# CHAPTER 02:09
# ELECTORAL

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**An Act to consolidate certain laws relating to elections of the National Assembly and councils; for the qualifications and registration of voters; for the conduct of such elections and for other purposes in relation to such elections.**

[*Date of Commencement: 17th May, 1968*]

## PART I

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## *Introductory* (ss 1-5)

### 1. Short title

This Act may be cited as the Electoral Act.

### 2. Interpretation

In this Act, unless the context otherwise requires-

**"assistant returning officer"** means a person appointed as assistant returning officer under section 4;

**"candidate"** means a candidate for election as a Member;

**"close of nominations"**, in relation to any election, means the hour at which the period appointed by a writ, or in pursuance of section 47 for the receipt of nomination in that election, expires;

**"constituency"** means a constituency delimited in accordance with Chapter V of the Constitution;

**"council"** means a district council, city council or town council;

**"designated polling district"** means a polling district designated by the Commission in terms of the proviso to section 7(1);

**"election"** means the election of a Member;

**"election officer"** means a returning officer, assistant returning officer, presiding officer or polling officer;

**"election petition"** means a petition made in terms of Part X;

**"election roll"** means a roll prepared in pursuance of section 12(4);

**"entitled to registration"**, in relation to any polling station, means entitled to be registered as a voter in respect of that polling station in accordance with the provisions of Chapter V of the Constitution;

**"existing roll"** means any roll other than a roll which in terms of section 12(6) or (7) has ceased to have effect;

**"Form"** means Form prescribed in the Schedule;

**"general registration period"** means any period appointed as such under section 7(1);

**"general roll"** means a roll prepared in pursuance of section 12(2) and includes, in the circumstances set out in section 12(7), an election roll;

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**"identity card"** means an identity card issued under the National Registration Act;

**"Independent Electoral Commission"** means the Independent Electoral Commission appointed under section 65A of the Constitution (in this Act referred to as "the Commission");

**"magistrate"** means a person appointed as a Magistrate Grade II or over and having jurisdiction in the constituency concerned;

**"Member"** means an Elected Member of the National Assembly or an Elected Member of a council;

**"nomination day"**, in relation to any election, means the day appointed by a writ for the receipt of nominations in that election; or any other day to which such day may be adjourned by virtue of the provisions of section 46;

**"objection"** means an objection under section 18;

**"personal representative"** means, in relation to a person who is dead, the person who in law (including the customary law where this is applicable) represents the estate of that person;

**"police officer"** has the meaning assigned to it by section 2 of the Police Act;

**"poll"** means a poll conducted in accordance with this Act;

**"polling day"**, in relation to any election, means the day appointed by a writ for the taking of any poll which may be necessary in that election; or any other day to which the taking of such poll may be adjourned by virtue of the provisions of sections 46 or 65;

**"polling district"** means a polling district established under section 5;

**"polling officer"**, in relation to any polling station, means any person appointed as such for that polling station under section 4;

**"polling station"** means a polling station established under section 5;

**"presiding officer"**, in relation to any polling station, means the person appointed as presiding officer for that polling station under section 4 and includes, to the extent to which he is permitted to act, a polling officer appointed in respect of that polling station;

**"principal registration officer"** means the person appointed as principal registration officer under section 4;

**"registered"** means registered as a voter under this Act;

**"registration officer"** means any person appointed as registration officer under section 4 and includes the principal registration officer;

**"return"** means the return of election expenses referred to in section 87;

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**"returning officer"** means the person appointed as returning officer under section 4 and includes, to the extent to which he is permitted to act, any person appointed as assistant returning officer;

**"roll"** means a general roll, supplementary roll or election roll prepared in pursuance of section 12;

**"Secretary"** means the Secretary to the Independent Electoral Commission appointed under section 66 of the Constitution;

**"Speaker"** means the Speaker of the National Assembly;

**"symbol"** means a symbol allotted to a candidate in pursuance of section 44 or registered in respect of a political party in pursuance of section 150;

**"tendered ballot paper"** means a ballot paper issued under section 62;

**"tendered vote"** means a vote cast using a tendered ballot paper;

**"voter"** means a person registered as a voter under this Act and in relation to any constituency means any person who is entitled, in terms of sections 31 and 32, to vote at elections in that constituency;

**"voter's registration card"** means a voter's registration card given to a voter under section 10, 17 or 25 and includes a duplicate of such card given to a voter under section 29;

**"voter's registration record card"** means a voter's registration record card completed in respect of a voter under section 10 or 17;

**"voting colour"** means a colour allotted to a candidate in pursuance of section 44 or registered in respect of a political party in pursuance of section 150;

**"writ"** means a writ of election issued in terms of section 34.

## 3. Duties of Secretary

The Secretary shall, subject to the directions and supervision of the Commission-

(*a*) exercise general direction and supervision over the registration of voters;

(*b*) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;

(*c*) issue to election officers and registration officers such instructions as he may deem necessary to ensure effective execution of the provisions of this Act; and

(*d*) exercise and perform all other powers and duties conferred and imposed upon him by this Act.

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## 4. Appointment of officers

(1) The Secretary shall appoint-

(*a*) a principal registration officer for each constituency; and

(*b*) such other registration officers, for each constituency and polling station, as he may deem necessary.

(2) The Secretary shall appoint-

(*a*) a returning officer and such number of assistant returning officers, for each constituency and polling district, as he may deem necessary; and

(*b*) a presiding officer and such number of polling officers as he may deem necessary for each polling station.

(3) Registration and election officers shall execute and perform the powers and duties conferred upon them by this Act in accordance with such instructions as they may be given by the Secretary.

(4) For purposes of registration and elections to be conducted outside Botswana, the Secretary shall appoint registration and election officers in such countries as he may consider necessary.

(5) Appointments made under this section shall be published in the *Gazette*.

## 5. Establishment of polling districts and stations

(1) As soon as practicable after constituencies have been delimited, the Secretary shall divide each constituency into polling districts and establish one or more polling stations in each polling district; and shall cause notice of the boundaries of every such polling district, the situation of every such polling station and the names by which such polling districts and polling stations are to be known, to be published in the *Gazette* and in such other manners as he may consider appropriate.

(2) The Secretary may from time to time in like manner add to the number of polling stations established in any polling district or vary the situation within a polling district of any polling station established therein.

(3) For purposes of registration and elections to be conducted outside Botswana, the Commission shall establish polling stations outside Botswana-

(*a*) at all Botswana Embassies and Consular Missions; and

(*b*) at such other places as the Commission may consider necessary.

## PART II

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### *Disqualification of Voters* (s 6)

## 6. Disqualification of voters

(1) No person shall be qualified to be registered as a voter who-

(*a*) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;

(*b*) is, for an offence which is a criminal offence under the law of Botswana, under sentence of death imposed on him by a court in any part of the Commonwealth, or, subject to the provisions of subsection (2), under sentence of imprisonment (by whatever name called, and whether or not it is a suspended sentence) of or exceeding six months imposed on him by such a court, or substituted by competent authority for some other sentence imposed on him by such a court;

(*c*) is a person certified to be insane or otherwise adjudged or declared to be of unsound mind under any law for the time being in force in Botswana; or

(*d*) is disqualified from voting at any election under any law for the time being in force in Botswana relating to offences connected with elections.

(2) For the purposes of subsection (1)(*b*)-

(*a*) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and

(*b*) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

# PART III
### *Registration of Voters and Preparation of Rolls* (ss 7-16)

## 7. General registration of voters

(1) Whenever polling districts and polling stations have been established under section 5 or whenever the Commission considers that it is necessary for new general rolls to be prepared in order to obtain accurate rolls of voters in any constituency or constituencies the Commission shall by order published in the *Gazette* appoint a period to be a general registration period in respect of the constituency or constituencies specified in the order:

Provided that if it appears to the Commission in relation to any polling district that there is good reason to believe that the relevant sections of the existing rolls constitute at that time a substantially accurate record of the persons entitled to registration at polling stations in that district the Commission may in such order designate that polling district as a district in which the relevant sections of the existing rolls shall be used in the preparation of general rolls

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following that general registration period.

(2) During a general registration period registration officers shall attend at all polling stations (other than polling stations in constituencies not included in an order published under subsection (1) and in designated polling districts) for the purpose of registering voters.

(3) During a general registration period in any designated polling district, the Secretary shall cause copies of the relevant sections of the existing rolls to be made available for inspection by the public at the office of the principal registration officer, and at such other places as may be determined by the principal registration officer.

(4) On publication of an order appointing a general registration period, the Secretary shall publish a notice or notices, in such manner as he may consider appropriate-

(*a*) calling upon every person who is entitled to registration (otherwise than in respect of a polling station in a designated polling district) to apply for registration during the general registration period, and specifying the dates, times and places when and at which persons so entitled may apply for such registration;

(*b*) informing all persons who are entitled to registration in respect of polling stations in any designated polling district of the dates, times and places when and at which copies of the relevant sections of the existing rolls will be available for inspection by the public in pursuance of subsection (3), and calling upon all such persons who are not already registered in respect of any such polling station to apply for registration during the general registration period, and specifying the dates, times and places when and at which persons so entitled may apply for such registration.

## 8. Supplementary registration of voters

(1) Registration of voters otherwise than during a general registration period shall be carried out at the office of the principal registration officer for each constituency, and at such other places as the Secretary may from time to time appoint for such purpose.

(2) Notwithstanding the provisions of subsection (1), a principal registration officer or his authorised representative may, during any official visit to any part of his constituency, register voters in that part of the constituency.

## 9. Registration of non-resident citizens

(1) Where a person entitled to register as a voter in terms of this Act is resident outside Botswana, such person may be registered in accordance with the provisions of this section.

(2) Whenever a registration period is appointed under section 7 or 8, the Secretary shall cause a notice to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of Botswana are resident calling upon every citizen entitled to be registered as a voter in terms of this Act to apply for registration during the registration period on such date, time and place as may be specified in the notice; and the provisions of

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section 10 shall, with such modifications and adaptations as may be necessary, have effect.

(3) The registration officer shall, on completion of a registration of any person, forward the completed voter's registration record card to the Secretary who shall incorporate the registration in the roll of the voters in the constituency of that person.

### 10. Applications for registration

(1) During a general registration period-

(*a*) any person who claims to be entitled to registration in respect of any polling station not in a designated polling district may, unless he has an existing registration in respect of a polling station in a designated polling district, make application for registration by attending before a registration officer at that polling station;

(*b*) any person who claims to be entitled to registration in respect of any polling station in a designated polling district may, unless he has an existing registration in respect of that polling station or a polling station in a designated polling district, make an application for registration by attending before a registration officer for the constituency which contains that polling station.

(2) At any other time, any person who claims to be entitled to registration may, if he is not already a voter, make an application for registration by attending before a registration officer for the constituency which contains that polling station in respect of which he claims to be entitled to registration.

(3) If an application for registration is made, the registration officer shall determine whether or not the applicant is entitled to registration in respect of that polling station, and, if satisfied that he is, shall-

(*a*) complete a voter's registration record card in Form A in relation to the applicant;

(*b*) require the applicant to make the declaration set out in that form;

(*c*) register the applicant as a voter in respect of that polling station by completing the voter's registration card in Form B in relation to the applicant, and giving it to the applicant; and

(*d*) forward the completed voter's registration record card to the Secretary.

(4) . . . . .

(5) A registration officer shall not register any applicant who does not produce his national identity card at the time of applying for registration as a voter.

(6) If a registration officer is not satisfied that an applicant is entitled to registration, he shall complete and give to the applicant a notice of rejection in Form C and send a counterpart of such notice to the principal registration officer.

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## 11. Enquiries by registration officer

For the purpose of satisfying himself with regard to any matter, or for the purposes of determining any matter relating to any application for registration, a registration officer may make such enquiry as he considers necessary.

## 12. General, supplementary and election rolls

(1) There shall be general rolls, supplementary rolls and election rolls of the voters in each constituency.

(2) As soon as practicable after the termination of a general registration period, the Secretary shall cause to be prepared a roll of voters in the constituencies affected by such general registration period, containing-

(*a*) in respect of polling stations not included in any designated polling district, the names of voters registered in respect of such polling stations during the general registration period;

(*b*) in respect of any polling stations included in a designated polling district, the names of voters registered in the relevant sections of the existing rolls together with the names of voters registered in respect of such polling stations between the expiration of the period in respect of which the last existing roll was prepared and the expiration of the general registration period.

(3) As soon as practicable after 31st December in each year and at such other intervals as he may consider appropriate the Secretary shall cause to be prepared a roll of voters for each constituency, containing the names of voters registered in that constituency since the last such roll was prepared and not included in any general roll prepared under subsection (2), such roll to be known as a supplementary roll.

(4) Whenever a writ of election is issued, the Secretary shall amalgamate into one roll for each constituency concerned-

(*a*) the last general roll for such constituency; and

(*b*) all supplementary rolls for such constituency in operation on the day on which such writ is issued,

and any such amalgamated roll shall be known as an election roll and may be maintained in such form of permanent record as the Minister may by regulations prescribe.

(5) A roll shall come into operation on certification in terms of section 15.

(6) Upon the coming into operation of a general roll for any constituency, any previous general roll and any existing supplementary rolls for the constituency shall cease to have effect and the Secretary may cause the same to be destroyed.

(7) Upon the coming into operation of an election roll for any constituency, the general roll

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and all supplementary rolls which have been amalgamated into the election roll shall cease to have effect and the Secretary may cause the same to be destroyed, and for the purposes of this Act such election roll shall be deemed to be the last general roll for the constituency concerned.

(8) Notwithstanding any provision of this Act, the Secretary shall determine a cut-off date for registration of voters and shall, before a writ of elections is issued, compile and mature all rolls into one operative roll.

### 13. Form of rolls

Every roll shall-

(*a*) state the surname, other names, sex, postal address, house number or plot number (where practicable), national identity card number of every voter named therein, and the serial number of the voter's registration card given to him;

(*b*) be compiled in a regular order in relation to such serial numbers; and

(*c*) be divided into sections each relating to the voters registered in respect of a particular polling station.

### 14. Publication of rolls

On the completion of any general roll or supplementary roll, and on the certification of any election roll, the Secretary shall publish the roll by-

(*a*) making it and copies thereof available for inspection by the public in accordance with the provisions of section 16; and

(*b*) giving notice thereof in the *Gazette* and in such other manner as he may consider appropriate, specifying the places at which it and such copies are so available, and in the case of a general roll or a supplementary roll, setting out as in Form D the manner in which objections in respect of the roll may be made.

### 15. Certification of rolls

(1) As soon as practicable after any objections in relation to a general roll or supplementary roll published under section 14 have been determined, the Secretary shall certify the roll in the manner provided in Form E:

Provided that if at the expiration of 42 days in the case of a general roll or 21 days in the case of a supplementary roll after such publication, any objection in relation to a roll has not yet been determined, the Secretary may certify the roll in accordance with the provisions of this section notwithstanding such objection, but if he does so he shall thereafter, in accordance with the provisions of section 24, alter the roll if necessary to give effect to the decision of a magistrate in relation to that objection.

(2) As soon as practicable after the certification of a general roll or supplementary roll under

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this section the Secretary shall give notice in the *Gazette* and in such other manner as he may consider appropriate that the roll has been certified and is in operation, and that it and copies thereof are open for inspection by the public in accordance with the provisions of section 16, specifying the places at which it and such copies are so available.

(3) The Secretary shall certify an election roll in the manner provided in Form E as soon as it has been completed.

### 16. Inspection of rolls

(1) Every existing roll shall be open for inspection by the public without fee at the office of the Secretary during the hours the office is open.

(2) A copy of every existing roll for a constituency shall be kept at the office of the principal registration officer for that constituency and at such other places therein as the principal registration officer may determine, and shall be open for inspection by the public without fee during such reasonable hours as the principal registration officer may appoint.

(3) Any person may, upon payment of a fee prescribed by the Secretary from time to time, make hard copies of a roll or take extracts there from during the hours aforesaid.

## PART IV
## *Appeals, Objections and Cancellations* (ss 17-24)

### 17. Appeal against rejection under section 10

(1) An applicant whose application has been rejected under section 10(6) may appeal to a magistrate.

(2) Notice of any such appeal shall be in Form F and shall be delivered to the principal registration officer for the constituency where the applicant applied within a period of seven days after the rejection of the application, together with a deposit of P10.

(3) On receipt of any notice of appeal the principal registration officer shall forthwith set down the appeal for hearing before a magistrate and the magistrate shall appoint a place and as early a day as is practicable for the hearing of the appeal.

