election of the Indvuna YeNkhundla as the chairperson of Bucopho;

“candidate” means any person nominated as a candidate for an election;

“Chief” means a person appointed as a chief in terms of section 4 of the Swazi Administration Act, 1950;

“Chief’s jurisdiction” means the jurisdiction of a Chief over the Chief’s people in terms of Swazi Law and Custom;

“citizen of Swaziland” means a citizen of Swaziland in terms of the Constitution and the Swazi Citizenship Act of 1992;

“Commission” means the Elections and Boundaries Commission established under section 90 of the Constitution;

“direct election” or “election” means an election of an elected member of the House of Assembly, Indvuna YeNkhundla and election of Bucopho;

“general registration of voters” means the registration of voters carried out at a public meeting called to do so in terms of section 12 (5);

“Indvuna YeNkhundla” means the chairperson of Bucopho referred to under section 81(3) of the Constitution;

“Inkhundla” means one of the Tinkhundla (constituencies) into which Swaziland is divided in terms of section 80 of the Constitution;

“Inkhundla register” means the register of voters prepared in respect of each Inkhundla and includes the supplementary voters register for the Inkhundla;

“meeting” means a meeting called by the Chief for purposes of registration of voters in the case of a chiefdom or the rightful authority in the case of an urban or industrial area;

“Minister” means the Minister responsible for elections;

“National Voters Register” means the national consolidated register of voters compiled by the Commission under section 25 (1);

“nomination day” means the day appointed by the King as the day on which candidates are nominated in their various chiefdoms;

“polling day” means—

- (a) in relation to a general election, a day appointed by the King by Proclamation for the taking of the poll in a general election;
- (b) in relation to a by-election, a day appointed by the King for the taking of the poll in a by-election;

“polling division” means one of the polling divisions into which an Inkhundla is for the time being divided by the Commission;

“polling station” means a place established or designated by the Commission as a polling station in a polling division;

“printing” includes typewriting, roneoing, lithography, photography, and all other modes of representing or reproducing words in visible form;

“public place” means a place to which for the time being the public, or any section of the public, is entitled or permitted to have access, whether on payment or otherwise, including Imiphakatsi;

“rightful authority” means any person who is in charge of an urban or industrial area for the purposes of the administration of that area;

“registered” means registered in a register of voters under this Act and “registration” shall be construed accordingly;

“registration officer” means any person appointed as a registration officer by the Commission for the purpose of preparing a register of voters and an assistant registration officer;

“registered voter” means a voter whose name appears on the voters register;

“supplementary voters register” means a voters register prepared in terms of section 24;

“supervisor of registration” means a person appointed in terms of section 5 (2);

“voter” means a person whose name is included in the register of voters; and  
“voters register” or “register of voters” means the National Voters Register and an Inkhundla voters register.

### ***Application of Act.***

3. This Act applies to the registration of voters for the purpose of the election of a member of the House of Assembly, Indvuna yeNkhundla and a member of Bucopho.

## **PART II**

### **ADMINISTRATION**

#### ***Administration of Act.***

4. This Act shall be administered by the Commission pursuant to section 90 of the Constitution and this Act

***Registration officers.***

5. (1) The Commission shall appoint certain persons to be registration officers, as the Commission may deem necessary to assist it in the discharge of its functions under this Act.

(2) The Commission shall appoint persons to be supervisors of registration as the Commission may deem necessary to assist it in the discharge of its functions under this Act.

(3) The persons appointed as registration officers under subsections (1) and (2) shall be subject to the general or special directions of the Commission and shall exercise any or all of the duties and powers conferred upon the Commission by this Act.

(4) For each Registration Centre, the Commission shall appoint a registration officer;

(5) The supervisor for registration shall be responsible for the supervision of the registration process and may be assigned to handle more than one Inkhundla.

(6) The supervisor of registration shall from time to time submit reports to the Commission on the performance of the duties of that supervisor.

(7) When carrying out their functions under this Act, the officers appointed under this section shall be paid such allowances as the Ministry responsible for public service may, in consultation with the Ministry responsible for finance, determine.

***Assistant registration officers.***

6. (1) The Commission may appoint one or more assistant registration officers to assist a registration officer.

