# ELECTORAL ACT

## 73 OF 1998

# ELECTORAL COMMISSION ACT

## 51 OF 1996

# & REGULATIONS

**Reflecting the law as at 8 March 2019**

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# KEY ADDRESSES

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# PART A

# ELECTORAL ACT
# 73 OF 1998

# ELECTORAL ACT 73 OF 1998

[ASSENTED TO 12 OCTOBER 1998]
[DATE OF COMMENCEMENT: 16 OCTOBER 1998]
(Unless otherwise indicated)

*(English text signed by the President)*

**published in**

*GG* 19351 of 14 October 1998

**commencements**
(see s. 118 of this Act)

| provisions | date | refer to |
|---|---|---|
| whole Act, except s. 3 *(c)* | 16 October 1998 | Proc R104 in *GG* 19375 of 16 October 1998 |
| s. 3 *(c)* | to be proclaimed* | |

**as amended**

| by | with effect from | refer to |
|---|---|---|
| Local Government: Municipal Electoral Act 27 of 2000 | 11 July 2000 | s. 96 of Act 27 of 2000 |
| Electoral Laws Amendment Act 34 of 2003 | 17 December 2003 | s. 32 of Act 34 of 2003; Proc R70 in *GG* 25672 of 3 November 2003; Proc R78 in *GG* 25860 of 17 December 2003 |
| Electoral Laws Second Amendment Act 40 of 2003 | 31 December 2003 | s. 3 of Act 40 of 2003; Proc R80 in *GG* 25884 of 29 December 2003 |

* S. 3 was substituted by s. 1 of Act 34 of 2003 (wef 17 December 2003)

| by | with effect from | refer to |
|---|---|---|
| General Laws (Loss of Membership of National Assembly, Provincial Legislature or Municipal Council) Amendment Act 55 of 2008 | 17 April 2009 | s. 22 of Act 55 of 2008; Proc R23 in *GG* 32130 of 16 April 2009 |
| Electoral Amendment Act 18 of 2013 | 26 November 2013 | s. 11 of Act 18 of 2013 |
| Electoral Laws Amendment Act 1 of 2019 | 6 March 2019 | s. 23 of Act 1 of 2019; Proc 11 in *GG* 42289 of 6 March 2019 |

## ACT

**To regulate elections of the National Assembly, the provincial legislatures and municipal councils; and to provide for related matters.**

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

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**CHAPTER 1**
**INTERPRETATION, APPLICATION AND ADMINISTRATION OF ACT (ss 1–4)**

## 1 Definitions

In this Act, unless the context otherwise indicates—

**'agent'** means a person appointed in terms of section 58;

**'chief electoral officer'** means the person appointed in terms of section 12 (1) of the Electoral Commission Act and includes any person designated to act in that capacity in terms of section 12 (3) of that Act;

**'Code'** means a Code issued by the Commission under section 99, and includes the Electoral Code of Conduct;

**'Commission'** means the Electoral Commission, established by section 3 of the Electoral Commission Act;

**'counter'** means a person appointed in terms of section 78;

**'counting officer'** means a person appointed in terms of section 76;

**'election'** means—

*(a)* an election of the National Assembly;

*(b)* an election of a provincial legislature; or

*(c)* an election of a municipal council or a by-election for a municipal council;

**'election timetable'** means a timetable for an election published by the Commission in terms of section 20;

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**'Electoral Code of Conduct'** means the Code contained in Schedule 2;

**'Electoral Commission Act'** means the Electoral Commission Act, 1996 (Act 51 of 1996);

**'Electoral Court'** means the Court established by section 18 of the Electoral Commission Act;

**'identity document'** means an identity card issued in terms of the Identification Act, 1997 (Act 68 of 1997);

[Definition of 'identity document' substituted by s. 1 *(a)* of Act 18 of 2013 (wef 26 November 2013).]

**'list of candidates'** means the list of candidates referred to in section 27;

**'municipal council'** means a municipal council referred to in Chapter 7 of the Constitution;

**'officer'** means—

*(a)* a presiding officer;

*(b)* a voting officer;

*(c)* a counting officer;

*(d)* a counter; or

any natural person appointed in terms of section 80;

**'party liaison committee'** means a committee established in terms of the Regulations on Party Liaison Committees published in terms of the Electoral Commission Act;

**'political office'**, in relation to a registered party, means any office in the party to which a representative of the party is elected or nominated, whether involving remuneration or not, or any other paid office in the party to which a person is appointed;

**'prescribe'** means prescribe by regulation in terms of section 100 and 'prescribed' has a corresponding meaning;

**'prescribed manner'** includes any prescribed requirement as to time, process or form;

**'presiding officer'** means a person appointed in terms of section 72;

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'**registered party**' means a party registered in terms of section 15 of the Electoral Commission Act;

'**security services**' means the services as defined in section 199 of the Constitution;

'**serve**' means to send by registered post, telegram, telex or telefax or to deliver by hand;

'**South African passport**' means a passport issued in terms of the South African Passports and Travel Documents Act, 1994 (Act 4 of 1994);

[Definition of 'South African passport' inserted by s. 1 *(b)* of Act 18 of 2013 (wef 26 November 2013).]

'**this Act**' includes any regulations made in terms of section 100;

'**voter**' means a South African citizen—

*(a)* who is 18 years old or older; and

*(b)* whose name appears on the voters' roll;

'**voters' roll**' means the national common voters' roll compiled in terms of section 5;

'**voting district**' means a voting district established in terms of section 60;

'**voting officer**' means a person appointed in terms of section 74;

'**voting station**' means any voting station established in terms of section 64.

## 2 Interpretation of this Act

Every person interpreting or applying this Act must—

*(a)* do so in a manner that gives effect to the constitutional declarations, guarantees and responsibilities contained in the Constitution; and

*(b)* take into account any appropriate Code.

## 3 Application of Act

(1) This Act applies to every election of the National Assembly and of a provincial legislature.

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(2) This Act applies to an election of a municipal council or a by-election for such council only to the extent stated in the Local Government: Municipal Electoral Act, 2000 (Act 27 of 2000).

[S. 3 substituted by s. 1 of Act 34 of 2003 (wef 17 December 2003).]

## 4 Administration of this Act

The Commission must administer this Act.

## CHAPTER 2
## REGISTRATION OF VOTERS, AND VOTERS' ROLL
## (ss 5–16)

## 5 National common voters' roll

The chief electoral officer must compile and maintain a national common voters' roll.

## 6 Persons who may apply for registration as voter

(1) Any South African citizen in possession of an identity document may apply for registration as a voter: Provided that where that citizen is ordinarily resident outside the Republic, he or she must in addition to the identity document produce a valid South African passport.

[Sub-s. (1) substituted by s. 2 of Act 18 of 2013 (wef 26 November 2013).]

(1A) A person of 16 years or older may apply for registration but, if the application is successful, the applicant's name may only be placed on the voters' roll once the applicant reaches the age of 18 years.

[Sub-s. (1A) inserted by s. 2 of Act 34 of 2003 (wef 17 December 2003).]

(2) For the purposes of the general registration of voters contemplated in section 14, an identity document includes a temporary certificate in a form which corresponds materially with a form prescribed by the Minister of Home Affairs by notice in the *Government Gazette* and issued by the Director-General of Home

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Affairs to a South African citizen from particulars contained in the population register and who has applied for an identity document.

## 7 Applications for registration as voter

(1) A person applying for registration as a voter must do so in the prescribed manner.

[Sub-s. (1) substituted by s. 3 of Act 34 of 2003 (wef 17 December 2003), by s. 3 *(a)* of Act 18 of 2013 (wef 26 November 2013) and by s. 6 of Act 1 of 2019 (wef 6 March 2019).]

(2) . . .

[Sub-s. (2) substituted by s. 3 of Act 34 of 2003 (wef 17 December 2003) and deleted by s. 3 *(b)* of Act 18 of 2013 (wef 26 November 2013).]

(3) *(a)* A person is regarded to be ordinarily resident at the home or place where that person normally lives and to which that person regularly returns after any period of temporary absence.

*(b)* For the purpose of registration on the voters' roll a person is not regarded to be ordinarily resident at a place where that person is lawfully imprisoned or detained, but at the last home or place where that person normally lived when not imprisoned or detained.

[Sub-s. (3) added by s. 93 of Act 27 of 2000 (wef 11 July 2000).]

## 8 Registration

(1) If satisfied that a person's application for registration complies with this Act, and that the person is a South African citizen and is at least 18 years of age, the chief electoral officer must register that person as a voter by making the requisite entries in the voters' roll.

(2) The chief electoral officer may not register a person as a voter if that person—

*(a)* has applied for registration fraudulently or otherwise than in the prescribed manner;

*(b)* . . .

[Para. *(b)* omitted by s. 4 of Act 34 of 2003 (wef 17 December 2003).]

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*(c)* has been declared by the High Court to be of unsound mind or mentally disordered;

*(d)* is detained under the Mental Health Care Act, 2002 (Act 17 of 2002);

[Para. *(d)* substituted by s. 4 *(a)* of Act 18 of 2013 (wef 26 November 2013).]

*(e)* . . .

[Para. *(e)* omitted by s. 4 of Act 34 of 2003 (wef 17 December 2003).]

*(f)* . . .

[Para. *(f)* deleted by s. 4 *(b)* of Act 18 of 2013 (wef 26 November 2013).]

(3) A person's name must be entered in the voters' roll only for a voting district within the ward in which that person is ordinarily resident: Provided that where that person is ordinarily resident outside the Republic, his or her name must be entered in a segment of the voters' roll created for that purpose.

[Sub-s. (3) substituted by s. 4 *(c)* of Act 18 of 2013 (wef 26 November 2013) and by s. 7 of Act 1 of 2019 (wef 6 March 2019).]

[S. 8 substituted by s. 4 of Act 34 of 2003 (wef 17 December 2003).]

## 9 Applications to change registration details

(1) A registered voter or person who has applied for registration as a voter and whose name or ordinary place of residence has changed, must apply in the prescribed manner to have that change recorded in the voters' roll or in that person's application.

(2) No one need to apply when a change of name results from a change in marital status.

(3) If satisfied that a person's application complies with this Act, the chief electoral officer must record the change in the voters' roll or application.

## 10 Applications for deregistration as voter

(1) A registered voter may apply for deregistration as a voter in the prescribed manner.

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(2) On receipt of an application for deregistration as a voter, the chief electoral officer must remove the applicant's name from the voters' roll.

## 11 Amendments to voters' roll by chief electoral officer

(1) The chief electoral officer must—

*(a)* change the registration details of a voter, if the chief electoral officer is satisfied that the details of that voter as reflected in the voters' roll are incorrect or have changed; or

*(b)* deregister a voter, if the chief electoral officer is satisfied that that voter does not qualify or no longer qualifies for registration.

(2) The chief electoral officer must record in the voters' roll or in a person's application any change in voting district for which a person is registered as a voter or has applied for registration, if that person's place of ordinary residence after a change in the boundaries of that voting district falls in another ward.

[Sub-s. (2) substituted by s. 8 of Act 1 of 2019 (wef 6 March 2019).]

## 12 Notification by chief electoral officer

(1) The chief electoral officer must notify, in the prescribed manner, a person—

*(a)* whose application in terms of section 7 for registration as a voter has been refused;

*(b)* whose application in terms of section 9 to have a change of name or ordinary place of residence recorded, has been refused;

*(c)* who has been deregistered as a voter in terms of section 11; or

*(d)* whose registration details have been changed in terms of section 11.

(2) The notification must give reasons for the refusal or step concerned.

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## 13 Appeal against decisions and steps of chief electoral officer

(1) A person mentioned in section 12 (1) who feels aggrieved by a decision or step taken by the chief electoral officer in terms of section 8, 9 or 11, may appeal to the Commission against that decision or step in the prescribed manner.

(2) The Commission, in the prescribed manner, must consider and decide the appeal and notify the appellant and chief electoral officer of the decision.

(3) No appeal may be brought against the decision of the Commission, subject to section 20 (2) *(a)* of the Electoral Commission Act.

## 14 General registration of voters

(1) The Commission must, for the compilation of the voters' roll contemplated in section 5, conduct a general registration of voters.

(2) The Commission may prescribe cut-off dates in respect of the general registration of voters and the compilation of the voters' roll, including the date by which—

*(a)* any person who wants to be included in the voters' roll must have applied for registration as a voter in terms of section 7 or for the change of registration details in terms of section 9;

*(b)* the chief electoral officer must notify a person in terms of section 12;

*(c)* an appellant must note an appeal in terms of section 13;

*(d)* the Commission must consider and decide the appeal and notify the appellant and the chief electoral officer of the decision;

*(e)* the chief electoral officer must give notice of the periods during which and the venues where a provisionally compiled voters' roll will be available for inspection;

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*(f)* any objections in terms of section 15 in respect of a provisionally compiled voters' roll must be made;

*(g)* the Commission must decide an objection made in terms of section 15 and notify the objector and the chief electoral officer and a person other than the objector whose name or registration details are involved; and

*(h)* the chief electoral officer must complete the compilation of the voters' roll and publish it.

## 15 Objections to voters' roll

(1) In relation to any segment of the voters' roll or a provisionally compiled voters' roll, any person may object to the Commission in the prescribed manner to—

*(a)* the exclusion of any person's name from that segment;

*(b)* the inclusion of any person's name in that segment; or

*(c)* the correctness of any person's registration details in that segment.

(2) A person who objects to the exclusion or inclusion of the name of another person, or to the correctness of that person's registration details, must serve notice of the objection on that person.

(3) The Commission must decide an objection and, except for an objection in relation to a provisionally compiled voters' roll, by not later than 14 days after the objection was made, notify the following persons of the decision:

*(a)* The person who made the objection;

*(b)* the chief electoral officer; and

*(c)* in the case of an objection against the exclusion or inclusion of the name, or the correctness of the registration details, of a person other than the objector, that other person.

(4) The chief electoral officer must give effect to a decision of the Commission in terms of subsection (3) within three days.

(5) No appeal may be brought against the Commission's decision, subject to section 20 (2) *(a)* of the Electoral Commission Act.

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## 16 Publication and copies of voters' roll

(1) A copy of the voters' roll as it exists at any time must be available for inspection during office hours at the Commission's head office, and the provincial and municipal segments of the voters' roll must be available for inspection at the times and venues mentioned in a notice published by the chief electoral officer in the *Government Gazette*.

(2) The chief electoral officer must provide a certified copy of, or extract from, a segment of the voters' roll as it exists at that time, to any person who has paid the prescribed fee.

(3) Notwithstanding subsection (2), the chief electoral officer must, on payment of the prescribed fee, provide copies of the voters' roll, or a segment thereof, which includes the addresses of voters, where such addresses are available, to all registered political parties contesting the elections.

[Sub-s. (3) added by s. 5 of Act 34 of 2003 (wef 17 December 2003).]

(4) The voters' roll with addresses referred to in subsection (3) may only be used by political parties for election purposes and anyone using such voters' roll for other purposes is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment.

[Sub-s. (4) added by s. 5 of Act 34 of 2003 (wef 17 December 2003).]

# CHAPTER 3
# PROCLAMATION OF AND PREPARATIONS FOR ELECTIONS (ss 17–34)

*Part 1*

*Proclamation of elections* (ss 17–23)

## 17 Proclamation of elections of National Assembly

(1) Whenever the President or Acting President calls an election of the National Assembly the proclamation concerned must set a single day and date for voting.

(2) The voting day must be determined after consultation with the Commission.

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## 18 Proclamation of elections of provincial legislatures

(1) Whenever the President or the Premier or Acting Premier of a province calls an election of the provincial legislature the proclamation concerned must set a single day and date for voting.

(2) The voting day must be determined after consultation with the Commission.

## 19 . . .

[S. 19 repealed by s. 6 of Act 34 of 2003 (wef 17 December 2003).]

## 20 Election timetables

(1) The Commission must after consultation with the party national liaison committee—

*(a)* compile an election timetable for each election substantially in accordance with Schedule 1; and

*(b)* publish the election timetable in the *Government Gazette*.

(1A) The election timetable may include any other matter authorised in terms of this Act.

[Sub-s. (1A) inserted by s. 9 of Act 1 of 2019 (wef 6 March 2019).]

(2) The Commission may amend the election timetable by notice in the *Government Gazette*—

*(a)* if it considers it necessary for a free and fair election; or

*(b)* if the voting day is postponed in terms of section 21.

## 21 General postponement of elections

(1) The Commission may request the person who called an election to postpone the voting day for that election, provided the Commission is satisfied that—

*(a)* the postponement is necessary for ensuring a free and fair election; and

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*(b)* the voting day for the election will still fall within the period as required by the Constitution or national or provincial legislation thereunder.

(2) If the person to whom the request is made accedes to the request, that person, by proclamation or notice in the *Government Gazette*, must postpone the voting day for the election to a day determined by that person, but that day must fall within the period referred to in subsection (1) *(b)*.

## 22 Postponement of voting at voting station

(1) If it is not reasonably possible to conduct a free and fair election at a voting station on the proclaimed voting day, the Commission may at any time before the voting at a voting station has commenced, postpone voting at that voting station.

(2) A postponement in terms of subsection (1) must be—

*(a)* effected in the prescribed manner;

*(b)* to a day that would still fall within the period referred to in section 21 (1) *(b)*; and

*(c)* publicised in the media considered appropriate so as to ensure wide publicity of the postponement of the voting day at that voting station.

## 23 Revote at voting station

(1) If ballot papers used in an election at a voting station are lost, destroyed or unlawfully removed before the votes cast at the voting station have been counted or the provisional result for that voting station has been determined and announced, the Commission may allow a revote at that voting station.

(2) A revote at a voting station must be—

*(a)* conducted on a date that would still fall within the period referred to in section 21 (1) *(b)*;

*(b)* publicised in the media considered appropriate so as to ensure wide publicity of the date determined for the revote; and

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*(c)* conducted in accordance with a procedure prescribed by the Commission which is consistent with the principles provided for in Chapter 4.

*Part 2*

*Voters' roll* (ss 24–25)

## 24 Voters' roll for election

(1) The voters' roll, or the segments of the voters' roll that must be used for an election, are those certified by the chief electoral officer in terms of subsection (2).

[Sub-s. (1) substituted by s. 10 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

(1A) Except where this Act otherwise permits, only a voter who applied for registration prior to the proclamation of an election date may vote in the election concerned.

[Sub-s. (1A) inserted by s. 10 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

(2) By not later than the relevant date stated in the election time table, the chief electoral officer must certify the voters' roll or the segments of the voters' roll to be used in that election and publish it by making it available for inspection at the following venues:

*(a)* At the Commission's head office, the segments for all voting districts in which the election will take place;

*(b)* in each province, at the office of the Commission's provincial representative, the segments for all voting districts in the province in which the election will take place; and

*(c)* at the office of each municipality, the segments for all voting districts in that municipality in which the election will take place.

## 24A Voting in voting district where not registered

(1) A person whose name does not appear on the certified segment of the voters' roll for a voting district and who applied for registration as a voter before the date the election was proclaimed may submit to the presiding officer of the voting station for that voting district—

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*(a)* his or her identity document;

*(b)* a sworn or solemnly affirmed statement in the prescribed form containing—

(i) his or her full name, identity number and date of birth;

(ii) his or her finger print;

(iii) the address where he or she ordinarily resides;

(iv) a declaration that he or she applied for registration as a voter before the date of publication of the proclamation proclaiming the election;

(v) a request that his or her name should be included in the certified segment of the voters' roll for that voting district for the purposes of the election for the National Assembly and also for the purposes of the election for the provincial legislature if he or she had so applied for registration in the province in which that voting district is situated; and

(vi) a declaration that he or she is a South African citizen, is 18 years of age or older and is not disqualified from voting in the election in question; and

*(c)* proof that he or she applied for registration as a voter before the date of publication of the proclamation.

(2) If the presiding officer is satisfied that the contents of the statement are correct—

*(a)* the presiding officer must make an endorsement to that effect on the statement; and

*(b)* the person making the request contemplated in subsection (1)*(b)*(v) must be regarded as having been registered as a voter on the certified segment of the voters' roll for the voting district requested for the purposes of the election for the National Assembly and also for the purposes of the election for the provincial legislature if that person had applied for registration in the province where that voting station is situated.

[S. 24A inserted by s. 7 of Act 34 of 2003 (wef 17 December 2003).]

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## 24B Prisoners

(1) In an election for the National Assembly or a provincial legislature, a person who on election day is in prison and whose name appears on the voters' roll for another voting district, is deemed for that election day to have been registered by his or her name having been entered on the voters' roll for the voting district in which he or she is in prison.

[Sub-s. (1) substituted by s. 5 *(a)* of Act 18 of 2013 (wef 26 November 2013).]

(2) . . .

[Sub-s. (2) deleted by s. 5 *(b)* of Act 18 of 2013 (wef 26 November 2013).]

[S. 24B inserted by s. 7 of Act 34 of 2003 (wef 17 December 2003).]

## 25 Voters' roll for first elections of National Assembly and provincial legislatures

(1) Section 24 does not apply in respect of the first election of the National Assembly and the first election of a provincial legislature referred to in items 6 (3) *(a)* and 11 (1) *(a)* of Schedule 6 to the Constitution, respectively.

(2) The voters' roll that must be used for the elections referred to in subsection (1) is the voters' roll compiled by the chief electoral officer in terms of section 5 and published by that officer by the date referred to in section 14 (2) *(h)*.

*Part 3*

*Parties contesting election, and lists of candidates* (ss 26–31)

## 26 Requirements for parties to contest election

A party may contest an election only if that party—

*(a)* is a registered party; and

*(b)* has submitted a list of candidates in terms of section 27.

## 27 Submission of lists of candidates

(1) A registered party intending to contest an election must nominate candidates and submit a list or lists of those candidates

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for that election to the chief electoral officer in the prescribed manner by not later than the relevant date stated in the election timetable.

(2) The list or lists must be accompanied by a prescribed—

*(a)* undertaking, signed by the duly authorised representative of the party, binding the party, persons holding political office in the party, and its representatives and members, to the Code;

*(b)* declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution;

*(c)* acceptance of nomination, signed by each candidate;

*(d)* undertaking signed by each candidate, that that candidate will be bound by the Code; and

*(e)* deposit.

(3)*(a)* The Commission may prescribe the amount to be deposited in terms of subsection (2)*(e)*.

*(b)* The amount to be deposited by a registered party contesting an election of a provincial legislature, must be less than the amount for contesting an election of the National Assembly.

## 28 Non-compliance concerning submission of lists of candidates

(1) If a registered party that has submitted a list of candidates has not fully complied with section 27(2)*(a)*, *(b)*, *(c)* or *(d)*, the chief electoral officer must notify that party of its non-compliance.

(2) The notification must be given in the prescribed manner by not later than the relevant date stated in the election timetable, and must indicate that the party has an opportunity to comply with section 27(2)*(a)*, *(b)*, *(c)* or *(d)* by not later than the relevant date stated in the election timetable.

(3) If a candidate has been nominated by more than one party for an election—

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*(a)* the chief electoral officer must, where possible, in writing, notify the candidate and such parties who have nominated such a candidate about such state of affairs by no later than the relevant date and time stated in the election timetable; and

*(b)* each of the parties to whom notice has been given in terms of paragraph *(a)* may, by not later than the relevant date and time stated in the election timetable, substitute such a candidate.

[S. 28 substituted by s. 11 of Act 1 of 2019 (wef 6 March 2019).]

## 29 Inspection of copies of lists of candidates and accompanying documents

(1) By not later than the relevant date stated in the election timetable, the chief electoral officer must give notice that copies of the lists of candidates and accompanying documents submitted by registered parties in terms of section 27, as amended and supplemented in terms of section 28, will be available for inspection.

(2) The notice must be—

*(a)* published in the *Government Gazette*; and

*(b)* publicised in the media considered appropriate by the chief electoral officer so as to ensure wide publicity of the lists.

(3) The notice must state, and the chief electoral officer must ensure, that for the relevant period stated in the election timetable—

*(a)* copies of the lists for—

(i) an election of the National Assembly, will be available for inspection at the Commission's head office, a place in each province designated in the notice and the office of each municipality in the country; and

(ii) an election of a provincial legislature, will be available for inspection at the Commission's head office, a place in the province designated in the

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notice and the office of each municipality in that province; and

*(b)* copies of the documents accompanying the lists are available for inspection at the Commission's head office.

(4) Any person may inspect a copy of a list of candidates and accompanying documents referred to in subsection (1).

(5) The chief electoral officer must provide a certified copy of, or extract from, a list of candidates or document referred to in subsection (1), to any person who has paid the prescribed fee.

## 30 Objections to lists of candidates

(1) Any person, including the chief electoral officer, may object to the nomination of a candidate on the following grounds:

*(a)* The candidate is not qualified to stand in the election;

*(b)* there is no prescribed acceptance of nomination signed by the candidate; or

*(c)* there is no prescribed undertaking, signed by the candidate, that the candidate is bound by the Code.

(2) The objection must be made to the Commission in the prescribed manner by not later than the relevant date stated in the election timetable, and must be served on the registered party that nominated the candidate.

(3) The Commission must decide the objection, and must notify the objector and the registered party that nominated the candidate of the decision in the prescribed manner by not later than the relevant date stated in the election timetable.

(4) The objector, or the registered party who nominated the candidate, may appeal against the decision of the Commission to the Electoral Court in the prescribed manner and by not later than the relevant date stated in the election timetable.

(5) The Electoral Court must consider and decide the appeal and notify the parties to the appeal and the chief electoral officer of the decision in the prescribed manner and by not later than the relevant date stated in the election timetable.

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(6) If the Commission or the Electoral Court decides that a candidate's nomination does not comply with section 27, the Commission or the Electoral Court may allow the registered party an opportunity to comply with that section, including an opportunity to substitute a candidate and to re-order the names on the list as a result of that substitution.

## 31 List of parties entitled to contest election and final lists of candidates

(1) By not later than the relevant date stated in the election timetable, the chief electoral officer must—

*(a)* give effect to a decision of the Commission in terms of section 30 (3) and to a decision of the Electoral Court in terms of section 30 (5); and

*(b)* compile a list of the registered parties entitled to contest the election concerned and have the final list of candidates for each of those parties available.

(2) The chief electoral officer must provide a certified copy of, or extract from, a list mentioned in subsection (1) *(b)* to any person who has paid the prescribed fee.

(3) By not later than the relevant date stated in the election timetable, the chief electoral officer must issue to each candidate on a final list of candidates for an election, a certificate stating that the person is a candidate in that election.

*Part 4*

## 32 . . .

[S. 32 repealed by s. 8 of Act 34 of 2003 (wef 17 December 2003).]

*Part 5*

*Special votes and declaration votes* (ss 33–34)

## 33 Special votes in election for National Assembly

(1) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election

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day, if, on election day, that person cannot vote at a voting station in a voting district in which he or she is registered as a voter, due to his or her—

*(a)* physical infirmity or disability, or pregnancy;

*(b)* absence from that voting district while serving as an officer in the election; or

*(c)* being on duty as a member of the security services in connection with the election.

(2) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her intended absence from that voting district.

(3) In an election for the National Assembly, the Commission must allow a person, who is outside the Republic, to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons who are in the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic.

(4) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons ordinarily resident at a place outside the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote.

(5) For the purposes of Schedule 1A, votes cast in accordance with subsections (3) and (4) shall be counted as votes cast nationally.

(6) The Commission must prescribe—

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*(a)* the procedures for applying for special votes in an election for the National Assembly; and

*(b)* the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.

[S. 33 amended by s. 9 of Act 34 of 2003 (wef 17 December 2003) and by s. 2 of Act 40 of 2003 (wef 31 December 2003) and substituted by s. 6 of Act 18 of 2013 (wef 26 November 2013).]

## 33A Special votes in election for provincial legislatures

(1) In an election for a provincial legislature, the Commission must allow a person to apply for and cast a special vote, prior to election day, if that person cannot vote at a voting station in the voting district in which he or she is registered, due to his or her—

*(a)* physical infirmity or disability, or pregnancy;

*(b)* absence from that voting district while serving as an officer in the election; or

*(c)* being on duty as a member of the security services in connection with the election.

