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Electoral Office Order, 1998

Kings Order in Council 5 of 1998

Legislation as at 1 December 1998

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Electoral Office Order, 1998

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Commenced

[This is the version of this document at 1 December 1998.]

An Order to establish the Electoral Office and to provide for matters incidental thereto.

1. Short title and commencement

This Order may be cited as the Electoral Office Order, 1998 and shall come into force on such date as the Minister may by Notice in the *Gazette*, appoint.

2. Interpretation

In this Order, unless the context otherwise requires—

“**Chief Electoral Officer/Mphatsi-Lukhetfo**” means the person appointed under [section 5](#) as the Chief Electoral Officer/Mphatsi-Lukhetfo;

“**Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo**” means the person appointed under [section 5](#) as the Deputy Electoral Officer/Liphini Mphatsi-Lukhetfo;

“**Minister**” means the Minister responsible for Elections;

“**Office**” means the Office referred to in [section 3](#); and

“**Officer**” means an officer of the Office referred to in [section 8](#).

3. Office of Chief Electoral Officer/Mphatsi-Lukhetfo

- (1) There shall be an Office to be known as the Office of the Chief Electoral Officer/Mphatsi-Lukhetfo which shall consist of the Chief Electoral Officer/Mphatsi-Lukhetfo, the Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo and other officers of the Office.
- (2) The Office shall perform such functions as are conferred upon it under this Order or any other law.
- (3) The Office of Chief Electoral Officer/Mphatsi-Lukhetfo shall be a public office.

4. Functions of the Office

- (1) The functions of the Office are to—
 - (a) supervise and conduct elections of the elected members of the House of Assembly at both primary and secondary level;
 - (b) supervise and conduct elections of Tindvuna teTinkhundla at both primary and secondary level;
 - (c) supervise and conduct elections of Bucopho beTinkhundla;
 - (d) conduct continuous civic education on the electoral process before and after election;

- (e) conduct by-elections of members of Parliament, Tindvuna teTinkhundla and Bucopho in the event of death, imprisonment or other eventuality;
 - (f) prepare and maintain a general register of elections;
 - (g) prepare and distribute such materials and pamphlets on the electoral process;
 - (h) to prepare and submit the report referred to in [section 10](#);
 - (i) generally to administer the provisions of this Order.
- (2) For the purpose of the exercise of the functions under subsection (1), the Chief Electoral Officer/Mphatsi Lukhetfo may give such directions as he considers necessary or expedient to any law regulating the registration of voters or the conduct of elections and any officer to whom directions are given shall comply with those directions.

5. Appointment of Chief Electoral Officer/Mphatsi-Lukhetfo and Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo

- (1) Subject to subsection (2), the King in consultation with the Minister, shall appoint the Chief Electoral Officer/Mphatsi-Lukhetfo and Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo for a period not exceeding five (5) years and on such other terms and conditions as the King may determine.
- (2) A person shall qualify for appointment as Chief Electoral Officer/Mphatsi-Lukhetfo or Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo in terms of subsection (1) if he—
- (a) is a citizen of Swaziland;
 - (b) has not been declared insolvent or declared bankrupt under any law in force in any country and has not been discharged or has made a composition with his creditors and has not made them in full;
 - (c) has not been convicted of any offence involving dishonesty in any country;
 - (d) is not certified as insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Swaziland.
- (3) The Chief Electoral Officer/Mphatsi-Lukhetfo and Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo shall be eligible for re-appointment after the expiration of their respective terms of office.
- (4) The Chief Electoral Officer/Mphatsi-Lukhetfo shall be responsible for the administration of the Office subject to any specific or general direction of the King.
- (5) In the performance of their functions and the carrying out of their duties, the Chief Electoral Officer/Mphatsi-Lukhetfo and Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo shall be independent and shall not be subject to the control of any with regard to the process of election.

6. Removal from office of Chief Electoral Officer/Mphatsi-Lukhetfo or Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo

The King may, in consultation with the Minister, remove the Chief Electoral Officer/Mphatsi-Lukhetfo or Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo from office for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour.

7. Acting Chief Electoral Officer/Mphatsi-Lukhetfo

- (1) If the Office of Chief Electoral Officer/Mphatsi-Lukhetfo is vacant or the Chief Electoral Officer/Mphatsi-Lukhetfo is absent from duty or unable for any other reason to perform the functions of his office, the Deputy Chief Electoral Officer/Deputy Mphatsi-Lukhetfo shall act as Chief Electoral Officer/Mphatsi-Lukhetfo.

- (2) If both Chief Electoral Officer/Mphatsi-Lukhetfo and Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo are absent from duty or unable for any other reason to perform the functions of their office, the King shall, subject to [section 5](#), appoint another person to act as Chief Electoral Officer/Mphatsi-Lukhetfo.

8. Officers of the office

The Civil Service Board may on the advice of the Chief Electoral Officer/Mphatsi-Lukhetfo, cause to be seconded or transferred from the public service to the Office such officers as he may deem necessary for the efficient discharge of the functions of the Office.

9. Applicability of laws governing the public service

Except as otherwise provided in this Order, the Chief Electoral Officer/Mphatsi-Lukhetfo, Deputy Chief Electoral Officer/Liphini Mphatsi-Lukhetfo, secondment or transfer of support staff and other officers of the Office shall be subject to such laws and regulations as are generally applicable to officers in the public service.

10. Submission of report

- (1) The Chief Electoral Officer/Mphatsi-Lukhetfo shall, on completion of any election of elected Members of the House of Assembly under this Order, submit to the King and to the Minister, a report on the activities of the Office during that election period.
- (2) The Minister shall, not later than three months after the House of Assembly first meets in terms of the Standing Order, cause the report referred to in subsection (1) to be laid before Parliament and if Parliament is not sitting, within fourteen days of the next sitting of Parliament.

11. Regulations

The Minister may make regulations in respect of any matter necessary to be prescribed to give effect to this Order.