

No. 5



of 2001

ARRANGEMENT OF SECTIONS

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An Act to amend the Referendum Act

Date of Assent: 11.04.2001.

Date of Commencement: 18.04.2001.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Referendum (Amendment) Act, 2001.

Short title

2. The Referendum Act (hereinafter referred to as "the Act") is amended by —

Amendment of
Cap 02:08

(a) substituting the words "Secretary to the Independent Electoral Commission" for the words "Supervisor of Elections";

(b) substituting the words "ballot paper" for "ballot envelope" and for "envelope";

(c) substituting the words "tendered ballot papers" for "tendered envelopes";

(d) substituting the words "ballot paper account" for "ballot envelope account"; and

(e) deleting the words "and counter", "counter", "counters", "and such number of counters" and "(including counters)"

wherever they appear in the Act.

Amendment of section 7 of the Act

3. The Act is amended by substituting the following new section 7 for section 7 thereof —

“Form of ballot and manner of voting

7. (1) The ballot of every person voting at a referendum shall consist of a ballot paper in a form to be determined by the Independent Electoral Commission and having a serial number printed or stamped on it.

(2) A voter wishing to vote on the question posed by the referendum shall do so by placing a mark in the space provided on the ballot paper to indicate the manner in which he wishes to vote.”

Amendment of section 11 of the Act

4. Section 11 of the Act is amended by deleting subsection (3) thereof.

Amendment of section 12 of the Act

5. Section 12 of the Act is amended —

(a) in paragraph (a) thereof, by inserting, therein, immediately after the words “his voter’s registration card”, the words “and his identity card”.

(b) in paragraph b(iii) thereof by substituting the words “such ballot paper as is required for the poll” for the words “a ballot envelope and such number of counters as are required for the poll”;

(c) in paragraph (d) thereof by deleting the words “by putting into the ballot envelope the counter having the voting mark indicating his choice”;

(d) by substituting the following new paragraph (e) for paragraph (e) thereof —

“(e) he shall then fold his ballot paper and return to the presiding officer and drop the ballot paper into the ballot box in front of the presiding officer.”; and

(e) by substituting the following new paragraph (g) for paragraph (g) thereof —

“(g) on the application in person of any voter who is incapacitated by blindness or other physical cause from voting, the presiding officer shall, in the presence of the person with whose assistance the blind person came to cast his vote, secretly record the voter’s vote by putting a mark in the space provided on the ballot paper to indicate the manner in which the voter wishes to vote and shall then fold the ballot paper and put it into the ballot box.”

Deletion of section 17 of the Act
Amendment of section 26 of the Act

6. The Act is amended by deleting section 17 thereof.

7. Section 26 of the Act is amended by deleting subsections (3) and (6) thereof.

- 8. Section 29 of the Act is amended in subsection (3) thereof —**
- (a) by deleting the words “, or in which there is no counter or more than one counter: ” which appear therein; and**
 - (b) by deleting the proviso thereto.**

Amendment
of section 29
of the Act

PASSED by the National Assembly this 3rd day of April, 2001.

C.T. MOMPEI,
Clerk of the National Assembly.