(2) In an election for a provincial legislature, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered, if that person cannot vote in that voting district on election day, due to his or her intended absence from that voting district on election day.

(3) The Commission must prescribe—

*(a)* the procedure for applying for special votes in an election for a provincial legislature; and

*(b)* the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.

[S. 33A inserted by s. 7 of Act 18 of 2013 (wef 26 November 2013).]

## 34 . . .

[S. 34 repealed by s. 8 of Act 18 of 2013 (wef 26 November 2013).]

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## CHAPTER 4
## ELECTIONS (SS 35–57A)

*Part 1*
*Voting* (ss 35–45)

### 35 Officers at voting stations

On voting day each voting station must be staffed by—

*(a)* the presiding officer appointed for that voting station, who may exercise the powers and must perform the duties assigned to a presiding officer by or under this Act; and

*(b)* the voting officers appointed for that voting station, who may exercise the powers and must perform the duties assigned to a voting officer by or under this Act.

### 36 Hours of voting

(1) Unless the Commission determines other voting hours for an election in general or for a particular voting station, a voting station must—

*(a)* open for voting at 07:00; and

*(b)* remain open for voting until 21:00, at which time it must close for voting.

(2) If the Commission determines other voting hours for an election in general or for a particular voting station, the chief electoral officer must widely publicise the determined voting hours.

(3) No person may be admitted to a voting station for the purpose of voting, before the voting station has opened for voting or after the voting station has closed for voting.

(4) and (5) . . .

(6) Voting at a voting station must continue until every voter has voted who—

*(a)* is entitled to vote at that voting station; and

*(b)* has reported for voting at that voting station before the closing time.

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(7) To ensure free and fair elections, the Commission may, on the voting day—

*(a)* extend voting hours at a voting station until as late as midnight on that voting day; or

*(b)* temporarily close a voting station for part of a voting day if it is temporarily impossible to conduct a free and fair election at that voting station.

[S. 36 substituted by s. 10 of Act 34 of 2003 (wef 17 December 2003).]

## 37 Initial procedures

Immediately before opening a voting station for voting, the presiding officer must—

*(a)* show all agents present that each ballot box to be used at that voting station is empty; and

*(b)* in the presence of those agents close and secure the ballot boxes in the prescribed manner.

## 38 Voting procedure

(1) A voter may only vote once in an election, and may vote only at the voting station in the voting district for which that voter is registered.

(2) A voter is entitled to vote at a voting station—

*(a)* on production of that voter's identity document to the presiding officer or a voting officer at the voting station; and

*(b)* if that voter's name is in the certified segment of the voters' roll for the voting district concerned.

(3) When a voter produces an identity document to a presiding officer or voting officer as required by subsection (2) *(a)*, the presiding officer or voting officer must examine the identity document and determine whether—

*(a)* the voter is the person described in that identity document;

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*(b)* the voter's name is in the certified segment of the voters' roll for the voting district concerned; and

*(c)* that voter has not already voted in the election.

(4) For the purposes of subsection (3) *(a)*, the presiding officer or voting officer may require that the voter's fingerprints be taken.

(5) If the presiding officer or voting officer is satisfied in respect of all the matters mentioned in subsection (3), that officer must—

*(a)* record that the voter is regarded to have voted in the election;

*(a*A*)* . . .

[Para. *(a*A*)* inserted by s. 11 of Act 34 of 2003 (wef 17 December 2003) and deleted by s. 12 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

*(b)* mark the hand of the voter in the prescribed manner;

*(c)* mark the back of a ballot paper for that election; and

*(d)* hand the ballot paper to the voter.

(6) Once the voter has received a ballot paper marked in terms of subsection (5) *(a)*, the voter must—

*(a)* enter an empty voting compartment;

*(b)* mark the ballot paper in a way that indicates the registered party or candidate the voter wishes to vote for;

*(c)* fold the ballot paper to conceal the voter's vote;

*(d)* take the ballot paper to a ballot box for the election and show it to the presiding officer or a voting officer in a way that that officer can see the mark made in terms of subsection (5) *(a)*;

*(e)* place the ballot paper in the ballot box; and

*(f)* without delay leave the voting station.

(7) The voting compartment must comply with the provisions of section 70.

(8) The Commission may prescribe a different voting procedure for those voters whose names appear on the voters' roll, without addresses: Provided that if such voter does not comply with the

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prescribed procedure he or she may not vote in the provincial elections, but only in the national elections.

[Sub-s. (8) added by s. 12 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

## 39 Assistance to certain voters

(1) The presiding officer or a voting officer, at the request of a voter who is unable to read, must assist that voter in voting in the presence of—

*(a)* a person appointed in terms of section 85 by an accredited observer, if available; and

*(b)* two agents from different parties, if available.

(2) A person may assist a voter in voting if—

*(a)* the voter requires assistance due to a physical disability, including blindness or other visual impairment;

*(b)* the voter has requested to be assisted by that person; and

*(c)* the presiding officer is satisfied that the person rendering assistance has attained the age of 18 years and is not an agent or a candidate.

(3) The secrecy of voting contemplated in section 38 must be preserved as far as possible in the application of this section.

[S. 39 substituted by s. 12 of Act 34 of 2003 (wef 17 December 2003).]

## 40 Issue of new ballot papers

(1) If a voter—

*(a)* marks a ballot paper in a way that does not indicate for whom the voter wishes to vote; or

*(b)* after having marked the ballot paper, changes his or her mind as to how he or she wishes to vote, and the ballot paper has not yet been placed in the ballot box, the voter may return that ballot paper to the presiding officer or a voting officer.

[Sub-s. (1) substituted by s. 13 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

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(2) Upon receiving a ballot paper from a voter in terms of subsection (1), the presiding officer or a voting officer must mark 'cancelled' on the back of the ballot paper and file it separately to be dealt with in accordance with section 43.

(3) The presiding officer or voting officer must then hand a new ballot paper to the voter.

[Sub-s. (3) added by s. 13 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

(4) The Commission must prescribe the number of times a new ballot paper may be issued in terms of subsection (3), with due regard to section 19 of the Constitution.

[Sub-s. (4) added by s. 13 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

## 41 Objections concerning voting

(1) Subject to subsection (1A), at any time before a voter has been handed a ballot paper, an agent may object to that voter being entitled to vote or to vote at the voting station concerned.

[Sub-s. (1) substituted by s. 14 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

(1A) Where a voter's name appears on the relevant segment of the voters' roll concerned, an objection to that voter in terms of subsection (1) may only be made where—

*(a)* it is based on the contention that the voter was included on the relevant segment of the voters' roll due to fraud; or

*(b)* exceptional circumstances exist which justify the objection being made outside the objection period prescribed in terms of section 14 (2) *(f)*.

[Sub-s. (1A) inserted by s. 14 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

(2) An agent, or the voter concerned, may object if the voter is refused a ballot paper.

(3) An agent, or a voter, may object to any conduct, other than that mentioned in subsection (1), (1A) or (2), of an officer, an agent, or any other person present at a voting station.

[Sub-s. (3) substituted by s. 14 *(c)* of Act 1 of 2019 (wef 6 March 2019).]

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(4) An objection in terms of subsection (1), (1A), (2) or (3) must be made to the presiding officer in the prescribed manner.

[Sub-s. (4) substituted by s. 14 *(c)* of Act 1 of 2019 (wef 6 March 2019).]

(5) The presiding officer, in the prescribed manner, must, except for an objection in terms of subsection (1A), decide the objection and notify the objector and any other parties involved in the objection, of the decision.

[Sub-s. (5) substituted by s. 14 *(c)* of Act 1 of 2019 (wef 6 March 2019).]

(5A) Where an objection is made in terms of subsection (1A)—

*(a)* the presiding officer must, in the prescribed manner, allow the voter concerned to vote but deal with the vote as if it were a special vote in terms of section 33 or 33A; and

*(b)* the matter must be decided by the Commission as if it were an appeal in terms of subsection (6).

[Sub-s. (5A) inserted by s. 14 *(d)* of Act 1 of 2019 (wef 6 March 2019).]

(6) An appeal against the decision of the presiding officer may be noted with the Commission in the prescribed manner and time.

(7) The presiding officer must keep a written record in the prescribed manner of each objection and decision made in terms of this section.

## 42 Sealing of full ballot boxes

(1) As soon as a ballot box is full, the presiding officer, in the presence of any agents present, must seal the ballot box in the prescribed manner and allow those agents to affix their seals thereto.

(2) Immediately after the last vote has been cast, every remaining used ballot box must be similarly dealt with.

(3) A sealed ballot box must remain—

*(a)* sealed until opened for the counting of votes in terms of section 46 (1); and

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*(b)* in the voting station until the commencement of the counting of the votes there or, if the votes are not to be counted at that voting station, until removed for delivery in terms of section 43 (3).

## 43 Completion of form and sealing of voting materials

(1) As soon as practicable after the close of a voting station for voting, the presiding officer, in the presence of any agents present, must—

*(a)* complete a form reflecting the number of—
- (i) ballot boxes entrusted to that presiding officer;
- (ii) used ballot boxes;
- (iii) unused ballot boxes;
- (iv) ballot papers entrusted to that presiding officer;
- (v) issued ballot papers;
- (vi) unissued ballot papers; and
- (vii) cancelled ballot papers;

*(b)* seal each unused ballot box entrusted to that presiding officer;

*(c)* seal in separate containers—
- (i) the certified segment of the voters' roll for that voting district;
- (ii) the unused ballot papers entrusted to that presiding officer;
- (iii) the cancelled ballot papers; and
- (iv) the written record, as required by section 41 (7), of any objections concerning voting; and

*(d)* allow those agents to affix their seals to the items mentioned in paragraphs *(b)* and *(c)*.

(2) If the votes in an election are to be counted at the voting station at which those votes were cast and if the counting officer for that voting station is a person other than the presiding officer for that voting station, the presiding officer must deliver to the counting officer for that voting station the items mentioned in subsection (1).

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(3) If the votes in an election are not to be counted at the voting station at which those votes were cast, the presiding officer must deliver the following to the counting officer of a counting venue determined by the Commission in terms of section 46 (1) *(b)*:

*(a)* The form mentioned in subsection (1) *(a)*;

*(b)* the sealed, used ballot boxes;

*(c)* the sealed, unused ballot boxes; and

*(d)* the sealed containers mentioned in subsection (1) *(c)*.

## 44 Mobile voting stations

(1) If the Commission decides to use mobile voting stations in an election, the Commission must prescribe voting procedures, substantially in accordance with sections 35 to 43, for those voting stations.

(2) Immediately after a mobile voting station is closed for voting, the presiding officer responsible for that voting station must act in accordance with section 43 (3).

## 45 More than one election on same day

If more than one election is held at a voting station on the same day, the Commission must prescribe voting procedures, substantially in accordance with sections 35 to 43, for each of those elections.

*Part 2*

*Counting of votes at voting station* (ss 46–50)

## 46 Place and time of counting of votes

(1) Votes must be counted at the voting station at which those votes were cast, except when—

*(a)* the voting station is a mobile voting station; or

*(b)* in the interest of ensuring a free and fair election, the Commission determines that those votes be counted at another counting venue.

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(2) The counting officer must ensure that the procedures set out in this Part commence as soon as practicable after the voting station is closed for voting, and continue uninterrupted until they are completed.

(3) The procedures provided for in this Part may be suspended only with the consent of the Commission and, if they are suspended, the counting officer must ensure the safe-keeping of all the voting materials entrusted to the counting officer until the counting of votes has been completed.

## 47 Counting of votes and determination of provisional results

(1) The counting officer must open all the used ballot boxes that were sealed in terms of section 42 (1) or (2).

(2) The counting officer must—

*(a)* cause the ballot papers to be sorted on the basis of the ballot papers for each election if more than one election was held at a voting station on the same day;

*(b)* cause the ballot papers for each election to be sorted and compare it with the number of ballot papers issued in the prescribed manner;

*(c)* cause the votes cast in each election to be counted in the prescribed manner; and

*(d)* determine the result of each count at that voting station.

(3) The counting officer must reject a ballot paper—

*(a)* that indicates the identity of the voter;

*(b)* on which a vote is cast for more than one registered party or for more than one candidate;

*(c)* that is unmarked;

*(d)* that is marked in such a way that it is not reasonably possible to determine the voter's choice;

*(e)* that does not bear the mark required in terms of section 38 (5) *(c)*; or

*(f)* that is not an official ballot paper.

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(4) The counting officer must mark 'rejected' on the back of each rejected ballot paper and file the rejected ballot papers separately.

(5) If a counting officer's acceptance or rejection of a ballot paper is disputed by an agent, the counting officer must—

*(a)* mark 'disputed' on the back of that ballot paper;

*(b)* file separately, but cause to be counted, the accepted ballot papers that are disputed; and

*(c)* file separately the rejected ballot papers that are disputed.

## 48 Objections concerning sorting of ballot papers

(1) An agent may object to any alleged irregularity in the sorting of the ballot papers in terms of section 47 (2) *(a)* or *(b)*.

(2) The objection must be made to the counting officer in the prescribed manner at any stage before the counting officer has completed the form mentioned in section 48.

(3) Section 41 (5) to (7), adjusted as may contextually be necessary, applies to the objection.

## 49 Objections concerning counting of votes and determination of provisional results

(1) An agent may object to an alleged inaccuracy in the counting of the votes or the determination of a result in terms of section 47 (2) *(c)* or *(d)*.

(2) The objection must be made to the counting officer in the prescribed manner at any stage before the counting officer has completed the form mentioned in section 50.

(3) The counting officer must decide the objection in the prescribed manner and whether to order a recount.

(4) The counting officer must notify the objector and any other parties involved in the objection, of the decision made in terms of subsection (3).

(5) If the counting officer orders a recount, the counting officer must determine afresh the result.

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(6) An appeal against the decision of the counting officer may be noted with the Commission in the prescribed manner and time.

(7) The counting officer must keep a written record in the prescribed manner of each objection in terms of subsection (1) and each decision in terms of subsection (3).

## 50 Procedure concerning provisional results and voting materials

(1) After determining the result at a voting station, the counting officer must complete a form reflecting—

*(a)* the number of ballot papers supplied to the voting station;

*(b)* the result at the voting station;

*(c)* the number of counted ballot papers that were not disputed;

*(d)* the number of counted ballot papers that were disputed;

*(e)* the number of rejected ballot papers that were not disputed;

*(f)* the number of rejected ballot papers that were disputed;

*(g)* the number of cancelled ballot papers; and

*(h)* the number of unused ballot papers.

(2) Once the counting officer has complied with subsection (1), the counting officer must announce the result of the count at the voting station to members of the public and agents present at the voting station.

(3) Once the counting officer has complied with subsection (2), the counting officer must inform the Commission of the result of the count at the voting station.

(4) Once the counting officer has complied with subsection (3), the counting officer must—

*(a)* seal in separate containers each of the items mentioned in subsection (1) and the written record of any objections in terms of section 48 or 49; and

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*(b)* deliver the form completed in terms of subsection (1) and the sealed containers to an officer designated by the chief electoral officer.

*Part 3*

*Counting of votes at place other than voting station* (ss 51–54)

## 51 Application of Part and procedures

(1) This Part applies to the counting of votes mentioned in section 46 (1) *(a)* or *(b)*.

(2) The counting officer must ensure that the procedures provided for in this Part commence as soon as practicable after receipt of the items mentioned in section 43 (3), and continue uninterrupted until they are completed.

(3) The procedures provided for in this Part may be suspended only with the consent of the Commission and, if they are suspended, the counting officer must ensure the safe-keeping of all the voting materials entrusted to the counting officer until the counting of votes has been completed.

## 52 Verification procedure

(1) After receipt of the items mentioned in section 43 (3), the counting officer must examine whether the seals are intact on those items.

(2) The counting officer must allow any agents present to examine whether the seals are intact.

(3) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must verify the form completed by the presiding officer in terms of section 43 (1) *(a)* by comparing it with—

*(a)* the number of used ballot boxes received;

*(b)* the number of unused ballot boxes received;

*(c)* the number of containers received; and

*(d)* the contents of those boxes and containers.

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(4) The counting officer must deal with any irregularities and discrepancies in the prescribed manner.

(5) The counting officer must keep a written record in the prescribed manner of any irregularities and discrepancies and the manner in which those irregularities and discrepancies were dealt with.

## 53 Objections concerning verification procedure

(1) At any time before the counting of votes commences, an agent may object to any alleged irregularity or inaccuracy in the verification procedure performed by the counting officer.

(2) The objection must be made to the counting officer in the prescribed manner.

(3) Section 41 (5) to (7), adjusted as may contextually be necessary, applies to the objection.

## 54 Application of certain sections in Part 2

Sections 47 to 50, adjusted as may contextually be necessary, apply to the counting of votes and the determination of the result at a venue other than a voting station, objections and procedures concerning results and voting materials.

*Part 4*

*Objections material to final results of election* (ss 55–56)

## 55 Objections material to final results of election

(1) Any interested party may lodge with the Commission an objection that is material to the determination of the final result of the election, in respect of proceedings provided for in—

*(a)* Part 1 of Chapter 4 concerning voting; and

*(b)* Parts 2 and 3 of Chapter 4 concerning the counting of votes.

[Sub-s. (1) substituted by s.13 of Act 34 of 2003 (wef 17 December 2003).]

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(2) The objection must be made to the Commission in the prescribed manner not later than 21:00 on the second day after the voting day.

(3) The Commission, on good cause shown, may condone a late objection.

(4) The Commission, in the prescribed manner, must decide the objection, and must notify the objector and any other parties involved in the objection, of the decision.

(5) An objector or other party involved in the objection and who feels aggrieved by the decision of the Commission, may appeal to the Electoral Court in the prescribed manner.

(6) The Electoral Court, in the prescribed manner, must consider and decide the appeal and notify the parties to the appeal of its decision.

(7) The result of an election is not suspended pending the decision of the Electoral Court.

## 56 Powers of Commission and Electoral Court

If the Commission or the Electoral Court decides, whether as a result of an objection or appeal brought under section 55 or otherwise, that a serious irregularity has occurred concerning any aspect of an election, the Commission or the Electoral Court may order—

*(a)* that the votes cast at a particular voting station do not count in whole or in part; or

*(b)* that the votes cast in favour of a registered party at a particular voting station must be deducted in whole or in part from the votes cast in favour of that registered party in that election.

[Para. *(b)* substituted by s. 14 of Act 34 of 2003 (wef 17 December 2003).]

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*Part 5*

*Determination and declaration of final result of election* (s 57)

## 57 Determination and declaration of final result of election

(1) The Commission must determine and declare the result of an election by adding together the results received from all voting stations.

(2) The determination and declaration of the result of an election must occur within seven days after the voting day, but not—

*(a)* sooner than 21:00 of the second day after the voting day; or

*(b)* before all objections made under section 55 have been dealt with in terms of that section, other than an appeal to the Electoral Court in terms of subsection (5) of that section.

(3) The Commission may determine and declare the result of an election without having received the results of all voting stations, if—

*(a)* to wait for the receipt of the result from every voting station would unduly and unreasonably delay the determination and declaration of the result of that election; and

*(b)* the outstanding results are not likely to materially influence the overall result of that election.

(4) If the Commission is unable to determine and declare the result of an election within the seven-day period required by subsection (2), the Commission must apply to the Electoral Court for an extension of that period.

[Sub-s. (4) substituted by s. 9 of Act 18 of 2013 (wef 26 November 2013).]

(5) The Electoral Court, on good cause shown, may extend the period within which the Commission must determine and declare the result of an election.

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*Part 6*

*Electoral system* (s 57A)

[Part 6 inserted by s. 15 of Act 34 of 2003 (wef 17 December 2003).]

## 57A System of representation in National Assembly and provincial legislatures

Schedule 1A applies in general to elections for the National Assembly and provincial legislatures held under this Act, but without detracting from the generality of its application, in particular to—

*(a)* lists of candidates;

*(b)* the allocation of seats;

*(c)* the designation of candidates from lists as representatives in those seats; and

*(d)* the filling of vacancies.

[S. 57A inserted by s. 15 of Act 34 of 2003 (wef 17 December 2003).]

# CHAPTER 5
# AGENTS (ss 58–59)

## 58 Appointment of party agents

(1) Every registered party contesting an election may appoint—

*(a)* two party agents for each voting station or, if voting or counting at a voting station takes place in more than one room or separately enclosed area, two party agents in respect of each room or area; and

[Para. *(a)* substituted by s. 10 of Act 18 of 2013 (wef 26 November 2013).]

*(b)* four party agents for each venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place.

(2) A party agent—

*(a)* must be a South African citizen; and

*(b)* may not be a candidate in an election.

(3) The appointment and revocation of appointment of a person as a party agent must be effected in the prescribed manner.

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## 59 Powers and duties of agents

(1) An agent may observe the proceedings provided for in—

*(a)* Part 1 of Chapter 4 concerning voting;

*(b)* Parts 2 and 3 of Chapter 4 concerning the counting of votes; and

*(c)* Part 5 of Chapter 4 concerning the determination and declaration of the result of an election.

(2) The absence of an agent from a place where any electoral proceedings are being conducted does not invalidate those proceedings.

(3) Whilst present at any voting station, or venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place, an agent must—

*(a)* wear the prescribed identification indicating—
(i) that the person is an agent; and
(ii) the registered party represented by that agent;
[Sub-para. (ii) substituted by s. 16 of Act 34 of 2003 (wef 17 December 2003).]

*(b)* comply with any order issued by—
(i) an officer; or
(ii) a member of the security services acting on the instructions of an officer.

# CHAPTER 6
# ADMINISTRATION (ss 60–86)

*Part 1*

*Voting districts* (ss 60–63A)

## 60 Establishment of voting districts

(1) The Commission must—

*(a)* establish voting districts for the whole of the territory of the Republic;

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*(b)* determine the boundaries of each voting district in accordance with the factors mentioned in section 61; and

*(c)* keep a map of each voting district.

(2) The voting districts for an election are those voting districts which on the date on which the election is called are within the area in which the election is called.

## 61 Factors for determining voting district boundaries

The Commission must determine the boundaries of a voting district by taking into account any factor within the proposed voting district that could affect the free, fair and orderly conduct of elections, including—

*(a)* the availability of a suitable venue for a voting station;

*(b)* the number and distribution of eligible voters;

*(c)* the accessibility of a voting station to voters given—
(i) the radius of the proposed voting district;
(ii) the availability of transport;
(iii) telecommunications facilities; and
(iv) any geographical or physical feature that may impede access to the voting station;

*(d)* municipal and provincial boundaries; and

*(e)* tribal, traditional, historical and customary boundaries.

## 62 Consultation with party liaison committee

Before determining the boundaries of a voting district, the Commission may consult on the proposed boundaries of that voting district with—

*(a)* the municipal party liaison committee for the municipality within which that voting district will fall; or

*(b)* if no municipal party liaison committee has been established in a municipality, the provincial party liaison committee for the province within which that voting district will fall.

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## 63 Inspection and copies of maps of voting districts

(1) As soon as practicable after section 60 (1) has been complied with, the chief electoral officer must give notice that copies of the map of each voting district will be available for inspection.

(2) The notice must be—

*(a)* published in the *Government Gazette*; and

*(b)* publicised in the media considered appropriate by the chief electoral officer so as to ensure wide publicity of those maps.

(3) The notice must state, and the chief electoral officer must ensure, that copies of—

*(a)* those maps are available for inspection at the Commission's head office; and

*(b)* the maps of the voting districts within a municipality are available for inspection at the office of the municipality.

(4) Any person may inspect a copy of a map mentioned in subsection (1).

(5) The chief electoral officer must provide a certified copy of a map of a voting district to any person who has paid the prescribed fee.

## 63A Review of voting districts

(1) The Commission must regularly review the established voting districts and their boundaries, taking into account the factors mentioned in section 61, and whenever necessary—

*(a)* disestablish an existing voting district;

*(b)* establish a new voting district and determine the boundaries for that voting district; or

*(c)* redetermine the boundaries of an existing voting district.

(2) The chief electoral officer must ensure that, as soon as possible after the Commission has acted in terms of subsection (1), affected copies of maps available for inspection in terms of section 63 (3) are replaced by amended ones.

[S. 63A inserted by s. 17 of Act 34 of 2003 (wef 17 December 2003).]

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*Part 2*

*Voting stations* (ss 64–67)

## 64 Establishment of voting stations

(1) The Commission must establish for an election one voting station, or one voting station and a mobile voting station, or only a mobile voting station, in each voting district in which the election will be held.

[Sub-s. (1) substituted by s. 18 *(a)* of Act 34 of 2003 (wef 17 December 2003).]

(1A) The Commission may establish a mobile voting station only if—

*(a)* the voting district is a large and sparsely populated area and it is necessary to assist voters who would otherwise have to travel long distances to reach the voting station; or

*(b)* the mobile voting station is necessary for use at a prison.

[Sub-s. (1A) inserted by s. 18 *(b)* of Act 34 of 2003 (wef 17 December 2003).]

(2) When determining the location of a voting station, the Commission may take into account any factor that could affect the free, fair and orderly conduct of elections, including—

*(a)* the number and distribution of eligible voters in that voting district;

*(b)* the availability of suitable venues for a voting station;

*(c)* the distance to be travelled to reach those venues;

*(d)* access routes to those venues;

*(e)* the availability of transport to those venues;

*(f)* traffic density at or near those venues;

*(g)* parking facilities at or near those venues;

*(h)* telecommunications facilities at those venues;

*(i)* general facilities at those venues;

*(j)* the safety and convenience of voters;

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*(k)* any geographical or physical feature that may impede access to or at those venues; and

*(l)* the ease with which those venues could be secured.

(3) Before determining the location of a voting station, the Commission may consult on the proposed location of that voting station with—

*(a)* the municipal party liaison committee for the municipality within which that voting station will fall; or

*(b)* if no municipal party liaison committee has been established in the municipality, the provincial party liaison committee for the province within which the voting station will fall.

(4) By not later than the relevant date stated in the election timetable, the chief electoral officer must give notice that copies of a list containing the address of each voting station will be available for inspection.

(5) . . .

[Sub-s. (5) deleted by s. 18 *(c)* of Act 34 of 2003 (wef 17 December 2003).]

(6) Upon application by a person to the office of the Commission's local representative and upon payment of the prescribed amount, the Commission must furnish such a person with a certified copy of the list.

[Sub-s. (6) added by s. 18 *(d)* of Act 34 of 2003 (wef 17 December 2003).]

## 65 Relocation of voting stations in emergencies

(1) Despite section 64, the Commission may relocate a voting station if it is of the view that it is necessary to do so for the conduct of a free and fair election.

(2) The chief electoral officer must take all reasonable steps to publicise the relocation of a voting station among voters in the voting district concerned.

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## 66 Boundaries of voting stations

(1) Before the voting station opens for voting on voting day the presiding officer of a voting station must determine the boundary of the voting station after consultation with party agents and members of the security services who are available at that voting station at that stage.

(2) The presiding officer must demarcate the boundary of the voting station by displaying visible signs, markers or tape along the whole line of the boundary, or at sufficient points along that line, to ensure that the boundary is clearly identifiable by any person present at that voting station.

(3) The presiding officer may alter the boundary at any time if it is necessary to do so to ensure proper control and security at the voting station and after consultation with party agents and members of the security services who are available at that voting station at that stage.

[S. 66 substituted by s. 19 of Act 34 of 2003 (wef 17 December 2003).]

## 67 Mobile voting stations

(1) In order to ensure a free and fair election, the Commission may decide to use mobile voting stations.

(2) If the Commission decides to use mobile voting stations in an election, the chief electoral officer, by not later than the relevant date stated in the election timetable, must give notice of the route, including the locations and estimated times of stopping, of each mobile voting station.

(3) The notice must be publicised by the chief electoral officer in the media considered appropriate so as to ensure wide publicity of the information referred to in subsection (2).

(4) The Commission may change the route, including the location and estimated time of stopping, of a mobile voting station if it is necessary to do so for the conduct of a free and fair election.