(4) The principal registration officer shall cause an appellant to be notified of the day and place appointed by the magistrate for the hearing of his appeal.

(5) The magistrate shall then determine any such appeal and forthwith notify the principal registration officer concerned of his decision in relation thereto.

(6) If a magistrate allows an appeal the principal registration officer on being so notified shall-

(*a*) complete a voter's registration record card in Form A in relation to the appellant, and endorse the card with an entry to the effect that the appeal has been allowed;

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(*b*) register the appellant as a voter in respect of the polling station named by the appellant in his notice of appeal by completing a voter's registration card in Form B in relation to the appellant in the manner prescribed in section 10(3)(*c*) and giving it to the appellant;

(*c*) forward the completed voter's registration record card to the Secretary, and

(*d*) refund the appellant's deposit.

(7) If a magistrate disallows an appeal the principal registration officer on being so notified shall pay the appellant's deposit into the general revenues of Botswana.

(8) The decision of a magistrate on an appeal shall be final and shall not be challenged in any proceedings whatsoever.

### 18. Objections

(1) Any person whose name is included in a roll for any constituency may object to the inclusion of any other name appearing therein or in any other existing roll relating to that constituency.

(2) An objection shall be made in writing in Form G, and shall be delivered to the principal registration officer for the constituency together with a deposit of P10 within 21 days in the case of the supplementary roll, and 42 days in the case of the general roll, of-

(*a*) the date of publication under section 14, of the roll to which it relates; or

(*b*) the date on which notice of an insertion is given in pursuance of section 27 where the objection relates to the name of the voter inserted in a roll in pursuance of section 25 or 26(*a*).

(3) On receipt of an objection under this section the principal registration officer shall forthwith set down the objection for hearing before a magistrate and the magistrate shall appoint a place and as early a date as is practicable for the hearing of the objection.

(4) The principal registration officer shall cause the objector and the person to whom the objection relates to be notified of the time and place appointed by the magistrate for the hearing of the objection and shall forward to the person to whom the objection relates a copy of the objection.

(5) The magistrate shall then determine the objection.

### 19. Determination of objections

(1) The provisions of this section shall apply to the hearing of an objection under the provisions of section 18.

(2) The person to whom the objection relates may appear either in person or by a person appointed in writing under his hand, or may forward by post to the magistrate a statement

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signed by him setting forth his answer to the objection.

(3) If the objector or the person to whom the objection relates appears by some other person the magistrate may, if he deems it necessary, adjourn the hearing for the attendance in person of the objector or the person to whom the objection relates and may make an order requiring his attendance accordingly.

(4) The magistrate shall forthwith notify the principal registration officer concerned of his decision in relation to any objection.

(5) If a magistrate upholds an objection, the principal registration officer shall refund the objector's deposit and the provisions of section 24 shall have effect.

(6) If a magistrate disallows an objection the principal registration officer shall pay the objector's deposit into the general revenues of Botswana.

(7) If in addition the magistrate is of the opinion that the objection was made without reasonable cause, he may order the objector to pay to the person to whom the objection relates such sum not exceeding P500 as he considers will compensate the person to whom the objection relates for the trouble and expense to which he may have been put by reason of the objection.

(8) Any sum to be paid under subsection (7) shall be recoverable as a civil debt.

(9) The decision of a magistrate on an objection shall be final and shall not be challenged in any proceedings whatsoever.

### 20. Failure of an objector to appear

When an objector fails to appear on the day and at the place and time appointed by the magistrate for the hearing of the objection, the magistrate shall disallow the objection and may order the objector to pay such costs to the person against whom the objection was made, as the magistrate may determine.

### 21. Cancellation by principal registration officer

(1) If any principal registration officer has reason to believe that any voter enrolled in any section of an existing roll in his constituency is not, or is no longer, entitled to registration in respect of the polling station to which that registration relates he shall send to that voter written notice of cancellation in Form H setting forth the grounds on which he proposes to cancel the voter's registration in respect of that polling station and that unless, on representations made by the voter or otherwise, the principal registration officer withdraws the notice, or unless an appeal by the voter under section 22 is allowed, the voter's registration in that polling station will be cancelled and his name struck off the roll:

Provided that:

(i) in the case of a voter whose registration it is proposed to cancel on the grounds

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that he does not possess the residence qualification, the principal registration officer may publish such notice in the *Gazette* and such publication shall be sufficient compliance with the provisions of this subsection; and

(ii) no such notice shall be so sent or published during the period between the issue of a writ of election having effect in relation to that constituency and the close of polling in the election to which the writ relates.

(2) If notice of appeal is not duly given and the principal registration officer does not withdraw the notice, the provisions of section 24 shall have effect.

(3) For the purposes of this section "the residence qualification" means either of the qualifications referred to in section 67(1)(*c*) of the Constitution.

### 22. Appeal against cancellation under section 21

(1) A voter who has received notice of cancellation under section 21(1) may appeal to a magistrate.

(2) Notice of any such appeal shall be in Form I and shall be delivered to the principal registration officer who sent the notice of cancellation to the voter within a period of 14 days after delivery of such notice of cancellation.

(3) On receipt of any notice of appeal the principal registration officer shall forthwith set down the appeal for hearing before a magistrate and the magistrate shall appoint a place and as early a day as is practicable for the hearing of the appeal.

(4) The principal registration officer shall cause an appellant to be notified of the day and place appointed by the magistrate for the hearing of his appeal.

(5) The magistrate shall then determine any such appeal and forthwith notify the principal registration officer concerned of his decision in relation thereto.

(6) If a magistrate disallows an appeal the provisions of section 24 shall have effect.

### 23. Procedure for hearing appeals or objections

(1) The procedure for the hearing of appeals or objections shall be regulated in such manner as the presiding magistrate may direct.

(2) For the purpose of determining an appeal or objection a magistrate may summon any person to appear before him to give evidence on oath or affirmation, and may order the production of any document bearing on any issue relevant to the determination of such appeal or objection.

### 24. Notification to Secretary

If a magistrate upholds an objection in pursuance of section 19 or if notice of cancellation is given to any voter in pursuance of section 21 and either such voter does not appeal under

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section 22 and the notice is not withdrawn, or such voter does appeal and his appeal is dismissed, the principal registration officer concerned shall-

(*a*) notify the Secretary accordingly who shall, subject to the provisions of section 28, cancel the voter's registration by making an appropriate endorsement on the voter's registration record card relating to such voter, and delete his name from the roll; and

(*b*) require the person whose registration is cancelled to surrender to the principal registration officer the voter's registration card given to that person in pursuance of this Act, and forward such card to the Secretary.

## PART V
## *Supplementary* (ss 25-30)

### 25. Transfer of registration

(1) Any person who is registered as a voter in respect of any polling station (hereinafter referred to as "the existing polling station") and has become entitled to registration in respect of any other polling station (hereinafter referred to as "the other polling station") may make application for the transfer of his registration in the manner provided by this section:

Provided that, during a general registration period, this section shall have effect only where the existing polling station is in a designated polling district.

(2) Any person who wishes to make such an application shall attend before a registration officer for the constituency in which the other polling station is situate.

(3) The registration officer shall determine whether the applicant is entitled to transfer his registration to the other polling station and, if satisfied that he is, shall-

(*a*) require him to surrender the voter's registration card given to him in pursuance of this Act on his registration in respect of the existing polling station;

(*b*) complete a registration transfer card in Form J in relation to the applicant;

(*c*) require him to make the declaration set out in that Form;

(*d*) transfer the applicant's registration to the other polling station by making an appropriate endorsement on the surrendered voter's registration card, completing a new voter's registration card in Form B in relation to the applicant and giving it to the applicant;

(*e*) forward the surrendered voter's registration card and the completed registration transfer card to the Secretary.

(4) The Secretary shall-

(*a*) make an appropriate endorsement on the applicant's registration record card;

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(*b*) delete the applicant's name from the roll on which he is enrolled; and

(*c*) insert his name in the appropriate section of the existing roll for the constituency which includes the polling station to which he has been transferred.

(5) If the registration officer is not satisfied that the applicant is entitled to transfer his registration he shall complete and give to the applicant a notice of rejection in Form K and send a counterpart of such notice to the principal registration officer; and the provisions of section 17 shall have effect in respect thereof as they have in respect of a notice of rejection under section 10.

(6) Any notice of appeal against such a rejection shall be as in Form K.

(7) The provisions of section 11 shall have effect in relation to an application under this section as they have in relation to an application under section 10.

(8) For the avoidance of doubt, no person shall make an application for the transfer of his registration under this section after a vacancy has occurred in the constituency or polling district in which the polling station to which he wishes to transfer is situated.

### 26. Formal alterations to rolls

An alteration to any existing roll which is required-

(*a*) to insert a voter's name which was incorrectly omitted;

(*b*) to transfer a voter's name from an incorrect section to the correct section;

(*c*) to correct any clerical error made therein;

(*d*) to change, on the application of a voter, the original name or address of that voter to an altered name or address (otherwise than in pursuance of a transfer of registration under section 25);

(*e*) to delete the name of any person whom the Secretary is satisfied is dead,

may, subject to the provisions of section 28, be made by the Secretary at any time:

Provided that no alteration shall be made to a roll in terms of paragraph (*d*) unless the voter produces the voter's registration card given to him in pursuance of this Act, to enable it to be endorsed under section 27(2).

### 27. Procedure for alteration of rolls

(1) Upon making any alteration to a roll, the Secretary shall forthwith notify the principal registration officer concerned of the details of such alteration, and the principal registration officer shall cause a similar alteration to be made to every copy of such roll in his possession or in the possession of any other registration officer in that constituency.

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(2) In addition, in the case of-

(*a*) any alteration involving the insertion of a name therein in terms of section 25 or 26(*a*) the Secretary shall give notice thereof in the *Gazette* and in such other manner as he may consider appropriate specifying the places at which the altered roll and copies thereof are available for inspection by the public in terms of section 16, and setting out as in Form L the manner in which objections in respect of such insertion may be made;

(*b*) any alteration in terms of section 26(*d*) the Secretary shall make a corresponding endorsement to the voter's registration record card relating to the voter, and cause a corresponding endorsement to be made to his voter's registration card;

(*c*) any alteration in terms of section 26(*e*) the Secretary shall make a corresponding endorsement to the voter's registration record card relating to the deceased voter, and destroy the card after the expiration of such period as he may deem fit.

### 28. Restrictions on acts of Secretary after issue of writ of election

After the issue of any writ of election, the Secretary shall not-

(*a*) prepare, publish or certify any roll other than an election roll;

(*b*) make any endorsement to a voter's registration record card;

(*c*) cause any endorsement to be made to any voter's registration card; or

(*d*) make any alteration to a roll to correct a patent error,

having effect in relation to the constituency to which the writ relates, until the close of polling in the election to which the writ relates.

### 29. Issue of duplicate voter's registration card

Where a voter loses his voter's registration card, or the card is destroyed, any registration officer, on being satisfied as to such loss or destruction, may issue a duplicate voter's registration card to such person:

Provided that no duplicate voter's registration card shall be issued on any day fixed for polling at the constituency, polling district or polling station at which the voter is registered to vote.

### 30. Service of notices

Any notification which a principal registration officer is required to give or cause to be given shall be deemed to have been duly given if sent by registered post to the address given in any form completed by the appellant or objector, as the case may be, or in the case of the person to whom an objection relates, to the address of such person as shown in the roll.

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## PART VI
## *Elections* (ss 31-42)

### 31. Entitlement to vote

(1) Subject to the provisions of this section, of section 60 and of Chapter V of the Constitution, a person shall not be entitled to vote at any polling station in an election in any constituency unless he has been registered as a voter for that constituency in respect of that polling station and he produces his voter's registration card and his identity card in accordance with the provisions of section 54.

(2) No person shall be entitled to vote more than once at any election.

(3) No person shall be entitled to vote at an election if he is, at the date of such election, disqualified from registering as a voter or from voting at any election under the provisions of this Act or any other law pursuant to section 67(4) of the Constitution.

### 32. Extension of franchise

(1) Without prejudice to the provisions of section 31, a person who is not resident in Botswana shall be entitled to vote at an election in accordance with the provisions of this section if he has been registered in accordance with the provisions of section 9.

(2) Whenever a writ of election has been issued under section 34, the Secretary shall cause a notice, of the day, time and place outside Botswana fixed for the taking of a poll which has become necessary, to be published in a foreign newspaper in a foreign country circulating in the area of the country where citizens of Botswana are resident, calling upon every citizen resident in that country who has been registered in accordance with the provisions of section 9 and entitled to vote at the election to attend at the place and time on the day specified in the notice to cast his vote; and the provisions of section 54 shall, with such modifications and adaptations as may be necessary, have effect.

### 33. Validation of expired identity cards

[*The provisions of this section related only to the 1999 general election and have therefore now lapsed*.]

### 34. Writ of election

(1) For the purpose of a general election to the National Assembly or of a by-election to fill a vacancy therein caused by death, resignation or otherwise, the President shall issue a writ under the public seal of Botswana, addressed to the returning officer of each constituency for which a Member is to be returned, fixing-

(*a*) the place and day at and on which, and the hours between which, the returning officer will receive nominations of candidates for election;

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(*b*) the day for the taking of any poll which may become necessary.

(2) The day fixed under subsection (1)(*a*) shall not be earlier than 14 days after the day on which the writ was issued and, in the case of a general election, shall be not less than five days nor more than 10 days after the day which, in accordance with the provisions of the Presidential Elections (Supplementary Provisions) Act, is the day for nomination of Presidential candidates.

(3) The day fixed under subsection (1)(*b*) shall not be earlier than 21 days after the day fixed under subsection (1)(*a*).

(4) Every writ shall be in Form M and shall be forwarded to the Secretary for transmission to the returning officer to whom it is addressed.

(5) As soon as practicable after a writ has been issued, the Secretary shall give notice thereof in the *Gazette*, specifying in such notice the various matters fixed in pursuance of subsection (1)(*a*) and (*b*).

(6) Upon receipt of a writ, the returning officer shall proceed to hold an election in the manner provided in this Act and shall give and publish notice thereof throughout the constituency in such manner as he thinks fit and shall cause a notice in Form N to be posted in such places as he considers desirable.

(7) Where a poll is countermanded in accordance with the provisions of section 32(5) of the Constitution the President shall issue fresh writs which shall supersede the original writs.

### 35. Nomination of candidates

(1) Every candidate shall be nominated by a proposer, seconder and not fewer than seven other persons as supporters; the names of such proposer, seconder and supporters shall be on the election roll for the constituency for which the candidate seeks election.

(2) The nomination shall be made on a nomination paper in Form O which shall be signed by the candidate and his proposer, seconder and supporters, and shall contain the following particulars-

(*a*) the name, identity card number and address of the candidate, the name of the constituency in which he is registered, together with his number on the election roll for that constituency;

(*b*) the names, identity card numbers and addresses and the numbers on the electoral roll for that constituency of the proposer, seconder and each supporter of the candidate;

(*c*) a statement by the candidate that he is willing and qualified to stand for election;

(*d*) a statement by the candidate as to his preference, subject to the proviso to section 44, of symbol and voting colour for the purpose of any contested election;

(*e*) in his discretion, a declaration as to the candidate, if any, whom he supports in the

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election to the office of President; and

(*f*) if his nomination contains a declaration made under paragraph (*e*) a declaration in Form P by the Presidential candidate named in his nomination that such Presidential candidate consents to the declaration being made in his favour.

(3) If any proposer, seconder or supporter is unable to sign his name, he shall affix his mark in place of his signature and such mark shall be witnessed by a person who can sign his name; such witness shall, in addition to his signature, write his name legibly immediately under such signature.

(4) No person shall witness more than one mark.

(5) No person may be nominated for election-

(*a*) in more than one constituency or while such person is a Member of the National Assembly; or

(*b*) in more than one polling district in the case of a Member of a council.

(6) The returning officer shall attend at the place and during the hours fixed for the nomination of candidates and shall receive such nomination papers as may be tendered to him.

(7) The returning officer shall require the proposer, seconder and seven supporters of the nominated candidate to produce their identity cards for him to inspect.

(8) Where any person required under subsection (7) to produce his identity card fails to do so, the returning officer shall reject the nomination.

(9) Any person who makes a false declaration under this section commits an offence and shall be liable on conviction to the penalties prescribed in section 146.