(2) An assistant registration officer shall have all the powers and duties of the registration officer whom the assistant registration officer is appointed to assist.

(3) A registration officer may delegate some of the duties and powers of a registration officer to an assistant registration officer.

**PART III**

**QUALIFICATION FOR REGISTRATION AS A VOTER**

***Qualification for registration as voter.***

7. (1) Subject to section 10, a person qualifies to be registered as a voter to participate in elections in Swaziland who—

(a) is a citizen of Swaziland or is ordinarily resident in Swaziland; and

(b) has attained the age of 18 years.



- (2) A person is ordinarily resident in Swaziland if that person—
- (a) has lived in, or has been associated with an Inkhundla for a period of not less than five years; or
  - (b) is permanently resident in Swaziland and has documents to prove the permanent residence.

***Registration to be in one Inkhundla or polling division only.***

8. A person qualified to register as a voter may register in one Inkhundla or polling division only.

***Prohibition of multiple registration.***

9. (1) A person qualified to register as a voter shall not be registered as a voter more than once in any register of voters.

- (2) A person who—
- (a) being already registered as a voter in an Inkhundla—
    - (i) applies to be registered as a voter in another Inkhundla, otherwise than in substitution for that person's subsisting registration; or
    - (ii) applies to be registered as a voter in the same Inkhundla; or
  - (b) makes simultaneously two or more applications to be registered as a voter,

commits an offence and is liable on conviction to a fine not exceeding twenty thousand Emalangeni or imprisonment for a term not exceeding two years or to both.

***Disqualification for registration as a voter.***

10. A person is not qualified to be registered as a voter if that person—
- (a) is certified to be insane or adjudged to be of unsound mind;
  - (b) is detained under the Mental Disorders Act, No. 28 of 1963;
  - (c) is under a sentence of death or life imprisonment imposed on that person by a court in Swaziland;
  - (d) is, for an act which is a criminal offence under the law of Swaziland, under a sentence of death or life imprisonment imposed on that person by a court in any other country; or

- (e) is disqualified for registration as a voter under any law in Swaziland relating to electoral offences.

## **PART IV**

### **REGISTRATION OF VOTERS AND VOTERS REGISTER**

#### ***Voters register.***

11. The Commission shall, in such manner and at times that may be prescribed, prepare or cause to be prepared—

- (a) a register of voters for each Inkhundla which shall include the names of all persons entitled to vote in that Inkhundla; and
- (b) a National Voters Register, which shall be a combination of the Tinkhundla voter registers.

#### ***General registration of voters in Tinkhundla.***

12. (1) As soon as may be practicable, after the King has established Tinkhundla following the recommendation of the Commission in terms of section 91 of the Constitution, the Commission shall direct every registration officer to prepare, for each Inkhundla to which the officer is assigned, a register of persons who are qualified to vote in that Inkhundla.

(2) The Commission shall publish a notice in the Gazette calling upon every person qualified to be registered as a voter to apply for registration to the registration officer of the Inkhundla in which that person is entitled to be registered, on or before a date to be specified in such notice.

(3) The Commission shall arrange for the further publication of the notice referred to in subsection (2) in a manner that the Commission thinks necessary and shall publish the dates, times and places of public meetings at which persons qualified to be registered may attend.

(4) Following the notice published by the Commission under this section, each Chief or rightful authority of urban or industrial areas shall call a meeting of persons under their jurisdiction for the purpose of registration as voters.

(5) The registration of voters at a meeting called under subsection (4) shall be known as the general registration of voters.

(6) As from a date fixed by the Commission by notice in the Gazette, the Inkhundla register so prepared and amended from time to time in accordance with this Act, shall be the Inkhundla register for the respective Inkhundla.

***Application for registration as a voter.***

13. (1) A person may orally and publicly apply to the registration officer of the registration centre in which the applicant wishes to be registered to have that person's name entered on the register for voters, and such person shall produce evidence of eligibility.

(2) In the case of registration at Umphakatsi, registration shall take place in the presence of the representatives of the Umphakatsi selected from among the Chief's Council who may, if required by the registration officer, provide all relevant information regarding the eligibility of persons applying for registration as voters.