[Sub-s. (4) added by s. 20 of Act 34 of 2003 (wef 17 December 2003).]

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(5) The chief electoral officer must take all reasonable steps to publicise the new route among voters in the voting district in question.

[Sub-s. (5) added by s. 20 of Act 34 of 2003 (wef 17 December 2003).]

*Part 3*

*Voting materials* (ss 68–71)

## 68 Ballot papers

The Commission must determine—

*(a)* the design of the ballot paper or ballot papers to be used in an election;

*(b)* the language to be used on a ballot paper, taking into account the election in which that ballot paper is to be used; and

*(c)* the manner in which ballot papers issued must be accounted for.

## 69 Ballot boxes

(1) The Commission must determine the design and material of ballot boxes to be used in an election.

(2) Each ballot box must be capable of being securely closed.

(3) The Commission must determine the manner in which ballot boxes are to be—

*(a)* numbered and labelled; and

*(b)* closed, secured, opened, sealed and unsealed.

## 70 Voting compartments

(1) The Commission must determine the design and material of voting compartments to be used in an election.

(2) A voting compartment must screen a voter from observation by other persons while marking a ballot paper.

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## 71 Voting materials

(1) Before voting opens at a voting station, the chief electoral officer must supply the presiding officer responsible for that voting station with all the voting materials necessary for the election at that voting station, including—

*(a)* ballot papers;

*(b)* ballot boxes;

*(c)* voting compartments;

*(d)* a certified voters' roll for the voting district concerned; and

*(e)* a receipt to be signed by the presiding officer detailing the voting materials entrusted to that presiding officer.

(2) A presiding officer is responsible for the safe-keeping of all the voting materials supplied to that officer.

*Part 4*

*Appointment of officers, additional persons and institutions, and their powers and duties* (ss 72–83)

## 72 Appointment of presiding officers

As soon as practicable after the proclamation of an election, the chief electoral officer, in consultation with the Commission, must appoint a presiding officer and a deputy presiding officer for each voting station at which that election is to be conducted.

## 73 Powers and duties of presiding officers

(1) The presiding officer of a voting station must co-ordinate and supervise the voting at that voting station so as to ensure that the election at the voting station is free and fair.

(2) The presiding officer—

*(a)* may exercise the powers and must perform the duties assigned to a presiding officer by or under this Act;

*(b)* must take all reasonable steps to ensure orderly conduct at that voting station; and

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*(c)* may order a member of the security services to assist in ensuring orderly conduct at that voting station, and that member must comply with that order.

(3) The presiding officer may exclude from the area within the boundary of a voting station any person other than—

*(a)* a member, employee or officer of the Commission, or the chief electoral officer;

*(b)* an agent who is entitled in terms of section 59 to be present at a voting station;

*(c)* the prescribed number of candidates as the presiding officer may allow;

*(d)* a person appointed by an accredited observer;

*(e)* a voter present for the purpose of casting a vote; and

*(f)* any other person or category of persons authorised by the chief electoral officer to be present at the voting station.

(4) *(a)* Despite subsection (3), the presiding officer may order any person mentioned in subsection (3) *(b)* to *(f)* to leave the area within the boundary of the voting station if that person's conduct is not conducive to a free and fair election at that voting station.

*(b)* The presiding officer must give that person reasons for an order in terms of paragraph *(a)*.

(5) If a person refuses to comply with an order in terms of subsection (4), the presiding officer may order a member of the security services to forcibly remove that person, and that member must comply with that order.

(6) The deputy presiding officer of a voting station must act as presiding officer whenever—

*(a)* the presiding officer is absent from duty, or for any reason is temporarily unable to exercise the powers and perform the duties of the presiding officer; or

*(b)* the office of presiding officer for that voting station is vacant.

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## 74 Appointment of voting officers

As soon as practicable after the proclamation of an election, the chief electoral officer, in consultation with the Commission, must appoint for each voting station as many voting officers as may be necessary.

## 75 Powers and duties of voting officers

A voting officer—

*(a)* must assist the presiding officer in the exercise of the presiding officer's powers and the performance of the presiding officer's duties; and

*(b)* may exercise the powers and must perform the duties assigned to a voting officer by or under this Act.

## 76 Appointment of counting officers

(1) As soon as practicable after the proclamation of an election, the chief electoral officer, in consultation with the Commission, must appoint a counting officer and a deputy counting officer for each voting station or venue at which the counting of votes is to be conducted.

(2) The chief electoral officer may appoint the presiding officer, the deputy presiding officer or a voting officer for a voting station as the counting officer or deputy counting officer for that voting station or at a venue.

## 77 Powers and duties of counting officers

(1) The counting officer for a voting station or venue for the counting of votes must co-ordinate and supervise the counting of votes and the determination of the result of the election at the voting station or venue so as to ensure that the election at that voting station or venue is free and fair.

(2) Section 73 (2) to (5), adjusted as may contextually be necessary, applies to the powers and duties of a counting officer.

(3) The deputy counting officer for a voting station or venue must act as the counting officer whenever—

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*(a)* the counting officer is absent from duty, or for any reason is temporarily unable to exercise the powers and perform the duties of the counting officer; or

*(b)* the office of counting officer for that voting station or venue is vacant.

## 78 Appointment of counters

(1) As soon as practicable after the proclamation of an election, the chief electoral officer, in consultation with the Commission, must appoint as many counters as may be necessary for each voting station or venue at which the counting of votes is to be conducted.

(2) The chief electoral officer may appoint the presiding officer, deputy presiding officer or a voting officer for a voting station as a counter at that voting station or at a venue.

## 79 Powers and duties of counters

A counter—

*(a)* must assist a counting officer in the counting of votes; and

*(b)* may exercise the powers and must perform the duties assigned to a counter by or under this Act.

## 80 Appointment of additional persons

(1) The chief electoral officer, in consultation with the Commission, may appoint as many additional persons as may be necessary to enable the Commission to exercise its powers and perform its duties effectively.

(2) A person appointed by the chief electoral officer in terms of subsection (1) may be—

*(a)* a natural person; or

*(b)* an institution, including a juristic person or an organ of state.

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## 81 Powers and duties of additional persons

A person appointed by the chief electoral officer in terms of section 80 may exercise any power and must perform any duty assigned to such a person by or under this Act.

## 82 General provisions concerning appointment of officers

(1) A person may not be appointed as an officer in an election, or remain in that office, if that person—

*(a)* is a candidate contesting that election;

*(b)* is an agent in that election; or

*(c)* holds political office in a registered party.

(2) *(a)* An officer exercises the powers and performs the duties assigned to that officer subject to the directions, control and discipline of the chief electoral officer.

*(b)* The chief electoral officer must determine in writing the terms and conditions of appointment of an officer, including—

(i) the powers and duties assigned to that officer; and

(ii) any remuneration payable to that officer.

(3) The assignment of a power or duty to an officer does not prevent the chief electoral officer from exercising that power or performing that duty.

(4) A person may not be appointed as an officer unless that person has signed the prescribed undertaking, which must include an undertaking to be bound by—

*(a)* the Code; and

*(b)* a declaration of secrecy.

(5) All officers must be impartial and exercise their powers and perform their duties independently and without fear, favour or prejudice.

(6) An officer may not, whether directly or indirectly, in any manner give support to, or oppose, any registered party or candidate contesting an election, or any of the issues in contention between parties or candidates.

(7) An officer may not place in jeopardy that officer's perceived

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independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.

(8) An officer is not liable for any loss suffered by a person as a result of an act performed or omitted in good faith in the exercise of a power or the performance of a duty in terms of this Act.

(9) An officer may be removed from office by the chief electoral officer on account of—

*(a)* misconduct, incompetence or incapacity;

*(b)* absence from duty without leave of the chief electoral officer;

*(c)* bias;

*(d)* a material contravention of this section;

*(e)* a material contravention of the declaration of secrecy; or

*(f)* any other consideration related to free and fair elections.

(10) No appeal may be brought against a decision by the chief electoral officer to appoint a person as an officer, or to remove an officer from office.

(11) An officer may resign from office by giving one calendar month's notice in writing to the chief electoral officer.

(12) The chief electoral officer may appoint, in accordance with this Part, a person to fill a vacancy caused by the death or the removal or resignation from office of an officer.

## 83 General provisions concerning appointment of institutions

(1) In this section, 'institution' means an institution appointed by the chief electoral officer in terms of section 80.

(2) *(a)* An institution and its employees exercise the powers and perform the duties assigned to the institution subject to the directions, control and discipline of the chief electoral officer.

*(b)* The chief electoral officer must determine in writing the terms and conditions of appointment of an institution, including—

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(i) the services, facilities and employees to be made available to the Commission by that institution;
(ii) the powers and duties assigned to that institution; and
(iii) any remuneration payable to that institution.

(3) The assignment of a power or duty to an institution does not prevent the chief electoral officer from exercising that power or performing that duty.

(4) An institution must ensure that an employee of that institution who exercises a power or performs a duty in terms of this Act is not—

*(a)* a candidate contesting that election;

*(b)* an agent in that election; or

*(c)* holds political office in a registered party.

(5) An institution may not be appointed unless that institution, and each of its employees who will exercise powers and perform duties in terms of this Act, have signed the prescribed undertaking, which must include an undertaking to be bound by a declaration of secrecy.

(6) Every institution must ensure that it, and its employees, exercise their powers and perform their duties impartially and independently and without fear, favour or prejudice.

(7) An institution, and each of its employees who exercises powers and performs duties in terms of this Act, may not, whether directly or indirectly, in any manner give support to, or oppose, any registered party or candidate contesting an election, or any of the issues in contention between parties or candidates.

(8) An institution, and each of its employees who exercises powers and performs duties in terms of this Act, may not place in jeopardy their perceived independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.

(9) An institution and its employees are not liable for any loss suffered by any person as a result of any act performed or omitted in good faith in the exercise of any power or the performance of a duty in terms of this Act.

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(10) The chief electoral officer may revoke the appointment of an institution on account of that institution's—

*(a)* incapacity or incompetence;

*(b)* bias; or

*(c)* failure to adequately discipline and control its employees exercising any powers or performing any duties in terms of this Act.

(11) An institution must immediately terminate an employee's exercise of any power or performance of any duty in terms of this Act on account of that employee's—

*(a)* misconduct, incompetence or incapacity;

*(b)* absence from duty without leave of the chief electoral officer;

*(c)* bias;

*(d)* material contravention of this section;

*(e)* material contravention of the declaration of secrecy; or

*(f)* conduct which is not conducive to free and fair elections.

(12) No appeal may be brought against a decision by the chief electoral officer to appoint an institution, or to revoke the appointment of an institution.

(13) An institution may terminate its appointment by giving two calendar months' notice in writing to the chief electoral officer.

(14) The chief electoral officer may appoint, in accordance with this Part, another institution in the place of an institution whose appointment has been revoked or terminated.

*Part 5*

*Accreditation of observers and persons providing voter education*
(ss 84–86)

## 84 Accreditation of observers

(1) Any juristic person may apply to the Commission in the prescribed manner for accreditation to observe an election.

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(2) The Commission may require further information in support of an application.

(3) The Commission may accredit an applicant to observe an election after considering the application, any further information provided by the applicant, and whether—

*(a)* the accreditation of the applicant will promote conditions conducive to a free and fair election; and

*(b)* the persons appointed by the applicant will—

(i) observe that election impartially and independently of any registered party or candidate contesting that election;

(ii) be competent and professional in observing that election; and

(iii) subscribe to a Code governing observers issued by the Commission in terms of section 99.

(4) The Commission may decide—

*(a)* to accredit the applicant, in which case, the Commission must—

(i) enter the applicant's name in the register of persons accredited as observers;

(ii) issue a certificate of accreditation in the applicant's name stating the period and other conditions of accreditation; and

(iii) send the certificate to the applicant; or

*(b)* not to accredit the applicant, in which case the Commission must advise the unsuccessful applicant in writing of its decision.

(5) If a person accredited as an observer fails to comply to a material extent with the conditions of the accreditation, the Commission may cancel that accreditation after having given reasonable notice of the cancellation to that person.

(6) Any person may inspect the register and copies of the certificates of persons accredited as observers. The register and copies of the certificates must be kept at the Commission's head office.

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(7) The chief electoral officer must provide a certified copy of, or extract from, that register or a certificate to any person who has paid the prescribed fee.

## 85 Powers and duties of accredited observers

(1) A person appointed by an accredited observer may, in relation to the election for which that observer is accredited, observe the proceedings provided for in—

*(a)* Part 1 of Chapter 4 concerning voting;

*(b)* Parts 2 and 3 of Chapter 4 concerning the counting of votes; and

*(c)* Part 5 of Chapter 4 concerning the determination and declaration of the election results.

(2) Whilst observing an election, a person appointed by an accredited observer must wear the prescribed identification indicating that the person is representing an accredited observer.

(3) A person appointed by an accredited observer must comply with any order issued by—

*(a)* an officer; or

*(b)* a member of the security services acting on the instructions of an officer.

## 86 Accreditation of persons providing voter education

(1) Any juristic person may apply to the Commission in the prescribed manner for accreditation to provide voter education for an election.

[Sub-s. (1) substituted by s. 15 of Act 1 of 2019 (wef 6 March 2019).]

(2) The Commission may require further information in support of an application.

(3) The Commission may accredit an applicant to provide voter education for an election after considering the application, any further information provided by the applicant, and whether—

*(a)* the services provided by the applicant meet the Commission's standards;

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*(b)* the applicant is able to conduct its activities effectively;

*(c)* the applicant or the persons appointed by the applicant to provide voter education will—

(i) do so in a manner that is impartial and independent of any registered party or candidate contesting that election;

(ii) be competent to do so; and

(iii) subscribe to a Code issued by the Commission under section 99 governing persons accredited to provide voter education;

[Sub-para. (iii) substituted by s. 21 of Act 34 of 2003 (wef 17 December 2003).]

*(d)* the accreditation of the applicant will promote voter education and conditions conducive to free and fair elections.

(4) Section 84 (4) to (7), adjusted as may contextually be necessary, applies to the accreditation of persons providing voter education.

## CHAPTER 7
## GENERAL PROVISIONS (ss 87–118)

*Part 1*

*Prohibited conduct* (ss 87–94)

## 87 Undue influence

(1) No person may—

*(a)* compel or unlawfully persuade any person—

(i) to register or not to register as a voter;

(ii) to vote or not to vote;

(iii) to vote or not to vote for any registered party or candidate;

(iv) to support or not to support any registered party or candidate; or

(v) to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or other political event;

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*(b)* interfere with the independence or impartiality of the Commission, any member, employee or officer of the Commission, or the chief electoral officer;

*(c)* prejudice any person because of any past, present or anticipated performance of a function in terms of this Act;

*(d)* advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of this Act;

*(e)* prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place:

(i) Any representative of a registered party or of a candidate;
(ii) any candidate in an election;
(iii) any member, employee or officer of the Commission;
(iv) the chief electoral officer;
(v) any person appointed by an accredited observer; or
(vi) any person accredited to provide voter education;

*(f)* unlawfully prevent the holding of any political meeting, march, demonstration or other political event; or

*(g)* use public funds, except for the funds allocated to a party in terms of section 5 of the Public Funding of Represented Political Parties Act, 1997 (Act 103 of 1997), for the purpose of a political campaign.

[Para. *(g)* added by s. 16 *(c)* of Act 1 of 2019 (wef 6 March 2019).]

(2) Subject to this Act, no person may prevent anyone from exercising a right conferred by this Act.

(3) No person, knowing that another person is not entitled to be registered as a voter, may—

*(a)* persuade that other person that that other person is entitled to be registered as a voter; or

*(b)* represent to anyone else that that other person is entitled to be registered as a voter.

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(4) No person, knowing that another person is not entitled to vote, may—

*(a)* assist, compel or persuade that other person to vote; or

*(b)* represent to anyone else that that other person is entitled to vote.

## 88 Impersonation

No person—

*(a)* may apply to be registered as a voter in the name of any other person, whether living, dead or fictitious;

*(b)* may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious;

*(c)* who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station;

*(d)* may cast more votes than that person is entitled to; or

*(e)* may impersonate—

(i) a representative of a registered party or of a candidate;
(ii) a candidate in an election;
(iii) a member, employee or officer of the Commission;
(iv) the chief electoral officer;
(v) a person appointed by an accredited observer; or
(vi) a person accredited to provide voter education.

## 89 Intentional false statements

(1) No person, when required in terms of this Act to make a statement, may make the statement—

*(a)* knowing that it is false; or

*(b)* without believing on reasonable grounds that the statement is true.

(2) No person may publish any false information with the intention of—

*(a)* disrupting or preventing an election;

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*(b)* creating hostility or fear in order to influence the conduct or outcome of an election; or

*(c)* influencing the conduct or outcome of an election.

## 90 Infringement of secrecy

(1) No person may interfere with a voter's right to secrecy while casting a vote.

(2) Except as permitted in terms of this Act, no person may—

*(a)* disclose any information about voting or the counting of votes; or

*(b)* open any ballot box or container sealed in terms of this Act, or break its seal.

## 91 Prohibitions concerning voting and election materials

(1) Except as permitted in terms of this Act, no person may—

*(a)* print, manufacture or supply any voting or election material;

*(b)* remove or conceal any voting or election material;

*(c)* damage or destroy any voting or election material; or

*(d)* use the voters' roll or any voting or election material for a purpose other than an election purpose.

(2) The chief electoral officer may authorise—

*(a)* the printing, manufacture or supply of any voting or election material;

*(b)* the use of the voters' roll or any voting or election material for a purpose other than an election purpose; and

*(c)* the removal or destruction of any voting or election material.

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## 92 Prohibitions concerning placards and billboards during election

From the date on which an election is called to the date the result of the election is determined and declared in terms of section 57, no person may deface or unlawfully remove any billboard, placard or poster published by a registered party or candidate.

## 93 Obstruction of, or non-compliance with, directions of Commission, chief electoral officer and other officers

(1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the Commission, or a member, employee or officer of the Commission, or the chief electoral officer.

(2) A person may not obstruct or hinder the Commission, or a person mentioned in subsection (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties.

## 94 Contravention of Code

No person or registered party bound by the Code may contravene or fail to comply with a provision of that Code.

*Part 2*
*Enforcement* (ss 95–96)

## 95 Institution of and intervention in civil proceedings by chief electoral officer

(1) Subject to this Act and any other law, the chief electoral officer may institute civil proceedings before a court, including the Electoral Court, to enforce a provision of this Act or the Code.

(2) The chief electoral officer may intervene in any civil proceedings if the Commission has a legal interest in the outcome of those proceedings.

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## 96 Jurisdiction and powers of Electoral Court

(1) The Electoral Court has final jurisdiction in respect of all electoral disputes and complaints about infringements of the Code, and no decision or order of the Electoral Court is subject to appeal or review.

(2) If a court having jurisdiction by virtue of section 20 (4) *(b)*of the Electoral Commission Act finds that a person or registered party has contravened a provision of Part 1 of this Chapter it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person or party, including—

*(a)* a formal warning;

*(b)* a fine not exceeding R200 000;

*(c)* the forfeiture of any deposit paid by that person or party in terms of section 27 (2) *(e)*;

*(d)* an order prohibiting that person or party from—

(i) using any public media;

(ii) holding any public meeting, demonstration, march or other political event;

(iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;

(iv) erecting or publishing billboards, placards or posters at or in any place;

(v) publishing or distributing any campaign literature;

(vi) electoral advertising; or

(vii) receiving any funds from the State or from any foreign sources;

*(e)* an order imposing limits on the right of that person or party to perform any of the activities mentioned in paragraph *(d)*;

*(f)* an order excluding that person or any agents of that person or any candidates or agents of that party from entering a voting station;

*(g)* an order reducing the number of votes cast in favour of that person or party;

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*(h)* an order disqualifying the candidature of that person or of any candidate of that party; or

*(i)* an order cancelling the registration of that party.

(3) Any penalty or sanction provided for in this section will be in addition to any penalty provided for in Part 3 of this Chapter.

*Part 3*

*Offences and penalties* (ss 97–98)

## 97 Offences

Any person who contravenes a provision of Part 1 of this Chapter or a provision of section 107, 108 or 109, is guilty of an offence.

## 98 Penalties

Any person convicted of any offence in terms of—

*(a)* section 87 (1) *(b)*, *(c)* or *(d)*, 89 (2), 90, 91, 93 or 94, is liable to a fine or to imprisonment for a period not exceeding 10 years;

*(b)* section 87 (1) *(a)*, *(e)* or *(f)*, (2), (3) or (4), 88, 89 (1), 92, 107 (4), 108 or 109, is liable to a fine or to imprisonment for a period not exceeding five years.

*Part 4*

*Additional powers and duties of Commission* (ss 99–106)

## 99 Electoral Code of Conduct and other Codes

(1) The Electoral Code of Conduct must be subscribed to—

*(a)* by every registered party before that party is allowed to contest an election; and

*(b)* by every candidate before that candidate may be placed on a list of candidates in terms of section 31.

(2) In order to promote free, fair and orderly elections, the Commission may compile and issue any other Code.

(3) The Commission may change or replace a Code issued in terms of subsection (2).

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(4) A Code issued in terms of subsection (2), or a change to or replacement of such a Code, must be published in the *Government Gazette*.

## 100 Regulations

(1) The Commission must make regulations regarding any matter that must be prescribed in terms of this Act.

(2) The Commission may make regulations, after consultation with the party national liaison committee, regarding any matter—

*(a)* that may be prescribed in terms of this Act; or

*(b)* that it considers necessary or expedient in order to achieve the objects of this Act.

(3) Regulations made in terms of this section may prescribe a fine or a period of imprisonment not exceeding one year for a contravention of or a failure to comply with a provision of the regulations.

(4) The Commission must publish any regulations made in terms of this section in the *Government Gazette.*

## 101 Assignment of powers and duties by Commission

(1) The Commission may—

*(a)* delegate any of the Commission's powers in terms of this Act, excluding the powers referred to in section 32, 99 (2) or 100 or this section, or any other law, to a member, employee or officer of the Commission; or

*(b)* instruct a member, employee or officer of the Commission to perform any of the Commission's duties in terms of this Act or any other law.

(2) A delegation or instruction in terms of subsection (1)—

*(a)* is subject to any limitations and conditions the Commission may impose; and

*(b)* does not prevent the Commission from exercising or performing the assigned power or duty.

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## 102 Assignment of powers and duties by chief electoral officer

(1) The chief electoral officer may—

*(a)* delegate any of the chief electoral officer's powers in terms of this Act or any other law, to an employee or officer of the Commission; or

*(b)* instruct an employee or officer of the Commission to perform any of the chief electoral officer's duties in terms of this Act or any other law.

(2) Section 101 (2), adjusted as may contextually be necessary, applies to a delegation or instruction of the chief electoral officer in terms of subsection (1).

## 103 Powers to decide objections and appeals

(1) Whenever the Commission, an officer or the chief electoral officer is required in terms of this Act to decide an objection or an appeal, the Commission or that person may attempt to resolve the issue that is the subject of the objection or appeal, through conciliation.

(2) The Commission must prescribe the powers that may be exercised by it, any officer, or the chief electoral officer in deciding an objection or appeal in terms of this Act.

## 103A Conciliation in disputes and complaints

The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement of the Code brought to its notice by anyone involved in the dispute or complaint.

[S. 103A inserted by s. 22 of Act 34 of 2003 (wef 17 December 2003).]

## 104 Access to private places

(1) Members, employees and officers of the Commission have access to private places when that access is necessary for the exercise of a power or the performance of a duty assigned to them by or under this Act.

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(2) A person mentioned in subsection (1) must ensure that reasonable attempts to notify the occupier of any such private place have been made.

[S. 104 substituted by s. 23 of Act 34 of 2003 (wef 17 December 2003).]

## 105 Ownership of voting and election materials, and disposal

(1) The Commission is regarded as owning all voting and election materials used or provided by it in an election.

(2) Unless the Electoral Court orders otherwise, the Commission may dispose of the voting and election materials used in a particular election after six months after the date on which the final result of the election was declared, in the manner directed by the Commission.

## 106 Return or forfeiture of deposit

(1) Subject to section 96 (2) *(c)*, the Commission must refundto a registered party any deposit paid by it in terms of section 27 (2) *(e)* if the party is allocated at least one seat in the legislature whose election that party contested.

(2) A deposit that is not refundable in terms of subsection (1) is forfeited to the State.

*Part 5*

*Other general provisions* (ss 107–118)

## 107 Temporary obligations

(1) *(a)* This section is applicable only from the date on which an election is called to the date the result of the election is determined and declared in terms of section 57.

*(b)* For the purposes of this section, 'printed matter' means any billboard, placard, poster or pamphlet.

(2) Any printed matter intending to affect the outcome of an election must state clearly the full name and address of the printer and publisher.

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(3) The publisher of any publication must head an article in that publication with the word 'advertisement' if that article—

*(a)* originates from—

(i) a registered party, a person who holds political office in that party, or any member or supporter of that party; or

(ii) a candidate contesting an election or supporter of that candidate; and

*(b)* is inserted in the publication on the promise of payment to the publication.

(4) No person may print, publish or distribute any printed matter or publication that does not comply with this section.

## 108 Prohibition on certain political activities

On voting day no person may—

*(a)* hold or take part in any political meeting, march, demonstration or other political event; or

*(b)* engage in any political activity, other than casting a vote, in the area within the boundary of a voting station.

## 109 Prohibition on publication of exit polls

During the prescribed hours for an election, no person may print, publish or distribute the result of any exit poll taken in that election.

## 110 Effect of certain irregularities

(1) Any mistake in the certified segment of the voters' roll referred to in section 24 or the final list of candidates referred to in section 31 does not invalidate that voters' roll or that list of candidates.

(2) An election may not be set aside because of a mistake in the conduct of that election or a failure to comply with this Act, unless the mistake or failure materially affected the result of the election.

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## 111 Inspection and copying of documents

Where this Act requires that documents be publicised, or made available for inspection or copying, the Commission must endeavour to also publicise or make available those documents by way of electronic technology.

## 112 Prohibition on certain strikes and lockouts

(1) The service provided by the Commission is an essential service for the purpose of the Labour Relations Act, 1995 (Act 66 of 1995).

(2) Strikes and lockouts on voting day by employees and employers in the public transport or telecommunication sector are prohibited and are not protected in terms of Chapter IV of the Labour Relations Act, 1995.

## 113 Limitation of liability

The Commission, a member, employee and officer of the Commission, the chief electoral officer, an institution appointed in terms of section 80, and a person with whom the Commission has contracted to work for the Commission, is not liable for any loss suffered by any person as a result of any act performed or omitted in good faith in the course of exercising a power or performing a duty assigned by or under this Act.

## 114 Composition of National Assembly and provincial legislatures

The formulas referred to in sections 46 (2) and 105 (2) of the Constitution are set out in Schedule 3.

## 115 Repeal of laws

(1) Subject to subsection (2), the laws mentioned in Schedule 4 are hereby repealed.

(2) Anything done in terms of a provision of any law repealed by subsection (1) and which could be done in terms of a provision of this Act, must be regarded to have been done in terms of the last-mentioned provision.

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## 116 Act binds State

This Act binds the State except in so far as criminal liability is concerned.

## 117 Application of Act when in conflict with other laws

If any conflict arises between a provision of this Act and a provision of any other law, except the Constitution or an Act of Parliament expressly amending this Act, the provision of this Act prevails.

## 118 Short title and commencement

(1) This Act is called the Electoral Act, 1998.

(2) Subject to subsection (3), this Act takes effect on a date determined by the President by proclamation in the *Government Gazette*.

(3) Section 3 *(c)* must take effect on a later date than the remainder of this Act.

# Schedule 1
# ELECTION TIMETABLE

(Section 20)

[Schedule 1 amended by s. 24 of Act 34 of 2003 (wef 17 December 2003) and by s. 17 of Act 1 of 2019 (wef 6 March 2019).]