### 36. Proof of payment of deposit

(1) No nomination will be valid unless the candidate shall-

(*a*) before his nomination paper is delivered to the returning officer, deposit or cause to be deposited in any convenient Government revenue office the sum of P500 in cash, in the case of election to the National Assembly, or P100 in cash, in the case of election to a council, and, at the time of delivery of the nomination paper, produce or cause to be produced to the returning officer the official receipt for that sum; or

(*b*) at the time of delivery of the nomination paper, deposit or cause to be deposited with the returning officer the sum of P500 in cash, in the case of election to the National Assembly, or P100 in cash, in the case of election to a council.

(2) The deposit shall be returned to the candidate or his personal representative if-

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(*a*) the candidate dies before the date of the election;

(*b*) there is no contested election;

(*c*) a contested election is declared void;

(*d*) he withdraws his candidature in due time;

(*e*) in any contested election he is successful or obtains not less than one-twentieth of the total number of votes cast in his constituency; or

(*f*) if his nomination is invalid for any other reason.

(3) Any deposit which is not returnable shall be paid into the general revenues of Botswana.

### 37. Validity of nomination

(1) When any nomination paper is delivered and a receipt is produced in pursuance of the provisions of section 36 the candidate shall be deemed to stand nominated unless the returning officer decides that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the death of the candidate, or he withdraws in accordance with section 38.

(2) The returning officer shall not be entitled to hold a nomination paper invalid except on the following grounds, namely-

(*a*) that the candidate does not possess the qualifications or possesses the disqualifications prescribed by law for membership of the National Assembly;

(*b*) that the paper is not completed and subscribed or was not delivered as required by this Act;

(*c*) that the candidate has already been nominated for another constituency;

(*d*) that the nomination is void by virtue of the provisions of section 32(3)(*b*) of the Constitution; or

(*e*) that the proposer, seconder or any one of the supporters of a nominated candidate has failed to comply with the provisions of subsection (7) of section 35.

(3) The returning officer's decision that a candidate has been validly nominated shall be final and shall not be questioned in any legal proceedings except on an election petition.

(4) Whenever the returning officer decides that a candidate has not been validly nominated he shall endorse and sign on the nomination paper his decision and the reasons therefor, and such decision shall not be questioned in any legal proceedings except on an election petition.

(5) A candidate whose first nomination paper is or may be invalid shall be permitted to submit a second or subsequent nomination paper before the time fixed for the close of

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nominations.

### 38. Withdrawal of candidature

A candidate may at any time before the close of nominations, but not afterwards, withdraw his candidature by giving to the returning officer a notice to that effect signed by himself.

### 39. Publication of nominations

As soon as practicable after the close of nominations, the returning officer shall publish a statement of the full names of all persons standing nominated, and of their proposers, seconders and supporters, and the respective addresses by displaying it at the place appointed for the receipt of nominations and at such other places as he considers desirable.

### 40. Lack of nominations

Where no candidate remains nominated at the close of nominations, the returning officer shall endorse the writ accordingly and return it to the Secretary and the President shall issue a fresh writ.

### 41. Uncontested elections

If at the close of nominations there is only one candidate validly nominated, the returning officer shall forthwith publicly declare that candidate to be elected and shall immediately thereafter certify on the writ the return of that candidate and shall return the writ to the Secretary.

### 42. Contested elections

If at the close of nominations there is more than one person standing nominated a poll shall take place as provided for in this Act.

## PART VII
## *Polling* (ss 43-79)

### 43. Poll to be taken by ballot

A poll for the purposes of this Act shall be taken by ballot and the results shall be ascertained by counting the votes given to each candidate, the candidate to whom the majority of votes has been given being deemed to have been elected.

### 44. Allocation of symbols and voting colours

Subject to the provisions of section 32(3)(*c*) of the Constitution the Secretary shall allocate a voting colour and symbol to each candidate and in so doing the Secretary shall have regard to the preference expressed by the candidate:

Provided that where a voting colour and symbol have been registered by a political party in accordance with the provisions of section 150 of this Act the Secretary shall, subject to the

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provisions of section 32(3)(*c*) of the Constitution allocate such colour and symbol to any candidate, whom he is satisfied on such evidence as he may deem necessary, is the candidate of such party.

### 45. Notice of poll

(1) Where it is necessary for a poll to take place, the returning officer, as soon as practicable after the close of nominations, shall publish in such manner as he may think fit in the vicinity of each polling station and elsewhere in the constituency a notice-

(*a*) stating the day and hours fixed for the poll;

(*b*) stating the first names or their initials and the surnames (arranged in alphabetical order of surnames), and places of residence of the candidates, and the symbols and voting colours allotted to them;

(*c*) stating the situation of the nearest polling station; and

(*d*) giving an indication of the persons entitled to vote at such polling station.

(2) Such notice shall be in English and in such other language or languages as in the opinion of the returning officer is or are commonly used in that constituency.

### 46. Power to adjourn polling day in public interest

(1) If at any time between the issue of a writ and polling day the President is satisfied that it is expedient in the public interest to do so, he may by proclamation published in the *Gazette* adjourn the taking of the poll to some other day specified by him and endorsed on the writ.

(2) A proclamation made under subsection (1) shall apply only to such constituencies as are specified in the proclamation, and in any other constituency for which a writ has been issued, and which is not so specified, the poll shall be taken upon the day appointed by the writ.

(3) Where a proclamation made under subsection (1) is made before the day which would have constituted the nomination day if the proclamation had not been made, the nomination day shall be deemed to have been adjourned to the twenty-first day next before the day to which the holding of the poll is adjourned by the proclamation:

Provided that if the twenty-first day is a Sunday or a public holiday, the nomination day shall be deemed to have been adjourned to the first day, not being a Sunday or a public holiday, after the twenty-first day.

### 47. Death of candidate

(1) If after the close of nominations but before the taking of the poll is commenced, proof is given to the satisfaction of the Secretary of the death of one of the candidates, the Secretary shall countermand notice of the poll, and all proceedings with reference to the election shall be started afresh in all respects as if the writ has been received on the day on which proof was

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given to the Secretary of the death.

(2) Where by reason of the death of a candidate proceedings at an election are started afresh under this section, then the Secretary shall fix-

(*a*) the place and day at and on which, and the hours between which, the returning officer will receive nominations of candidates for elections; and

(*b*) the day for the taking of any poll which may become necessary.

(3) The day fixed under subsection (2)(*a*) shall not be earlier than 14 days after the day on which proof was given to the Secretary of the death.

(4) The day fixed under subsection (2)(*b*) shall not be earlier than 21 days after the day fixed under paragraph (*a*) thereof.

(5) The provisions of section 34(5) and (6) shall have effect as if a writ fixing such days and hours in pursuance of the provisions of subsection (2) had been issued by the President.

### 48. Ballot papers

(1) Subject to subsection (3), the ballot of every person voting at an election shall consist of a ballot paper in a form to be determined by the Commission and having a serial number printed on it.

(2) Every ballot paper shall be marked with an official mark, which shall be either embossed or perforated.

(3) The ballot of every non-resident voter shall consist of a ballot paper and envelope in a form to be determined by the Commission.

### 49. Polling agents

(1) Each candidate may by letter appoint two persons as polling agents to attend at each polling station in the constituency for which he is a candidate.

(2) No person shall be appointed as a polling agent for any constituency unless his name appears on the election roll for that constituency.

(3) Notice in writing of the appointment of polling agents stating their names and addresses and the polling station to which each has been assigned shall be given by the candidate to the presiding officer.

(4) Each polling agent shall, upon his first attending at a polling station or at such other time as the presiding officer may require, produce his letter of appointment to the presiding officer.

### 50. Polling hours

(1) Every poll shall commence at six-thirty o'clock in the morning and close at seven o'clock

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in the evening, unless the Secretary otherwise orders.

(2) Different hours for the taking of the poll may be ordered by the Secretary in respect of different constituencies or different polling stations and in such case the returning officer shall amend any notice issued in terms of section 45(1)(*a*) accordingly.

(3) Notwithstanding the provisions of subsections (1) and (2), if at the end of the period stipulated for the taking of the poll, the presiding officer is satisfied that for conditions beyond their control, many voters would not be able to cast their votes within the stipulated closing time, he may permit the taking of the poll to continue for a further period not exceeding two hours beyond the closing time.

(4) Any votes cast within any period extended under this section shall not be held to be invalid solely on the ground that the votes were cast during the extended period.

### 51. Control of polling stations

(1) In the absence of the presiding officer from any polling station a polling officer nominated by the returning officer shall act as presiding officer.

(2) A polling officer may be authorized by the presiding officer to do any act which the presiding officer is required or authorized to do at a polling station, except that he may not order the searching of any voter or the arrest of any person or the exclusion or removal of any person from the polling station.

### 52. Arrangements at polling stations

On polling day at every polling station there shall be-

(*a*) outside the polling station in a conspicuous place a notice setting out the name of the polling station;

(*b*) both within and outside the polling station notices setting out (in alphabetical order of surnames) the surnames and first names or their initials, symbols and voting colours of the candidates;

(*c*) one or more polling booths in which voters may handle their ballot papers in secrecy;

(*d*) one or more ballot boxes placed in front of the presiding officer; and

(*e*) a copy of the election roll for the polling station, a sufficient number of ballot papers and other things necessary for the poll to be properly and expeditiously carried out.

### 53. Ballot boxes

(1) Every ballot box shall be provided with a lock or other device for securing it when closed, and shall be so constructed that ballot papers can be put therein when it is closed but cannot be removed therefrom once it has been secured in terms of subsection (2).

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(2) Immediately before the commencement of the voting, the presiding officer at each polling station shall show each ballot box, empty, to such persons as may lawfully be present so that they may see that it is empty, before placing it in position, close and secure it in such manner as to prevent its contents being tampered with, and shall keep it so closed and secured.

### 54. Method of voting

The voting at an election shall be conducted in the following manner-

(*a*) every voter desiring to record his vote shall present himself at the polling station in respect of which he is registered to vote, and shall produce his voter's registration card and his identity card to the presiding officer;

(*b*) the presiding officer, after satisfying himself-

(i) that the name of such voter appears on his copy of the election roll for that constituency and in the section thereof relating to that polling station;

(ii) that such voter has not already voted at that election; and

(iii) that such voter has not become disqualified from voting,

shall deliver, to the voter, a ballot paper;

(*c*) immediately before the presiding officer delivers a ballot paper to any person-

(i) the number and name of the voter, as stated in the election roll, shall be called out;

(ii) a mark shall be made on the copy of the election roll against the number of such voter to show that he has been issued with a ballot paper;

(iii) the voter's registration card shall be marked by the presiding officer with the date and his initials;

(iv) in the case of a person voting outside Botswana, that person shall be issued with a ballot envelope and the name of the constituency, under which that person has been registered, shall then be written or stamped on it;

(*d*) subject to the provisions of paragraph (*g*) a voter on receiving a ballot paper shall go immediately into a polling booth and there secretly mark his paper and fold it up so as to conceal his vote;

(*e*) he shall then show the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presence of the presiding officer;

(*f*) every voter shall vote without undue delay and shall leave the polling station as soon

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as he has voted;

(*g*) on the application in person of any voter who is incapacitated by blindness or other physical cause from voting, the presiding officer, in the presence of the person with whose assistance the voter came to cast his vote, shall cause the vote of the voter to be marked on a ballot paper in the manner directed by the voter, and the ballot paper to be placed in the ballot box.

### 55. Assistance to voters by election officers

Except as provided in this Act, the presiding officer or polling officers shall not give any assistance or explanation to a voter beyond-

(*a*) directing him to a polling booth where he may vote; and

(*b*) informing him of the procedure he should follow after entering the polling booth.

### 56. Interference with voters

Except as provided in this Act, no person shall approach, interfere with, speak to or assist a voter from the time he has received his ballot paper to the time he has completed voting.

### 57. Voters objected to

(1) If a candidate or his polling agent or a voter makes before the presiding officer a written declaration on oath in Form Q that he verily believes and undertakes to prove that a person applying for or in possession of a ballot paper-

(*a*) is in fact not the voter in whose name he assumes to vote;

(*b*) that such person has voted before in the same election; or

(*c*) that such person is disqualified from voting in such election,

the presiding officer shall, unless that person makes a written declaration on oath in Form R before the presiding officer that the statements in the first mentioned declaration (which shall be read to him) are false, prohibit the issue of a ballot paper to that person or, if a ballot paper has already been issued to him but he has not yet entered the polling booth impound and cancel the ballot paper and endorse on the ballot paper the reason for the cancellation and make an appropriate endorsement on the marked copy of the election roll.

(2) If that person has already voted, or thereafter votes, the presiding officer shall cause the words "protested against under section 57" to be placed against the name of the person on the marked copy of the election roll.

(3) A ballot paper so impounded and cancelled shall be treated as a spoilt ballot paper.

(4) The presiding officer is authorized and required to administer the oath referred to in

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subsection (1).

(5) A person who makes any false statement in a declaration referred to in subsection (1) shall be guilty of an offence unless he proves that he did not know that the statement was false, and shall, on conviction, be liable to the penalties prescribed by law for perjury.

### 58. Spoilt ballot paper

A voter who has accidentally dealt with his ballot paper in such manner that it may not properly be used as a ballot paper may, on delivering such ballot paper to the presiding officer, and after satisfying the presiding officer that it has been spoilt by accident, obtain another ballot paper in place thereof and the spoilt ballot paper shall be immediately cancelled and the presiding officer shall make an appropriate endorsement of the marked copy on the election roll.

### 59. Personal attendance

A vote may not be recorded by a voter except by his attending in person at the polling station and recording his vote in accordance with this Act.

### 60. Voters to vote at polling station in respect of which registered

Subject to the provisions of section 61 no person shall be permitted to vote at any polling station other than the one in respect of which he is registered.

### 61. Voting by election officers and police officers

(1) So far as practicable polling officers and police officers on duty at polling stations shall be assigned to polling stations in respect of which they are registered.

(2) Polling officers and police officers on duty at polling stations in respect of which they are registered shall so inform the presiding officer, who shall himself supervise the formalities necessary for the casting of their votes.

(3) If a presiding officer is on duty at a polling station in respect of which he is registered a polling officer shall supervise the formalities necessary for the casting of such presiding officer's vote.

(4) Where election officers and police officers entitled to vote are unable or likely to be unable to vote on the date of the poll by reason of not having been assigned to the polling stations in respect of which they are registered, the Secretary shall, for the purpose of enabling such officers to vote-

(*a*) fix such times, places and days, not earlier than 15 days before the date fixed under section 34(1)(*b*) for the taking of any poll; and

(*b*) appoint presiding and returning officers for each place fixed by him under paragraph (*a*); and

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(*c*) inform the candidates of each constituency in respect of which a poll is to be taken in accordance with the preceding provisions of this subsection, by notice published in the *Gazette*, at least seven days before the day fixed for that purpose, of the times, places and days fixed by him for the taking of the poll.

(5) The provisions of subsections (1) to (4) of this section shall apply to such other personnel as may be on duty at a polling station.

(6) Polling officers, police officers and any other personnel on duty at a polling station shall also be permitted to vote for the council candidates of their choice.

(7) Subject to the provisions of subsections (8) and (9), the provisions of Part VII relating to the conduct of polls shall, with such modifications as may be considered necessary by the Secretary, apply to any poll conducted under subsection (4).

(8) The presiding officer of each polling station as soon as practicable after the closing of the poll, shall-

(*a*) place all the ballot papers containing the votes of each constituency in a separate packet and close that packet in such manner as to prevent its contents from being tampered with and nothing can be inserted therein; and

(*b*) transmit all the election documents in safe custody to the returning officer of the constituency in respect of which the votes were cast.

(9) The returning officer of each constituency to whom election documents have been transmitted in accordance with the provisions of subsection (8) shall retain such documents unopened in safe custody until after the close of the poll on the date fixed under section 34(1)(*b*) and the documents shall be dealt with in accordance with the provisions of section 70.

### 62. Tendered ballot papers

(1) If a person representing himself to be a voter named in the election roll and being in possession of a voter's registration card in such name applies for a ballot paper after another person has voted in such name, the applicant shall, after making a declaration on oath in Form S be entitled to receive a ballot paper in the same manner as any other voter, except that such ballot paper (hereinafter referred to as a "tendered ballot paper") shall be crossed in the manner of a registered letter.

(2) The name of such voter, his number in the election roll and the number of the tendered ballot paper issued to him shall be entered on a list to be called the tendered votes list, which shall be admissible in any legal proceedings arising out of the election.