(3) In the case of registration at urban or industrial areas, the persons applying for registration as voters shall produce evidence of their Swazi citizenship or permanent residence.

(4) If the registration officer is satisfied that an applicant qualifies to be registered as a voter, the registration officer shall enter the applicant's name on the prescribed form and hand the applicant proof of registration, signifying that the applicant's name shall be entered on the voters register, and the registration officer shall thereafter enter the name of the applicant in the appropriate Inkhundla voters register.

(5) If the registration officer is not satisfied that an applicant qualifies to be registered, the officer shall reject the application, and the applicant may in the presence of the registration officer object by completing and signing the approved Form No. 1, including the declaration set forth in that form.

(6) Where a registration officer refuses to register an applicant as a voter, the registration officer shall, in the approved Form No. 2 inform the applicant of the refusal and the reasons for the refusal.

***Registration of an absent person prohibited.***

14. (1) A person shall not register or attempt to procure the registration of another person as a registered voter in the absence of that other person.

(2) A person who procures the registration of a person as a voter in contravention of subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding five thousand Emalangenis or imprisonment for a term not exceeding six months or to both.

***In which Inkhundla voter to be registered.***

15. (1) Subject to this section, a person shall not be registered as a voter in any Inkhundla—

- (a) unless the person has actually resided in that Inkhundla for a continuous period of at least three months immediately preceding the date of completion of the application; or
- (b) if the person did not reside as required under subsection (1), unless the person retained a home in that Inkhundla for a continuous period of at least three months immediately preceding the date of completion of the application.

(2) If the nature of employment of a person is one where the person is required to change a place of residence often and therefore does not retain a home in any Inkhundla, if the person is otherwise qualified for registration, the person may be registered in the Inkhundla in which his principal place of business is situated; or the Inkhundla in which the principal place of business, or branch office of the person's employer is situated.

(3) If an applicant qualifies to be registered in more than one Inkhundla, the registration officer shall register the applicant's name in the voters register of the Inkhundla for which the applicant, in the opinion of the registration officer, most qualifies for registration in terms of residence.

***Registration of Swaziland citizens abroad.***

16. (1) A person who is a citizen of Swaziland resident outside Swaziland is entitled to be registered as a voter, if it is feasible, if the person satisfies the requirements for registration prescribed under this Act.

(2) The Commission may, in consultation with the Ministry responsible for foreign affairs, appoint the Head of a Swaziland Mission or Embassy abroad or any other person or institution designated in writing by the Commission as a registration officer to register a person mentioned in subsection (1) as a voter.

(3) The Commission may give such directions as it considers appropriate to a person appointed as a registration officer under subsection (2).

***Claims.***

17. (1) A person who has duly applied to be registered and whose name is not included on the appropriate register of voters may make representation to the registration officer for his name to be included on the register within seven days.

(2) The manner and time within which such representation under subsection (1) may be made shall be prescribed by the Commission.

(3) A claim under subsection (1) shall be determined by the registration officer and if a person is not satisfied with the decision of the registration officer, the person may appeal to the Commission within ten days of the decision.

(4) The Commission shall consider the appeal within 14 days after the appeal was lodged, and the Commission shall notify its decision to the registration officer and the person who appealed against the decision of the registration officer.

(5) A person who is dissatisfied with the decision of the Commission may, with leave of the High Court, appeal against the decision within twenty eight days of the decision.

***Objections.***

18. (1) A registered voter may at any time object to—

- (a) the inclusion or retention of any person's name in the register of voters;
- (b) the restoration or addition of any person's name to the register of voters;
- (c) the removal of a person's name from the register of voters; or
- (d) the correctness of any person's registration details in the voters register.

(2) The objection in subsection (1) shall be lodged with the Commission in the approved Form No. 6.

(3) The Commission shall make a decision on an objection not later than 14 days after the objection was made, and shall notify the following persons of its decision—

- (a) the person who made the objection;
- (b) the registration officer; and
- (c) in the case of an objection against the exclusion or inclusion of the name, or the correctness of the registration details, of a person other than the objector, that other person.

(4) A registration officer shall give effect to a decision of the Commission under subsection (3), within three days.