The Electoral Commission hereby gives notice that it has in terms of section 20 of the Electoral Act, 1998, compiled the election timetable set out below to apply to the ..... (particulars of relevant election) that will be held on ..... (date(s)). (A reference to 'section' in this election timetable is a reference to that section of the Electoral Act, 1998.)

[Introductory paragraph substituted by s. 24 *(a)* of Act 34 of 2003 (wef 17 December 2003).]

### 1 Cut-off time for act to be performed

An act required in terms of this Act to be performed by not later than a date stated in the election timetable must be performed before 17:00 on that date.

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**1A**

By ..... [day/month/year], the chief electoral officer must give notice of the periods during which and the venues where the provisionally compiled voters' roll compiled for the election shall be available for inspection in terms of section 14 (1) *(e)*.

[Item 1A inserted by s. 17 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

**1B**

By ..... [day/month/year], any objections in terms of section 15 in respect of the provisionally compiled voters' roll for the election must be made.

[Item 1B inserted by s. 17 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

**1C**

By ..... [day/month/year], the Commission must decide any objection made in terms of section 15 in respect of the provisionally compiled voters' roll for this election and notify the objector and the chief electoral officer and a person other than the objector whose name or registration details are involved.

[Item 1C inserted by s. 17 *(a)* of Act 1 of 2019 (wef 6 March 2019).]

**2 Cut-off date for publication of voters' roll**

By ..... [day/month/year], the chief electoral officer must publish the voters' roll or the segments of the voters' roll to be used in this election in terms of section 24 (2).

**3 Notice that list of addresses of voting stations is available for inspection**

The chief electoral officer must give notice by ..... [day/month/year] that from the date of the notice until the voting day copies of a list containing the addresses of all voting stations will be available for inspection.

**4 Cut-off date for submission of list of candidates**

Registered parties that intend to contest this election must nominate and submit a list of their candidates for the election to the chief electoral officer in the prescribed manner by ..... [day/month/year].

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## 5 Notice of non-compliance

(1) The chief electoral officer must notify a registered party that has submitted a list of candidates in terms of section 27 but has not fully complied with that section, of that non-compliance by ..... [day/month/year].

(2) If the notified party takes the opportunity to comply with section 27, that party must do so by ..... [day/month/year].

## 5A Multiple nominations

(1) The Commission must notify a candidate whose name appears on more than one party list for an election submitted in terms of section 27 and all the parties on whose party lists such a candidate appears by ..... (date).

(2) If the notified party decides to act in terms of section 28 (3), that party must do so by ..... (date).

[Item 5A inserted by s. 17 *(b)* of Act 1 of 2019 (wef 6 March 2019).]

## 6 Inspection of lists of candidates and accompanying documents

The chief electoral officer must give notice by ..... [day/month/year], that from the date of the notice until ..... [day/month/year], copies of the following documents will be available for inspection: The lists of candidates and accompanying documents submitted by registered parties in terms of section 27, as amended and supplemented in terms of section 28.

## 7 Cut-off date for objections

Any person, including the chief electoral officer, may object to a candidate to the Commission in the prescribed manner by ..... [day/month/year].

## 8 Decision of objections

The Commission must decide an objection under section 30, and must notify the objector and the registered party that nominated the candidate of the decision in the prescribed manner by ..... [day/month/year].

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## 9 Cut-off date for appeals against decisions

The objector or the registered party who nominated the candidate may appeal against a decision of the Commission in terms of section 30 (3) to the Electoral Court in the prescribed manner by ..... [day/month/year].

## 10 Deciding appeals

The Electoral Court must consider and decide an appeal brought under section 30 (4) and notify the parties to the appeal, and the chief electoral officer, of the decision in the prescribed manner by ..... [day/month/year].

## 11 List of parties and candidates entitled to contest election and final list of candidates

By ..... [day/month/year], the chief electoral officer—

*(a)* must give effect to a decision of the Commission in terms of section 30 (3) or a decision of the Electoral Court in terms of section 30 (5); and

*(b)* must compile a list of the registered parties entitled to contest the election and the final list of candidates for each of those parties.

## 12 Issue of certificate to candidates

By ..... [day/month/year], the chief electoral officer must issue in the prescribed manner to each candidate on a final list of candidates a certificate stating that the person is a candidate in this election.

## 13 and 14 . . .

[Items 13 and 14 deleted by s. 24 *(b)* of Act 34 of 2003 (wef 17 December 2003).]

## 15 Notice of route of mobile voting stations

If the Commission decides to use mobile voting stations in the election, the chief electoral officer must give notice by .....

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[day/month/year] of the route, including the locations and estimated times of stopping of each mobile voting station.

## Schedule 1A
## SYSTEM OF REPRESENTATION IN NATIONAL ASSEMBLY AND PROVINCIAL LEGISLATURES

(Section 57A)

[Schedule 1A inserted by s. 25 of Act 34 of 2003 (wef 17 December 2003) and amended by s. 8 of Act 55 of 2008 (wef 17 April 2009).]

### National Assembly

**1** Registered parties contesting an election of the National Assembly must nominate candidates for such election on lists of candidates prepared in accordance with this Act.

**2** The seats in the National Assembly must be filled as follows:

*(a)* One half of the seats from regional lists, submitted by the respective parties, with a fixed number of seats reserved for each region, as determined by the Commission, for every election of the Assembly, taking into account available scientifically based data in respect of voters and representations by interested parties.

*(b)* The other half of the seats from national lists submitted by the respective parties, or from regional lists where national lists were not submitted.

**3** The lists of candidates submitted by a party must together not contain more names than the number of seats in the National Assembly, and each such list must denote the fixed order of preference, of the names as the party may determine.

**4** A party's lists of candidates must consist of—

*(a)* both a national list and a list for each region; or

*(b)* a list for each region,

with such number of names on each list as the party may determine, subject to item 3.

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**5** The seats referred to in item 2 *(a)* must be allocated per region to the parties contesting an election, as follows:

*(a)* A quota of votes per seat must be determined in respect of each region by dividing the total number of votes cast in a region by the number of seats, plus one, reserved for such region under item 2 *(a)*.

*(b)* The result plus one, disregarding fractions, is the quota of votes per seat in respect of a particular region.

*(c)* The number of seats to be awarded for the purposes of paragraph *(e)* in respect of such region to a party, must, subject to paragraph *(d)*, be determined by dividing the total number of votes cast in favour of such party in a region by the quota of votes per seat indicated by paragraph *(b)* for that region.

*(d)* Where the result of the calculation referred to in paragraph *(c)* yields a surplus of seats not absorbed by the number awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties in respect of the relevant region, and any seat or seats in respect of that region not awarded in terms of paragraph *(c)*, must be awarded to the party or parties concerned in sequence of the highest surplus.

*(e)* The aggregate of a party's awards in terms of paragraphs *(c)* and *(d)* in respect of a particular region indicates that party's provisional allocation of the seats reserved under item 2 *(a)* for that region.

*(f)* The aggregate of a party's provisional allocations for the various regions in terms of paragraph *(e)*, indicates its provisional allocation of the seats referred to in item 2 *(a)*.

*(g)* If no recalculation of provisional allocations is required in terms of item 7 in respect of the seats referred to in item 2 *(a)*, the provisional allocation of such seats in terms of paragraphs *(e)* and *(f)* becomes the final allocation of such seats to the various parties, and if such a recalculation is required the provisional allocation of such seats,

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as adjusted in terms of item 7, becomes the final allocation of such seats to the various parties.

**6** The seats referred to in item 2 *(b)* must be allocated to the parties contesting an election, as follows:

*(a)* A quota of votes per seat must be determined by dividing the total number of votes cast nationally by the number of seats in the National Assembly, plus one, and the result plus one, disregarding fractions, is the quota of votes per seat.

*(b)* The number of seats to be awarded to a party for the purposes of paragraph *(d)* must, subject to paragraph *(c)*, be determined by dividing the total number of votes cast nationally in favour of such party by the quota of votes per seat determined in terms of paragraph *(a)*.

*(c)* Where (the result of) the calculation in terms of paragraph *(b)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties, and any seat or seats not awarded in terms of paragraph *(b)*, must be awarded to the party or parties concerned in sequence of the highest surplus, up to a maximum of five seats so awarded: Provided that subsequent awards of seats still remaining unawarded must be made in sequence to those parties having the highest average number of votes per seat already awarded in terms of paragraph *(b)* and this paragraph.

*(d)* The aggregate of a party's awards in terms of paragraphs *(b)* and *(c)* must be reduced by the number of seats provisionally allocated to it in terms of item 5 *(f)* and the result indicates that party's provisional allocation of the seats referred to in item 2 *(b)*.

*(e)* If no recalculation of provisional allocations is required in terms of item 7 in respect of the seats referred to in item 2 *(b)*, the provisional allocation of such seats in terms of paragraph *(d)* becomes the final allocation of such seats to the various parties, and if such a recalculation is required, the provisional allocation of such seats, as

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adjusted in terms of item 7, becomes the final allocation of such seats to the various parties.

**7** (1) If a party has submitted a national or a regional list containing fewer names than the number of its provisional allocation of seats which would have been filled from such list in terms of item 8 or 9 had such provisional allocation been the final allocation, it forfeits a number of seats equal to the deficit.

(2) In the event of any forfeiture of seats in terms of subitem (1) affecting the provisional allocation of seats in respect of any particular region in terms of item 5 *(e)*, such allocation must be recalculated as follows:

*(a)* The party forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 5 *(e)* for the region in question, minus the number of seats forfeited by it in respect of its list for such region, becomes its final allocation in respect of the seats reserved for such region in terms of item 2 *(a)*.

*(b)* An amended quota of votes per seat must be determined in respect of such region by dividing the total number of votes cast in the region, minus the number of votes cast in such region in favour of the party referred to in paragraph *(a)*, by the number of seats, plus one, reserved for such region under item 2 *(a)*, minus the number of seats finally allocated to the said party in terms of paragraph *(a)*.

*(c)* The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such region for purposes of the said recalculation.

*(d)* The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such region to a party participating in the recalculation, must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast in favour of such party in such region by the amended quota of votes per seat indicated by paragraph *(c)* for such region.

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*(e)* Where the result of the recalculation in terms of paragraph *(d)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties participating in the recalculation in respect of the said region, and any seat or seats in respect of such region not awarded in terms of paragraph *(d)*, must be awarded to the party or parties concerned in sequence of the highest surplus.

*(f)* The aggregate of a party's awards in terms of paragraphs *(d)* and *(e)* in respect of such region, subject to subitem (4), indicates that party's final allocation of the seats reserved under item 2 *(a)* for that region.

(3) In the event of any forfeiture of seats in terms of subitem (1) affecting the provisional allocation of seats in terms of item 6 *(d)*, such allocation must be recalculated as follows:

*(a)* The party forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 6 *(d)*, minus the number of such seats forfeited by it, becomes its final allocation of the seats referred to in item 2 *(b)*.

*(b)* An amended quota of votes per seat must be determined by dividing the total number of votes cast nationally, minus the number of votes cast nationally in favour of the party referred to in paragraph *(a)*, by the number of seats in the Assembly, plus one, minus the number of seats finally allocated to the said party in terms of paragraph *(a)*.

*(c)* The result plus one, disregarding fractions, is the amended quota of votes per seat for the purposes of the said recalculation.

*(d)* The number of seats to be awarded for the purposes of paragraph *(f)* to a party participating in the recalculation must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast nationally in favour of such party by the amended quota of votes per seat indicated by paragraph *(c)*.

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*(e)* Where the result of the recalculation in terms of paragraph *(d)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties participating in the recalculation, and any seat or seats not awarded in terms of paragraph *(d)*, must be awarded to the party or parties concerned in sequence of the highest surplus, up to a maximum of five seats so awarded: Provided that subsequent awards of seats still remaining unawarded must be made in sequence to those parties having the highest average number of votes per seat already awarded in terms of paragraph *(d)* and this paragraph.

*(f)* The aggregate of such a party's awards in terms of paragraphs *(d)* and *(e)* must be reduced by the number of seats finally allocated to it in terms of item 5 *(g)*, and the result, subject to subitem (4), indicates that party's final allocation of the seats referred to in item 2 *(b)*.

(4) In the event of a party being allocated an additional number of seats in terms of this item, and if its list in question then does not contain the names of a sufficient number of candidates as set out in subitem (1), the procedure provided for in this item must be repeated with the changes required by the context until all seats have been allocated.

**8** (1) Where a party submitted both a national and regional lists, the seats finally allocated to it—

*(a)* in terms of item 5 *(g)* must be filled from its regional lists in accordance with its final allocation of seats in respect of the various regions; and

*(b)* in terms of item 6 *(e)*, must be filled from its national list in accordance with its final allocation of seats in terms of that item.

(2) A seat finally allocated to a party in respect of a region, must, for the purposes of subitem (1) *(a)*, be filled only from such party's list for that particular region.

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**9** (1) Where a party submitted regional lists only, the seats finally allocated to it—

*(a)* in terms of item 5 *(g)*, must be filled from such lists in accordance with its final allocation of seats in respect of the various regions; and

*(b)* in terms of item 6 *(e)*, must be filled from the said lists in the same proportions as the proportions in which the seats referred to in paragraph *(a)* are to be filled in respect of the various regions for which the party was finally allocated seats in terms of item 5 *(g)*: Provided that if a party was not allocated any seats in terms of item 5 *(g)*, the seats allocated to it in terms of item 6 *(e)* must be filled from its regional lists in proportion to the number of votes received by that party in each of the regions: Provided further that surplus fractions must be disregarded, save that any remaining seats must be awarded to regions in sequence of the highest surplus fractions.

(2) A seat finally allocated to a party in respect of a region, must, for the purposes of subitem 1 *(a)*, be filled only from such party's list for that particular region.

**9A** (1) If a party gained no allocation of seats in terms of items 6 *(b)* and *(c)*, but the party gained a provisional seat in respect of the seats referred to in item 2 *(a)*, or if a party gained less seats in terms of items 6 *(b)* and *(c)* than the number of provisional seats in respect of item 2 *(a)*, then the provisional allocation of seats in terms of item 2 *(a)* becomes the final allocation of seats for such party, and if a recalculation is required in terms of item 7, the adjusted allocation becomes the final allocation.

(2) If a seat is allocated to a party in terms of sub-item (1), then the determination of seats in terms of item 2 *(b)* must be recalculated as follows:

*(a)* An amended quota of votes per seat must be determined by dividing the total number of votes cast nationally on national ballot papers, minus the votes cast for a party referred to in sub-item (1), by the total number of seats in the National Assembly plus one, minus the seats awarded in terms of sub-item (1), and the result

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plus one, disregarding fractions, is the quota of votes per seat.

*(b)* The number of seats to be awarded to a party for the purposes of paragraph *(d)* must, subject to paragraph *(c)*, be determined by dividing the total number of votes cast nationally in favour of each party, excluding those awarded seats in terms of sub-item (1), by the quota of votes per seat determined in terms of paragraph *(a)*.

*(c)* Where the result of the recalculation in terms of paragraph *(b)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties participating in the recalculation, and any seat or seats not awarded in terms of paragraph *(b)* must be awarded to the party or parties concerned in sequence of the highest surplus.

*(d)* The aggregate of a participating party's awards in terms of paragraphs *(b)* and *(c)* must be reduced by the number of seats provisionally allocated to it in terms of item 5 *(f)* and the results indicate that party's provisional allocation of the seats in terms of item 2 *(b)*.

(3) If no recalculation of provisional allocations is required in terms of item 7 in respect of the seats referred to in item 2 *(b)*, the provisional allocation of such seats in terms of paragraph *(d)* becomes the final allocation of such seats to the various parties, and if such a recalculation is required, the provisional allocation of such seats, as adjusted in terms of item 7, becomes the final allocation of such seats to the various parties.

(4) If a party forfeits a seat in terms of item 7 (1) which was allocated to it in terms of sub-item (1), then the seats provisionally allocated to other parties in terms of item 2 *(b)* must be recalculated in terms of item 7 (2) and (3), taking such forfeiture into account.

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## Provincial legislatures

**10** The number of seats in each provincial legislature are as determined in terms of section 105 of the Constitution.

**11** Registered parties contesting an election of a provincial legislature, must nominate candidates for election to such provincial legislature on provincial lists prepared in accordance with this Act.

**12** Each party is entitled to submit only one list per province, which must contain the names of not more than the number of seats determined under item 10 for the relevant provincial legislature and in such fixed order of preference as the party may determine.

**13** The seats determined for a provincial legislature must be allocated to parties contesting an election, as follows—

*(a)* A quota of votes per seat must be determined by dividing the total number of votes cast in the province concerned by the number of seats, plus one, determined under item 10 for such province and the result plus one, disregarding fractions, is the quota of votes per seat for such province.

*(b)* The number of seats to be awarded to a party for the purposes of paragraph *(d)* must, subject to paragraph *(c)*, be determined by dividing the total number of votes cast in the province in favour of such party by the quota of votes per seat determined in terms of paragraph *(a)*.

*(c)* Where the result of the calculation in terms of paragraph *(b)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties in respect of the province concerned, and any seat or seats not awarded in terms of paragraph *(b)*, must be awarded to the party or parties concerned in sequence of the highest surplus.

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*(d)* The aggregate of a party's awards in terms of paragraphs *(b)* and *(c)*, indicates that party's provisional allocation of seats in the provincial legislature in question.

*(e)* If no recalculation of provisional allocations for a province concerned is required in terms of item 14, the provisional allocation of seats in respect of that province in terms of paragraph *(d)*, becomes the final allocation of such seats to the various parties, and if such a recalculation is required the provisional allocation of such seats as adjusted in terms of item 14 becomes the final allocation of such seats to the various parties.

**14** (1) If a party has submitted a provincial list containing fewer names than the number of seats provisionally allocated to it in terms of item 13 *(d)*, it must forfeit a number of seats equal to the deficit.

(2) In the event of any forfeiture of seats in terms of subitem (1), the allocation of seats in respect of the province concerned must be recalculated as follows:

*(a)* The party forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 13 *(d)*, minus the number of seats forfeited by it in respect of its list for such province, becomes its final allocation of seats in the provincial legislature concerned.

*(b)* An amended quota of votes per seat must be determined in respect of such province by dividing the total number of votes cast in the province, minus the number of votes cast in the province in favour of the party referred to in paragraph *(a)*, by the number of seats, plus one, determined in terms of item 10 in respect of the province concerned, minus the number of seats finally allocated to the said party in terms of paragraph *(a)*.

*(c)* The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such province for purposes of the said recalculation.

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*(d)* The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such province to a party participating in the recalculation, must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast in favour of such party in such province by the amended quota of votes per seat indicated by paragraph *(c)* for such province.

*(e)* Where the result of the recalculation in terms of paragraph *(d)* yields a surplus not absorbed by the number of seats awarded to a party concerned, such surplus competes with other similar surpluses accruing to any other party or parties participating in the recalculation, and any seat or seats in respect of such province not awarded in terms of paragraph *(d)*, must be awarded to the party or parties concerned in sequence of the highest surplus.

*(f)* The aggregate of such a party's awards in terms of paragraphs *(d)* and *(e)* in respect of such province, subject to subitem (3), indicates that party's final allocation of the seats determined under item 10 in respect of that province.

(3) In the event of a party being allocated an additional number of seats in terms of this item and if its list in question then does not contain the names of a sufficient number of candidates as set out in subitem (1), the process provided for in this item must be repeated with the changes required by the context until all seats have been allocated.

## Ballot papers

**15** There must be separate ballot papers for the election of members of the National Assembly and of members of the provincial legislatures.

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## Designation of representatives

**16** (1) After the counting of votes has been concluded, the number of representatives of each party has been determined and the election result has been declared in terms of section 190 of the Constitution, the Commission must, within two days after such declaration, designate from each list of candidates, the representatives of each party in the legislature.

(2) Following the designation in terms of subitem (1), if a candidate's name appears on more than one list for the National Assembly or on lists for both the National Assembly and a provincial legislature (if an election of the Assembly and a provincial legislature is held at the same time), and such candidate is due for designation as a representative in more than one case, the party which submitted such lists must, within two days after the said declaration, indicate to the Commission from which list such candidate will be designated or in which legislature the candidate will serve, as the case may be, in which event the candidate's name must be deleted from the other lists.

(3) If a party fails to indicate to the Commission from which list a candidate will be designated or in which legislature a candidate will serve, such candidate's name must be deleted from all the lists.

(4) The Commission must forthwith publish the list of names of representatives in the legislature or legislatures.

## Supplementation of lists of candidates

**17** No lists of candidates of a party for any legislature may be supplemented prior to the designation of representatives in terms of item 16.

**18** Lists of candidates may, after the designation of representatives in terms of item 16 has been concluded, be supplemented by the addition of an equal number of names at the end of the applicable list, if—

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*(a)* a representative is elected as the President or to any other executive office as a result of which he or she resigns as a representative of a legislature;

*(b)* a representative is appointed as a permanent delegate to the National Council of Provinces;

*(c)* a name is deleted from a list in terms of item 16 (2); or

*(d)* a vacancy has occurred and the appropriate list of candidates of the party concerned is depleted.

**19** Lists of candidates of a party referred to in item 16 (1) may be supplemented on one occasion only at any time during the first 12 months following the date on which the designation of representatives in terms of item 16 has been concluded, in order to fill casual vacancies: Provided that any such supplementation must be made at the end of the list.

**20** The number of names on lists of candidates as supplemented in terms of item 18 may not exceed the difference between the number of seats in the National Assembly or a provincial legislature, as the case may be, and the number of representatives of a party in any such legislature.

## Review of lists of candidates by party

**21** A party may review its undepleted lists as supplemented in terms of items 18, 19 and 20, within seven days after the expiry of the period referred to in item 19, and annually thereafter, until the date on which a party has to submit lists of candidates for an ensuing election, in the following manner:

*(a)* all vacancies may be supplemented;

*(b)* no more than 25 per cent of candidates may be replaced; and

*(c)* the fixed order of lists may be changed.

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## Publication of supplemented and reviewed lists of candidates

**22** Candidates' lists supplemented in terms of items 18 and 19 or reviewed in terms of item 21 must be published by the Secretary to Parliament and the Secretaries of the provincial legislatures within 10 days after the receipt of such lists from the parties concerned.

## Vacancies

**23** (1) In the event of a vacancy in a legislature to which this Schedule applies, the party which the vacating member represented must fill the vacancy by nominating a person—

*(a)* whose name appears on the list of candidates—

(i) from which that party's members were originally nominated; and

(ii) .....

[Sub-para. (ii) omitted by s. 8 of Act 55 of 2008 (wef 17 April 2009).]

*(b)* who is the next qualified and available person on the list.

[Subitem (1) substituted by s. 8 of Act 55 of 2008 (wef 17 April 2009).]

(2) A nomination to fill a vacancy must be submitted to the Speaker in writing.

(3) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of section 47 (3) *(c)* or 106 (3) *(c)* of the Constitution, the seats in question must be allocated to the remaining parties with the changes required by the context as if such seats were forfeited seats in terms of item 7 or 14, as the case may be.

## Definitions

**24** In this Schedule—

**'Constitution'** means the Constitution of the Republic of South Africa, 1996;

**'national list'** means a list of candidates prepared by a party for an election of the National Assembly to reflect that party's order of preference of candidates in respect of the allocation of seats on a national basis;

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'**provincial list**' means a list of candidates prepared by a party for an election of a provincial legislature;

'**region**' means the territorial area of a province;

'**regional list**' means a list of candidates in respect of a region prepared by a party for an election of the National Assembly to reflect that party's order of preference of candidates in respect of the allocation of seats in respect of such region;

'**votes**' means—

*(a)* where it occurs in items 5, 6, 7 and 9, votes cast in an election for the National Assembly;

*(b)* where it occurs in items 13 and 14, votes cast in the election for the provincial legislature of a province concerned; and

*(c)* where it occurs in item 16, votes cast in the election for the National Assembly and the provincial legislatures.

## Schedule 2
## ELECTORAL CODE OF CONDUCT

(Section 99)

### 1 Purpose of Code

The purpose of this Code is to promote conditions that are conducive to free and fair elections, including—

*(a)* tolerance of democratic political activity; and

*(b)* free political campaigning and open public debate.

### 2 Promotion of Code

Every registered party and every candidate bound by this Code must—

*(a)* promote the purpose of the Code when conducting an election;

*(b)* publicise the Code widely in any election campaigns; and

*(c)* promote and support efforts in terms of this Act to educate voters.

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### 3 Compliance with Code and electoral laws

Every registered party and every candidate must—

*(a)* comply with this Code;

*(b)* instruct—

(i) in the case of a party, its candidates, persons who hold political office in the party, and its representatives, members and supporters, to comply with this Code and any applicable electoral laws; or

(ii) in the case of a candidate, the representatives and supporters of the candidate to comply with this Code and any applicable electoral laws;

*(c)* take all reasonable steps to ensure—

(i) in the case of a party, that its candidates, persons who hold political office in the party, and its representatives, members and supporters, comply with this Code and any applicable electoral laws; or

(ii) in the case of a candidate, that the representatives and supporters of the candidate comply with this Code and any applicable electoral laws.

### 4 Public commitment

(1) Every registered party and every candidate must—

*(a)* publicly state that everyone has the right—

(i) to freely express their political beliefs and opinions;

(ii) to challenge and debate the political beliefs and opinions of others;

(iii) to publish and distribute election and campaign materials, including notices and advertisements;

(iv) to lawfully erect banners, billboards, placards and posters;

(v) to canvass support for a party or candidate;

(vi) to recruit members for a party;

(vii) to hold public meetings; and

(viii) to travel to and attend public meetings; and

*(b)* publicly condemn any action that may undermine the free and fair conduct of elections.

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(2) Every registered party and every candidate must accept the result of an election or challenge the result in a court.

### 5 Duty to co-operate

Every registered party and every candidate must liaise with other parties contesting an election and endeavour to ensure that they do not call a public meeting, march, demonstration, rally or any other public political event at the same time and place as that called by another party contesting the election.

### 6 Role of women

Every registered party and every candidate must—

*(a)* respect the right of women to communicate freely with parties and candidates;

*(b)* facilitate the full and equal participation of women in political activities;

*(c)* ensure the free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and

*(d)* take all reasonable steps to ensure that women are free to engage in any political activities.

### 7 Role of Commission

Every registered party and every candidate must—

*(a)* recognise the authority of the Commission in the conduct of an election;

*(b)* assure voters of the Commission's impartiality;

*(c)* give effect to any lawful direction, instruction or order of the Commission, or a member, employee or officer of the Commission, or the chief electoral officer;

*(d)* establish and maintain effective lines of communication with—

(i) the Commission; and

(ii) other registered parties contesting the election;

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*(e)* facilitate the access of members, employees and officers of the Commission, and the chief electoral officer, to public meetings, marches, demonstrations, rallies and other public political events of that party or candidate;

*(f)* co-operate in any investigation of the Commission;

*(g)* take all reasonable steps to ensure—

(i) the safety of members, employees and officers of the Commission, and the chief electoral officer, in the exercise of any power or the performance of any duty assigned by or under this Act;

(ii) that persons referred to in subparagraph (i) are not subjected to insult, hazard or threat by any representatives or supporters of that party or candidate; and

(iii) that representatives of that party or candidate attend meetings of any party liaison committee or other forum convened by the Commission.

**8 Role of media**

Every registered party and every candidate—

*(a)* must respect the role of the media before, during and after an election conducted in terms of this Act;

*(b)* may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and

*(c)* must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.

**9 Prohibited conduct**

(1) No registered party or candidate may—

*(a)* use language or act in a way that may provoke—

(i) violence during an election; or

(ii) the intimidation of candidates, members of parties, representatives or supporters of parties or candidates, or voters;

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*(b)* publish false or defamatory allegations in connection with an election in respect of—

(i) a party, its candidates, representatives or members; or

(ii) a candidate or that candidate's representatives;

*(c)* plagiarise the symbols, colours or acronyms of other registered parties; or

*(d)* discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political activity.