### 63. Control of polling station

The presiding officer shall regulate the admission of voters to the polling station and shall exclude all other persons except candidates, polling agents, polling officers and any other person who has lawful reason to be admitted, and shall keep order and ensure compliance

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with this Act at the polling station.

### 64. Removal of persons misconducting themselves

If any person misconducts himself at a polling station or fails to obey any lawful order of the presiding officer he may be removed by a police officer or, by order of the presiding officer (but not of any other polling officer), be removed from the polling station by a police officer or any other person authorized by the presiding officer, and a person so removed shall not without the permission of the presiding officer again enter the polling station during the day of the election:

Provided that the powers conferred by this section shall not be exercised so as to prevent any person who is otherwise entitled to vote at a polling station from voting.

### 65. Adjournment of poll in case of riot

(1) If the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until later in the day or until the following day after taking such precautions as are necessary to safeguard the ballot boxes and ballot papers and other election requisites, and shall forthwith notify the returning officer, who shall in turn notify the Secretary.

(2) If the poll is adjourned at any polling station the hours of polling on the day to which it is adjourned shall be the same as for the original day, and references in this Act to the closing of the poll shall be construed accordingly.

### 66. Closing of poll

(1) Subject to the provisions of section 50, when the hour appointed for the closing of the poll has been reached, the presiding officer shall declare that no more persons shall be admitted to the polling station, and thereafter only the persons already inside the polling station, or any area set aside for waiting voters, shall be permitted to vote.

(2) Any person, other than the persons entitled to be present in accordance with the provisions of section 69 (2) at the counting of votes, who between the hour appointed for the closing of the poll and the declaration of the result, remains, in association with two or more persons within a radius of 1000 metres from the place appointed for the counting of votes with the intent to disturb or disrupt the counting of votes shall be guilty of an offence.

(3) Where a police officer finds or suspects any persons of contravening the provisions of subsection (2), he may order those persons to disperse or withdraw further away from the place appointed for the counting of votes and any person who fails to comply with the order shall be guilty of an offence.

(4) Any person guilty of an offence under subsections (2) or (3) shall, on conviction, be liable to a fine not exceeding P2000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 28 of the Penal Code in relation to corporal punishment or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal

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punishment not exceeding six strokes.

(5) In any proceedings under subsection (3), any person charged under that subsection shall, until the contrary is proved, be deemed to have remained within a radius of 1000 metres from the place appointed for the counting of votes with the intent to disturb or disrupt the counting of votes.

### 67. Procedure on closing of poll

(1) The presiding officer of each polling station as soon as practicable after the closing of the poll, shall, in the presence of such of the candidates and their polling agents as attend, make up into separate packets, sealed with his seal and the seal of the candidates or their agents if they desire to affix their seals-

(*a*) the unused ballot papers, the spoilt ballot papers and the ballot papers cancelled in terms of subsection (2);

(*b*) the marked copy of the election roll;

(*c*) the tendered votes list; and

(*d*) the unused ballot envelopes in the case of voting taking place outside Botswana.

(2) Any ballot papers which are left in the polling booth shall be cancelled by the presiding officer.

(3) Every unopened ballot box shall be secured by the presiding officer in such manner that its contents cannot be tampered with and nothing can be inserted therein.

(4) The presiding officer shall despatch each such packet and ballot box in safe custody to the returning officer, together with a statement by the presiding officer (hereinafter referred to as the "ballot paper account") showing-

(*a*) the number of ballot papers entrusted to him;

(*b*) the number of ballot papers issued;

(*c*) the number of ballot papers contained in the packet referred to in paragraph (*a*) of subsection (1).

(5) Where voting takes place outside Botswana, the presiding officer of each polling station, as soon as practicable after the closing of the poll, shall-

(*a*) in the presence of any candidates or their polling agents as attend, open the ballot box containing the sealed envelopes of the polling station, placing all the sealed envelopes containing the votes together with the ballot envelope account, in the prescribed Form U, into a separate packet and seal the packet with his seal and the seals of the candidates or their polling agents, as attend and desire to affix their seals, in such a manner that it cannot be opened and nothing can be inserted therein

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without the seals being broken; and

(*b*) transmit all the election documents in safe custody, by the safest practicably possible means, to the Commission.

(6) As soon as practicably possible after receiving the election documents, the Commission shall-

(*a*) open the sealed packets, in the presence of any of the candidates or their polling agents as attend, and place all the election documents of each constituency in a separate packet, sealing it with the Commission's seal and with the seals of such polling agents as attend and desire to affix their seals; and

(*b*) transmit them in safe custody to the returning officer of the constituency in respect of which the votes were cast.

(7) The returning officer of each constituency to whom election documents have been transmitted, in accordance with the provisions of subsection (6), shall retain such documents unopened in safe custody until after the close of the poll on the date fixed under section 34(1)(*b*) and the documents shall be dealt with in accordance with the provisions of section 70.

### 68. Counting agents

(1) Each candidate may appoint not more than two persons (hereinafter referred to as "counting agents") to attend at the counting of the votes.

(2) Notice in writing of the appointment, stating the names and addresses of the counting agents, shall be given by the candidate to the returning officer on polling day, and the returning officer may refuse to admit to the place where the votes are counted any person purporting to be a counting agent in respect of whom no such notice has been given.

(3) If a counting agent dies, or becomes incapable of acting as such, a candidate may appoint another counting agent in his place, and the candidate shall immediately notify the returning officer in writing of the name and address of the counting agent so appointed.

### 69. Counting of votes

The returning officer shall as soon as practicable after the closing of the poll, make arrangements for counting of votes at constituency headquarters in the case of National Assembly elections and polling district headquarters in the case of council elections and in the presence of any candidates or counting agents who wish to be present and shall as far as practicable comply with the provisions of sections 70 and 71 until the counting is completed, allowing only reasonable time for refreshment.

### 70. Verification of ballot paper accounts

(1) The returning officer shall, as any ballot box is received from a polling station, in the presence of any candidate or counting agent who wishes to be present, proceed to verify the

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ballot paper accounts of that polling station by opening the sealed packet containing the unused, spoilt and cancelled ballot papers in it and the total number of ballot papers found in the ballot box for that polling station.

(2) The returning officer shall prepare a statement as to the result of the verification and shall on request allow any candidate or counting agent to copy such statement.

(3) After examination the returning officer shall return the unused, spoilt and cancelled ballot papers to the packet from which they were taken and shall reseal such packets with his seal.

(4) When the procedures set out in subsections (1), (2) and (3) have been completed in respect of each polling station in a constituency, the returning officer shall mix together all the ballot papers found in the ballot boxes for that constituency and shall then count the votes in the manner set out in section 71.

### 71. Method of counting

(1) After verifying the ballot paper accounts, in the manner set out in section 70, the returning officer shall then open each ballot paper.

(2) The returning officer shall not open the tendered ballot papers but shall put them all together into a separate pile or receptacle.

(3) The returning officer shall reject and endorse the word "rejected" on any ballot paper on which-

(*a*) anything, except the serial number, is written or marked by which the voter can be identified; or

(*b*) a voter has voted for more than one candidate.

(4) If any candidate or counting agent objects to a decision made by the returning officer under subsection (3) the returning officer shall endorse the words "objected to" on the ballot paper.

(5) The returning officer shall provide each counting agent with copies of Form T for recording the results of the voting; and thereafter he shall then count the ballot papers in favour of each candidate and record the results on the said Form T which shall, at the end of the counting of the votes, be signed by him and the counting agents present and willing to do so.

(6) While handling ballot papers the returning officer shall so far as possible keep the ballot papers facing upwards.

(7) In this section "returning officer" includes any assistant returning officer authorized by the returning officer to perform the duties of a returning officer under this section.

### 72. Statement of rejected ballot papers

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The returning officer shall prepare a statement showing the number of ballot papers rejected and shall on request allow any candidate or counting agent to copy the statement.

### 73. Returning officer's decision final

The decision of the returning officer on any question arising in respect of any ballot paper shall be final, and shall not be questioned in any legal proceedings except on an election petition.

### 74. Method of dealing with papers

(1) At the conclusion of the counting of the votes the returning officer shall seal up in separate packets the counted ballot papers, the rejected ballot papers and the tendered ballot papers.

(2) The returning officer shall at no time open the sealed packet containing the marked copy of the election roll or the sealed packet containing the tendered votes list.

### 75. Re-count

A candidate or his counting agent may, if present when the counting or any re-count of the votes is concluded, require the returning officer to have the votes re-counted, or again re-counted, but the returning officer may refuse to do so if in his opinion the request is unreasonable.

### 76. Fresh election in event of equality of votes

Where after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates, a fresh election shall be held in respect of that constituency.

### 77. Certificate and declaration of result

After counting the votes and having ascertained the result of the poll the returning officer shall-

(*a*) certify by endorsement on the writ the return of the candidate elected;

(*b*) declare the result of the poll by reading such endorsement aloud at the place of counting;

(*c*) return the writ so endorsed to the Secretary.

### 78. Publication of return

The Secretary shall notify the Clerk of the National Assembly of the return of the writ and the Permanent Secretary of the Ministry responsible for councils, of the council election instruments, and shall cause the results of the election to be published in the *Gazette*.

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## 79. Documents to be delivered to High Court

(1) The returning officer shall deliver all documents relating to the conduct of the election to the Registrar of the High Court, who shall ensure their safe custody.

(2) The Registrar of the High Court shall retain for six months all such documents relating to an election forwarded to him in accordance with this section and then, unless otherwise ordered by the court, or unless he is aware that legal proceedings are pending in respect of such election, shall cause them to be destroyed.

# PART VIII
## *Election Expenses and Election Agents* (ss 80-89)

## 80. Election expenses

(1) "Election expenses" means, in relation to a candidate at an election, all moneys expended or expenses incurred on account of or in respect of the conduct or management of that election by the candidate or on his behalf or in his interests and for the purposes of this subsection, money shall be deemed to have been expended or expenses incurred in respect of the conduct or management of an election if expended or incurred after the issue of a writ in relation to that election.

(2) The following expenses shall not be deemed to be election expenses-

(*a*) any moneys expended or expenses incurred by any association or group of persons or by any person in the general interests of a political party or organization or its candidates generally, not being moneys expended or expenses incurred directly in the particular interest of any particular candidate or expenditure referred to in section 86(1);

(*b*) any moneys expended or expenses incurred by any political party or organization in the printing, publication or distribution of the official organ of that political party or organization;

(*c*) any money deposited under section 36.

(3) For the purposes of the return to be made in terms of section 87 and the determination of the maximum amount allowed under section 81 the following expenses shall not be deemed to be election expenses-

(*a*) personal expenses;

(*b*) if not paid by the candidate, the reasonable travelling expenses of any person appearing on the platform of that candidate and his reasonable expenses of living at an hotel or elsewhere in connection with that appearance;

(*c*) any moneys expended on telephone calls;

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(*d*) any election expenses incurred without the express or implied authority of the candidate or his election agent.

### 81. Maximum of election expenses

The election expenses of any candidate shall not exceed P50 000.

### 82. Appointment of election agent

(1) Not later than 10 days after nomination day a candidate may appoint only one person to be his election agent and shall forthwith notify in writing the full name and address of his election agent to the returning officer who shall forthwith publish a statement setting out the information so given by displaying it at the place appointed for the receipt of nominations.

(2) If the candidate revokes the appointment of his election agent or the election agent dies, the candidate may forthwith appoint another election agent and in that event the provisions of subsection (1) shall apply as if that appointment were the original appointment.

(3) If the candidate fails to give the notification required in terms of subsection (1) or (2) he shall be deemed to be his own election agent and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act both as a candidate and an election agent.

(4) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised under this Act to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agents or counting agents.

### 83. Appointment of clerks and messengers

An election agent shall appoint every clerk and messenger employed for hire or reward on behalf of the candidate.

### 84. Disclosure of expenditure

(1) All money provided by an association or group of persons or by any person for the election expenses of a candidate, whether as a gift, loan, advance or deposit, shall be paid or promised to the candidate or his election agent and not otherwise and shall be fully disclosed, whether paid or promised, in the return respecting election expenses made as hereinafter required:

Provided that this subsection shall not be construed as applying to any money deposited by the candidate under section 36.

(2) Any person who makes or promises to make any payment, advance or deposit in contravention of this section or for any purpose other than a lawful and authorized purpose or who pays in contravention of this section or for other than a lawful and authorized purpose any money so provided as aforesaid shall be guilty of an illegal practice and shall be liable to be

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punished as provided in Part IX in respect of illegal practices.

### 85. Receipts of election expenses

Every payment in respect of any election expenses shall, except where less than P10 in all in any one account, be vouched for by a bill stating the particulars and by a receipt or some other evidence of payment.

### 86. Apportionment of election expenses incurred by political party

(1) With the consent of the candidates concerned, a political party or organization may incur expenditure on the advertisement of candidates sponsored by such party or organization and their meetings and in that event shall-

(*a*) apportion the expenditure between such candidates as it thinks fit; and

(*b*) within 30 days after polling day in the election inform each candidate of the amount so apportioned to him,

and the amount so apportioned shall form part of the candidate's election expenses.

(2) Any advertisement referred to in subsection (1) shall include the name of the Secretary of the political party or organization in question and a statement that it is published under the authority of that political party or organization.

(3) The Secretary of a political party or organization shall, within 90 days after polling day in the election, render in respect of every candidate sponsored by such party or organization who stood for election, to the appropriate returning officer a true return showing the expenditure incurred in terms of subsection (1) and the amount apportioned to each candidate.

(4) The provisions of this section shall not apply to any matter published in the official organ of a political party or organization which relates to any of the candidates sponsored by such party or organization.

### 87. Return of election expenses

(1) Within 90 days after the result of any election has been declared every candidate at that election shall render to the returning officer a true return in such form as the Secretary may direct and verified by his affidavit showing-

(*a*) all his election expenses which have been paid;

(*b*) all his election expenses which are unpaid and undisputed;

(*c*) all claims for election expenses which are disputed by the candidates;

(*d*) all money which, under the provisions of section 85, he is required to disclose in the return and the name of the person from whom he has received such money;

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(*e*) any amount apportioned to him under the provisions of section 87,

together with all relevant bills, invoices and receipts relating to the expenses referred to in paragraphs (*a*), (*b*) and (*c*). If no election expenses have been incurred the candidate shall, in an affidavit, render a return to that effect to the returning officer within the period aforesaid.

(2) If a candidate who has taken no part in the election has appointed an election agent, that election agent shall be responsible for rendering the return referred to in subsection (1) and in such a case any reference in subsections (1), (4), (5) (6) and (7) to a candidate shall be read as a reference to that election agent.

(3) If in the case of a successful candidate at an election the return has not been rendered within the period prescribed in subsection (1) that candidate shall not thereafter sit or vote in the National Assembly until such return has been rendered or until the date of the condoning order, if any, excusing such failure.

(4) A candidate who fails to comply with the provisions of subsection (1) shall be guilty of an illegal practice unless such failure has been excused by a condoning order.

(5) Any candidate who makes any material false statement of fact in his return knowing it to be false or not believing it to be true shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

(6) It shall be the duty of the returning officer to report to the Attorney-General any contravention of this section and further to demand from the candidate the return or information which it was his duty under this section to furnish.

(7) If after the rendering of the return any claim referred to in subsection (1)(*c*) or any portion of such claim is paid, the candidate shall, within seven days after such payment, transmit to the returning officer a return of the amounts paid specifying the claims to which they relate.

### 88. Condoning orders

(1) Where the return respecting election expenses has not in respect of any candidate at an election been rendered as required by this Act or, having been rendered, is incomplete or contains some error or false statement-

(*a*) if the candidate applies to the High Court and shows that the failure to render the return or any error or false statement therein or omission therefrom has arisen by reason of his illness or of the absence, death, illness or misconduct of his election agent or by reason of inadvertence or of any reasonable cause of a like nature and not by reason of any want of good faith on the part of the applicant; or

(*b*) if the election agent of the candidate applies to the High Court and shows that the failure to render the return which he was required to render or any error or false statement therein or omission therefrom arose by reason of his illness or of the death or illness of any prior election agent of the candidate or of the absence, death, illness

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or misconduct of any employee or agent of an election agent of the candidate or by reason of inadvertence or of any reasonable cause of a like nature and not by reason of any want of good faith on the part of the applicant,

the High Court may, after such notice of the application and on production of such evidence on the grounds stated in the application and of good faith of the applicant and otherwise as to the Court seems fit, make such order excusing the failure to transmit such return or for an error or false statement therein or omission therefrom as to the Court seems just.