(5) A person who is not satisfied with a decision of the Commission under this section may, with leave of the High Court, appeal to the High Court within fourteen days of the decision.

***Manner of handling appeals by High Court.***

19. (1) The Commission shall, at the request of a person who has appealed under section 18 (5) against its decision, transmit the decision of the Commission to the registrar of the High Court.

(2) The decision shall be signed by the Chairperson of the Commission and by the party at whose request the decision is submitted.

(3) The judge to whom the decision is submitted may, on application by the Commission, before considering the appeal, order the party at whose request the decision is submitted to furnish security for any costs allowed against that person, and if the person fails to furnish the security, the appeal shall be deemed to have been withdrawn.

(4) The judge may, if the decision of the Commission appears to the judge to be unclear, call for further information and may make a decision and order as to costs as the judge thinks fit.

(5) The registrar of the court shall forward, to—

(a) the Commission;

(b) the registration officer; and

(c) the party who appealed against the decision of the Commission,

a copy of the decision of the court.

(6) An appeal shall not lie to the Supreme Court from any order or decision given by a judge under this section.

(7) The High Court shall handle appeals made under this section on an urgent basis and the appeals shall be disposed of as expeditiously as possible.

***Notification of change of name or residence.***

20. (1) Whenever there has been change in the name of a voter or a change in the place of residence, with reference to which a voter has been registered in any Inkhundla, the voter may, immediately after the change, notify the registration officer for the Inkhundla in which the voter is registered of the change, in the approved Form No.3.

(2) Section 13 (4) shall apply in respect of a notification under subsection (1) relating to change of residence.

(3) On receipt of the notification of change of residence, the registration officer shall, after ascertaining that a person has ceased to reside in the Inkhundla in which the person is registered, remove the name of the voter from the voters register for the Inkhundla in question, or cause it to be removed and shall thereby transfer, subject to section 15 (1) (b), the name of the person to the supplementary voters register of the Inkhundla to which the person has moved.

(4) If on investigation it is found that the person forwarding the notification is not registered as a voter at the address stated by that person in the notice of the change, unless the prescribed form of application to be registered as a voter duly completed has been annexed to the notice, the registration officer shall require the person to complete and forward to him the prescribed form of application to be registered as a voter.

(5) With respect to change of name, the registration officer shall have the change of name recorded in the voters register, except that where the change of name is due to change in marital status, a person need not apply for a change in registration details.

***Times for registration and revision of voters registers.***

21. Registration of voters and the revision of registers of voters under this Act may be carried out at such other times as the Commission may, by notice published in the Gazette, prescribe.

***Particulars shown in voters register.***

22. A voters register shall show, in respect of all persons included in the register-

- (a) the serial numbers, in numerical order if so prescribed;
- (b) if so prescribed, the surnames in alphabetical order, and immediately thereafter, other names, and if the surnames are identical, the other names in alphabetical order;
- (c) residential address;
- (d) photograph of the voter;
- (e) any other particulars that may be prescribed.

***Voter's register where Inkhundla divided into polling divisions.***

23. (1) Where an Inkhundla is divided up into polling divisions, a voters register for that Inkhundla shall be compiled and printed so as to show—

- (a) the serial numbers and names of voters in each polling division in the manner referred to in section 22; and

(b) in which polling division each voter is, subject to this Act, required to vote.

(2) A separate voters register may be compiled for each polling division or, where a polling division has more than one polling station, for two or more polling stations in each polling division.

***Supplementary voters register.***

24. (1) A registration officer shall prepare and maintain, for each Inkhundla, a supplementary voters register, which shall exist as a separate voters register.

(2) The supplementary voters register shall contain, in alphabetical order the names of all voters registered since the last general registration of voters under section 12 (6), and shall be drawn up so as to comply with sections 22 and 23.

(3) A supplementary voters register shall be incorporated into the National Voters Register during the compilation of the National Voters Register.

***Compilation of National Voters Register.***

25. (1) The Commission shall, after completion of the general registration of voters contemplated in section 12, and the preparation of Tinkhundla voter registers by registration officers, compile a National Voters Register.