(2) No person may—

*(a)* offer any inducement or reward to another person—

(i) to join or not to join a party;

(ii) to attend or not to attend a public meeting, march, demonstration, rally or other public political event;

(iii) to vote or not to vote, or to vote or not to vote in any particular way; or

(iv) to refuse a nomination as a candidate or to withdraw as a candidate; or

*(b)* carry or display arms or weapons—

(i) at a political meeting; or

(ii) in any march, demonstration, rally or other public political event;

*(c)* unreasonably prevent any other person access to voters for the purpose of voter education, collecting signatures, recruiting members, raising funds or canvassing support for a party or candidate;

*(d)* deface or unlawfully remove or destroy the billboards, placards, posters or any other election materials of a party or candidate; or

*(e)* abuse a position of power, privilege or influence, including parental, patriarchal, traditional or employment authority to influence the conduct or outcome of an election.

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### 10 Additions to Code

The Commission may by regulations made in terms of section 100 add provisions to this Code.

## Schedule 3

## COMPOSITION OF NATIONAL ASSEMBLY AND PROVINCIAL LEGISLATURES

(Section 114)

### 1 Formula for determining number of members of National Assembly

(1) By taking into account available scientifically based data and representations by interested parties, the number of seats of the National Assembly must be determined by awarding one seat for every 100 000 of the population with a minimum of 350 and a maximum of 400 seats.

(2) If the total number of seats for all provincial legislatures determined in terms of item 2 exceeds 400, the number of seats for the National Assembly may not be less than 400.

### 2 Formula for determining number of members of provincial legislatures

By taking into account available scientifically based data and representations by interested parties, the number of seats of a provincial legislature must be determined by awarding one seat for every 100 000 of the population whose ordinary place of residence is within that province, with a minimum of 30 and a maximum of 80 seats.

### 3 Commission responsible for determination of seats

(1) The determination of seats contemplated in items 1 and 2 must be completed by the Commission not later than 31 March 1999.

(2) The Commission must give notice in the *Government Gazette* of the time and date on which, and the venue where, the determination is to take place, and must afford interested parties an opportunity to make representations before the determination is made.

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### 4 Determination to be published in *Government Gazette*

A determination made in terms of this Schedule must be published in the *Government Gazette* within 14 days of the determination, and takes effect on the date it is published.

## Schedule 4
## REPEAL OF LAWS

(Section 115)

| No. and year of law | Title |
|---|---|
| Act 202 of 1993 | Electoral Act, 1993 |
| Act 1 of 1994 | Electoral Amendment Act, 1994 |
| Proclamation 65 of 1994 | |
| Proclamation 69 of 1994 | |
| Proclamation 73 of 1994 | |
| Proclamation 85 of 1994 | |
| Proclamation 91 of 1994 | |
| Act 20 of 1997 | Electoral Amendment Act, 1997 |

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# REGULATIONS

## IN TERMS OF THE

# ELECTORAL ACT
# 73 OF 1998

# ELECTION REGULATIONS, 2004

**Published under**

GN R12 in *GG* 25894 of 7 January 2004

**as amended by**

GN R217 in *GG* 26058 of 16 February 2004
GN R344 in *GG* 26154 of 12 March 2004
GN R429 in *GG* 26207 of 29 March 2004
GenN 1206 in *GG* 31454 of 26 September 2008
GN R968 in *GG* 37132 of 6 December 2013
(as corrected by GenN 31 in *GG* 37259 of 23 January 2014)
GN 371 in *GG* 42289 of 6 March 2019

The Electoral Commission has, under the powers vested in it by section 100 of the Electoral Act, 1998 (Act 73 of 1998), made the regulations set out in the Schedule.

## SCHEDULE

## CHAPTER 1 (reg. 1)

## 1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the contents otherwise indicates—

'**municipal electoral officer**' means an officer appointed by the chief electoral officer as such;

'**official website**' means the website of the Commission accessible at http://www.elections.org.za;

[Definition of 'official website' inserted by GN 371 of 6 March 2019.]

'**presiding officer for the voting district**' referred to in Chapter 3A or Chapter 3B of these Regulations means the presiding officer appointed for a voting station in that voting district;

[Definition of 'presiding officer for the voting district' substituted by GN R968 of 6 December 2013.]

**'SMS'** means a short message service provided through a telecommunication system, accessed through a number designated by the Commission, to be used for the electronic submission of applications for special votes at voting stations on the date prior to the voting day stated in the election timetable;

[Definition of 'SMS' inserted by GN 371 of 6 March 2019.]

**'special vote system'** means the business application located on the official website to be used for the electronic submission of applications for special votes contemplated in sections 33 and 33A of the Act;

[Definition of 'special vote system' inserted by GN 371 of 6 March 2019.]

**'special voting officer'** means a special voting officer referred to in regulation 11(3);

[Definition of 'special voting officer' amended by GN R968 of 6 December 2013.]

**'the Act'** means the Electoral Act, 1998 (Act 73 of 1998);

**'voting day'** means the voting day of the election concerned as determined in terms of section 17 or 18 of the Act;

[Definition of 'voting day' substituted by GN 371 of 6 March 2019.]

**'voting officer'** referred to in Chapter 3A or Chapter 3B of these Regulations means the voting officer appointed for a voting station in that voting district; and

[Definition of 'voting officer' amended by GN R968 of 6 December 2013 and substituted by GN 371 of 6 March 2019.]

**'website'** means any location on the internet containing a home page or web page as described in section 1 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002).

[Definition of 'website' added by GN 371 of 6 March 2019.]

## CHAPTER 2
## VOTING DISTRICTS AND VOTING STATIONS (regs 2–5)

### 2 Voting district map

The fee to be paid for a copy of a map of a voting district in terms of section 63(5) is Fifty Rand (R50–00).

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## 3 Postponement of voting at voting station

The postponement of voting at a voting station in terms of section 22 of the Act before the voting at that voting station has commenced, the reason being that it is not reasonably possible to conduct a free and fair election at that voting station on the proclaimed voting day, must be effected by way of a Commission decision which is published in the manner prescribed in section 22(2)*(c)* of the Act and a copy of which is, if reasonably possible, prominently displayed at the voting station for the duration of the voting day.

## 4 Revote at voting station

A revote allowed at a voting station in terms of section 23 of the Act must be conducted in accordance with the same procedures that applied on the voting day.

## 5 List of voting stations

The fee to be paid for a copy of a list of voting stations in terms of section 64(6) of the Act is One Rand (R1–00) per page.

# CHAPTER 3A
# SPECIAL VOTES IN AN ELECTION FOR THE NATIONAL ASSEMBLY (regs 6–13)

[Chapter 3A, previously Chapter 3, substituted and renumbered by GN R968 of 6 December 2013 (as corrected by GenN 31 of 2014).]

## 6 Categories of persons eligible for special votes

(1) In this Chapter the procedure for applying for special votes and the procedures for the casting and counting of special votes in an election are prescribed as required by section 33(6) of the Act in respect of persons who cannot vote at a voting station in the voting district in which they are registered as voters due to their—

*(a)* physical infirmity or disability or pregnancy;

*(b)* absence from that voting district while serving as an officer in the election concerned; or

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*(c)* being on duty as a member of the security services in connection with the election.

(2) The Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her intended absence from that voting district.

(3) The Commission must allow a person, who is outside the Republic, to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons who are in the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic.

(4) The Commission must allow a person to apply for and cast a special vote if that person's name appears on the segment of the voter's roll for persons ordinarily resident at a place outside the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote.

[Reg. 6 substituted by GN R968 of 6 December 2013.]

## 7 Physical infirmity or disability or pregnancy: Voting inside voting district

(1) A person referred to in subregulation 6(1)*(a)* who wants to vote in the voting district where he or she is registered, may apply for a special vote by—

*(a)* delivering or causing to be delivered to the municipal electoral officer of the municipality within whose area he or she is registered as a voter by not later than the

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relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1; or

*(b)* submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the special vote system.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

(2) . . .

[Subreg. (2) deleted by GN 371 of 6 March 2019.]

(3) The chief electoral officer, or an officer designated by him or her, must consider every application received and if he or she is satisfied that—

*(a)* the applicant is registered as a voter in that voting district; and

*(b)* cannot vote at that voting station due to physical infirmity or disability, or pregnancy, approve the application and if not, reject the application.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4) The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) or electronic mail as soon as possible but not later than two days before voting day.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(4A) The chief electoral officer must provide the presiding officer of each voting district with a list of voters in that voting district whose applications in terms of subregulation (1) have been approved.

[Subreg. (4A) inserted by GN 371 of 6 March 2019.]

(5) If the application is approved, the applicant must be visited by at least two voting officers at an address within the voting district, specified in the application, on the date or dates stated in the election timetable, and—

*(a)* on production of the applicant's identity document; and

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*(b)* if the voting officers are satisfied that the applicant is the person described in that identity document, the applicant's identity document and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper, marked on the back for that election.

(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The voting officers must take the marked envelope to the office of the presiding officer where—

*(a)* the applicant's name on the voters' roll is marked with the letters SV to indicate that he or she has cast a special vote; and

*(b)* the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer must keep a record of all such applications for special votes received in a form substantially similar to Appendix 3.

[Reg. 7 substituted by GN R968 of 6 December 2013.]

## 8 Physical infirmity or disability or pregnancy: Voting outside voting district

(1) An applicant referred to in regulation 6(1)*(a)* who wants to vote in a voting district where he or she is not registered as a voter, may apply for a special vote by—

*(a)* delivering or causing to be delivered to the municipal electoral officer of the municipality in which the voting district where the vote will be cast is situated, by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1; or

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*(b)* submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the special vote system.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

(2) The chief electoral officer or an officer designated by him or her must consider such an application and if he or she is satisfied that—

*(a)* the applicant is registered as a voter; and

*(b)* cannot vote at the voting station where he or she is registered as a voter or by special vote in the voting district where he or she is registered as a voter due to physical infirmity or disability, or pregnancy, approve the application and if not, reject it.

[Subreg. (2) substituted by GN 371 of 6 March 2019.]

(3) The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) or electronic mail as soon as possible but not later than two days before voting day.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4) The chief electoral officer must provide the presiding officer of each voting district with a list of voters in that voting district whose applications in terms of subregulation (1) have been approved.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(5) The presiding officer causes the applicant to be visited by at least two voting officers, at an address within that voting district, specified in the application, on the date or dates stated in the election timetable, and—

*(a)* on production of the applicant's identity document; and

*(b)* if the voting officers are satisfied that the applicant is the person described in that identity document, the applicant's identity document and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper, marked on the back for that election.

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(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for this purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The voting officers must take the marked envelope to the office of the presiding officer in whose area the vote was cast, where the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer referred to in subregulation (7) must immediately inform the presiding officer of the voting station where the applicant is registered on the voters' roll, either directly or via the municipal electoral officer of that area, that the applicant has cast a special vote and that presiding officer must mark his or her name on the voters' roll with the letters SV and the number of the voting district and municipality where the applicant has voted.

(9) Both presiding officers must keep a record of all special votes cast in a form substantially similar to Appendix 3.

[Reg. 8 substituted by GN R968 of 6 December 2013.]

## 9 Election officers, security services members and intended absence from voting district

(1) A person referred to in subregulation 6(1)*(b)*, *(c)* or subregulation 6(2) may apply for a special vote by—

*(a)* handing a written application in the form substantially similar to Appendix 1, or by causing such application to be handed, to the municipal electoral officer of the municipality in which that voter is registered as a voter during office hours on the date or dates stated in the election timetable;

*(b)* submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the special vote system; or

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*(c)* by sending an SMS containing the voter's identity number to the chief electoral officer by no later than the date or dates stated in the election timetable.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

(2) . . .

[Subreg. (2) deleted by GN 371 of 6 March 2019.]

(3) The chief electoral officer or an officer designated by him or her must consider every application received and if he or she is satisfied that—

*(a)* the applicant is registered as a voter in that voting district within that municipality; and

*(b)* cannot vote at that voting station in that voting district due to the applicant's absence from the voting district while serving as an officer in the election, or while on duty as a member of the security services in connection with the election or due to his or her intended absence from that voting district,

approve the application and if not, reject the application.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4) The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) and electronic mail as soon as possible but not later than two days before voting day.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(4A) The chief electoral officer must provide the presiding officer of each voting district with a list of voters in that voting district whose applications in terms of sub-regulation (1) have been approved.

[Subreg. (4A) inserted by GN 371 of 6 March 2019.]

(5) If the application is approved and—

*(a)* the applicant produces an identity document to the presiding officer or voting officer; and

*(b)* if the presiding officer or voting officer is satisfied that the applicant is the person described in that identity document,

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the presiding officer marks the voters' roll with the letters SV against the applicant's name and the applicant's identity document and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper marked on the back for that election.

(6) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for this purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The envelope is placed and securely kept in a sealed ballot box for special votes, after the applicants name on the voters' roll has been marked with the letters SV to indicate that he or she has cast a special vote.

(8) The presiding officer must keep a record of all such applications for special votes in a form substantially similar to Appendix 3.

[Reg. 9 substituted by GN R968 of 6 December 2013.]

## 10 Notice of intention and application for a special vote outside the Republic on voting day

[Heading substituted by GN 371 of 6 March 2019.]

(1) Persons referred to in subregulation 6(3) or (4) who want to vote outside the Republic on a date designated for that purpose in the election timetable, must notify the Commission of their intended absence from the Republic on voting day, their intention to vote on the date designated for special votes in the election timetable, and the location of the place where they will cast their vote, which must be a place referred to in subregulation (3), and must do so by—

*(a)* submitting or causing to be submitted an application electronically to the chief electoral officer through the special vote system within 15 days after the proclamation of the date of the election; or

*(b)* delivering to the Chief Electoral Officer, within 15 days after the proclamation of the date of the election, a notice in a form substantially similar to Appendix 10.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

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(2) The physical address of the Chief Electoral Officer is Election House, Riverside Office Park, 1303, Heuwel Avenue, Centurion, the postal address is Private Bag X 112, Centurion, 0046, the facsimile number is +27 (0)12 622 5279 and the website is www.elections.org.za

(3) The places where such a person can apply for and cast a special vote are at any South African embassy, high commission or consulate abroad.

(4)*(a)* Upon the receipt of a notice referred to in subregulation (1) the Chief Electoral Officer must consider the application and, if satisfied that the person is registered as a voter on the voters' roll certified for the election, approve the application and, if not, reject it.

*(b)* The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) or electronic mail as soon as possible but not later than two days before voting day.

*(c)* The Chief Electoral Officer must provide the special voting officer of the embassy, high commission or consulate abroad with a list of voters whose applications to cast a special vote at that mission have been approved.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(5) The commanding officer of units of security personnel serving in that capacity outside the Republic may notify the Chief Electoral Officer of the persons attached to that unit's intention to apply for and cast special votes outside the Republic.

[Subreg. (5) substituted by GN 371 of 6 March 2019.]

(6) The head of each South African embassy, high commission, or consulate abroad shall in consultation with the chief electoral officer designate in writing an employee to be the special voting officer.

[Subreg. (6) added by GN 371 of 6 March 2019.]

(7) If the application contemplated in subregulation (1) has been approved as contemplated in subregulation (4)*(a)* and—

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*(a)* the applicant produces his or her identity document and valid South African passport to the special voting officer; and

*(b)* the special voting officer is satisfied that the applicant is the person described in that identity document and valid South African passport,

the applicant's hand is marked in the manner described in regulation 18 and he or she is handed a ballot paper, marked on the back for that election.

[Subreg. (7) added by GN 371 of 6 March 2019.]

(8) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for this purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the name of the South African embassy, high commission, consulate or other location contemplated in subregulation (3) where the vote was cast.

[Subreg. (8) added by GN 371 of 6 March 2019.]

(9) The special voting officer must, as soon as the last applicant has voted, package and securely seal all the marked envelopes together with a record of all persons who have cast votes at the mission or location concerned, and send the package as promptly and securely as possible to the Chief Electoral Officer.

[Subreg. (9) added by GN 371 of 6 March 2019.]

(10) The Chief Electoral Officer must, upon receipt of the packages, keep them in safe custody until the close of voting stations on voting day when—

*(a)* the packages are opened in the presence of party agents;

*(b)* each envelope is scrutinised against the list of approved special voters generated by the Chief Electoral Officer in conjunction with the voters' roll;

*(c)* the votes that are accepted as regularly cast, must be counted; and

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*(d)* the total number of votes counted for each party are added to the total numbers of votes counted for that party.

[Subreg. (10) added by GN 371 of 6 March 2019.]

(11) Votes and packages received after 21h00 on voting day are listed and kept in safe custody but are not counted, except upon the order of a competent authority.

[Subreg. (11) added by GN 371 of 6 March 2019.]

[Reg. 10 substituted by GN R968 of 6 December 2013.]

## 11 . . .

[Reg. 11 substituted by GN R968 of 6 December 2013 and deleted by GN 371 of 6 March 2019.]

## 12 Counting of Special Votes cast in the Republic

(1) During the course of voting day or after the closing of voting, in the presence of the party agents being present, the ballot box for special votes is opened and each marked envelope is scrutinised and compared with the marked voters roll, the applications for special votes and the records of applications for special votes.

(2) If no irregularity is detected that renders the special vote unacceptable, the marked envelope is opened either during the course of voting day or after the closing of voting, in the presence of the party agents being present, the unmarked envelope inside is removed and is placed unopened in the ordinary ballot box then in use in the voting station.

(3) Once that ballot box is opened for counting, the unmarked envelopes are opened, the ballot papers removed, mixed with the ballot papers from the ballot box and counted together.

[Reg. 12 substituted by GN R968 of 6 December 2013.]

## 13 Provisions of the Act and regulations thereunder

Whenever appropriate and within the context of the regulations in this Chapter, the provisions of the Act relating to voting, the

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counting of votes, party agents, observers, voting stations, voting materials, officers and their powers and duties, objections and appeals, prohibited conduct, enforcement and offences and penalties apply, unless clearly inconsistent with these Regulations, to all special vote procedures.

[Reg. 13 substituted by GN R968 of 6 December 2013.]

## CHAPTER 3B
## SPECIAL VOTES IN AN ELECTION FOR A PROVINCIAL LEGISLATURE (regs 14–15D)

[Chapter 3B inserted by GN R968 of 6 December 2013.]

### 14 Categories of persons

(1) In this Chapter the procedure for applying for special votes and the procedures for the casting and counting of special votes in an election are prescribed as required by section 33A(3) of the Act in respect of persons who cannot vote at a voting station in the voting district in which they are registered as voters due to their—

*(a)* physical infirmity or disability or pregnancy;

*(b)* absence from that voting district while serving as an officer in the election concerned;

*(c)* being on duty as a member of the security services in connection with the election.

(2) In an election for a provincial legislature, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered, if he or she cannot vote in that voting district on election day, due to his or her intended absence from that voting district on election day.

[Reg. 14 substituted by GN R968 of 6 December 2013.]

### 15 Physical infirmity or disability or pregnancy: Voting inside voting district

(1) A person referred to in subregulation 14(1)*(a)* who wants to vote in the voting district where he or she is registered, may apply for a special vote by—

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*(a)* delivering, or causing to be delivered, to the municipal electoral officer of the voting district within whose area he or she is registered as a voter by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1; or

*(b)* submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the special vote system.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

(2) . . .

[Subreg. (2) deleted by GN 371 of 6 March 2019.]

(3) The chief electoral officer or an officer designated by him or her must consider every application received and if he or she is satisfied that—

*(a)* the applicant is registered as a voter in that voting district; and

*(b)* cannot vote at that voting station due to physical infirmity or disability, or pregnancy,

approve the application and if not, reject the application.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4)*(a)* The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) and electronic mail as soon as possible but not later than two days before voting day.

*(b)* The chief electoral officer must provide the presiding officer of each voting district with a list of voters in that voting district whose applications in terms of subregulation (1) have been approved.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(5) If the application is approved, the applicant must be visited by at least two voting officers at an address within the voting district, specified in the application, on the date or dates stated in the election timetable, and—

*(a)* on production of the applicant's identity document; and

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*(b)* if the voting officers are satisfied that the applicant is the person described in that identity document, the applicant's identity document and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper, marked on the back for that election.

(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for this purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The voting officers must take the marked envelope to the office of the presiding officer where—

*(a)* the applicant's name on the voters' roll is marked with the letters SV to indicate that he or she has cast a special vote; and

*(b)* the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer must keep a record of all such persons who cast special votes in terms of this regulation.

[Subreg. (8) substituted by GN 371 of 6 March 2019.]

[Reg. 15 substituted by GN R968 of 6 December 2013.]

## 15A Physical infirmity or disability or pregnancy: Voting outside voting district

(1) An applicant referred to in regulation 14(1)(a) who wants to vote in a voting district where he or she is not registered as a voter, but within the province where he or she is so registered, may apply for a special vote by—

*(a)* delivering or causing to be delivered to the municipal electoral officer of the municipality in which the voting district where the vote will be cast is situated, by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1; or

*(b)* submitting or causing to be submitted by no later than

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the date stated in the election timetable, a written application electronically to the chief electoral officer through the special vote system.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

(2) The chief electoral officer must consider each application and if he or she is satisfied that—

*(a)* the applicant is registered as a voter; and

*(b)* cannot vote at the voting station where he or she is registered as a voter or by special vote in the voting district where he or she is registered as a voter due to physical infirmity or disability, or pregnancy,

approve the application and if not, reject it.

[Subreg. (2) substituted by GN 371 of 6 March 2019.]

(3) The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) and electronic mail as soon as possible but not later than two days before voting day.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4) The chief electoral officer must provide the presiding officer of each voting district with a list of voters in that voting district whose applications in terms of subregulation (1) have been approved.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(5) The presiding officer causes the applicant to be visited by at least two voting officers, at an address within that voting district, specified in the application, on the date or dates stated in the election timetable, and—

*(a)* on production of the applicant's identity document; and

*(b)* if the voting officers are satisfied that the applicant is the person described in that identity document, the applicant's identity document and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper, marked on the back for that election.

(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for this

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purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The voting officers must take the marked envelope to the office of the presiding officer in whose area the vote was cast, where the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer referred to in subregulation (7) must immediately inform the presiding officer of the voting station where the applicant is registered on the voters' roll, either directly or via the municipal electoral officer of that area, that the applicant has cast a special vote and that presiding officer must mark his or her name on the voters' roll with the letters SV and the number of the voting district and municipality where the applicant has voted.

(9) Both presiding officers must keep a record of all special votes cast in a form substantially similar to Appendix 3.

[Reg. 15A added by GN R968 of 6 December 2013.]

## 15B Election officers, security services members and intended absence from voting district on voting day

(1) A person referred to in subregulation 14(1)*(b)*, *(c)* or subregulation 14(2) may apply for a special vote—

*(a)* by handing a written application in a form substantially similar to Appendix 1, or by causing such application to be handed to the municipal electoral officer of the municipality in which that person is registered as a voter during office hours on the date or dates stated in the election timetable;

*(b)* electronically to the chief electoral officer through the special vote system by no later than the date stated in the election timetable; or

*(c)* by sending an SMS containing the voter's identity number to the chief electoral officer by no later than the date stated in the election timetable.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

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(2) . . .

[Subreg. (2) deleted by GN 371 of 6 March 2019.]

(3) The chief electoral officer or an officer designated by him or her must consider every application received and if he or she is satisfied that—

*(a)* the applicant is registered as a voter in that voting district; and

*(b)* cannot vote at that voting station in that voting district due to the applicant's absence from the voting district on voting day while serving as an officer in the election, or while on duty as a member of the security services in connection with the election or due to his or her intended absence from that voting district, approve the application and if not, reject the application.

[Subreg. (3) substituted by GN 371 of 6 March 2019.]

(4) The applicant must be notified of the outcome of the application by the most convenient method available, including short message system (SMS) and electronic mail as soon as possible but not later than two days before voting day.

[Subreg. (4) substituted by GN 371 of 6 March 2019.]

(4A) The chief electoral officer must provide the presiding officer of each voting station with a list of voters in that voting district whose applications in terms of subregulation (1) have been approved.

[Subreg. (4A) inserted by GN 371 of 6 March 2019.]

(5) If the application is approved and—

*(a)* the applicant produces an identity document to the presiding officer or voting officer; and

*(b)* if the presiding officer or voting officer is satisfied that the applicant is the person described in that identity document,

the presiding officer marks the voters' roll with the letters SV against the applicant's name and the applicant's identity docu-

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ment and hand are marked in the manner prescribed in regulation 18 and he or she is handed a ballot paper marked on the back for that election.

(6) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope identified for that purpose which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and the voting district number.

(7) The envelope is placed and securely kept in a sealed ballot box for special votes, after the applicants name on the voters' roll has been marked with the letters SV to indicate that he or she has cast a special vote.

(8) The presiding officer must keep a record of all such applications for special votes in a form substantially similar to Appendix 3.

[Reg. 15B added by GN R968 of 6 December 2013.]

## 15C Counting of Special Votes cast in the Republic

(1) During the course of voting day or after the closing of voting, in the presence of the party agents being present, the ballot box for special votes is opened and each marked envelope is scrutinised and compared with the marked voters roll, the applications for special votes and the records of applications for special votes.

(2) If no irregularity is detected that renders the special vote unacceptable, the marked envelope is opened either during the course of voting day or after the closing of voting, in the presence of the party agents being present, the unmarked envelope inside is removed and is placed unopened in the ordinary ballot box then in use in the voting station.

(3) Once that ballot box is opened for counting, the unmarked envelopes are opened, the ballot papers removed, mixed with the ballot papers from the ballot box and counted together.

[Reg. 15C added by GN R968 of 6 December 2013.]

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## 15D Provisions of the Act and regulations thereunder

Whenever appropriate and within the context of the regulations in this Chapter, the provisions of the Act relating to voting, the counting of votes, party agents, observers, voting stations, voting materials, officers and their powers and duties, objections and appeals, prohibited conduct, enforcement and offences and penalties apply, unless clearly inconsistent with these Regulations, to all special vote procedures.

[Reg. 15D added by GN R968 of 6 December 2013.]

# CHAPTER 4
# VOTING (regs 16–21)

## 16 Closing and securing of ballot boxes before voting

(1) Immediately after all party agents present at the voting station have assured themselves that a ballot box is empty as required by section 37*(a)* of the Act, the presiding officer must seal that box by means of a seal designed and supplied to the presiding officer for that purpose and which bears a unique number.

(2) The closing and securing of a ballot box in terms of section 37*(b)* of the Act must be done by closing all openings, except for the opening through which the ballot papers must be deposited into the ballot box, and securing the openings tightly enough by means of a seal supplied to the presiding officer for that purpose, so that ballot papers cannot be inserted into or removed from the ballot box through those openings.

## 17 Voting where not registered

(1) The sworn or affirmed statement referred to in section 24A (1)*(b)* of the Act must be in a form substantially similar to Appendix 4.

(2) A receipt issued to a person when he or she applied for registration as a voter constitutes proof referred to in section

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24A(1)*(c)* of the Act, that that person has applied for registration as a voter and the date appearing on the receipt constitutes such proof of the date on which such person so applied for registration.

[Subreg. (2) amended by GN R968 of 6 December 2013 and substituted by GN 371 of 6 March 2019.]

[Reg. 17 substituted by GN R344 of 12 March 2004.]

## 18 Marking of hand of voter

[Heading substituted by GN 371 of 6 March 2019.]

(1) . . .

[Subreg. (1) deleted by GN 371 of 6 March 2019.]

(2) A voter's hand must be marked in terms of section 38(5)*(b)* of the Act by drawing a short line on the vote's left thumb and left thumb nail with visible indelible ink.

(3) If the voter does not have a left thumb or thumb nail or if it is impractical due to injury, disease or any other cause to mark the left thumb and left thumb nail, any of the left hand fingers and nails must be so marked and, if for similar reasons a left hand finger and nail cannot be marked, a finger and nail of the right hand must be so marked.

(4) If for any of the reasons mentioned in subregulation (2), no finger and nail of a voter can be so marked, the presiding officer must record the voter's name, address, identity number and the reasons why the voter's hand could not be marked, on a list kept for that purpose.