(2) Where it appears to the High Court that any person has refused or failed to supply such particulars as will enable the candidate or election agent to comply with the provisions of section 87, the High Court before making a condoning order shall order such person to attend before the Court and on his attendance shall unless he shows cause to the contrary order him to supply the necessary particulars within such time as the Court may direct.

(3) Any person who fails to comply with an order made under the provisions of subsection (2) shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

(4) A condoning order may be made conditional upon the rendering of the return in a modified form or within an extended time and upon compliance with such other terms as to the High Court seem best calculated for carrying into effect the objects of this Act.

(5) A condoning order shall relieve the applicant from any liability or consequence under this Act in respect of the matter excused by the order.

(6) The date of the condoning order or, if conditions and terms are to be complied with, the date on which the applicant fully complies with them is, in this Act, referred to as the date of the condoning order.

### 89. Inspection of return

(1) The return and any accompanying document shall be kept at the office of the returning officer or at some convenient place appointed by him, and shall at all reasonable times during the six months following their receipt by the returning officer, be open to inspection by any person.

(2) The returning officer shall, if so requested by any person during the period referred to in subsection (1), supply copies of the return and any accompanying document, or any part thereof, at the price of P20 for every such copy or part thereof supplied.

(3) After the expiry of the said six month period, the returning officer for the time being may destroy the return and any accompanying documents or if the person who rendered the return so requires shall return it and any accompanying documents to him.

## PART IX
## *Corrupt and Illegal Practices* (ss 90-115)

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## 90. Corrupt practices

The expression "corrupt practice" as used in this Act means any of the following offences-

(*a*) personation;

(*b*) treating;

(*c*) undue influence;

(*d*) bribery;

(*e*) aiding, abetting, counselling or procuring any such offence.

## 91. Personation

(1) Any person who-

(*a*) at an election applies for a ballot paper in the name of some other person whether that name be the name of a person living or dead or of a fictitious person; or

(*b*) having voted once at any such election applies for a second ballot paper in the same election in his own name,

shall be guilty of personation.

(2) A person charged with the offence of personation shall not be convicted except on the evidence of not less than two witnesses.

## 92. Treating

The following persons shall be guilty of treating-

(*a*) any person who corruptly, by himself or by any other person on his behalf, either before, during or after an election, directly or indirectly gives, provides or pays, wholly or in part, the expenses of giving or providing any entertainment or provision other than food or drink to or for any person for the purposes of corruptly influencing that person or any other person to vote or refrain from voting at the election, or on account of such person or any other person having voted or refrained from voting at the election;

(*b*) any elector who corruptly accepts or takes any such entertainment or provision.

## 93. Undue influence

Any person who directly or indirectly by himself or by any other person on his behalf makes use of any force, violence, or restraint or inflicts or threatens to inflict by himself or by any other persons any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel anyone to vote or refrain from voting or on account of anyone having voted or refrained from voting at any election or who by abduction, duress, or any

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fraudulent device or contrivance impedes or prevents the free use of the vote by any voter, or thereby compels, induces or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of undue influence.

### 94. Bribery

The following persons shall be guilty of bribery-

(*a*) any person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, at any election;

(*b*) any person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure, any office, place or employment to or for any voter, or to or for any other person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting, at any election;

(*c*) any person who directly or indirectly, from the time at which nomination papers may be delivered to the returning officer in the constituency concerned until the declaration of the result of the poll by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person or procure, or to endeavour to procure, the return of any other person as a Member of the National Assembly or the vote of any voter at any election;

(*d*) any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any person as a Member of the National Assembly or the vote of any voter at any election;

(*e*) any person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(*f*) any voter who before or during any election, directly or indirectly, by himself or by any other person on his behalf receives or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any

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such election:

Provided that the aforesaid provisions shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any expenses bona fide incurred at or concerning any election.

### 95. Penalty for corrupt practices

Any person who is guilty of a corrupt practice shall be liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

### 96. Certain expenditure and illegal practice

(1) No person shall for the purpose of promoting or procuring the election of a candidate at an election-

(*a*) incur election expenses in respect of any matter or in any manner constituting an offence under any law or in respect of any matter or thing payment for which is prohibited by any law;

(*b*) receive any payment or be a party to any contract for payment either before, during or after any election-

(i) for any of the matters specified in paragraph (*a*); or

(ii) to a voter on account of the use of any premises for the exhibition of any address, bill, poster or notice or on account of the exhibition of any address, bill, poster or notice.

(2) The provisions of subsection (1)(*b*)(ii) shall not apply in respect of any payment or contract made in the ordinary course of business to or with a voter whose ordinary business it is as an advertising agent to exhibit bills and advertisements for payment.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an illegal practice.

### 97. Unauthorized election expenses

Any person who without the express or implied authority of a candidate or his election agent incurs election expenses in relation to that candidate shall be guilty of an illegal practice.

### 98. Exceeding maximum expenditure

(1) Subject to such exceptions as may be allowed under this Act, no person shall pay any sum in respect of election expenses or incur any election expenses in excess of the appropriate maximum amount specified in section 81.

(2) A person who knowingly acts in contravention of this section shall be guilty of an illegal

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practice.

### 99. Penalty for providing money for payments contrary to this Act

Any person who knowingly provides money for any payment which is contrary to the provisions of this Act or any election expenses in excess of the maximum amount allowed by this Act or for replacing any money expended in any such payments or expenses, except where the same is allowed under this Act to be an exception, shall be guilty of an illegal practice and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

### 100. Certain employment prohibited

(1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, engage or employ any other person for payment or promise of payment for any purpose for which election expenses may not be incurred.

(2) Any person who engages or employs another person in contravention of subsection (1) shall be guilty of an illegal practice and the person engaged or employed shall also be guilty of an illegal practice if he knew that he was engaged or employed in contravention of the said subsection.

### 101. Corrupt procurement of candidature

Any person who corruptly induces or procures any other person to become a candidate at an election in consideration of any payment or promise of any nature shall be guilty of an illegal practice, and any person who becomes a candidate in pursuance of such inducement or procurement shall be guilty also of an illegal practice:

Provided that this section shall not apply to any payment or promise of payment of election expenses.

### 102. Procuring prohibited persons to vote and false statements in regard to withdrawal of candidates prohibited

(1) Any person who votes or induces or procures any person to vote at an election knowing that he or that person is prohibited by law from voting at that election shall be guilty of an illegal practice.

(2) Any person who, before or during an election, publishes a false statement of the illness, death or withdrawal of a candidate at that election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false or not believing it to be true, shall be guilty of an illegal practice.

(3) A candidate shall not be liable nor shall his election be voided for any illegal practice under this section committed by any person other than himself or his election agent.

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### 103. Penalty for illegal practices

Where under this Act no penalty is expressly provided for an illegal practice, a person guilty of an illegal practice shall be liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years or to both.

### 104. Additional penalty for corrupt or illegal practices

In addition to any other penalty which may be awarded, a person guilty of a corrupt practice or an illegal practice may, where no incapacity is specially provided for any particular class of person under this Act, further be declared incapable during a period not exceeding five years from the date of his conviction-

(*a*) of being elected as a Member; or

(*b*) of being registered as a voter or of voting at an election.

### 105. When election void owing to corrupt practice

Subject to the provisions of sections 102, 106 and 107-

(*a*) if upon the trial of an election petition the High Court certifies to the President that any corrupt practice or illegal practice has been committed in reference to the election the subject of the petition, by or with the knowledge and consent or approval of any of his election or polling agents the election of that candidate shall be void, and a fresh election shall thereupon be held;

(*b*) if a candidate or any of his election or polling agents is found at the said trial to have committed any corrupt practice or illegal practice, that candidate or agent may be declared by the High Court incapable, for a period not exceeding five years next after the date of the finding-

(i) of being elected as a Member; or

(ii) of being registered as a voter or of voting at any election.

### 106. When election not void

When upon the trial of an election petition the High Court finds that a candidate at the election the subject of the petition has been guilty by his election or polling agents of a corrupt practice or an illegal practice in reference to that election, and the candidate has proved to the satisfaction of the High Court-

(*a*) that no corrupt practice or illegal practice was committed at that election by the candidate himself or his election or polling agents and that the offences mentioned in the said finding were committed without the sanction or connivance of the candidate or his election or polling agents;

(*b*) that the candidate and his election or polling agents took all reasonable means for

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preventing the commission of corrupt practices and illegal practices at that election; and

(*c*) that the offences mentioned in the finding were of a trivial, unimportant and limited character,

then the election of that candidate shall not, by reason of the offences mentioned in the finding, be void, nor shall the candidate or the election or polling agents be subject to any incapacity under this Act.

### 107. When High Court may hold certain acts or omissions to be exempt from the provisions of this Act

(1) When it appears to the High Court either on application or upon an election petition-

(*a*) that any act or omission of a candidate at any election or of his election or polling agents or of another agent or person, which but for this section would be an illegal practice, has been done or made in good faith through inadvertence or accidental miscalculation or some other reasonable cause of a like nature; and

(*b*) that by reason of the circumstances it would be just that the candidate or his election or polling agent or other agent or person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission,

the High Court may make an order allowing the act or omission to be exempted from the provisions of this Act which would otherwise make the act or omission an illegal practice, and thereupon the said candidate, agent or person shall not be subject to any of the consequences under this Act of the said act or omission.

(2) Where an application is made for relief in terms of this section the High Court, before hearing the application, must be satisfied that reasonable notice of the application has been given in the constituency in which the election was held.

### 108. Person guilty of corrupt or illegal practices shall not vote

Every person guilty of a corrupt practice or illegal practice at an election shall be disqualified from voting at the election, and, if any such person votes, his vote shall be void.

### 109. Hearing of person before he is found guilty of corrupt or illegal practice

Before any person, not being a party to an election petition or a candidate on behalf of whom the seat is claimed by an election petition, is found by the High Court to have been guilty of any corrupt practice or illegal practice, the High Court shall cause notice to be given to such person and, if he appears in pursuance of the notice, shall give him an opportunity of being heard and of calling evidence to show why no such finding should be recorded against him.

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### 110. Finding on charges of corrupt or illegal practices

Any person charged with a corrupt practice may, if the circumstances warrant such a finding, be found guilty of an illegal practice, and any person charged with an illegal practice, may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt practice.

### 111. Time within which proceedings must be commenced

(1) A proceeding against a person in respect of the offence of a corrupt practice or illegal practice or any other offence against this Part shall be commenced within six months after the offence is alleged to have been committed or within three months after the report of the High Court, if any, under section 122, whichever period last expires:

Provided that no proceedings shall be commenced after the lapse of one year from the date on which the offence is alleged to have been committed.

(2) For the purposes of this section, the issue of a summons, warrant, writ or other process shall, where the service or execution of the same on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, be deemed to be the commencement of proceedings; but save as aforesaid, the service or execution of such process on or against the alleged offender, and not the issue thereof, shall be deemed to be the commencement of the proceedings.

### 112. When creditors not prejudiced in respect of prohibited payment

(1) The provisions of this Act prohibiting certain payments and contracts for payments and the payment of any sum and the incurring of any expense in excess of a certain maximum shall not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Act.

(2) The provisions of this Act prohibiting certain payments shall not apply to any payment made to a creditor by reason only of the provisions of subsection (1).

(3) Nothing in subsection (2) shall be construed as relieving the parties thereto from the penalties provided in this Act for making any contract for payment in contravention of the provisions of this Act.

### 113. Offences on day of election

(1) No person shall on the date on which an election is held commit any of the following acts within a polling station or within a distance of 200 metres from a polling station, namely.

(*a*) canvassing for votes;

(*b*) soliciting the vote of any voter;

(*c*) persuading any voter not to vote for any particular candidate;

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(*d*) persuading any voter not to vote at the election;

(*e*) shouting slogans concerning the election;

(*f*) being in possession of any offensive weapon or wearing any dress or having any facial or other decoration calculated to intimidate voters;

(*g*) exhibiting, wearing or tendering any notice, symbol, badge, photograph or party card referring to the election:

Provided that this paragraph shall not prohibit the retention of any such notice, symbol, badge, photograph or card on any vehicle brought within such distance of a polling station purely for some temporary purpose.

(2) No person shall on the date on which a poll is held in a constituency-

(*a*) convene, hold or attend any public meeting;

(*b*) operate any megaphone, amplifier or public address apparatus for the purpose of making announcements concerning the election (unless he is an election officer making an official announcement).

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 28 of the Penal Code (in relation to corporal punishment) or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal punishment not exceeding six strokes.

### 114. Disorderliness at political meetings

(1) Any person who at a political meeting held in any constituency after the publication of a notice in terms of section 34(5) in respect of that constituency.

(*a*) acts or incites another to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was convened; or

(*b*) has in his possession an offensive weapon or missile,

shall be guilty of an offence.

(2) No person shall, after the publication of a notice in terms of section 34(5) in respect of that constituency, himself hold, or organise or participate in any meeting, intended to promote the candidature of any person, at any place within the radius of 1 000 metres from a meeting being held or to be held on that day and at that time to promote the candidature of a rival candidate; and any person who contravenes the provisions of this subsection shall be guilty of an offence.

(3) Any person guilty of an offence under this section shall be liable to a fine not exceeding

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P2 000 or to imprisonment for a term not exceeding five years, or to both, and the court convicting that person may in addition, notwithstanding the provisions of section 28 of the Penal Code (in relation to corporal punishment) or any other enactment exempting any person to be sentenced to undergo corporal punishment, award corporal punishment not exceeding six strokes.

### 115. Bills, placards etc., to have name of printer and publisher

(1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall bear upon the face thereof the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post or cause to be printed, published or posted any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) In subsection (3) "electoral matter" includes all matters which, on the face of them, are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) No candidate shall issue or distribute any document (which term includes any bill, placard, poster, pamphlet, circular or card) which contains any facsimile or imitation of a ballot paper and advises or purports to advise any person as to the manner in which such person should record his vote, unless such candidate has first obtained from the Secretary a certificate, in duplicate, stating that, in his opinion, such document contains no representation likely to mislead a voter as to his rights.

(6) No person shall print any document referred to in subsection (5) unless he has been furnished with the original or duplicate of the certificate referred to in that subsection.

(7) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P200.

(8) For the purposes of this section an election shall be deemed to commence upon the publication of a notice in terms of section 34(5) in relation to that election.

## PART X
## *Election Petitions* (ss 116-140)

### 116. Who may present an election petition

A petition complaining of an undue return or an undue election of a Member for any constituency by reason of want of qualification or by reason of disqualification, corrupt or illegal

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practice, irregularity, or by reason of any other cause whatsoever, may be presented to the High Court by.

(*a*) a voter in that constituency; or

(*b*) any person who was a candidate at such election:

Provided that a petitioner shall, before lodging his petition with the Registrar of the High Court, afford every person, other than the Member whose election or qualification is complained of (hereinafter referred to as "the respondent"), who was a candidate at the election to which the petition relates an opportunity of becoming a party to the petition as a co-petitioner.

### 117. Presentation of election petition

The following provisions shall apply with respect to the presentation of an election petition-

(*a*) the petition shall be signed by the petitioner, or all the petitioners, if more than one;

(*b*) the petition shall be presented within 30 days after the day on which the result of the election has been declared by the returning officer:

Provided that, when the return or election is questioned upon an allegation of an illegal practice, the petition may be presented-

(i) at any time before the expiry of 21 days after the day on which the returning officer receives the return of election expenses of the person whose election is to be questioned; or

(ii) if the election petition specifically alleges a payment or money or some other act to have been made or done since that day by the Member or with the privity of the Member or his election agent in pursuance or in furtherance of the illegal practice alleged in the petition, at any time within 30 days after the date of such payment or other act;

(*c*) presentation of a petition shall be made by lodging it with the Registrar of the High Court;

(*d*) at the time of the presentation of the petition or within seven days afterwards, security for the payment of all costs, charges and expenses that may become payable by the petitioner-

(i) to any person summoned as a witness on his behalf; and

(ii) to the respondent,

shall be given by or on behalf of the petitioner;

(*e*) the security shall be to an amount fixed by the Registrar of the High Court, not being

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less than P200, and shall be given by recognizance to be entered into by the petitioner and any number of sureties not exceeding four, in a form to be approved of by the Registrar.

### 118. Notice or petition to be served on respondent

Notice in writing of the presentation of a petition and of the names and addresses of the proposed sureties, accompanied by a copy of the petition, shall, within 10 days after the presentation of the petition, be served by the petitioner on the respondent, either personally or by leaving the same at his usual or last known dwelling or place of business.