(2) The Commission may prescribe cut-off dates in respect of the compilation of the National Voters Register, including the date by which—

- (a) any person who wants to be included in the voters register must have applied for registration as a voter in terms of section 13 or for the change of registration details in terms of section 20;
- (b) any objections in terms of section 18 shall be made; and
- (c) the Commission shall complete the compilation of the National Voters Register.

(3) The National Voters Register shall be compiled by merging all the Inkhundla voter registers and shall be in a form prescribed by the Commission.

(4) During the compilation of the National Voters Register, the Commission shall cause the several Tinkhundla voters registers to be compared for the purpose of ensuring that no person is registered in more than one Inkhundla.



(5) If, after due enquiry, the Commission is satisfied that a person is registered more than once in the same Inkhundla or in more than one Inkhundla, the Commission shall remove the name of the person from every register in which the name should not appear.

(6) Section 27(4) and (5) shall apply in connection with the removal of a name under subsection (5).

(7) The Commission shall, upon completion of the compilation of the National Voters Register, cause to be transmitted to every registration officer, a copy of the part of that register relating to the Inkhundla for which the officer is responsible and the officer shall keep the copy in safe custody.

(8) The original of the National Voters Register shall be kept at the offices of the Commission.

***Certification of voters register.***

26. At the end of every voters register, the registration officer responsible for the compilation of the voters register shall certify, in the prescribed form, that the voters register has been checked and is correct.

***Amendment of voters register by registration officer.***

27. (1) Subject to subsections (2), (3) and (4), a registration officer shall, if satisfied as to the relevant facts, amend the voters register for any Inkhundla in the area for which the officer has been appointed, by—

- (a) correcting any mistake, supplying any omission, or recording any change in the particulars of the registration of any person;
- (b) after ascertaining that a person has ceased to be a resident in the Inkhundla in which the person is registered, transfer, subject to section 18(1)(b), the name of the person whose residence has changed to the supplementary voters register of the Inkhundla to which the person has moved;
- (c) removing a person's name from the voters register in the case of a person who has left Swaziland with the intention of not returning to Swaziland;
- (d) removing the name of any person who, according to a return under sections 38 to 41 is dead or disqualified for continuance of registration;
- (e) restoring the name of any person referred to in paragraph (c) who has ceased to be disqualified;

- (f) removing any superfluous entry where the name of the same person appears more than once in the voters register for more than one Inkhundla;
- (g) removing the name of any person who is not a citizen of Swaziland or who is under the age of eighteen years, or who would otherwise not be qualified to be registered, should the person complete an application for registration on the date of the removal;
- (h) removing the name of any person in respect of whom an objection has been lodged under section 18 and which has been upheld; or
- (i) adding the name of any person which was wrongly omitted in the course of any registration of voters.

(2) A registration officer shall not amend the voters register in terms of subsection (1) from nomination day until polling day, both days inclusive.

(3) Notwithstanding subsection (2), where a registration officer is satisfied—

- (a) that the name of a person has inadvertently been omitted or removed from a voters register; or
- (b) that the name of a person has been inserted in the voters register for an Inkhundla other than that in which it should have been inserted and in which the person is entitled to be registered,

the registration officer shall make the proper amendment to the voters register in relation to the omissions or removal or incorrect insertion, at any time up to four o'clock in the afternoon on the day seven days before polling day.

(4) Before removing from, or restoring to, or adding the name of any person to the voters register, the registration officer shall by any practicable means, first be satisfied that the name relates to the person concerned.

(5) Where a registration officer removes a name from a voter's register which is not the name of a fictitious person or of a person who has died, the officer shall inform the person concerned by a notice in the approved Form No.4 directed to the address of that person as shown on the voters register.

(6) If the registration officer has transferred the name of a voter to the voters register in respect of the Inkhundla to which the voter has moved, the registration officer shall inform the person concerned of the transfer by notice in the prescribed Form No.5 directed to the address to which the voter has moved.

***Amendments to voters register after change in Inkhundla or polling division.***

28. A registration officer shall record in the voters' register or on a person's application any change in Inkhundla or polling division for which a person is registered as a voter or has applied for registration, if that person's place of ordinary residence after a change in the boundaries of the Inkhundla or polling division falls in another Inkhundla or polling division.