(5) After the closing of voting at the voting station, the list is packaged and sealed, together with the other election material, delivered to the chief electoral officer and kept in safe custody until disposed of in terms of section 105 of the Act.

## 18A Voting procedure for a voter in an election for a provincial legislature whose address is not recorded on the voters' roll

(1) If a voter intends to vote in an election for a provincial legislature and the voter's name appears in the segment of the

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voters' roll for the relevant voting district, but the voter has no address recorded on the voters' roll or the voter's address appearing on the voter's roll is incomplete or inadequate, the voter concerned shall be entitled to vote at that voting station provided that—

*(a)* the voter provides his or her address, or the details of his or her place of ordinary residence, to the presiding officer or voting officer; and

*(b)* the presiding officer or voting officer determines, in the presence of party agents, that the voter's address or place of ordinary residence as provided in terms of subregulation (1)*(a)* is located within the province in respect of which the voter intends to cast a provincial ballot.

(2) If the presiding officer or voting officer determines that the voter's address or place of ordinary residence as provided in terms of subregulation (1)*(a)* is located within the province in respect of which the voter intends to cast a provincial ballot, the voter concerned shall be allowed to cast a provincial ballot in terms of section 38 of the Act.

(3) If a party agent objects to a voter contemplated in subregulation (2) being entitled to vote in an election for a provincial legislature in terms of section 41(1A), the voter concerned must be handed and allowed to mark the ballot paper in secret as if it is a special vote contemplated in subregulation 15(6), provided that—

*(a)* the outer envelope as contemplated in regulation 15(6) is marked on the outside with the voter's name, identity number, voting district number and the address or place of ordinary residence provided by that voter in terms of subregulation (1)*(a)*;

*(b)* the outer envelope is marked 'DISPUTED'; and

*(c)* the marked envelope is placed in the ballot box but is not counted until the Commission decides the objections.

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(4) Once the Commission decides the objections contemplated in subregulation (3), the disputed votes are opened in the presence of party agents and—

*(a)* the ballot papers must be scrutinised to ascertain whether any of them must be rejected for a reason mentioned in section 47(3) of the Act;

*(b)* the rejected ballot papers, if any, are filed separately;

*(c)* the ballot papers cast by voters who the Commission has determined to be ordinarily resident in the province concerned are counted, and the total number of votes for each party are recorded in that election; and

*(c)* the designated official must keep a separate record of the results of the votes counted and rejected in terms of subregulation (4)*(a)* and *(b)*.

[*Editorial note:* Numbering as per the original *Government Gazette*.]

[Reg. 18A inserted by GN 371 of 6 March 2019.]

## 18B Number of times that voter may be issued a new ballot paper

The presiding officer may in terms of section 40(4) issue a new ballot paper to a voter contemplated in section 40(1) no more than two times after the issue of the initial ballot paper in terms of section 38(5)*(d)*.

[Reg. 18B inserted by GN 371 of 6 March 2019.]

## 19 Objections concerning voting

(1) An agent or a voter wishing to object in terms of section 41(2) or (3) of the Act—

*(a)* . . .

[Para. *(a)* deleted by GN 371 of 6 March 2019.]

*(b)* to voter being refused a ballot paper; or

*(c)* to any other conduct of an officer, an agent, or any other persons present at a voting station,

must do so by handing to the presiding officer at the time of the occurrence a written objection in a form substantially similar to Appendix 5.

[Subreg. (1) substituted by GN 371 of 6 March 2019.]

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(2) The presiding officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to anyone that may be able to assist.

(3) The presiding officer must thereafter decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved in the objection of his or her decision.

(4) An agent wishing to object in terms of section 41(1) to a voter being entitled to vote on the grounds contemplated in section 41(1A) must do so by handing to the presiding officer at the time of the occurrence a written objection in a form substantially similar to Appendix 5A, which must—

*(a)* contain detailed reasons for the objection; and

*(b)* attach such documents as are necessary to substantiate the basis of such objection.

[Subreg. (4) added by GN 371 of 6 March 2019.]

## 20 Appeals concerning voting

A person wishing to appeal to the Commission in terms of section 41(6) of the Act against the decision of the presiding officer, must do so by way of a written notice, served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, indicating the section of the Act in terms of which the appeal is brought and giving full particulars of the parties involved, the conduct objected to, the decision of the presiding officer and the reasons for the appeal.

## 21 Sealing of full ballot boxes

The sealing of a full ballot box and the remaining ballot boxes after the last vote has been cast as required by section 42(1) of the Act, must be done by closing the opening of the ballot box through which the ballot papers were cast and sealing the opening with a seal supplied to the presiding officer for that purpose.

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## CHAPTER 5
## MOBILE VOTING STATIONS: VOTING PROCEDURES (regs 22–23)

### 22 Use of mobile voting stations only

Where, in terms of section 64 of the Act, only a mobile voting station is established in a voting district, the following voting procedures are hereby prescribed in terms of section 44(1) of the Act:

*(a)* The voting procedures set out in sections 35 to 43 of the Act must be applied, except as otherwise indicated hereunder, concerning the route, locations, stopping times and counting venue of a mobile voting station mentioned in sections 43(3) and 67(2) of the Act.

*(b)* Voting at a mobile station must continue at that location until every voter has voted, who—

(i) is entitled to vote at that mobile voting station; and

(ii) had reported for voting at that mobile voting station before the published estimated time of stopping at that voting station had passed.

*(c)* Relative to section 37 of the Act, the presiding officer of a mobile voting station must immediately before opening that mobile station for voting at the first location where it stopped, show agents present that each ballot box to be used is empty and close and secure each such ballot box in the presence of those agents in the same manner as prescribed in regulation 16.

### 23 Voting station and a mobile voting station

Where in terms of section 64 of the Act, a fixed voting station and a mobile voting station are established in a voting district, voting procedures prescribed in regulation 22, adjusted as follows, must be applied:

*(a)* The mobile voting station is managed as if it were a satellite station of, and therefore an integral part of the voting station.

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*(b)* Relative to section 71 of the Act, the voting material necessary for the election at the mobile voting station, including a certified voters' roll for the voting district concerned, must be supplied by the chief electoral officer to the presiding officer of the voting station as an integral part of that voting station's material and that presiding officer in turn, must supply the presiding officer of the mobile voting station with the voting material necessary for the mobile voting station, and obtain from him or her a receipt.

*(c)* Relative to section 43(2) of the Act, the presiding officer of the mobile voting station must deliver to the counting officer of the voting station the items mentioned in section 43(1) of the Act.

*(d)* Relative to sections 46, 47 and 50 of the Act, the counting officer of the voting station must open all the ballot boxes used in that station and in the mobile voting station, mix the ballot papers from all the boxes and then proceed with the counting of the votes and the determination of the results of that count as the provisional results for that voting station.

## CHAPTER 6
## COUNTING OF VOTES (regs 24–32)

### *Part 1: Counting of votes at voting station*

## 24 Comparing of ballot papers with number issued

The comparing of the ballot papers for each election with the number of ballot papers issued in terms of section 47(2)*(b)* of the Act, must be done by counting all the ballot papers for each election and comparing the resulting total number with the total number of ballot papers issued at that voting station as reflected on the form completed by the presiding officer in terms of section 43(1)*(a)* of the Act.

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## 25 Counting of votes

The counting of the votes cast in each election in terms of section 47(2)*(c)* of the Act must be done by way of the following sequential steps:

*(a)* All the ballot papers must be scrutinised to ascertain whether any of them must be rejected for a reason mentioned in section 47(3) of the Act.

*(b)* The rejected ballot papers, if any, are filed separately.

*(c)* The remaining ballot papers for each election are sorted face up according to the party in whose favour the vote was cast.

*(d)* The ballot papers for each party in each election are bound in packages of 10 and thereafter 10 packets of 10 are bound together with elastic bands.

*(e)* The ballot papers for each party in each election are counted, the totals recorded and the result of each election thus determined.

*(f)* If the counting officer orders a recount, the counting officer must determine and record the result afresh if there is a different result.

## 26 Objections and appeals concerning sorting of ballot papers

(1) An objection to the counting officer in terms of section 48(1) and (2) of the Act to any alleged irregularity in the sorting of ballot papers must be made in writing in a form substantially similar to Appendix 6 and it must be made before the counting officer has completed a form referred to in section 50(1) of the Act.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct enquiries to any person that may be able to assist.

(3) The counting officer must thereafter decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and other parties involved in the objection of his or her decision.

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(4) A person wishing to appeal to the Commission against the decision of the counting officer in terms of section 48(3) of the Act, must do so by way of a written notice, served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, indicating the section of the Act in terms of which the appeal is brought and giving full particulars of the parties involved, the alleged irregularity objected to, the decision of the counting officer and the reasons for the appeal.

## 27 Objections and appeals concerning counting of votes and determination of provisional results

(1) An objection to the counting officer in terms of section 49(1) and (2) of the Act to an alleged inaccuracy in the counting of the votes or the determination of the result, must be made in writing on a form substantially similar to Appendix 7.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to any person that may be able to assist.

(3) The counting officer must decide the objection and decide whether to order a recount, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved of his or her decision.

(4) A person wishing to appeal against the decision of the counting officer must do so by way of a written notice served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, indicating the section of the Act in terms of which the appeal is brought and giving full particulars of the parties involved, the alleged inaccuracy in the counting of the votes, the decision of the counting officer and the reasons for the appeal.

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***Part 2: Counting of votes at place other than voting station***

## 28 Verification: Irregularities and discrepancies

(1) The counting officer must deal with irregularities and discrepancies found when complying with section 52(3) of the Act in the following manner:

*(a)* The counting officer must immediately call for an explanation by the presiding officer who delivered the material to him or her.

*(b)* The counting officer must together with the presiding officer attempt to resolve the irregularities and discrepancies.

*(c)* The agents present in the counting station must immediately be informed about the irregularities and discrepancies, must as far as possible be present at all discussions between the counting officer and the presiding officer and must be invited to contribute to the discussion and the search for solutions.

*(d)* If any of the material appears to have been unlawfully tampered with or are missing, the counting officer must call in the assistance of a member of the security forces to investigate the matter and to assist in the search for missing material.

(2) The written record to be kept by the counting officer in terms of section 52(5) of the Act in respect of irregularities and discrepancies and the manner in which they were dealt with, must be in the form of a full report to the Chief Electoral Officer on the nature of each irregularity and discrepancy, the manner in which they were dealt with and the explanations offered by the presiding officer and any of the agents.

(3) The report must be transmitted to the Chief Electoral Officer as soon as possible.

## 29 Objections and appeals concerning verification

(1) An agent wishing to object to the counting officer in terms of section 53(1) of the Act to any alleged irregularity or inaccuracy in

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the verification procedure must do so in writing in a form substantially similar to Appendix 8.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to any person that may be able to assist.

(3) The counting officer must decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved in the objection of his or her decision.

## 30 Appeal to Commission concerning verification

A person wishing to appeal to the Commission in terms of section 53(3) of the Act against the decision of the counting officer, must do so by way of a written notice served on the Commission at its offices in Tshwane by not later than 21:00 on the second day after the voting day, indicating the section of the Act in terms of which the appeal is brought and giving full particulars of the parties involved, the alleged irregularity or inaccuracy in the verification procedure objected to the decision of the counting officer and the reasons for the appeal.

[Reg. 30 amended by GN R968 of 6 December 2013.]

## 31 Objections material to the determination of the final results

(1) Any interested party wishing to lodge an objection in terms of section 55 of the Act in respect of proceedings concerning voting and counting of votes, that is material to the determination of the final result of the election, must do so by serving on the Commission at its offices in Tshwane, by not later than 21:00 on the second day after the voting day, a written notice of objection containing—

*(a)* a reference to the election concerned and the section of the Act in terms of which the objection is brought;

*(b)* the full name and physical address of the objecting party;

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*(c)* the postal address and telephone number where the party can be contacted;

*(d)* if available, the party's facsimile number and E-mail address;

*(e)* the interest of the party in the matter;

*(f)* details of the objection and the proceedings concerned;

*(g)* detailed reasons for the objection;

*(h)* the relief sought;

*(i)* a list of any supporting documents accompanying the notice of objection; and

*(j)* proof of service of copies of the notice and annexures on all other interested parties.

[Subreg. (1) amended by GN R968 of 6 December 2013.]

(2) In considering and deciding the objection, the Commission may take any one or more or all of the following actions:

*(a)* Investigate the factual basis of the objection.

*(b)* Afford other interested parties an opportunity to make written or oral submissions.

*(c)* Call for written or oral submissions from other persons or parties.

*(d)* Call upon the objecting party to submit further information or arguments in writing or orally.

*(e)* Conduct a hearing on the objection.

## 32 Appeal to Electoral Court against decision of Commission

Any appeal against the decision of the Commission to the Electoral Court must be made in terms of the Rules of the Electoral Court.

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## CHAPTER 7
## PARTY AGENTS AND CANDIDATES (regs 33–37A)

### 33 Appointment and revocation of appointment of party agents

(1) The appointment of a party agent for a voting station in terms of section 58 of the Act must be effected in writing in a form substantially similar to Appendix 9.

(2) The revocation of the appointment of a party agent must be effected by way of a written notice addressed to the person involved in which the person is also instructed to immediately return or destroy any written appointment referred to in subregulation (1) that may be in his or her possession.

### 34 Identification of party agents

The identification that section 59(3)*(a)* of the Act requires a party agent to wear is a tag displayed on the left breast of his or her outer clothing bearing the words 'Agent' and the abbreviated name of the party represented in black letters, of at least 1 cm high, on a white background.

### 35 Candidates allowed within voting station

The number of candidates to be allowed within the voting station referred to in section 73(3)*(c)* of the Act, are those which the presiding officer, in his or her discretion and on a rotating basis, can comfortably accommodate within the voting station concerned at any specific time having due regard to the conduct of a free and fair election.

[Reg. 35 substituted by GN R968 of 6 December 2013.]

### 36 Prohibited conduct at voting station

No agent or candidate may within the boundaries of a voting station—

*(a)* display or distribute any party bill-board, poster; placard or pamphlet;

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*(b)* wear, carry or display any clothing, headwear, footwear or other apparel in such a manner that any writing, picture or sign thereon relating to any political party is visible;

*(c)* attempt to induce, influence or persuade a person to vote or not to vote for a particular party; or

*(d)* attempt to induce, influence or persuade a person not to vote.

## 37 Powers and duties of agents

(1) Whilst observing proceedings in terms of section 59(1) of the Act, an agent must not interfere with the proceedings but may lodge objections with or bring any alleged irregularities to the attention of the presiding officer.

(2) The presiding or any other officer in a voting station must allow at least one of the party agents present in the voting station to observe proceedings at each of the following three points:

*(a)* The point where voters submit their identity documents for the purpose of marking off their names on the voters' roll.

*(b)* The point where ballot papers are handed over to voters.

*(c)* The point where voters' hands are marked with an indelible ink.

(3) At least two party agents present in the voting station must be allowed to observe the application proceedings in terms of section 24A of the Act.

(4) Party agents will be accommodated as set out above on a rotational basis agreed upon amongst themselves, or should they fail to so agree, as directed by the presiding officer or deputy presiding officer.

(5) The allocation of party agents as set out above must be in a manner that ensures all parties have an equitable opportunity of observing the processes.

[Reg. 37 substituted by GenN 1206 of 26 September 2008.]

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## 37A Undertaking by Officers

The undertaking to be signed by an officer in terms of section 82(4) of the Act, must be in a form substantially similar to Appendix 11.

[Reg. 37A inserted by GN R217 of 16 February 2004.]

## CHAPTER 8
## GENERAL PROVISIONS (regs 38–40)

## 38 Offences and penalties

(1) No person, except for a member of the security services on duty at that voting station, may without the permission of the presiding officer, enter into the boundaries of a voting station while in possession of a fire-arm or of any other weapon identified as a weapon by a member of the security services.

(1A) No person may make a photographic or any other form of image of a ballot paper which has been marked by a voter on election day or on a day on which special votes are casted.

[Subreg. (1A) inserted by GN R968 of 6 December 2013.]

(2) Any person who contravenes subregulation (1) or (1A) or any other provisions of these Regulations, is guilty of an offence and on conviction is liable to the payment of a fine or a period of imprisonment not exceeding one year.

[Subreg. (2) amended by GN R968 of 6 December 2013.]

## 39 Repeal of Regulations

The Election Regulations, 1999, published in Government Notice R478 of 14 April 1999, are hereby repealed.

## 40 Short title

These Regulations are called the Election Regulations, 2004.

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# APPENDIX 1

# APPLICATION FOR A SPECIAL VOTE FOR NATIONAL AND/OR PROVINCIAL BALLOT

[Appendix 1 substituted by GN R968 of 6 December 2013 and by GN 371 of 6 March 2019.]

SOUTH AFRICA

**ELECTORAL COMMISSION**

**Election Date:** .....

**Voting District Number:** ☐☐☐☐☐☐☐☐

**I**, ..... *(full name)* holder of **identity document number** ..... hereby apply for a special vote.

***My reason for applying for a special vote is as follows (please mark the applicable block):***

☐ I declare that I am as a result of my physical infirmity, disability or pregnancy unable to travel to a voting station and wish to be furnished with a ballot paper at the following address:

| | |
|---|---|
| **Street name and number / House number and Zone / Room number and Hostel** | |
| **Suburb / Township / City / Town** | |
| **Other address (rural)** | |

☐ I declare that I am an officer serving in the election or a member of the security services on duty in connection with the election and will be absent from the voting station in the voting district where I am registered as a voter on voting day.

☐ I declare that I will be absent from the voting district in which I am registered to vote on voting day.

☐ I declare that I will be absent from the Republic on voting day.

☐ I declare that I will be absent from the Republic on voting day and will be serving as a member of the security services.

**Please provide your contact details:**

Mobile telephone number .....

Fax number: .....

E-mail address: .....

.....
**Signature of applicant**

.....
**Date**

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***FOR OFFICIAL PURPOSES*:**

The applicant is registered as a voter in voting district number ☐☐☐☐☐☐☐☐

***Application Approved/Rejected because***

……
……
……

……
**Presiding Officer/Voting Officer/Special Voting Officer**

**Date:** ……

# APPENDIX 2

. . .

[Appendix 2 substituted by GN R968 of 6 December 2013 and deleted by GN 371 of 6 March 2019.]

# APPENDIX 3

. . .

[Appendix 3 substituted by GN R968 of 6 December 2013 and deleted by GN 371 of 6 March 2019.]

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# APPENDIX 4

## SWORN OR AFFIRMED STATEMENT BY VOTER WHOSE NAME IS NOT ON VOTERS ROLL

[Appendix 4 substituted by GN R429 of 29 March 2004, by GenN 1206 of 26 September 2008 and by GN R968 of 6 December 2013.]

**ELECTORAL COMMISSION**
SECTION 24A IN THE ELECTORAL ACT

**Election Date:** ..... **Voting District Number:** ☐☐☐☐☐☐☐☐

**Particulars of Voter: .....**

| | | |
|---|---|---|
| **Surname** | | |
| **Full names** | | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ | |
| **Date of birth** | | |
| **Address where ordinarily resident** | | |
| | | |
| | | |
| **Where registered** | **Voting District Number** | ☐☐☐☐☐☐☐☐ |
| | **Province** | |

I hereby declare that I have applied for registration as a voter before the date of publication of the proclamation proclaiming this election, that I am a South African citizen, am 18 years or older and not disqualified from voting in this election.

I solemnly swear/affirm that all the above is true and correct.

.....
**Signature of voter** **Fingerprint of voter**

I certify that the deponent has acknowledged that she/he knows and understands the contents of the statement, which was signed and affirmed/sworn to before me.

..... ..... .....
**Officer of the Commission** **Designation** **Date**

**Tick where applicable**

| | |
|---|---|
| | I am satisfied that the contents of the above statement are correct |
| | I am satisfied that the deponent is registered as a voter in VD no ..... in the ..... province |
| | I am satisfied that the deponent is entitled to a National ballot paper |
| | I am satisfied that the deponent is entitled to a Provincial ballot paper |

.....
**Presiding Officer**

**OR**

**Tick where applicable**

| | |
|---|---|
| | I am not satisfied that the deponent is registered as a voter |
| | I am not satisfied that the contents of the deponents statement are correct |
| | A ballot paper may not be issued to the deponent |

.....
**Presiding Officer**

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# APPENDIX 5

# OBJECTION CONCERNING VOTING

[Appendix 5 substituted by GN R968 of 6 December 2013 and by GN 371 of 6 March 2019.]

SOUTH AFRICA

**ELECTORAL COMMISSION**

**Election Date:** .....

**Voting District Number:** ☐☐☐☐☐☐☐☐

***Objector***

| | |
|---|---|
| **Surname** | |
| **Full names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Agent or voter** | |
| **Party of agent** | |

***My objection concerns:***

☐ A voter being refused a ballot paper

☐ The conduct of an officer, an agent or other person present at the voting station

***Reasons for objection (giving full particulars of voter, officer, agent or other person involved):***

.....
.....
.....
.....
.....

.....
**Objector's Signature**

.....
**Date**

***FOR OFFICIAL PURPOSES*:**

***Presiding Officer's decision***

.....
.....
.....
.....

.....
**Signature of Presiding Officer**

**Date: ....**.....

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# APPENDIX 5A

# OBJECTION CONCERNING VOTING (S 41(1A))

[Appendix 5A inserted by GN 371 of 6 March 2019.]

SOUTH AFRICA

**ELECTORAL COMMISSION**

**Election Date:** .....

**Voting District Number:** ☐☐☐☐☐☐☐☐

***Objector***

| | |
|---|---|
| **Surname** | |
| **Full names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Agent or voter** | |
| **Party of agent** | |

***My objection concerns:***

☐ A voter was included on the voters' roll due to fraud

☐ Objection being made outside the period referred to in section 11(3)

***Reasons for objection (giving full particulars of voter, officer, agent or other person involved):***

.....
.....
.....
.....
.....

.....
**Objector's Signature**

.....
**Date**

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# APPENDIX 6

# OBJECTION CONCERNING ALLEGED IRREGULARITY IN THE SORTING OF BALLOT PAPERS

[Appendix 6 substituted by GN R968 of 6 December 2013.]

**ELECTORAL COMMISSION**

**Election Date:** ..... **Voting District Number:** ☐☐☐☐☐☐☐☐

***Objector***

| | |
|---|---|
| **Surname** | |
| **Full names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Party of agent** | |

**Details of alleged irregularity in respect of which the objection is lodged**

_____
_____
_____
_____
_____
_____

..... .....
**Objector's Signature** **Date**

**Counting Officer's decision**

_____
_____
_____
_____
_____

..... .....
**Signature of Counting Officer** **Date**

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# APPENDIX 7

# OBJECTION CONCERNING AN ALLEGED INACCURACY IN THE COUNTING OF VOTES OR THE DETERMINATION OF RESULT

[Appendix 7 substituted by GN R968 of 6 December 2013.]

**ELECTORAL COMMISSION**

**Election Date:** ..... **Voting District Number:** ☐☐☐☐☐☐☐☐

***Objector***

| | |
|---|---|
| **Surname** | |
| **Full names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Party of agent** | |

**Details of alleged inaccuracy in the counting of the votes or the determination of the result in respect of which the objection is lodged**

_____
_____
_____
_____
_____

..... .....
**Objector's Signature** **Date**

**Counting Officer's decision**

_____
_____
_____
_____

..... .....
**Signature of Counting Officer** **Date**

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# APPENDIX 8

# OBJECTION CONCERNING ANY ALLEGED IRREGULARITY OR INACCURACY IN THE VERIFICATION PROCEDURE

[Appendix 8 substituted by GN R968 of 6 December 2013.]

**ELECTORAL COMMISSION**

**Election Date:** ..... **Voting District Number:** ☐☐☐☐☐☐☐☐

***Objector***

| | |
|---|---|
| **Surname** | |
| **Full names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Party of agent** | |

**Full details of alleged irregularity or inaccuracy in the verification procedure in respect of which the objection is lodged**

_____
_____
_____
_____
_____

..... .....
**Objector's Signature** **Date**

**Counting Officer's decision**

_____
_____
_____
_____

..... .....
**Signature of Counting Officer** **Date**

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# APPENDIX 9

# APPOINTMENT OF PARTY AGENT

[Appendix 9 substituted by GN R968 of 6 December 2013.]

**ELECTORAL COMMISSION**

**Election Date:** ..... **Voting District Number:** ☐☐☐☐☐☐☐☐

I, ....., the undersigned, in my capacity as ..... on behalf of and duly authorised by the ..... (Party) hereby appoint the following person as an agent for the abovementioned party:

| | |
|---|---|
| **Surname** | |
| **Full Names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **Voting Station Locality** | |
| **Voting District Number** | ☐☐☐☐☐☐☐☐ |
| **Date** | |

**Signature of Party Agent**

**Copy of Party symbol to be inserted in the block**

**Postal Address of Party:** _____

_____

_____

_____

..... **Signed by a designated person duly authorised by the party**

..... **Date**

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# APPENDIX 10

# NOTIFICATION AND APPLICATION FOR A SPECIAL VOTE ABROAD FOR NATIONAL BALLOT

[Appendix 10 substituted by GN R968 of 6 December 2013 and by GN 371 of 6 March 2019.]

**ELECTORAL COMMISSION**

**Election Date:** .....

**Voting District Number:** ☐☐☐☐☐☐☐☐

**I,**

| | |
|---|---|
| **Surname** | |
| **Full Names** | |
| **Identity Number** | ☐☐☐☐☐☐☐☐☐☐☐☐☐ |
| **South African Passport Number** | |

**hereby notify the Chief Electoral Officer that I will be absent from the Republic on ..... (voting day)** and wish to apply for and cast a special vote abroad at the South African Embassy/High Commission/Consulate in ..... (city) ..... (country)

**CONTACT DETAILS**

| | |
|---|---|
| **Cell phone Number** | |
| **E-Mail Address** | |

***My reason for applying for a special vote is as follows (please mark the applicable block):***

☐ I declare that I will be absent from the Republic on voting day

☐ I declare that I will be absent from the Republic on voting day and will be serving as a member of the security services

.....
**Signature of applicant**

.....
**Date**

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# APPENDIX 11

## UNDERTAKEN BY ELECTION OFFICERS

[Appendix 10 inserted by GN R217 of 16 February 2004 and substituted by GN R968 of 6 December 2013 and by GN 371 of 6 March 2019.]

**ELECTORAL COMMISSION**

I, ....., identity number: ....., to be or having been appointed as an officer in the election of the National Assembly and provincial legislature to take place on ..... 20..... (date) hereby undertake to be bound by the Code for Election Officers compiled and issued by the Commission and that I will maintain the confidentiality of any electoral information that may become available to me.

**Signature at** ..... **on this** ..... **day of** ..... **20**....

..... .....
**Signature** **Witness**

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# REGULATIONS CONCERNING THE SUBMISSION OF LIST OF CANDIDATES, 2004

**Published under**

GN R14 in *GG* 25894 of 7 January 2004

**as amended by**

GenN 1203 in *GG* 31451 of 26 September 2008
GN R1168 in *GG* 31558 of 30 October 2008
GN R969 in *GG* 37133 of 6 December 2013
GN 373 in *GG* 42289 of 6 March 2019

The Electoral Commission has, under the powers vested in it by section 100 of the Electoral Act, 1998 (Act 73 of 1998), read with part 3 of Chapter 3 of the Act, made the regulations set out in the Schedule.

**SCHEDULE**

## 1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

**'the Act'** means the Electoral Act, 1998 (Act 73 of 1998);

**'CNS system'** means the candidate nominations system, a secure online application located on the official website, to be used for the electronic submission of the information and documents contemplated in section 27 and accessed through a pin code allocated by the chief electoral officer on written request by a party; and

**'official website'** means the website of the Commission accessible at http://www.elections.org.za.

[Reg. 1 substituted by GN 373 of 6 March 2019.]