### 119. Respondent may object to surety provided

(1) The respondent may, by notice in writing served upon the petitioner in the manner referred to in section 118 within 21 days after the date of the service on him of the notice referred to in the said section, object to such recognizance on the ground that the sureties or any of them are insufficient or that a surety is dead or that he cannot be found or that a person named in the recognizance has not signed the same or that the recognizance is invalid or defective.

(2) Any objection made to the security given shall be heard and decided by the High Court.

(3) If any objection to the security is allowed, the petitioner may within a further time to be fixed by the High Court, not exceeding 10 days, remove the objection by a deposit of such sum of money as may be deemed proper by the High Court to make the security sufficient.

(4) If, on objection made, the security is decided to be insufficient and the objection is not removed in the manner referred to in subsection (3), no further proceedings shall be had on the petition; otherwise, on the expiration of the time during which objections may be made, or, if after objection made, the sufficiency of the security is established, the petition shall be deemed to be at issue.

### 120. Registrar to prepare list of petitions

The Registrar of the High Court shall, as soon as may be, make out a list of petitions presented to the High Court and which are at issue, placing them in the order in which they were presented, and shall keep at his office a copy of such list open to the inspection of any person making application for inspection thereof, and election petitions shall be tried in the order in which they stand in such list unless the High Court otherwise orders.

### 121. Trial of election petitions

(1) An election petition shall be tried and determined by the High Court within 90 days of the presentation of the election petition under section 120:

Provided that when an election petition is not tried and determined within the period specified under this subsection due to a failure by the petitioner to actively prosecute the

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petition, the High Court shall dismiss such petition for want of prosecution.

(2) The following provisions shall apply with respect to the trial of election petitions-

(*a*) every election petition shall be tried in open court;

(*b*) the trial of election petitions may take place upon any day prescribed by any rule or order of court;

(*c*) notice of the time and place at which an election petition will be tried shall be given by the Registrar of the High Court to the parties concerned not less than 14 days before the day on which the trial is to be held;

(*d*) the High Court may adjourn the trial from time to time and from place to place;

(*e*) where, on the trial of an election petition praying the High Court to determine that some other person than the respondent is entitled to be declared duly elected in place of the respondent, it is proved that any person who voted for the respondent was bribed or treated or subjected to undue influence by the respondent or anyone on behalf of the respondent or that such person was guilty of personation or of an illegal practice or was not qualified as a voter at the election, the vote given for the respondent by such person shall be deducted from the total number of votes given for the respondent at the election;

(*f*) at the conclusion of the trial of any election petition, the High Court shall determine whether the respondent was duly elected or whether any, and if so what, person other than the respondent was or is entitled to be declared duly elected;

(*g*) if the High Court determines that the respondent was duly elected, such election shall be and remain as valid as if no petition had been presented against it;

(*h*) if the High Court determines that the respondent was not duly elected, but some other person was or is entitled to be declared duly elected the respondent shall forthwith be deemed to have vacated his seat, and the High Court shall forthwith certify its determination to the Secretary and the Secretary shall thereupon by notice in the *Gazette* declare such other person duly elected;

(*i*) if the High Court determines that the respondent was not duly elected and that no other person was or is entitled to be declared duly elected, the seat of the respondent shall be deemed to be vacant and the High Court shall certify its determination to the President that a vacancy has occurred, the cause of such vacancy and the constituency in which such vacancy has occurred;

(*j*) where, on the trial of an election petition, the High Court determines that the respondent was not duly elected and is of the opinion, having regard to the circumstances, that it would be just and reasonable to relieve any party to the action from all or a portion of the costs thereof, then -

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(i) if the High Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function bona fide made by any officer, it may, after sufficient notice to the Director of Public Prosecutions to show cause to the contrary, make such order as to the payment by the State of the costs of the action or portion thereof, as it may deem fit;

(ii) if the High Court finds that the election of the respondent was due to a mistake or improper performance or failure of performance of any function mala fide made by any officer, it may, after sufficient notice to such officer to show cause to the contrary, make such order as to the payment by such officer of the costs of the action or portion thereof, as it may deem fit.

### 122. Procedure where court reports cases of corrupt or illegal practices

If the High Court states in the report on the trial of an election petition that any person has been guilty of a corrupt practice or illegal practices or that there is reason to believe that corrupt practices or illegal practices have extensively prevailed at the election to which the petition refers, that statement, together with the evidence taken at the trial, shall be transmitted by the Registrar of the High Court to the Director of Public Prosecutions with a view to the institution of any prosecution proper to be instituted in the circumstances, and every such report shall, so far as it concerns any such person, further be transmitted by the Registrar to the Secretary.

### 123. Form of petition

An election petition shall be in such form and shall state such matters as may be prescribed by rules of court made in that behalf.

### 124. Provision where more than one petition in respect of same election

When more election petitions than one are presented relating to the same election or return, all such petitions shall be joined together and shall be dealt with as one petition, but such petition shall stand in the list referred to in section 120 in the place where the last of such election petitions would have stood if it had been the only petition presented, unless the High Court otherwise orders.

### 125. Verbatim report of evidence

On the trial of an election petition, a verbatim report shall be taken of the evidence given, and a transcript of such report shall accompany the certificate given by the High Court under section 121.

### 126. Witnesses

(1) A witness shall be summoned and sworn in the same manner as a witness may be summoned and sworn in civil proceedings before the High Court.

(2) Any such witness who, in the course of the trial of an election petition, wilfully makes a

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statement of fact material in the proceedings which he knows to be false or does not believe to be true shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

### 127. Examination of witnesses

On the trial of an election petition, the Court may examine any witness or any person in court, although such witness or person is not called or examined by any party to the petition, and after the examination of a witness as aforesaid by the Court, such witnesses may be cross-examined by or on behalf of the petitioner and respondent or either of them.

### 128. Witnesses not excused from answering incriminating questions

(1) No person who is called as a witness at the trial of any election petition shall be excused from answering any question relating to any corrupt practice or illegal practice at or connected with any election then forming the subject of inquiry on the ground of privilege or on the ground that the answer thereto may incriminate or tend to incriminate himself.

(2) If any witness fully answers to the satisfaction of the Court every question relating to any matter mentioned in subsection (1) which he is required by the Court to answer, and the answer to which may incriminate him, such witness shall be absolutely freed and discharged from all liability to prosecution, either at the public instance or at the instance of any private party, for any offence under this Act committed by him previous to the time of his evidence and at or in relation to the election concerned or in relation to which the witness may have been so examined and the witness shall be entitled to receive under the hand of the Registrar of the High Court a certificate stating that he is so freed and discharged from all liability to prosecution as aforesaid.

(3) No evidence given by a witness referred to in section 126(1) shall, except upon a charge of contravening section 126(2) be admissible in evidence against him in any criminal or civil proceedings.

### 129. Expenses of witnesses

The reasonable expenses incurred by any person appearing to give evidence at the trial of an election petition, according to the scale usually allowed to witnesses in civil proceedings before the High Court, may be allowed to such person, and such expenses shall be deemed to be costs of the petition.

### 130. Respondent may testify that election of petitioner undue

On the trial of an election petition complaining of an undue election or undue return and claiming the seat for some person, the respondent may give evidence to prove that the election of that person was undue, in the same manner as if the respondent had presented an election petition complaining of such election.

### 131. Withdrawal of petition

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An election petition shall not be withdrawn without the leave of the High Court and after such notice has been given as the Court may direct.

### 132. On motion to withdraw another petitioner may be substituted

On the hearing of the application for withdrawal of an election petition, any person who might have been a petitioner in respect of the election to which the election petition relates may apply to the High Court to be substituted for a petitioner who desires to withdraw.

### 133. Substitution of petitioner and court's power if petition improperly withdrawn

(1) The High Court may, if it thinks fit, substitute as a petitioner any such applicant as aforesaid and may further, if the proposed withdrawal has been, in the opinion of the Court, induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may become payable by the substituted petitioner and that the original petitioner shall be liable to pay such costs.

(2) If no such order is made with respect to the security given on behalf of the original petition, security to the same amount as would be required in the case of a new election petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition and within 14 days after the order of substitution.

(3) Subject as aforesaid, a substituted petitioner shall stand in the same position, as nearly as may be, and be subject to the same liabilities as the original petitioner.

### 134. Costs of withdrawal of petition

If an election petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

### 135. All petitioners must consent to withdrawal

When there are more petitioners than one, no application to withdraw an election petition shall be made without the consent of all the petitioners.

### 136. Petition abated on death of petitioner

(1) An election petition shall be abated by the death of the sole petitioner or of all the petitioners, as the case may be, but such abatement shall not affect the liability of the estate of any petitioner to the payment of costs previously incurred.

(2) On the abatement of an election petition any person who might have been a petitioner in respect of the election to which the petition relates may, within 21 days after such abatement apply to the High Court to be substituted as a petitioner, and the Court may thereupon, if it thinks fit, substitute as a petitioner any such applicant, who desires to be substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

### 137. Petition not opposed by respondent

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A respondent who has given notice that he does not intend to oppose the election petition shall not without the leave of the High Court be allowed to appear or to act as a party against such election petition in any proceedings thereon and shall not sit or vote in the National Assembly pending the result of the trial of the election petition, and the Court shall, in all cases in which such notice has been given, report the same to the Speaker.

### 138. Costs of petition

(1) All costs, charges and expenses of and incidental to the presentation of an election petition and to the proceedings consequent thereon shall, subject to paragraph (*j*) of section 121 be defrayed by the parties to the petition in such manner and in such proportions as the High Court may determine, regard being had to the disallowance of any costs, charges or expenses which may, in the opinion of the Court, have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of the petitioner or the respondent, and regard being had also to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

(2) Costs may be taxed and recovered in the same manner as the costs of civil proceedings in the High Court.

### 139. Default in payment of costs

If any petitioner in an election petition makes default for the space of one month after demand in paying to any person summoned as a witness on his behalf or to the respondent any sum certified to be due to him for his costs, charges or expenses and if the default is proved to the satisfaction of the High Court, every person who has entered into a recognizance relating to the petition shall be held to have made default on his recognizance and the Registrar shall thereupon certify such recognizance to be forfeited, and execution may thereupon by leave of the High Court, be sued out thereon at the suit of any such witness or respondent as occasion may require.

### 140. Non-compliance with Part VI or Part VII not invalidating election

No election shall be set aside by the High Court by reason of any mistake or non-compliance with the provisions of Part VI or Part VII, if it appears to the Court that the election was conducted in accordance with the principles laid down in Part VI or Part VII and that such mistake or non-compliance did not affect the result of the election.

## PART XI
## *Offences* (ss 141-149)

### 141. Offences in relation to voter's registration cards

Any person who-

(*a*) on being required by a principal registration officer under section 24 to surrender his

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voter's registration card, fails to do so;

(*b*) without lawful authority, the proof whereof shall lie upon him, is in possession of a voter's registration card which was not given to him in pursuance of this Act;

(*c*) without lawful authority, the proof whereof shall lie upon him, asks or requires any other person to give to him the voter's registration card given to such other person in pursuance of this Act; or

(*d*) fraudulently destroys a voter's registration card,

shall be guilty of an offence and liable to the penalties prescribed in section 146.

### 142. Defacement of notices

Every person who, without lawful authority, destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Act or any document which is made available for inspection in accordance with the provisions of this Act shall be guilty of an offence and liable to a fine not exceeding P200, or to a term of imprisonment not exceeding one month, or to both.

### 143. Offences by registration officers

Any registration officer who-

(*a*) fraudulently destroys or alters a voter's registration record card; or

(*b*) gives to any person a voter's registration card otherwise than in pursuance of this Act,

shall be guilty of an offence and liable to the penalties prescribed in section 146.

### 144. Knowingly giving false information to a registration officer

Any person who knowingly-

(*a*) registers at a polling station in respect of which he is not entitled to be registered, or

(*b*) gives false information to a registration officer,

shall be guilty of an offence and shall be liable to the penalties prescribed in section 146.

### 145. False entry in form of appeal or objection

Any appellant or objector who knowingly makes any false entry in any form completed by him in pursuance of this Act for the purposes of his appeal or objection, as the case may be, shall be guilty of an offence and liable to the penalties prescribed in section 146.

### 146. Penalties

(1) Any person who is convicted of an offence under section 141 shall be liable to

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imprisonment for a term not exceeding six months or to a fine not exceeding P1 000, or to both.

(2) Any person who is convicted of an offence under section 143, 144 or 145 shall be liable to imprisonment for a term not exceeding two years.

### 147. Further offences

(1) Any person who-

(*a*) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the officer to whom the nomination papers are required by this Act to be delivered any nomination paper knowing the same to be forged; or

(*b*) forges or counterfeits or fraudulently destroys any ballot paper or official mark on any ballot paper or any certificate or return; or

(*c*) without due authority supplies any ballot paper to any person; or

(*d*) fraudulently puts into any ballot box any ballot paper which he is not authorized by law to put in; or

(*e*) fraudulently takes out of the polling station any ballot paper; or

(*f*) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and liable to a fine not exceeding P400 or to imprisonment for a term not exceeding two years, or to both.

(2) In any prosecution for an offence in relation to nomination papers, ballot papers, ballot boxes or marking instruments at an election the property in such ballot papers, boxes or instruments may be stated to be in the officer charged with the conduct of the election.

### 148. Dereliction of duty by election officer

Any officer appointed in accordance with section 4 who is wilfully and without reasonable cause guilty of any act or omission in breach of his official duty shall be guilty of an offence and liable to a fine not exceeding P1 000 or to imprisonment for a term not exceeding one year, or to both.

### 149. Requirement of secrecy

(1) The officer charged with the conduct of any election and his assistants and every polling agent and counting agent or candidate in attendance at a polling station or at the place determined for the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not, except for some purpose authorized by law, communicate before the polls close to any person any information as to the name or number of the election roll of any

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voter who has or has not voted.

(2) No person shall-

(*a*) obtain or attempt to obtain in a polling station information as to the candidate for whom a voter is about to vote or has voted; or

(*b*) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter is about to vote or has voted.

(3) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding six months, or to both.

## PART XII
## *Miscellaneous* (ss 150-154)

### 150. Registration of symbols and voting colours

(1) The Secretary shall keep a register of symbols and voting colours for use at elections.

(2) A political party may apply through its leader or secretary for registration of a symbol and voting colour to be used by it at elections, and the Secretary if satisfied-

(*a*) that no other symbol of the same design is registered;

(*b*) that colour is not already registered;

(*c*) that the symbol and colour are distinctive from any symbol and colour already registered; and

(*d*) that the use of such symbol and colour will not be offensive or otherwise objectionable,

shall register such symbol and colour as the symbol and voting colour of that party.

### 151. Inaccurate description of places and persons

No misnomer or inaccurate description of any person or place named or described in any roll, notice or other document whatsoever prepared or issued under or for the purpose of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in such register, notice or document as to be identifiable.

### 152. Forms

(1) Regulations may provide for the variation, amendment or modification of any forms specified in the Schedule.

(2) Forms may be translated into and used in such languages as the Secretary may direct.

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## 153. Forms

The Minister may make regulations providing for any matter which under this Act is to be provided for by regulations and generally for the better carrying out of the provisions of this Act.

## 154. Application of Act to council elections

(1) This Act shall have effect in relation to council elections as it has in relation to elections conducted under it, and consequently the provisions of this Act shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring the provisions of the Act into conformity with the circumstances of council elections.

(2) Notwithstanding the generality of the provisions of subsection (1), the Minister of Local Government shall, for the purposes of an election to a council, or of a by-election to fill a vacancy therein caused by death, resignation or otherwise, under his hand, issue an instrument, addressed to the returning officer of each polling district for which a Member is to be returned, fixing-

(*a*) the place and day at and on which, and the hours between which, the returning officer will receive nominations of candidates for election; and

(*b*) the day for the taking of any poll which may become necessary.

(3) The day fixed under subsection 2(*a*) shall not be earlier than 14 days after the day on which the instrument is issued.

(4) The day fixed under subsection 2(*b*) shall not be earlier than 21 days after the day fixed under subsection (2)(*a*).

(5) Every instrument shall be in Form MA in the Schedule and shall be forwarded to the Secretary for transmission to the returning officer to whom it is addressed.

(6) As soon as practicable after an instrument has been issued, the Secretary shall give notice thereof in the *Gazette*, specifying in such notice the various matters fixed in pursuance of subsections (2)(*a*) and (*b*).