***How voters register amended.***

29. When ever a registration officer makes a decision—

- (a) to remove the name of any person from a voters register;
- (b) to restore or add the name of any person to a voters register; or
- (c) to correct any mistake or supply any omission in the register,

the officer shall make the requisite alteration in ink in the official copy of the voters register and, in the case of a removal, restoration or addition, shall clearly indicate the alteration and state the reason for the alteration opposite the name removed, restored or added.

***Inspection and copies of voters register.***

30. (1) A copy of the National Voters Register as it exists at any time shall be available for inspection during office hours at the Commission's head office

(2) A copy of the voters register for an Inkhundla shall be available for inspection during office hours at the Regional Administration Offices and the Sub-Regional offices of every Region where that Inkhundla or any portion of the Inkhundla is situated, and at the Umphakatsi (Chiefdom) for the area in which the Inkhundla is situated.

(3) A person desiring to make copies of, or take extracts from a voters register may do so on payment of the prescribed fee.

***Printing of voters register and copies of printed register.***

31. (1) The voters register as prepared and amended from time to time in accordance with this Act, shall be printed not later than one month before every direct election.

(2) As soon as a voters register has been printed, any person may obtain a reasonable number of copies of that voters register on payment of a fee and subject to conditions as may be prescribed.

***Voters register or other document not invalidated by reason of error.***

32 (1) If through accident, inadvertence, or oversight, anything required by law to be done in preparation of a voters register is erroneously done or omitted to be done, the voters register shall not be invalidated thereby, and the Commission may take or cause to be taken such steps as are necessary to rectify the error or omission.

(2) Inaccurate description of a person or place named or described in a voters register, notice or other document prepared or issued under or for the purpose of this Act shall not, if the person or place is so designated as to be commonly identifiable or understood, affect the validity of that register, notice or document.

**PART V**

**OFFENCES AND PENALTIES**

***Registration offences***

33. A person who—

- (a) knowingly makes a false statement in or in connection with an application to have that person's name included in a register;
- (b) by the use of force or threats prevents or attempts to prevent a person from exercising that person's right to register as a voter,

commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand Emalangeni or to imprisonment for a term not exceeding two years or both and shall, for a period of five years from the date of the expiration of the person's term of imprisonment or the date of the payment of a fine be disqualified from being registered as a voter or voting at an election.

***Offences by registration officers, etc.***

34. A registration officer, clerk, interpreter or other officer who has a duty to perform under this Act, in connection with the registration of voters who—

- (a) makes in any voters register, record, return or other document, which the officer is required to keep or make under this Act, any entry which the officer knows or has reasonable cause to believe to be false, or does not believe to be true;
- (b) permits a person to be registered as voter, whom the officer knows or has reasonable cause to believe not to be a person qualified to be registered as a voter;

- (c) refuses to permit a person to register as a voter whom the officer knows or has reasonable cause to believe to be a person qualified to register as a voter; or
- (d) willfully or with gross negligence fails to perform the officer's official duty under this Act,

commits an offence and is liable on conviction to a fine not exceeding twenty thousand Emalangeni or to imprisonment for a term not exceeding two years or both.

***Impersonation.***

35. A person who applies to be registered as a voter in the name of any other person, whether living, dead or fictitious, commits the offence of impersonation and is liable on conviction to a fine not exceeding ten thousand Emalangeni or to imprisonment for a term not exceeding one year or both.

***Undue influence.***

36. (1) A person shall not directly or indirectly, in order to induce or compel any person to register or not to register as a voter—

- (a) make use of or threaten to make use of any force, violence or restraint upon any other person;
- (b) inflict or threaten to inflict by oneself or by any other person, or by any supernatural or non-natural means, or pretended supernatural or non-natural means, any physical, psychological, mental or spiritual injury, damage, harm or loss upon or against any person; and
- (c) do or threaten to do anything to the disadvantage of any person.

(2) A person who contravenes any of the provisions of subsection (1) (a) to (c) commits the offence of undue influence and is liable, on conviction, to fine not exceeding ten thousand Emalangeni or to imprisonment for a term not exceeding one year or to both.

***Illegal practice in respect of meetings.***

37. (1) A person who, at a meeting held in connection with the registration of voters, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting is called shall be guilty of an illegal practice.