## 2 List of candidates

(1)*(a)* Every registered party that intends to contest an election must cause its list or lists of nominated candidates to be—

(i) signed on each page by the party's duly authorised representative, and to be delivered by hand at the office of the Chief Electoral Officer situated in Election House, Riverside Office Park, 1303, Heuwel Avenue, in Centurion; or

(ii) submitted electronically to the chief electoral officer as set out in subregulation 1A below.

[Para. *(a)* amended by GN R969 of 6 December 2013 and substituted by GN 373 of 6 March 2019.]

*(b)* The list or lists of candidates must on submission be accompanied by written proof from the concerned party that the representative who signed such list or lists of candidates is duly authorised by the party to sign the list or lists of candidates and to deal with matters connected therewith.

*(c)* The list or lists of candidates must be submitted—

(i) in the case of the national list for the National Assembly in a form similar to Appendix 1;

(ii) in the case of the regional lists for the National Assembly in a form similar to Appendix 2; or

(iii) in the case of a list for a provincial legislature, in a form similar to Appendix 3.

[Subreg. (1) substituted by GenN 1203 of 26 September 2008.]

(1A) If a party elects to submit the information and documents contemplated in section 27 electronically as contemplated in subregulation (1)*(a)*(ii), it must do so by—

*(a)* providing the information required in the relevant fields for that purpose on the CNS system; and

*(b)* uploading the Annexures required for that purpose onto the CNS system.

[Subreg. (1A) inserted by GN 373 of 6 March 2019.]

(2) The undertaking and declaration to be signed by the duly authorized representative of a party in terms of section 27(2) of the Act, must be in a form similar to Appendix 4.

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(3) The acceptance of nomination and the undertaking to be signed by each candidate in terms of section 27(2) of the Act must be in a form similar to Appendix 5.

(4) A copy of that page of every candidate's identity document on which the candidate's photo, name and identity number appears, must accompany every party list submitted.

## 3 Deposit

(1) The amount to be deposited in terms of section 27(2) of the Act is—

*(a)* two hundred thousand rand (R200 000–00) in respect of an election of the National Assembly; and

[Para. *(a)* substituted by GN R969 of 6 December 2013.]

*(b)* forty five thousand rand (R45 000–00) in respect of an election of a provincial legislature.

[Para. *(b)* substituted by GN R969 of 6 December 2013.]

[Subreg. (1) substituted by GN R1168 of 30 October 2008.]

(2) The deposit must be paid—

*(a)* by means of a bank guaranteed cheque in favour of the Electoral Commission; or

*(b)* by way of electronic funds transfer using a payment reference number generated for that purpose by the CNS system; or

*(c)* by using the internet payment gateway functionality available for that purpose on the CNS system.

[Subreg. (2) substituted by GN 373 of 6 March 2019.]

(3) If a party pays the deposit in the manner contemplated in subregulation (2)*(b)*, such party must electronically submit written proof of such payment to the Commission by uploading it onto the CNS system by not later than the date stated in the timetable for the submission of the documents contemplated in section 27(1).

[Subreg. (3) added by GN 373 of 6 March 2019.]

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## 4 Notification of non-compliance by chief electoral officer

The notification by the chief electoral officer to a party that it has not fully complied with section 27(2)*(a)*, *(b)*, *(c)* or *(d)* of the Act when submitting a list of candidates, must be served on that party and must be in a form similar to Appendix 6.

[Reg. 4 substituted by GN 373 of 6 March 2019.]

## 5 Fees for certified copy of lists and accompanying documents

(1) The fee to be paid in terms of section 29(5) of the Act for a certified copy of, or extract from, a list of candidates or accompanying documents is One Rand (R1-00) per page.

(2) The fee to be paid in terms of section 31(2) of the Act for a certified copy of, or extract from, a list of registered parties entitled to contest an election or the final list of candidates for any party contesting an election, is One Rand (R1-00) per page.

## 6 Objection to nomination of a candidate

(1) A person wishing to object in terms of section 30(1) of the Act to the nomination of a candidate, must do so by serving on the Commission at its office in Pretoria a notice of objection containing the following information—

*(a)* the objector's full names, postal address, home or office address, telephone or cellphone number and telefax number;

*(b)* full particulars of the candidates whose nomination is objected to;

*(c)* the reasons for making the objection;

*(d)* details of supporting documentation accompanying the notice of objection (if any); and

*(e)* proof of service of the objection on the registered party that nominated the candidate.

(2) The Commission must notify the objector and the registered

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party that nominated the candidate of its decision by serving on them a notice in a form similar to Appendix 7.

## 7 Appeal to Electoral Court against decisions of Commission

(1) An objector or registered party wishing to appeal against a decision of the Commission in terms of section 30(4) of the Act, must do so in accordance with the rules of the Electoral Court.

(2) The Electoral Court must notify the parties to an appeal and the Chief Electoral Officer of its decision in terms of section 30(5) of the Act by transmitting the contents of the decision to them by telefax or E-mail or by hand.

## 8 Repeal of Regulations

The regulations concerning the submission of lists of candidates, 1999, published in Government Notice R363 of 17 March, 1999, are hereby repealed.

## 9 Short Title

These Regulations are called the Regulations concerning the submission of List of Candidates, 2004.

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# APPENDIX 1

# NOMINATION OF CANDIDATES FOR THE NATIONAL ASSEMBLY (NATIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998

[Appendix 1 substituted by GenN 1203 of 26 September 2008 and by GN 373 of 6 March 2019.]

**ELECTORAL COMMISSION**

**Election Date:** .....

**Region:** .....

**Name of Registered Party:** .....

**I,** ..... (Name of Authorised Party Representative)

**ID Number** ☐☐☐☐☐☐☐☐☐☐☐☐☐

Hereby:

1 Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;

2 Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;

3 Attach proof that I have been duly authorised to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and

4 Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

..... ..... .....
**Place** **Signature** **Date**

**Contact #(1)** ..... **Contact #(2)** .....

**Fax # (Optional)** .....

**Email Address** .....

**Address** .....

.....

.....

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**LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY (NATIONAL LIST) IN TERMS OF THE ELECTORAL ACT,1998 (ACT 73 OF 1998)**

**Name of Party** ..... .....

| Order # | Identity Number | | | | | | | | | | | | | Full Name(s) | Surname |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1** | | | | | | | | | | | | | | | |
| **2** | | | | | | | | | | | | | | | |
| **3** | | | | | | | | | | | | | | | |
| **4** | | | | | | | | | | | | | | | |
| **5** | | | | | | | | | | | | | | | |
| **6** | | | | | | | | | | | | | | | |
| **7** | | | | | | | | | | | | | | | |
| **8** | | | | | | | | | | | | | | | |
| **9** | | | | | | | | | | | | | | | |
| **10** | | | | | | | | | | | | | | | |
| **11** | | | | | | | | | | | | | | | |
| **12** | | | | | | | | | | | | | | | |
| **13** | | | | | | | | | | | | | | | |
| **14** | | | | | | | | | | | | | | | |
| **15** | | | | | | | | | | | | | | | |
| **16** | | | | | | | | | | | | | | | |
| **17** | | | | | | | | | | | | | | | |
| **18** | | | | | | | | | | | | | | | |
| **19** | | | | | | | | | | | | | | | |
| **20** | | | | | | | | | | | | | | | |

***NB:*** *A4 paper on which the necessary columns have been drawn may be used if the space provided is inadequate.*

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# APPENDIX 2

# NOMINATION OF CANDIDATES FOR THE NATIONAL ASSEMBLY (REGIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998

[Appendix 2 substituted by GenN 1203 of 26 September 2008 and by GN 373 of 6 March 2019.]

**ELECTORAL COMMISSION**

SOUTH AFRICA

**Election Date:** .....

**Region:** .....

**Name of Registered Party:** .....

**I,** ..... (Name of Authorised Party Representative)

**ID Number** ☐☐☐☐☐☐☐☐☐☐☐☐☐

Hereby:

1 Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;

2 Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;

3 Attach proof that I have been duly authorised to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and

4 Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

..... ..... .....
**Place** **Signature** **Date**

**Contact #(1)** ..... **Contact #(2)** .....

**Fax # (Optional)** .....

**Email Address** .....

**Address** .....

.....

.....

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**LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY (REGIONAL LIST) IN TERMS OF THE ELECTORAL ACT,1998 (ACT 73 OF 1998)**

**Name of Party** ..... **Region:** .....

| Order # | Identity Number | | | | | | | | | | | | | Full Name(s) | Surname |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1** | | | | | | | | | | | | | | | |
| **2** | | | | | | | | | | | | | | | |
| **3** | | | | | | | | | | | | | | | |
| **4** | | | | | | | | | | | | | | | |
| **5** | | | | | | | | | | | | | | | |
| **6** | | | | | | | | | | | | | | | |
| **7** | | | | | | | | | | | | | | | |
| **8** | | | | | | | | | | | | | | | |
| **9** | | | | | | | | | | | | | | | |
| **10** | | | | | | | | | | | | | | | |
| **11** | | | | | | | | | | | | | | | |
| **12** | | | | | | | | | | | | | | | |
| **13** | | | | | | | | | | | | | | | |
| **14** | | | | | | | | | | | | | | | |
| **15** | | | | | | | | | | | | | | | |
| **16** | | | | | | | | | | | | | | | |
| **17** | | | | | | | | | | | | | | | |
| **18** | | | | | | | | | | | | | | | |
| **19** | | | | | | | | | | | | | | | |
| **20** | | | | | | | | | | | | | | | |

***NB:*** *A4 paper on which the necessary columns have been drawn may be used if the space provided is inadequate.*

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# APPENDIX 3

# NOMINATION OF CANDIDATES FOR THE PROVINCIAL LEGISLATURE (PROVINCIAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998

[Appendix 3 substituted by GenN 1203 of 26 September 2008 and by GN 373 of 6 March 2019.]

**ELECTORAL COMMISSION**

**Election Date:** .....

**Province:** .....

**Name of Registered Party:** .....

**I,** ..... (Name of Authorised Party Representative)

**ID Number** ☐☐☐☐☐☐☐☐☐☐☐☐☐

Hereby:

1 Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;

2 Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;

3 Attach proof that I have been duly authorised to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and

4 Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

..... ..... .....
**Place** **Signature** **Date**

**Contact #(1)** ..... **Contact #(2)** .....

**Fax # (Optional)** .....

**Email Address** .....

**Address** .....

.....

.....

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**LIST OF CANDIDATES FOR THE PROVINCIAL LEGISLATURE (PROVINCIAL LIST) IN TERMS OF THE ELECTORAL ACT,1998 (ACT 73 OF 1998)**

**Name of Party** ..... **Region:** .....

| Order # | Identity Number | | | | | | | | | | | | | Full Name(s) | Surname |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1** | | | | | | | | | | | | | | | |
| **2** | | | | | | | | | | | | | | | |
| **3** | | | | | | | | | | | | | | | |
| **4** | | | | | | | | | | | | | | | |
| **5** | | | | | | | | | | | | | | | |
| **6** | | | | | | | | | | | | | | | |
| **7** | | | | | | | | | | | | | | | |
| **8** | | | | | | | | | | | | | | | |
| **9** | | | | | | | | | | | | | | | |
| **10** | | | | | | | | | | | | | | | |
| **11** | | | | | | | | | | | | | | | |
| **12** | | | | | | | | | | | | | | | |
| **13** | | | | | | | | | | | | | | | |
| **14** | | | | | | | | | | | | | | | |
| **15** | | | | | | | | | | | | | | | |
| **16** | | | | | | | | | | | | | | | |
| **17** | | | | | | | | | | | | | | | |
| **18** | | | | | | | | | | | | | | | |
| **19** | | | | | | | | | | | | | | | |
| **20** | | | | | | | | | | | | | | | |

***NB:*** *A4 paper on which the necessary columns have been drawn may be used if the space provided is inadequate.*

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# APPENDIX 4

## ACCEPTANCE OF NOMINATION BY CANDIDATE ON A PARTY LIST— SECTION 27(2)*(c)* OF THE ELECTORAL ACT, 1998 (ACT 73 OF 1998)

[Appendix 4 substituted by GenN 1203 of 26 September 2008 and by GN 373 of 6 March 2019.]

**ELECTORAL COMMISSION**

SOUTH AFRICA

| | | | |
|---|---|---|---|
| **Election Date:** | | | |
| **Election Type:** | National | Regional | Provincial |
| **Region/Province:** | | | |
| **Name of Registered Party:** | | | |

I, ....., (Full names and Surname of Candidate)

ID Number ☐☐☐☐☐☐☐☐☐☐☐☐☐

- Hereby, accept my nomination as a candidate, in terms of s27 of the Electoral Act and subscribe to and undertake that I will be bound by the Electoral Code of Conduct; and
- Declare that I am qualified to be elected as a member of the National Assembly or a Provincial Legislature in terms of section 47 and section 106 of the Constitution.

..... .....

**Date** **Candidate Signature**

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# APPENDIX 5

[Appendix 5 substituted by GN R969 of 6 December 2013.]

## Electoral Commission

ACCEPTANCE OF NOMINATION AND UNDERTAKING BY CANDIDATE—SECTION 27(2) OF THE ELECTORAL ACT, 1998 (ACT 73 OF 1998)

SOUTH AFRICA

Registered party .....
I, .....
Identity number ..... hereby accept my nomination as candidate and subscribe to and undertake that I will be bound by the Electoral Code of Conduct.
I further declare that I am qualified to be elected as a member of the National Assembly or a provincial legislature in terms of sections 47 and 106 of the Constitution.

Place .....

Date ..... .....
Signature of candidate

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# APPENDIX 6

[Appendix 6 substituted by GenN 1203 of 26 September 2008.]

## Electoral Commission
## NOTIFICATION OF NON-COMPLIANCE

SOUTH AFRICA

TO:.....
(Name of party)

You are hereby notified that you have submitted a list/lists of candidates for the election of the National Assembly and/or ..... (name of province) provincial legislature to be held on ..... (date of election) but that you have not complied with the provisions of section 27 of the Electoral Act, 1998 (Act 73 of 1998) in the following respect:

.....
.....
.....
.....
.....
.....

Please note that you have the opportunity to comply with section 27 of the Act by no later than ..... (date in election time-table)

_____
Chief Electoral Officer

_____
Date

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# APPENDIX 7

[Appendix 7 substituted by GenN 1203 of 26 September 2008.]

## Electoral Commission

NOTICE OF COMMISSION'S DECISION WITH REGARD TO AN OBJECTION TO THE NOMINATION OF A CANDIDATE

SOUTH AFRICA

OBJECTION

Objection lodged by .....
against candidate .....
nominated by the.....(name of party)
in respect of the election of .....
to be held on .....
served on the Commission on .....(date)

DECISION

.....
.....
.....
.....
.....
.....

_____

Designation

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# VOTER REGISTRATION REGULATIONS, 1998

**Published under**
GN R1340 in *GG* 19388 of 16 October 1998

**as amended by**

GN R912 in *GG* 21558 of 6 September 2000
GN R15 in *GG* 25894 of 7 January 2004
GN R847 in *GG* 27956 of 23 August 2005
GN R821 in *GG* 36961 of 22 October 2013
(as corrected by GN R816 in *GG* 36960 of 25 October 2013)
GN R970 in *GG* 37134 of 6 December 2013
GN 372 in *GG* 42289 of 6 March 2019

The Electoral Commission has in terms of s. 100 of the Electoral Act 73 of 1998 made the regulations set out in the Schedule.

## SCHEDULE

## 1 Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

'**identity number**', in relation to a person, means the identity number assigned to a person whose particulars are included in the population register and which appears in the identity document of such person;

'**municipal electoral officer**' means a person appointed as such by the chief electoral officer;

[Definition of 'local electoral officer', substituted by GN R912 of 6 September 2000 and by GN R15 of 7 January 2004.]

'**My IEC portal**' means a secure online business application located on the official website;

[Definition of 'My IEC portal' inserted by GN 372 of 6 March 2019.]

**'name'**, in relation to a voters' roll, means the surname followed by the full forenames of a person;

**'official website'** means the website of the Commission accessible at http://www.elections.org.za;

[Definition of 'official website' inserted by GN 372 of 6 March 2019.]

**'participating party'** means a party referred to in section 27 of the Act;

**'registration officer'** means a person appointed as such by the chief electoral officer;

**'signature'**, for the purposes of any application made in terms of these regulations, means the signature, thumbprint, fingerprint or palm-print of, or cross or mark made by the applicant;

**'the Act'** means the Electoral Act, 1998 (Act 73 of 1998).

## 2 Application for registration as voter

(1) A person who applies for registration as a voter must submit his or her identity document and provide the details of his or her place of ordinary residence to a registration officer at a place identified by the chief electoral officer, which registration officer shall simultaneously record the applicant's name, identity number and place of ordinary residence electronically on the voters' roll.

[Subreg. (1) amended by GN R912 of 6 September 2000, by GN R15 of 7 January 2004 and by GN R970 of 6 December 2013 and substituted by GN 372 of 6 March 2019.]

(1A) If it is not possible for a registration officer to simultaneously record the applicant's name, identity number and place of ordinary residence electronically on the voters' roll, a person who applies for registration as a voter must complete an application form similar to Appendix 1 and, where necessary, Appendix 1A and—

*(a)* the applicant must in person submit the completed application form, together with his or her identity document, to a registration officer at a place identified by the chief electoral officer within the ward or in respect of the ward where he or she is ordinarily resident; or

*(b)* a person in the Republic who is by reason of physical infirmity or disability, or pregnancy unable to travel to a

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place so identified, may apply to be visited by a registration officer to whom he or she may then in person submit the application form for registration as a voter and his or her identity document, by causing an application made on a form similar to Appendix 2 to be delivered to the municipal electoral officer of the municipality where the applicant is ordinarily resident; or

*(c)* in person submit the application form, together with his or her identity document, to a registration officer visiting places in the ward where the applicant is ordinarily resident, in order to facilitate applications for registration; or

*(d)* a person who is absent from the Republic may in person submit the application form similar to Appendix 7, his or her identity document and valid South African passport to a registration officer, appointed for that purpose, at a South African embassy, high commission or consulate for inclusion in the international segment of the voters' roll.

[Subreg. (1A) inserted by GN 372 of 6 March 2019.]

(2) Every registered political party is entitled to be represented by an agent, duly authorised thereto in writing by the party concerned on a form similar to Appendix 3 at any place referred to in subregulation (1)*(a)*, for the purpose of observing the registration process of voters.

(3) In every case where a registration officer refuses to accept an application for registration as a voter, such registration officer must immediately complete and hand to the applicant a notification of refusal in a form similar to Appendix 4.

(4) Each political party represented on the local party liaison committee must be notified when and which voting districts' registration officers will visit to facilitate applications for registration as contemplated in subregulation 1*(c)*.

[Subreg. (4) added by GN R847 of 23 August 2005.]

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## 3 Application to have change of name or ordinary residence recorded

(1) A registered voter or a person who has applied for registration as a voter and whose name or ordinary place of residence has changed, must apply to have that change recorded in the voters' roll, must do so by completing an application form similar to Appendix 1 and, where necessary, Appendix 1A and—

*(a)* submitting it, together with his or her identity document, in person to a registration officer at a place identified by the chief electoral officer within the ward or in respect of the ward where he or she is ordinarily resident; or

*(b)* submitting it, together with his or her identity document, in person to an official at an office of a municipal electoral office; or

*(c)* if he or she is, because of a physical infirmity or disability, or pregnancy, unable to travel to such an office, causing the application form to be submitted to an official at the office of a municipal electoral officer by someone else who must, when doing so, submit his or her own identity document to the official.

*(d)* provided that if he or she is ordinarily resident outside the Republic, such voter must complete an application form similar to Appendix 7 and submit it in person together with his or her identity document and valid South African passport at a South African Embassy, high commission or consulate.

(2) Notwithstanding the provisions of subregulation (1) above, a registered voter or a person who has applied for registration as a voter and whose place of ordinary residence has changed, and who must apply to have that change recorded in the voters' roll or application form, may do so by electronically updating the details of his or her place of ordinary residence on the My IEC portal.

[Reg. 3 amended by GN R15 of 7 January 2004 and by GN R970 of 6 December 2013 and substituted by GN 372 of 6 March 2019.]

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## 4 Application for deregistration as voter

A registered voter who wishes to apply for deregistration as a voter, must do so by completing a form similar to Appendix 6 and—

*(a)* submitting it, together with his or her identity document, in person to an official at an office of a municipal electoral officer; or

*(b)* if he or she is, because of a physical disability, unable to travel to such an office, causing the application form to be submitted to an official at the office of a municipal electoral officer by someone else who must, when doing so, submit his or her own identity document to the official; or

[Para. *(b)* amended by GN R15 of 7 January 2004.]

*(c)* if he or she is ordinarily resident outside the Republic, submitting it together with his or her identity document or valid South African passport in person to an official at a South African embassy, high commission or consulate.

[Para. *(c)* added by GN R970 of 6 December 2013.]

## 5 Notification by chief electoral officer

Whenever the chief electoral officer is in terms of section 12 of the Act required to notify a person of an event referred to in that section, he or she must do so by—

*(a)* posting the notification to the last postal address available for that person; or

*(b)* cause the notification to be delivered by hand to that person's last known residential address; or

*(c)* cause the notification to be published in a newspaper circulating in the area of that person's last known ordinary residence; or

*(d)* cause the notification to be displayed on public notice boards at the offices of the provincial electoral officer and the municipal electoral office for the area in which

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that person had his or her last known ordinary residence; or

[Para. *(d)* substituted by GN 372 of 6 March 2019.]

*(e)* the most convenient method available, including short message system (SMS) and electronic mail.

[Para. *(e)* added by GN 372 of 6 March 2019.]

## 6 Appeal to Commission against decisions and steps of chief electoral officer

(1) A person wishing to appeal against a decision or step taken by the chief electoral officer in terms of sections 8, 9 or 11 of the Act, must do so by serving on the Commission at its offices in Tshwane a notice of appeal containing the following information:

*(a)* The name, address and identity number of the appellant;

*(b)* details of the decision or step against which the appeal is brought;

*(c)* the full reasons for appealing against the decision or step; and

*(d)* particulars of any documentation submitted together with the notice of appeal.

[Subreg. (1) amended by GN R970 of 6 December 2013.]

(2) The Commission may require—

*(a)* the appellant to submit further information regarding the appeal; and

*(b)* the chief electoral officer to furnish reasons for his or her decision or step taken or to supply any further documentation regarding the appeal.

(3) The Commission may—

*(a)* decide the appeal on the documents submitted to it; or

*(b)* require the appellant, the chief electoral officer or any other person to appear before the Commission, either in person or through a representative, at a time and place determined by the Commission, to give evidence.

(4) The Commission may confirm, vary or set aside the decision or step appealed against.

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## 7 Objections to voters' roll

A person wishing to object to the Commission in relation to the voters' roll or provisional voters' roll in terms of section 15 of the Act, must do so by serving on the Commission at its offices in Tshwane a notice of objection containing the following information:

*(a)* The objector's full names, identity number, postal address and home or office address;

*(b)* full details of the exclusion, inclusion or correctness of details the objection relates to;

*(c)* the reasons for making the objection; and

*(d)* details of supporting documentation accompanying the notice of objection.

[Reg. 7 amended by GN R970 of 6 December 2013.]

## 8 Fee for certified copy of or extract from voters' roll

(1) The fee to be paid in terms of section 16(2) of the Act for a certified copy of, or extract from, a segment of the voters' roll, is One Rand (R1-00) per page: Provided that in the case of a participating political party, the first copy of the voters' roll to be used for a particular election or for elections to be held simultaneously, will be provided to such party at no cost.

(2) The fee to be paid in terms of section 16(3) of the Act for a copy of the voters'roll, or a segment thereof, which includes the addresses of voters, where available, to parties contesting elections, is One Rand (R1-00) per page.

(3) The fee to be paid for an electronic copy of, or extract from, a segment of the voters' roll, as referred to in section 16(2) of the Act, is—

*(a)* Two Thousand Five Hundred Rand (R2,500-00) for a national segment;

*(b)* Three Hundred Rand (R300-00) for a provincial segment;

*(c)* Two Hundred and Fifty Rand (R250-00) for a metropolitan municipal segment;

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*(d)* Two Hundred Rand (R200-00) for a municipal segment of any other municipality; and

*(e)* One Hundred Rand (R100-00) for a ward segment.

(4) The fee to be paid for an electronic copy of the voters' roll, or segment thereof, referred to in section 16(3) of the Act, is—

*(a)* Five Thousand Rand (R5,000-00) for a national segment;

*(b)* Six Hundred Rand (R600-00) for a provincial segment;

*(c)* Five Hundred Rand (R500-00) for a metropolitan municipal segment;

*(d)* Four Hundred Rand (R400-00) for any other municipal segment; and

*(e)* Two Hundred Rand (R200-00) for a ward segment.

[Reg. 8 substituted by GN R15 of 7 January 2004.]

## 9 Fee for certified copy of map of voting district

The fee to be paid in terms of section 63 of the Act for a certified copy of a map of a voting district is Fifty Rand (R50).

[Reg. 9 amended by GN R15 of 7 January 2004.]

## 9B[sic] Fee for certified copy of electronic images of maps

The fees to be paid in terms of section 63 of the Act for a certified copy of an electronic image in a fixed portable document format are the following:

*(a)* two thousand five hundred rand (R2,500.00) for a national set of maps;

*(b)* three hundred rand (R300.00) for a provincial set of maps;

*(c)* two hundred rand (R200.00) for a metropolitan municipal set of maps;

*(d)* one hundred and fifty rand (R150.00) for any other municipal set of maps;

*(e)* fifty rand (R50.00) for a ward (multiple voting districts) set of maps; and

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*(f)* twenty five rand (R25.00) for each voting district map.

[Reg. 9B inserted by GN R847 of 23 August 2005.]

## 10 Particulars to be entered in the voters' roll

The particulars to be entered in the voters' roll when registering a person as a voter, are the consecutive number, the identity number and the name of the voter.

## 11 Registration in voting district

When recording a change of ordinary place of residence in terms of section 9(3) of the Act, or when changing the registration details in terms of section 11(1) of the Act, the chief electoral officer must ensure that the voter concerned is registered in a voting district within the ward in which he or she is ordinarily resident at that time.

[Reg. 11 amended by GN R15 of 7 January 2004 and substituted by GN 372 of 6 March 2019.]

## 11A Orderly conduct at registration stations

A registration officer must ensure orderly conduct at the venues contemplated in subregulation 2(1)*(a)*.

[Reg. 11A inserted by GN R847 of 23 August 2005 and amended by GN R970 of 6 December 2013.]

## 12 Short title

These Regulations are called the Voter Registration Regulations, 1998.

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# APPENDIX 1
# APPLICATION FOR REGISTRATION AS A VOTER

[Appendix 1 substituted by GN R15 of 7 January 2004, by GN R821 of 22 October 2013 (as corrected by GN R816 of 25 October 2013) and by GN 372 of 6 March 2019.]

**REC 1** — **Electoral Commission**

**APPLICATION FOR REGISTRATION AS A VOTER**

*The Chief Electoral Officer must compile and maintain a national common voters' roll. The personal information required below is for purposes of achieving this legal requirement and will not be used for any other purpose as required by the Protection of Personal Information Act, No. 4 of 2013.*

COMPLETE IN BLOCK LETTERS

I am a South African citizen and hereby apply to be registered as a voter:

① **PERSONAL DETAILS**

ID Number

Date of Birth (Day / Month / Year)

REC 1-M ENGLISH

Surname

Names

Details of disability (If applicable)

② Cellphone Number

E-Mail Address

③ **PHYSICAL ADDRESS - Complete only one of the two options below:**

I ordinarily reside at the following address:

ENGLISH
This form is available in all official languages on request.

**OPTION1: GENERALLY URBAN TYPE ADDRESS**

Street Number — Flat No / House No

Flat / Complex Name

Street Name

Suburb

Town

Street Postal Code

**OPTION2: GENERALLY RURAL TYPE ADDRESS**

Street Number (If available) — House No/Farm No/ Plot No

Village/Farm Name

Tribal Authority/Admin Area

Town

Street Postal Code

④ **POSTAL ADDRESS** (If different from above)

Postal Code

⑤ **DECLARATION**

I confirm that the address is correct; I am not aware of anything that would disqualify me as a voter and I am aware that making a false declaration is a criminal offence.