(7) Upon receipt of an instrument, the returning officer shall proceed to hold an election in the manner provided in this Act, and shall give and publish notice thereof throughout the polling district in such manner as he thinks fit and shall cause a notice in Form NA in the Schedule to be posted in such places as he considers desirable.

## SCHEDULE
## FORMS

### Form A

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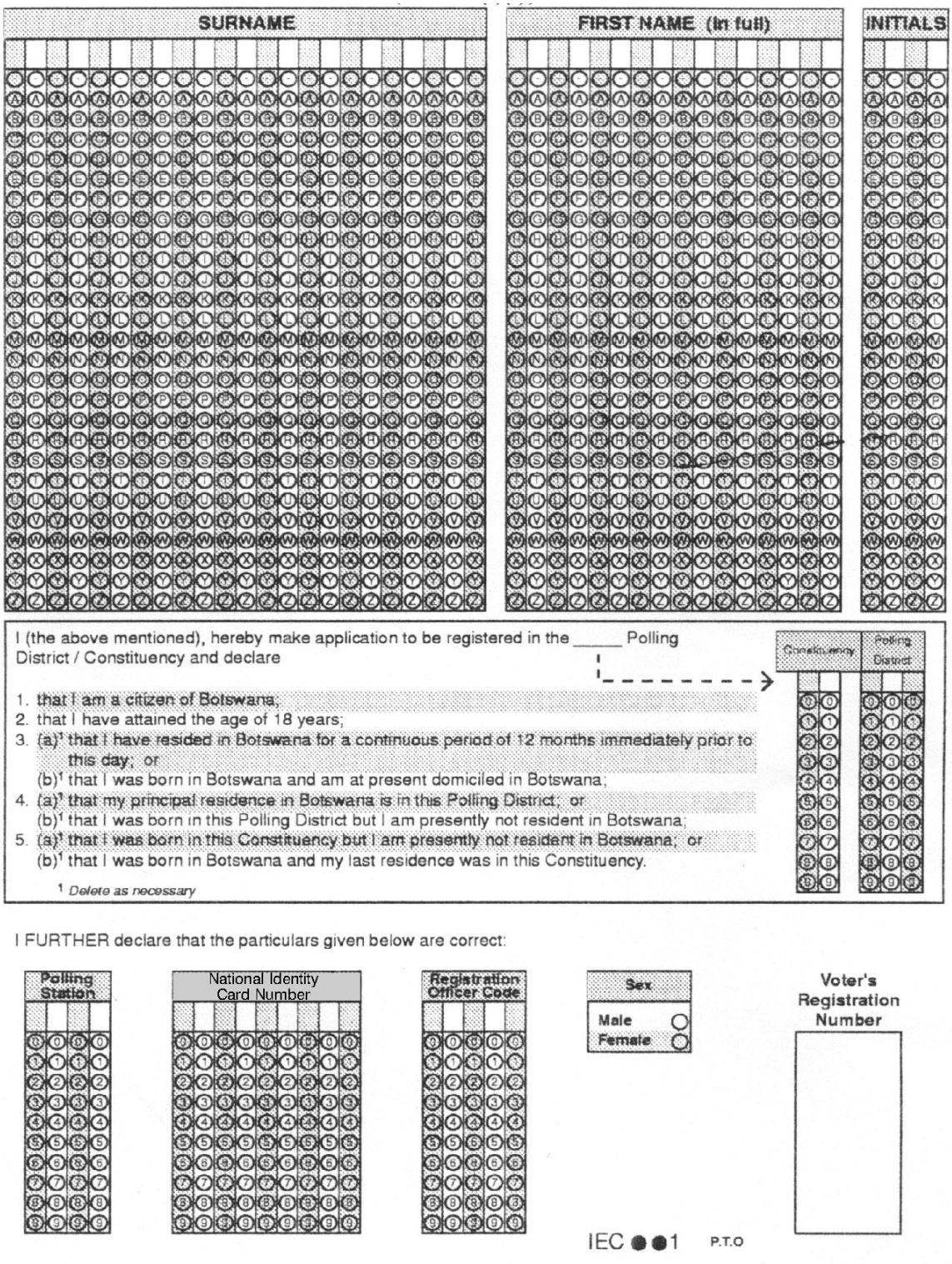
**Form A**
**VOTER'S REGISTRATION RECORD CARD**

**BOTSWANA ELECTIONS**

ELECTORAL ACT
(Cap. 02:09)

(section 10(3)(*a*))

**Copyright Government of Botswana**

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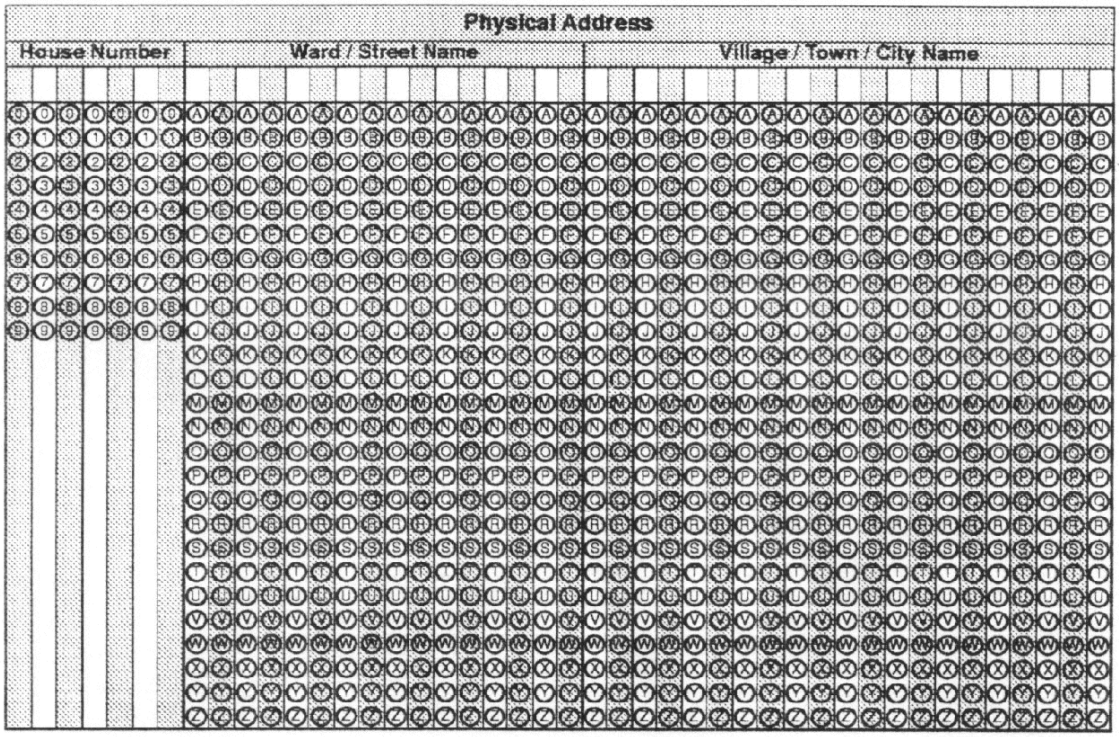


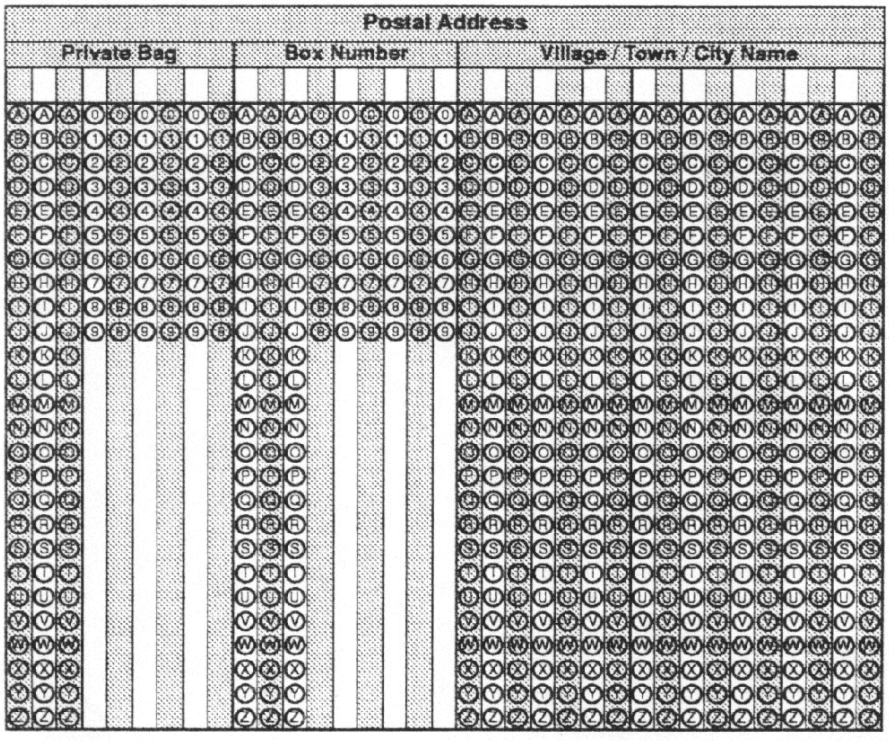


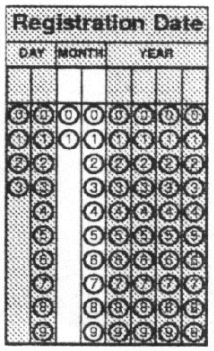


Applicant's Signature: _____

Declared before me this _____ day of _____ 20 _____ in _____ , (language) and voter's registration card is issued to the voter.

Registration Officer's Signature: _____

**Instructions on how to complete this form**

1. Use only an HB pencil.
2. Colour the circle completely.
3. Erase faulty marks thoroughly.

**CORRECT MARK** **INCORRECT MARKS**

## Form B
## VOTER'S REGISTRATION CARD

VOTER'S REGISTRATION NUMBER:

**BOTSWANA ELECTIONS**
ELECTORAL ACT
(Cap. 02:09)

(section 10(3)(*c*))

Republic of Botswana (*Please complete this section in ballpoint pen*)

1. Other Names:.....

2. Surname:.....

3. Sex: Male ☐ Female ☐ (*tick appropriate box*)

4. Address:.....

5. Polling Station:.....

Applicant Signature:.....

Date:..... Registration Officer:.....

NATIONAL IDENTITY CARD NUMBER:

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

**Copyright Government of Botswana**

**IMPORTANT**

Keep this card in a safe place.

You must produce it when you claim your vote on Polling Day.

VOTER'S REGISTRATION CARD
KARATA YA MOTLHOPHI

**TLHOKOMELA**

Boloka karata e sentle.
O tshwanetse go e supa ka tsatsi la tlhopho.

## Form C
## NOTICE OF REJECTION

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 10(6)*)

TO:

Name ..... Sex .....

Address .....
.....

Take notice that I, .....
(name of registration officer)

having received your application for registration as a voter at the .....
..... polling station in the .....
Constituency on the ..... 20 ..... have rejected your claim to be registered as a voter on the following grounds-

AND FURTHER TAKE NOTICE that if you wish to appeal against such rejection you must within a period of seven days from the date of this notice deliver, or cause to be delivered, a notice of appeal in the prescribed form to the principal registration officer for the constituency in which you claim the right to be registered as a voter. Such notice must be accompanied by a deposit of ten pula (P10).

Signature .....
(*Registration Officer*)

**Copyright Government of Botswana**

Date .....

Instructions for Use: This notice must be completed in triplicate, the first copy being given to the applicant, the counterpart being delivered to the principal registration officer for the constituency, and the third copy being retained.

## Form D
## NOTICE OF PUBLICATION OF GENERAL/SUPPLEMENTARY VOTERS ROLLS

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 14(b)*)

Notice is hereby given that the voters rolls specified in the first column of the Schedule hereto of the voters registered during the period set forth in the second column thereof in the Constituency stated in the third column thereof have been completed and copies are available for inspection at the office of the Secretary and at the office of the Principal Registration Officer for the said Constituency and at the places set forth in the fourth column of the said Schedule in respect of each of the said Constituencies.

Any person who is registered as a voter in one of the said Constituencies who wishes to object to the inclusion in the roll for that Constituency of any person's name should send or deliver his objection to the Principal Registration Officer of that Constituency at the address specified in the fifth column of the said Schedule so as to reach him not later than 21/42 * days after the publication of this notice.

Objections must be made on the prescribed form and must be accompanied by a deposit of ten pula (P10).

| *First Column (Voter's Rolls)* | *Second Column (Period)* | *Third Column (Constituency)* | *Fourth Column (Place where copies available)* | *Fifth Column (Address of Principal Registration Officer)* |
|---|---|---|---|---|

Date .....

.....
*Secretary to the Independent Electoral Commission*

## Form E

**Copyright Government of Botswana**

## Form E
## CERTIFICATION OF ROLL

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 15(1) and (3)*)

I hereby certify-

(*a*) that this is the ..... roll of voters registered in the ..... constituency during the period ..... to ....., prepared in accordance with the Electoral Act.

* (*b*) that this is the election roll for the ..... constituency as at the .....20 ..... prepared in accordance with the Electoral Act.

Date .....

.....
*Secretary to the Independent Electoral Commission*

**Copyright Government of Botswana**

## Form F
## APPEAL BY PERSON WHERE APPLICATION TO BE REGISTERED AS A VOTER IS REJECTED BY A REGISTRATION OFFICER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 17(2)*)

To:
The Principal Registration Officer,

.....Constituency.

Name of Appellant (in capitals) .....

Address of Appellant .....

I, the abovenamed appellant, applied to be registered under the Electoral Act as a voter at the ..... polling station in the abovenamed constituency but the registration officer rejected my claim to be so registered on the ground that I was not qualified to be so registered. I hereby appeal against the rejection of my application.

Date .....

.....
*Signature or thumbprint of appellant*

WARNING

By virtue of section 146 of the Electoral Act the penalty for making a false entry on this form is imprisonment for a term not exceeding two years.

## Form G
## NOTICE OF OBJECTION BY A VOTER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 18(2)*)

To:

**Copyright Government of Botswana**

To:
The Principal Registration Officer,

..... Constituency.
Name of objector (in capitals) .....

Address of objector .....

.....

I, the above named objector, being registered under the Electoral Act as a voter at the

.....

Polling Station in the abovenamed constituency, my number being .....
object to the retention in the voters roll of-

Name of person objected to (in capitals).....

Section and number in voters roll of person objected to .....

Address in voters roll of person objected to .....

The grounds of my objections are: .....
.....
.....

Date ....., 20 .....

.....
*Signature or thumbprint of objector*

**NOTE:**

This notice must be lodged with the Principal Registration Officer in duplicate.

WARNING

By virtue of section 145 of the Electoral Act the penalty for making a false entry on this form is imprisonment for a term not exceeding two years.

**Copyright Government of Botswana**

## Form H
## NOTICE OF CANCELLATION BY A PRINCIPAL REGISTRATION OFFICER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 21(1)*)

To:
(Name, address and number on the voters roll of the person whose registration it is proposed to cancel)

Name .....

Address .....

.....

Number .....

Postal Address of Registration Officer

.....

.....

.....

Sir/Madam,

I have reason to believe that you are not entitled to be registered as a voter in respect of .....
Polling Station on the grounds that-

Unless you give me written notice of appeal within 14 days from the date of delivery of this notice of cancellation to you, or satisfy me within that period that you are entitled to be registered as a voter, I shall strike your name off the voters roll.

Notice of appeal must be given on the prescribed form within the abovementioned period. If you give due notice of appeal it will be set down for hearing before a magistrate's court within whose area of jurisdiction you reside or claim to reside and the day and place appointed for such hearing will be notified to you in due course.

Yours faithfully,.....
*Principal Registration Officer.*

## Form I
## NOTICE OF APPEAL AGAINST NOTICE OF CANCELLATION BY PRINCIPAL

**Copyright Government of Botswana**

## NOTICE OF APPEAL AGAINST NOTICE OF CANCELLATION BY PRINCIPAL REGISTRATION OFFICER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 22(2)*)

The Principal Registration Officer,.....

Address of Appellant and date .....

....., 20 .....

Dear Sir,

I (full name in block capitals) ..... the undersigned, do hereby give notice that I desire to appeal against your decision to strike my name off the roll of voters for the ..... polling station in the ..... constituency, conveyed to me in your notice of cancellation

Dated ....., 20 .....