(2) A person who is found guilty of an illegal practice under subsection (1) shall be liable, on conviction, to a fine not exceeding five thousand Emalangeni or to imprisonment for a period not exceeding one year or to both.

## PART VI

### MISCELLANEOUS

#### ***Returns by registrar of births and deaths.***

38. (1) The registrar of births and deaths shall, not later than the tenth day of every month, transmit to the registration officer for the area in which the death has taken place, a return in the prescribed form containing the prescribed particulars concerning every adult person whose death was registered by the officer during the preceding month.

(2) The registration officer shall transmit to the Commission a return of all such persons whose names appear upon a voters register for any Inkhundla in the area for which the registration officer has been appointed.

#### ***Returns by registrar or clerk of court.***

39. (1) The registrar or clerk of any court which—

- (a) imposes on any person over the age of eighteen years a sentence or makes an order which renders the person unqualified for registration or disqualified for continuance of registration or incapable of voting at any election;
- (b) declares any person incapable during any period of being registered or of voting at any election; or
- (c) declares any person to be mentally disordered or defective,

shall transmit to the Commission a return in the prescribed form containing the prescribed particulars concerning that person.

(2) The returns in subsection (1) shall be transmitted to the Commission not later than the tenth day of the month following the month in which the sentence was imposed or the order was issued or the declaration was made, or if the conviction, sentence, order or declaration is brought under review or is appealed against, not later than the tenth day of the month following the month in which it is confirmed on review or appeal, as the case may be.

#### ***Returns by superintendent of institution for mental disorders.***

40. The superintendent of every institution as defined in section 2 of the Mental Disorders Act; 1963 (Act No. 28 of 1963) shall, not later than the tenth day of every month, transmit to the Commission a return in the prescribed form containing the prescribed particulars concerning every adult person who had been detained in the institution under an order of court declaring the

person to be mentally disordered or defective and was discharged during the previous month as a patient who had recovered.

***Procedure of Commission upon receipt of returns.***

41. Upon receipt of a return under section 38, 39 or 40, the Commission shall immediately forward copies of the returns to every registration officer to be used in amending the register of voters as required in terms of section 29.

***Immunity of registration officers, etc.***

42. A registration officer or any other officer exercising powers under this Act shall not be liable in respect of any act done or omitted to be done in good faith, in the exercise of that officer's duties and powers under this Act or any other written law.

***Inspection and copying of documents by electronic means.***

43. Where this Act requires that a voters register or other document be publicised, or made available for inspection or copying, the Commission shall endeavour to also publicise or make available the voters register or other documents by way of electronic technology.

***Regulations.***

44. (1) The Minister may, by statutory instrument, make regulations for the effective implementation of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for all or any of the following matters—

- (a) the procedure for registration of voters;
- (b) the preparation of, and the form of, registers to be used in the registration of voters;
- (c) the manner of ascertaining whether persons applying for registration as voters are qualified for registrations or for their inclusion in a register for a particular Inkhundla;
- (d) the making and determination of appeals, claims and objections with respect to the registration of voters;
- (e) the correction, amendment and certification of registers of voters;
- (f) the manner in which the name of any person may be deleted from a register of voters;

- (g) the transfer of the names of persons from the register of voters of one polling division to that of another polling division;
- (h) the restoration of the name of a registered voter;
- (i) manner of submitting returns required under this Act; and
- (j) prescribing anything required to be prescribed under this Act.

***Repeal of the Voters Registration Order, 1992 (Order No. 3 of 1992).***

45. (1) The Voters Registration Order, 1992 (Order No. 3 of 1992 is repealed.

(2) Notwithstanding the repeal under subsection (1), any voter's list made under the repealed Order shall remain in force until replaced by a voters register made under this Act.

**SCHEDULE**

<i>Section</i>	<i>Forms and envelopes</i>	<i>Particulars</i>
13(4)	1	Application for registration as a voter.
13(5)	2	Notification of rejection of application to register as a voter.
20(1)	3	Notification of change of voter's name or residence
27(5)	4	Notification of removal of voter's name from voters registers.
27(6)	5	Notification of transfer of voter's name to another voter's register.
18(2)	6	Form of objection