Yours faithfully,.....
*Signature*

**Copyright Government of Botswana**

## Form J
## REGISTRATION TRANSFER CARD

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 25(3)(b)*)

From: The Registration Officer,.....

To: The Secretary,.....

Take notice that-

Name .....

Address .....

who at present is registered as a voter on the voters roll for the.....
..... polling station
in the ..... constituency and whose registration number at
present is ..... has satisfied me that he is entitled to transfer his
registration as a voter to the .....
polling station in the ..... constituency and
has made the following declaration before me-

"I ..... being registered as a
voter at the ..... polling station in the
.....
constituency under number..... have become entitled to be
registered as a voter at the.....
polling station in the..... constituency by reason
of the fact that
I .....

....."
*Signature*

Please, therefore, take note that the said (name and national identity card no.)
.....
of (new address) .....
has been registered by me as a voter at the .....
polling station in the .....
constituency and has been issued with voter's registration card number
.....
and I enclose the surrendered voter's registration card and request you to inform the Principal Registration Officer of the constituency or constituencies concerned.

**Copyright Government of Botswana**

.....
*Registration Officer*

## Form K
## NOTICE OF REJECTION BY PRINCIPAL REGISTRATION OFFICER OF APPLICATION FOR TRANSFER OF REGISTRATION

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 25(5)*)

To:

Name .....

Address .....

.....

From:
Registration Officer,
..... Constituency

Date .....

Sir/Madam,

I have received your application for transfer of your registration as a voter from the ..... polling station in the ..... constituency to the ..... polling station in the ..... constituency, but have rejected your application for transfer on the following grounds.....
.....
.....

If you wish to appeal against my decision you should give my principal registration officer written notice within seven days from the date of this notice, together with a deposit of ten pula (P10). Notice of appeal must be given on the lower portion of this form which should be detached. If you give due notice of appeal, the appeal will be set down for hearing before a magistrate's court within whose area of jurisdiction you reside or claim to reside, and the day and place appointed for such hearing will be notified to you in due course.

Yours faithfully,
.....
*Registration Officer*

**Copyright Government of Botswana**

*Instructions for use*: This notice must be completed in triplicate, the first copy being given to the applicant, the counterpart being delivered to the principal registration officer for the constituency, and the third copy being retained.

NOTICE OF APPEAL AGAINST DECISION BY PRINCIPAL REGISTRATION OFFICER TO REJECT APPLICATION FOR TRANSFER OF REGISTRATION

To:

The Principal Registration Officer,
..... Constituency
Address of applicant: .....
.....
Date: .....

Dear Sir/Madam,

I, (full name in block capitals) ..... the undersigned, do hereby give notice that I desire to appeal against your decision to refuse my application for transfer of my registration as a voter which decision was conveyed to me by your registration officer's notice dated .....

Yours faithfully,

.....
*Signature*

## Form L
## NOTICE OF ALTERATIONS TO A GENERAL/SUPPLEMENTARY VOTERS ROLL

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 27(2)(a)*)

**Copyright Government of Botswana**

Notice is hereby given that the .....
voters roll of voters registered during the period .....
in the ..... constituency has been altered and copies of the revised roll are available for inspection at the office of the Secretary, at the office of the Principal Registration Officer for the said constituency and at the following places.....
.....

Any person who is registered as a voter in the aforementioned constituency and who wishes to object to the insertion in the said roll of any person's name, should send or deliver his objection to the Principal Registration Officer, .....
constituency (address) .....
.....
so as to reach him not later than 21/42 *(1) days after publication of this notice. Objections must be made on the prescribed form and must be accompanied by a deposit of ten pula (P10).

Date ....., 20 ..... .....
*Secretary to the Independent Electoral Commission*

## Form M
## WRIT OF ELECTION

**BY**
**HIS EXCELLENCY THE PRESIDENT OF BOTSWANA**

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 34(4)*)

To: The Returning Officer

.....Constituency.

WHEREAS by section 34(1) of the Electoral Act (Cap. 02:09), it is provided that for the purpose of a general election to the National Assembly or of a by-election to fill a vacancy therein caused by death, resignation or otherwise, the President shall issue a writ under the Public Seal of Botswana, addressed to the returning officer of each constituency for which a Member is to be returned;

*(2) AND WHEREAS it is desirable that writs should be issued for a general election;

**(3) AND WHEREAS the seat of ..... the Member for the ..... Constituency has become vacant in consequence of .....

**Copyright Government of Botswana**

NOW THEREFORE, I ..... the President of the Republic of Botswana do hereby direct that you the said Officer shall receive the nomination of candidates for election in the aforesaid constituency between the hours of ..... and ..... on the ..... day of ..... 20 ..... at ..... and that any poll that may become necessary shall be taken on the ..... day of ..... 20 .....; and do further direct that when a candidate has been duly elected you do endorse this writ with the name of the candidate and return it to the Secretary according to law.

GIVEN under my hand and the Public Seal of Botswana this ..... day of ..... 20 .....

.....
*President*

Public Seal

(Reverse side of form)

.....
(Name of unopposed or successful candidate)

has been duly elected as Member for the ..... constituency.

..... .....
*Date* *Returning officer*

## Form MA
## ELECTION INSTRUMENT

**BY**
**THE MINISTER OF LOCAL GOVERNMENT**

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

*(section 154(5))*

To: The Returning Officer

..... Polling District.

**Copyright Government of Botswana**

WHEREAS by section 154(5) of the Electoral Act (Cap. 02:09), it is pro-vided that for the purpose of a general election to a Council or of a by-election to fill a vacancy therein caused by death, resignation or otherwise, the Minister of the Local Government shall issue an election instrument under his or her hand, addressed to the returning officer of each polling district for which a member is to be returned;

*(4) AND WHEREAS it is desirable that election instruments should be issued for a general election;

**(5) AND WHEREAS the seat of ..... the Member for the ..... Polling District has become vacant in consequence of.....

NOW THEREFORE, I ..... the Minister of Local Government, do hereby direct that you, the said returning officer, shall receive the nomination of candidates for election in the aforesaid polling district between the hours of ..... and ..... on the ..... day of ..... 20..... at ..... and that any poll that may become necessary shall be taken on the ..... day of ..... 20.....; and do further direct that, when a candidate has been duly elected, you do endorse this election instrument with the name of that candidate and return it to the Secretary, according to law.

GIVEN under my hand at ..... this ..... day of ..... 20.....

.....
*Minister for Local Government*

(Reverse side of form)

.....
(Name of unopposed or successful candidate)

has been duly elected as member for the ..... Polling District.

..... .....
*Date* *Returning officer*

## Form N
## NOTICE OF ISSUE OF WRIT OF ELECTION

BOTSWANA ELECTIONS

**Copyright Government of Botswana**

ELECTORAL ACT (Cap 02:09)

(*section 34(6)*)

..... Constituency

1. Notice is hereby given that His Excellency the President having issued a writ for the election of a Member for the ..... Constituency, I will on the ..... day of ..... 20 ..... between the hours of ..... and ..... proceed to the nomination of candidates and, if there is no contest, to the election of a Member for the Constituency.

2. Each candidate must be nominated on a separate nomination paper. Forms of nomination may be obtained free of charge during office hours at the office of .....

3. Every nomination must be proposed and seconded and supported by seven other persons and the names of such proposer, seconder and supporters must appear on the election roll of the constituency for which the candidate seeks election.

4. The consent of the candidate to stand for election must be endorsed on the nomination paper.

5. Every candidate must either: (*a*) before his nomination paper is delivered to me deposit or cause to be deposited in any convenient Government revenue office the sum of P500 in cash and at the time of delivery of his nomination paper produce or cause to be produced to me the official receipt for that sum or (*b*) at the time of delivery of his nomination paper deposit or cause to be deposited with me the sum of P500 in cash; and no nomination shall be valid unless such deposit has been made or, in the case of a deposit made at a Government revenue office, the receipt therefor is produced to me.

6. Nomination papers must be delivered to me between the hours of ..... and ..... on the ..... day of ..... 20 ....., at .....

7. If more than one candidate is validly nominated, polls will be taken between the hours of ..... and ..... on the ..... day of ....., 20 .....

..... .....
*Date* *Returning Officer*

.....
*Constituency*

**Form NA**
**NOTICE OF ISSUE OF ELECTION INSTRUMENT**

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

**Copyright Government of Botswana**

*(section 154(7))*

..... Polling District

1. Notice is hereby given that the Minister of Local Government having issued an instrument for the election of a Member for the ..... Polling District, I will on the ..... day of ..... 20..... between the hours of ..... and ..... proceed to the nomination of candidates and, if there is no contest, to the election of a member for the polling district.

2. Each candidate must be nominated on a separate nomination paper. Forms of nomination maybe obtained free of charge during office hours at the office of .....

3. Every nomination must be proposed and seconded and supported by seven other persons and the names of such proposer, seconder and supporters must appear on the election roll of the polling district for which the candidate seeks election.

4. The consent of the candidate to stand for election must be endorsed on the nomination paper.

5. Every candidate must either: (*a*) before his or her nomination paper is delivered to me deposit or cause to be deposited in any convenient Government revenue office the sum of P100 in cash, and must at the time of delivery of his or her nomination paper, produce or cause to be produced to me the official receipt for that sum, or (*b*) at the time of delivery of his nomination paper deposit or cause to be deposited with me the sum of P100 in cash; and no nomination shall be valid unless such deposit has been made or, in the case of a deposit made at a Government revenue office, the receipt therefor is produced to me.

6. Nomination papers must be delivered to me between the hours of ..... and ..... on the ..... day of ..... 20....., at .....

7. If more than one candidate is validly nominated polls will be taken between the hours of ..... and ..... on the ..... day of ....., 20.....

..... .....
*Date* *Returning officer*

.....
*Polling District*

**Form O**
**NOMINATION PAPER**

BOTSWANA ELECTIONS

**Copyright Government of Botswana**

ELECTORAL ACT
(Cap 02:09))

(*section 35(2)*)

We, the undersigned voters enrolled on the existing electoral roll for the ..... constituency/polling district *(6), hereby nominate:
Mr/Mrs/Miss (Full name in block capitals) .....
of (Address) .....
as a candidate for the aforesaid constituency/polling district *(7).

| | Full Names in Block Capitals (Surname First) | Address | Signature/ Mark and name and Signature of Witness | Polling Station at which Registered | Number on the Election Roll | Number of identity card |
|---|---|---|---|---|---|---|
| Proposed by | | | | | | |
| Seconded by | | | | | | |
| Supporters | | | | | | |
| (2) | | | | | | |
| (3) | | | | | | |
| (4) | | | | | | |
| (5) | | | | | | |
| (6) | | | | | | |
| (7) | | | | | | |

Form O
(Reserve)

I, the said.....
(candidate's full name)

do hereby accept the nomination made on this paper and declare that-

**Copyright Government of Botswana**

(*a*) I am registered as a voter under No ..... at the .....

Polling Station in the ..... constituency/polling district *(8).

(*b*) My identity card No. is.....

(*c*) *(9) I possess all the qualifications referred to in section 61 of the Constitution and none of the disqualifications referred to in section 62 of the Constitution.

OR

*(10) I possess all the qualifications referred to in section 15 of the Local Government (District Councils) Act and regulation 15 of the Town Council Regulations, and none of the disqualifications referred to in section 62 of the Constitution.

(*d*) I have not accepted nomination as a candidate (or no longer remain a nominated candidate) in this election in any constituency/polling district *(11) other than that to which this paper relates.

My preference of symbol and voting colour for the purpose of this election is .....

*(12) I support..... in the election to the Office of President.

.....
*Signature of Candidate*

Date.....

Address.....

.....

## Form P
## ACCEPTANCE OF SUPPORT

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 35(2)(f)*)

I, ..... (full name) having been declared to be a candidate for election to the office of President hereby declare that in the Parliamentary election for the ..... Constituency I accept the support of ..... (full name).

Signed .....

**Copyright Government of Botswana**

## Form Q
## OBJECTION TO VOTER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 57(1)*)

I, ..... being

*(13) (*a*) a candidate for election to the ..... constituency/polling district *(14)

*(15) (*b*) a polling agent of the candidate for election to the ..... constituency/polling district *(16);

do hereby declare and undertake to prove that the person applying for/in possession of a ballot paper in the name of ..... who is registered on the existing election roll for the ..... polling station under number .....

*(17) (*a*) is not the person he purports to be;

*(18) (*b*) has voted before at this election;

*(19) (*c*) is disqualified from voting at this election by reason of the fact that .....

.....
*Signature*

Sworn to before me, this ..... day of ..... 20 ..... at .....

.....
*Presiding Officer*

..... Polling Station

## Form R
## DECLARATION BY VOTER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 57(1)*)

**Copyright Government of Botswana**

I, .....
(full name in block capitals)
of ..... (address)
hereby declare that-

(*a*) (i) I am the person whose name appears as ..... under number ..... on the existing election roll for the ..... polling station; and

(ii) I have not voted before at this election; and

(iii) I am not disqualified from voting at this election; and

(*b*) the statement concerning my eligibility to vote in this election made by ..... which has been read out to me, and is understood by me, is false.

.....
*Signature*

Sworn to before me, this ..... day of ..... 20 ..... at .....

.....
*Presiding Officer*

..... Polling Station

## Form S
## DECLARATION OF IDENTITY BY A VOTER

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 62(1)*)

I .....
(full names in block capitals, placing surname first)
hereby declare that I am enrolled as a voter at the ..... polling station.

My present address is .....

My voter's registration card number is ..... and further declare that I have not voted before at this election.

.....
*Signature*

**Copyright Government of Botswana**

Sworn to before me, this ..... day of ..... 20 .....

.....
*Presiding Officer*

.....*Polling Station*

## Form T
## RECORD OF VOTING RESULTS

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 71(5)*)

*(20) CONSTITUENCY:.....

*(21) POLLING DISTRICT:.....

| CANDIDATE/POLITICAL PARTY | NUMBER OF VOTES RECEIVED |
|---|---|
| | |
| | |
| | |
| | |
| | |
| | |
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| | |
| TOTAL OF VOTES RECEIVED | |
| TOTAL OF VOTES REJECTED | |
| TOTAL OF VOTES CAST | |

Form T
(Reverse)

SIGNED BY: ..... .....
RETURNING OFFICER DATE

CANDIDATE/
COUNTING AGENT:

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

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..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

..... for ..... date .....

## Form U
## BALLOT ENVELOPE ACCOUNT

BOTSWANA ELECTIONS

ELECTORAL ACT (Cap 02:09)

(*section 67(5)*)

POLLING STATION: .....

| NUMBER OF BALLOT ENVELOPES ISSUED | *less* NUMBER OF UNUSED BALLOT ENVELOPES | *less* NUMBER OF SPOILT AND CANCELLED BALLOT ENVELOPES | NUMBER OF BALLOT ENVELOPES IN BALLOT BOX |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

VERIFIED BY: ..... .....
PRESIDING OFFICER DATE

CANDIDATE/
POLLING AGENT:

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| | | | | |
|---|---|---|---|---|
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |
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| ..... | for | ..... | date | ..... |
| ..... | for | ..... | date | ..... |

2. For the purposes of this Form, the words "ballot envelope" mean the ballot paper and envelope referred to in section 48(3) of the Act.

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## Endnotes

**1 (Popup - Popup)**

Delete as necessary

**2 (Popup - Popup)**

To be included in writ for general election

**3 (Popup - Popup)**

To be included in writ for by-election

**4 (Popup - Popup)**

To be included in election instrument for general election

**5 (Popup - Popup)**

To be included in election instrument for by-election

**6 (Popup - Popup)**

Delete as necessary.

**7 (Popup - Popup)**

Delete as necessary.

**8 (Popup - Popup)**

Delete as necessary.

**9 (Popup - Popup)**

Delete as necessary.

**10 (Popup - Popup)**

Delete as necessary.

**11 (Popup - Popup)**

Delete as necessary.

**12 (Popup - Popup)**

Delete as necessary.

**13 (Popup - Popup)**

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Delete as necessary.

### 14 (Popup - Popup)

Delete as necessary.

### 15 (Popup - Popup)

Delete as necessary.

### 16 (Popup - Popup)

Delete as necessary.

### 17 (Popup - Popup)

Delete as necessary.

### 18 (Popup - Popup)

Delete as necessary.

### 19 (Popup - Popup)

Delete as necessary.

### 20 (Popup - Popup)

Delete as necessary.

### 21 (Popup - Popup)

Delete as necessary.

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