**OFFICIAL USE ONLY**

Temporary Identification Certificate

Registration Date (Day / Month / 2 0 Year)

Voting District Number

Registration Officer ID Number

Registration Officer Signature

*Paste Zip Zip sticker here*

REC 1 - M •

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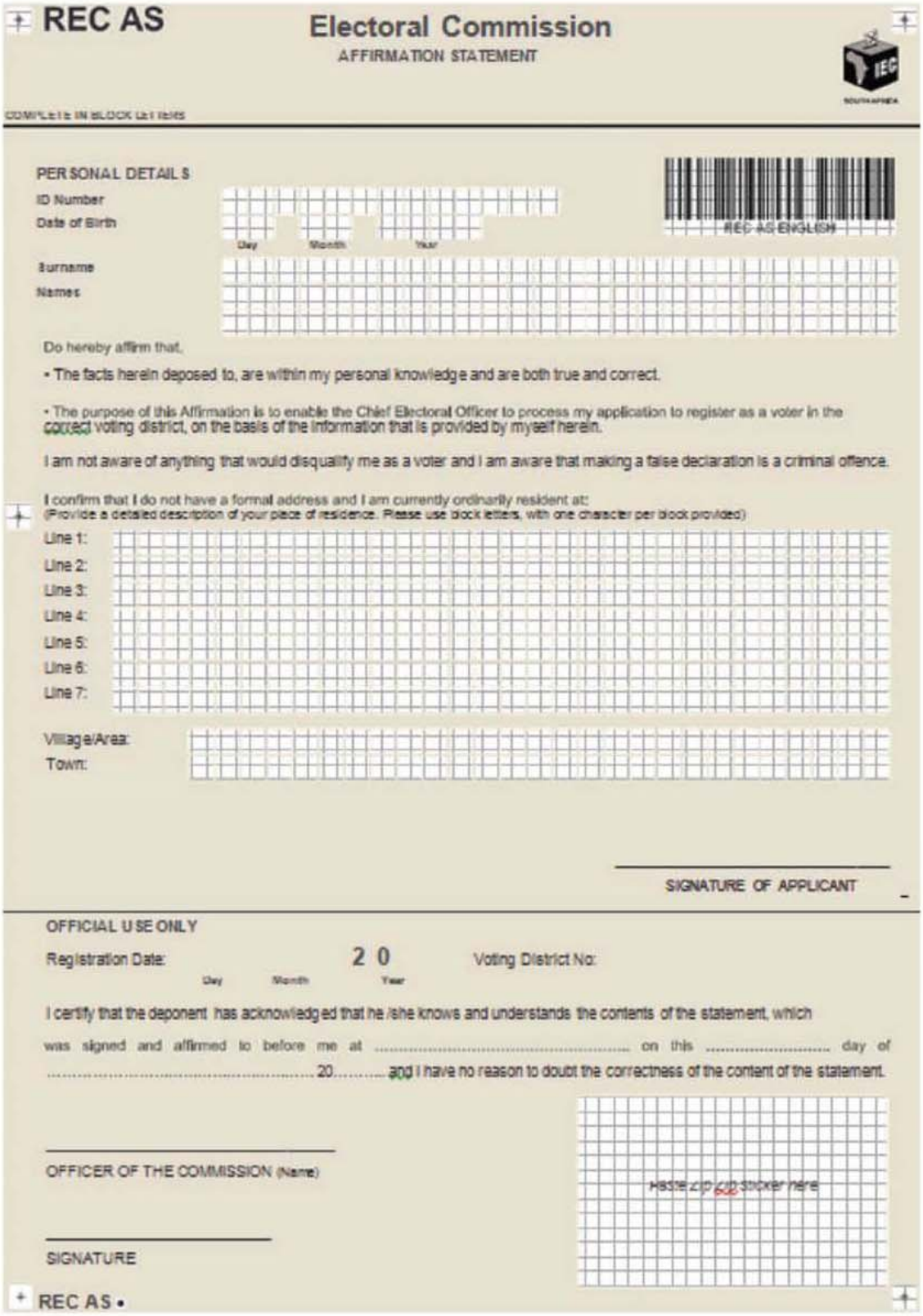
# APPENDIX 1A
# AFFIRMATION STATEMENT

[Appendix 1A inserted by GN 372 of 6 March 2019.]



REC AS

Electoral Commission

AFFIRMATION STATEMENT

COMPLETE IN BLOCK LETTERS

PERSONAL DETAILS

ID Number

Date of Birth

Day Month Year

REC AS ENGLISH

Surname

Names

Do hereby affirm that,

- The facts herein deposed to, are within my personal knowledge and are both true and correct.

- The purpose of this Affirmation is to enable the Chief Electoral Officer to process my application to register as a voter in the correct voting district, on the basis of the information that is provided by myself herein.

I am not aware of anything that would disqualify me as a voter and I am aware that making a false declaration is a criminal offence.

I confirm that I do not have a formal address and I am currently ordinarily resident at:
(Provide a detailed description of your place of residence. Please use block letters, with one character per block provided)

Line 1:
Line 2:
Line 3:
Line 4:
Line 5:
Line 6:
Line 7:

Village/Area:
Town:

SIGNATURE OF APPLICANT

OFFICIAL USE ONLY

Registration Date: Day Month 2 0 Year

Voting District No:

I certify that the deponent has acknowledged that he/she knows and understands the contents of the statement, which was signed and affirmed to before me at ..... on this ..... day of ..... 20..... and I have no reason to doubt the correctness of the content of the statement.

OFFICER OF THE COMMISSION (Name)

SIGNATURE

Please zip lock sticker here

REC AS •

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# APPENDIX 2

## REQUEST TO BE VISITED BY REGISTRATION OFFICER

(Regulation 2(1)*(b)*)

SOUTH AFRICA

ID Number ☐☐☐☐☐☐☐☐☐☐☐☐☐

Surname .....

Names .....

.....

Physical Address (where application for registration as voter is to be collected) .....

.....

.....

.....

.....

Postal Code ☐☐☐☐

Postal Address (if different from above) .....

.....

.....

.....

.....

Postal Code ☐☐☐☐

Preferred Date and Time for Visit ☐☐ day ☐☐ month 1 9 ☐☐ year ☐☐ hour ☐☐ min

Telephone Number ☐☐☐☐☐☐ Dialing Code ☐☐☐☐☐☐☐ Number

Reason for Request ☐ Disable ☐ Infirm ☐ Pregnant ☐ Aged ☐ Other

If 'other' was marked in the previous question, provide details .....

Signature or Mark ☐

**OFFICIAL USE ONLY**

Granted ☐ Voting District ☐☐☐☐☐☐☐☐☐☐

Refused ☐ Registration Officer allocated to ☐

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# APPENDIX 3
# ELECTORAL COMMISSION

## AUTHORISATION OF POLITICAL PARTY AGENT TO OBSERVE REGISTRATION PROCESS OF VOTERS

(Regulation 2(2))

SOUTH AFRICA

I, ....., the undersigned, in my capacity as ..... on behalf of and duly authorised by the ..... Party hereby authorise the following person to observe the registration process of voters as a representative of the above mentioned party:

ID Number ☐☐☐☐☐☐☐☐☐☐☐☐☐

Surname .....

Name .....

.....

.....

For the Voting District(s) of: .....

Date ☐☐ ☐☐ 1 9 ☐☐
day month year

Signature of Party Official

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# APPENDIX 2

## REQUEST TO BE VISITED BY REGISTRATION OFFICER

(Regulation 2(1)*(b)*)

SOUTH AFRICA

ID Number ☐☐☐☐☐☐☐☐☐☐☐☐☐

Surname .....

Names .....

.....

Physical Address (where application for registration as voter is to be collected) .....

.....

.....

.....

.....

Postal Code ☐☐☐☐

Postal Address (if different from above) .....

.....

.....

.....

.....

Postal Code ☐☐☐☐

Preferred Date and Time for Visit ☐☐ day ☐☐ month 1 9 ☐☐ year ☐☐ hour ☐☐ min

Telephone Number ☐☐☐☐☐☐ Dialing Code ☐☐☐☐☐☐☐ Number

Reason for Request ☐ Disable ☐ Infirm ☐ Pregnant ☐ Aged ☐ Other

If 'other' was marked in the previous question, provide details .....

Signature or Mark ☐

**OFFICIAL USE ONLY**

Granted ☐ Voting District ☐☐☐☐☐☐☐☐☐☐

Refused ☐ Registration Officer allocated to ☐

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# APPENDIX 5

. . .

[Appendix 5 deleted by GN R970 of 6 December 2013.]

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# APPENDIX 6
# APPLICATION FOR DEREGISTRATION AS A VOTER

[Appendix 6 substituted by GN 372 of 6 March 2019.]

## ELECTORAL COMMISSION

(Regulation 4)

SOUTH AFRICA

I hereby apply to be deregistered as a voter and have my name removed from the voters' roll:

**ID number:**

**Surname:**

**Names:**

**Postal Address:**

**Postal Code:**

**Date:**

day month year

I confirm that the information contained herein is correct.

Signature, Mark of Left Thumb Print (made in the presence of the registration officer)

***OFFICIAL USE ONLY***

For use with fingerprint only

**Voting District**

Date processed

Which finger's print was taken?

day month year

Signature of official?

Signature of registration official

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# APPENDIX 7
# APPLICATION FOR REGISTRATION AS A VOTER

[Appendix 7 added by GN R970 of 6 December 2013 and substituted by GN 372 of 6 March 2019.]

**REC 1/OC** **Electoral Commission**

**APPLICATION FOR REGISTRATION AS A VOTER**

COMPLETE IN BLOCK LETTERS

I am a South African citizen and hereby apply to be registered as a voter outside of the Republic of South Africa

① PERSONAL DETAILS
ID Number
Date of Birth (Day / Month / Year)
Surname
Names
Passport Number
Expiry Date (Day / Month / Year)

② Contact Number
E-Mail Address

USE THE FOLLOWING BLOCKS TO FILL IN YOUR ADDRESS IN THE COUNTRY WHERE YOU ARE ORDINARILY RESIDENT

③ PHYSICAL ADDRESS
Street Number
House No / Site No
Building / Complex Name
Street Name
Suburb
Town
Country
Street Postal Code

Provide any additional info in this box:

OUTSIDE OF THE REPUBLIC OF SOUTH AFRICA

④ POSTAL ADDRESS
(If different from above)
Postal Code

⑤ DECLARATION

I confirm that the address is correct; I am not aware of anything that would disqualify me as a voter and I am aware that making a false declaration is a criminal offence.

Signature:

OFFICIAL USE ONLY

Temporary Identification Certificate
Passport checked for validity
Form Quality Assured (QA)
Quality Assurer ID Number

*For use with fingerprint only*
Which finger's print was taken?
Signature of official

*Paste barcode here*
Voting District
Registration Date (Day / Month / Year) 20

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# REGULATIONS ON THE ACCREDITATION OF OBSERVERS, 1999

**Published under**

GN R362 in *GG* 19857 of 17 March 1999

1 The Electoral Commission has, in terms of section 100 of the Electoral Act, 1998 (Act 73 of 1998), made the regulations set out in Schedule A.

2 The Electoral Commission has, in terms of section 99(3) read with section 84(3)*(b)*(iii) of the Electoral Act, 1998 (Act 73 of 1998), compiled and issued the Code in Schedule B.

## Schedule A
## ACCREDITATION OF OBSERVERS

### 1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

**'accredited person'** means any juristic person accredited by the Commission under these Regulations;

**'the Act'** means the Electoral Act, 1998 (Act 73 of 1998).

### 2 Application for accreditation of observers

A juristic person applying for accreditation as an observer of an election must complete an application form similar to Appendix 1 and deliver the completed form together with any documentation in support of the application at the office of the Commission in Pretoria.

### 3 Certificate of accreditation

The certificate of accreditation to be issued to a successful applicant, must be similar to Appendix 2.

## 4 Reports and breach of conditions

(1) The Commission may from time to time, require an accredited person in writing to submit information concerning the performance of a function by that person.

(2) The Commission may convene a hearing to investigate whether an accredited person has complied with conditions contemplated in sections 84(5) of the Act, and may call upon any person to appear before the Commission to give evidence or to make written submissions.

(3) If the Commission finds that an accredited person to a material extent failed to comply with such conditions, the Commission may cancel the accreditation.

## 5 Identification of persons appointed by accredited person

The identification that a person appointed by an accredited person is in terms of section 85(2) of the Act obliged to wear while observing an election is an identification apparel, approved by the Commission, on which—

*(a)* the words 'Election Observer' is clearly indicated on the back and front in black letters, at least 10 cm high, on a white background; and

*(b)* the identification mark or symbol of the accredited person, at least 10cm high, is clearly indicated on the back and front.

## 6 Fee for certified copy of or extract from register or copy of a certificate of accreditation

The fee to be paid in terms of section 84(7) of the Act for a certified copy of, or extract from the register of persons accredited as observers, or a copy of a certificate of accreditation is R1-00 (One Rand) per page.

## 7 Short title

These Regulations are called the Regulations on the Accreditation of Observers, 1999.

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APPENDIX 1

**Electoral Commission**
APPLICATION FOR ACCREDITATION
AS OBSERVER

SOUTH AFRICA

| 2.1 Name of Applicant: | 2.2 Address of Registered Office Applicant |
|---|---|
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |
| ..... | ..... |

| 2.3 Telephone Number: | 2.4 Telefax Number (if any): |
|---|---|
| ..... | ..... |

| 2.5 E-mail Address (if any): ..... |
|---|

| 2.6 Registration Number of Applicant: (if applicable) | 2.7 Date of Founding: |
|---|---|
| ..... | ..... |

| 2.8 Number of persons that will be appointed as observers: | 2.9 Person in charge of co-ordinating the applicant's observers: |
|---|---|
| ..... | ..... |

| 2.10 Mark or symbol of applicant: | |
|---|---|

| 2.11 Particulars of persons appointed by applicant: | | | | |
|---|---|---|---|---|
| Name | Capacity | Identity/ Passport Number | Nationality | Date of arrival in and departure from South Africa (if applicable) |
| ..... | ..... | ..... | ..... | ..... |

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| 2.11 Particulars of persons appointed by applicant: | | | | |
|---|---|---|---|---|
| Name | Capacity | Identity/ Passport Number | Nationality | Date of arrival in and departure from South Africa (if applicable) |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |

*NB. If the space is insufficient, fullscap paper on which the necessary columns have been drawn, may be used.*

***Supporting Documents:***
***The application must be accompanied by the following:***

*(a)* Copy of deed of foundation or constitution of the applicant.
*(b)* A statement of the reasons why the applicant is suitable for accreditation to observe the election process.
*(c)* An affirmation that the applicant commits itself to cooperate with the Commission in relation to the training, conduct and deployment of persons.

We hereby apply for accreditation as observer and certify that the particulars furnished in this form and the supporting documents are true and correct, and certify that all persons appointed by us will subscribe to the Code of Conduct for Observers.

..... .....
Signature of duly authorised person on behalf of applicant — Date

*Name* .....

*Capacity:* .....

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APPENDIX 2
CERTIFICATE OF ACCREDITATION AS AN OBSERVER

**Certificate of Accreditation as an Observer**

Number: _____

This is to Certify that

.....

has in terms of section 84 of the Electoral Act, 1998 been accredited for one year to observe an election on condition that the Code of Conduct for Accredited Observers is adhered to at all times

Signed: Date of Issue:

..... .....

Chief Electoral Officer

## Schedule B
## CODE OF CONDUCT FOR ACCREDITED OBSERVERS

**1 Every accredited observer and person appointed by that observer must—**

1.1. Observe the election impartially and independently of any registered party or candidate contesting the election.

1.2 Remain non-partisan and neutral.

1.3 Be competent and professional in observing the election.

1.4 Provide the Commission with a comprehensive review of the elections taking into account all relevant circumstances including—

*(a)* the degree of impartiality shown by the Commission;

*(b)* the degree of freedom of political parties to organise, move, assemble and express their views publicly;

*(c)* the opportunity for political parties to have their agents observe all aspects of the electoral process;

*(d)* the fairness of access for political parties to national media and other resources of the state;

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*(e)* the proper conduct of polling and counting of votes; and

*(f)* any other issue that concerns the essential freedom and fairness of the election.

1.5 Comply with all instructions given and every obligation imposed by—

*(a)* the Commission;

*(b)* any electoral officer; or

*(c)* any employee or officer of the Commission; or

*(d)* a member of the security services acting on the instructions of an officer.

## 2 The accredited observer and any person appointed by that observer should—

2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate or registered party.

2.2 Act in a strictly neutral and unbiased manner.

2.3 Disclose to the Commission any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.

2.4 Not accept any gifts or favour from a political party, organisation or person involved in the election process.

2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate or political party.

2.6 Not express a view or opinion on any matter which is the subject of electoral campaigning.

2.7 Not influence or attempt to influence the choice of a voter regarding any registered party or candidate in an election.

2.8 Not wear, carry, or display any registered party's symbols or colours.

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# REGULATIONS ON THE ACCREDITATION OF VOTER EDUCATION PROVIDERS, 1998

**Published under**

GN R1488 in *GG* 19527 of 24 November 1998

1 The Electoral Commission has, in terms of section 100 of the Electoral Act, 1998 (Act 73 of 1998), made the regulations in Schedule A.

2 The Electoral Commission has, in terms of section 99, read with section 86 of the Electoral Act, 1998 (Act 73 of 1998), compiled and issued the Code in Schedule B.

**Schedule A**

## 1 Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates—

**'accredited person'** means a person accredited to provide voter education in terms of section 86 of the Act;

**'the Act'** means the Electoral Act, 1998 (Act 73 of 1998).

## 2 Application for accreditation to provide voter education

A person applying for accreditation to provide voter education for an election must complete an application form similar to Appendix 1 and deliver the completed application form, together with any documentation in support of the application, at the offices of the Commission in Pretoria.

## 3 Certificate of accreditation

The chief electoral officer must issue a certificate similar to Appendix 2 to a person that has been accredited to provide voter education.

## 4 Breach of conditions or Code

(1) The Commission may from time to time, require an accredited person to submit information concerning the performance of a function by that accredited person.

(2) The Commission may convene a hearing to investigate whether an accredited person has failed to comply with the conditions contemplated in section 86(4) read with section 84(5) of the Act.

(3) If the Commission finds that an accredited person has to a material extent failed to comply with such conditions, the Commission may cancel the accreditation.

## 5 Fee for certified copy of or extract from register or copy of certificate of accreditation

The fee to be paid in terms of section 84(7) read with section 86(4) of the Act for a certified copy of, or extract from, the register or a copy of a certificate, is One Rand (R1) per page.

## 6 Short title

These Regulations are called the Regulations on the Accreditation of Voter Education Providers, 1998.

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APPENDIX 1

**Electoral Commission**
APPLICATION FOR ACCREDITATION FOR VOTER EDUCATION

SOUTH AFRICA

Notes:
(i) *The original application must be submitted to the Commission.*
(ii) *Where the required information cannot be furnished in the space provided, the information must be submitted as a separate memorandum and attached hereto.*
(iii) *Delete if not applicable.*

## 1. PARTICULARS REGARDING THE APPLICANT

| | |
|---|---|
| 1.1 | Full name: ..... |

| | |
|---|---|
| 1.2 | Trade name: ..... |

| | | | |
|---|---|---|---|
| 1.3 | Full business/residential address:<br>.....<br>.....<br>.....<br>..... | 1.4 | Postal address:<br>.....<br>.....<br>.....<br>Postal code: ..... |

| | | | |
|---|---|---|---|
| 1.5 | Telephone number: ..... | 1.6 | Telefax number (if any): ..... |

| | | | |
|---|---|---|---|
| 1.7 | Cellular phone number (if any):<br>..... | 1.8 | E-mail address (if any): .....<br>..... |

| | |
|---|---|
| 1.9 | Legal status of applicant/holder (individual/close corporation/company/trust/other—specify):<br>..... |

| | |
|---|---|
| 1.10 | Registration number in the case of a close corporation/company/trust: ..... |

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1.11 Full particulars in respect of the individual/each responsible director/shareholder/member/office bearer:

| Name | Capacity | Identity number | Nationality | Country of permanent residence |
|---|---|---|---|---|
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |

## 2. PERSONNEL CAPACITY

2.1 Number of education providers in your service: .....

2.2 Full particulars of education providers in the area of voter education or electoral administration matters:

| Full names | Position | Qualification |
|---|---|---|
| ..... | ..... | ..... |
| ..... | ..... | ..... |
| ..... | ..... | ..... |
| ..... | ..... | ..... |

2.3 Full particulars of management, financial and administrative skills:

.....

.....

.....

.....

.....

.....

.....

.....

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| 2.4 | Full particulars regarding banking accounts, auditors and financial management, auditing and public accounting systems maintained. |
|---|---|
| | ..... |
| | ..... |
| | ..... |
| | ..... |
| | ..... |
| | ..... |

## 3. INSTITUTIONAL CAPACITY

3.1 Facilities:

| Library | Audio Visual | Training Centre | Conference | Other (specify) |
|---|---|---|---|---|
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... | ..... |

3.2 Training aids:

| Audio Visual | Industrial Theatre | Brochures | Other (specify) |
|---|---|---|---|
| ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... |
| ..... | ..... | ..... | ..... |

3.3 Language in which material is available: .....
.....

3.4 Source of funding: .....
.....

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## 4. VOTER EDUCATION CURRICULUM AND SYLLABUS

| | |
|---|---|
| 4.1 | Aims ..... |

| | |
|---|---|
| 4.2 | Objectives: ..... |

| | |
|---|---|
| 4.3 | Projected target groups (category of persons to be trained): ..... |

| | |
|---|---|
| 4.4 | Geographical scope of operation: ..... |

4.5 Course particulars:

| Module | Contents of syllabus | Methodology | Learner achieve-ments | Evaluation mechanism | Duration of course |
|---|---|---|---|---|---|
| 1 | ..... | ..... | ..... | ..... | ..... |
| 2 | ..... | ..... | ..... | ..... | ..... |
| 3 | ..... | ..... | ..... | ..... | ..... |
| 4 | ..... | ..... | ..... | ..... | ..... |
| 5 | ..... | ..... | ..... | ..... | ..... |
| 6 | ..... | ..... | ..... | ..... | ..... |
| 7 | ..... | ..... | ..... | ..... | ..... |
| 8 | ..... | ..... | ..... | ..... | ..... |
| 9 | ..... | ..... | ..... | ..... | ..... |
| 10 | ..... | ..... | ..... | ..... | ..... |

## 5. SUPPORTING DOCUMENTS

The following documents are attached in support of the application:

1. .....
2. .....
3. .....
4. .....

I hereby apply for accreditation to provide voter education in an election and—

*(a)* certify that the particulars furnished in this form and the supporting documents are true and correct; and

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*(b)* certify that I subscribed to the Code for Accredited Voter Education Providers, 1998 and undertake to ensure that persons appointed by me to provide voter education also subscribe to that Code.

Date: ..... .....(signed)
Name:
Capacity:

## APPENDIX 2
## CERTIFICATE OF ACCREDITATION

Certificate of Accreditation
VOTER EDUCATION

Number: _____

This is to Certify that

.....

has in terms of section 86 of the Electoral Act, 1998, been accredited for one year to provide voter education for an election on condition that the Code for Accredited Voter Education Providers, 1998 is adhered to at all times.

Signed: Date of Issue:

..... .....

Chief Electoral Officer

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## Schedule B
## CODE FOR ACCREDITED VOTER EDUCATION PROVIDERS

1 Every accredited voter education provider must—

1.1 inform and make voters aware of their protected right to freedom of conscience and belief, freedom of speech and expression, freedom of association, and peaceful assembly, freedom of movement and of the right to participate freely in peaceful political activities;

1.2 respect the right of voters to elect a party of their choice by using an impartial training method;

1.3 ensure that voters are informed and made aware thereof that political parties and the media are free to impart information and opinion;

1.4 always act in a non-partisan manner and be free of any influence or control by any political party or organisation; and

1.5 strive to promote democratic pluralism and a culture of political tolerance.

2 Every accredited voter education provider must—

2.1 keep such books of account that are reasonably necessary; and

2.2 use funds received only for the purpose for which it was appropriated.

3 No accredited voter education provider may—

3.1 misuse any funds received for the purpose of voter education;

3.2 attempt to ascertain for which candidate or party any voter intends to vote;

3.3 induce, influence, persuade or procure a voter to register for or vote in an election, in the knowledge that such voter is not entitled to register or vote in the election concerned;

3.4 influence or attempt to influence the choice of a voter regarding any party or candidate in an election;

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3.5 publish, repeat or disseminate in any manner whatsoever false information; and

3.6 obstruct or interfere with the work of any official or representative of the Commission.

4 Accredited voter education providers must—

4.1 act in a strictly neutral and unbiased manner in every matter concerning a political party, candidate or voter;

4.2 do nothing that could indicate, or be seen as indicating, partisan support for a candidate or political party;

4.3 not accept any gift or favour from a political party or any person involved in the election process; and

4.4 not wear, carry or display any obviously partisan party symbols or colours.

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# PART B

# ELECTORAL COMMISSION ACT 51 OF 1996

# ELECTORAL COMMISSION ACT 51 OF 1996

[ASSENTED TO 27 SEPTEMBER 1996]
[DATE OF COMMENCEMENT: 17 OCTOBER 1996]
(Unless otherwise indicated)
*(Afrikaans text signed by the President)*

**published in**
*GG* 17478 of 4 October 1996

**commencements**
(see s. 25 of this Act)

| provisions | date | refer to |
|---|---|---|
| whole Act, except s. 24 | 17 October 1996 | Proc R64 in *GG* 17513 of 17 October 1996 |
| s. 24 | to be proclaimed | |

**as amended**

| by | with effect from | refer to |
|---|---|---|
| Local Government: Municipal Structures Act 117 of 1998 | 1 February 1999 | s. 95 of Act 117 of 1998; Proc 14 in *GG* 19727 of 29 January 1999 |
| Local Government: Municipal Electoral Act 27 of 2000 | 11 July 2000 | s. 96 of Act 27 of 2000 |
| Electoral Laws Amendment Act 34 of 2003 | 17 December 2003 | s. 32 of Act 34 of 2003; Proc R70 in *GG* 25672 of 3 November 2003; Proc R78 in *GG* 25860 of 17 December 2003 |
| Electoral Commission Amendment Act 14 of 2004 | 24 June 2004 | s. 2 of Act 14 of 2004 |
| Electoral Laws Amendment Act 1 of 2019 | 6 March 2019 | s. 23 of Act 1 of 2019; Proc 11 in *GG* 42289 of 6 March 2019 |

**also amended**

| by | with effect from | refer to |
|---|---|---|
| Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014 | a date to be proclaimed—see PENDLEX | s. 18 of Act 22 of 2014 |

## ACT

**To make provision for the establishment and composition of an Electoral Commission to manage elections for national, provincial and local legislative bodies and referenda; and to make provision for the establishment and composition and the powers, duties and functions of an Electoral Court; and to provide for matters in connection therewith.**

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

## ARRANGEMENT OF SECTIONS

[Arrangement of sections amended by s. 93 of Act 27 of 2000 (wef 11 July 2000).]

*Section*

CHAPTER 1
INTERPRETATION AND APPLICATION OF ACT

1 Definitions
2 Application of Act

CHAPTER 2
ELECTORAL COMMISSION

3 Establishment of Commission
4 Objects of Commission
5 Powers, duties and functions of Commission
6 Composition of Commission and appointment of commissioners
7 Terms of office, conditions of service, removal from office and suspension of commissioners
8 Chairperson of Commission

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9 Conduct of commissioners
10 Disclosure of conflicting interests
11 Meetings of Commission

CHAPTER 3
ADMINISTRATION, STAFF AND ACCOUNTABILITY OF COMMISSION

12 Administration and staff of Commission
13 Finances and auditing
14 Reports by Commission

CHAPTER 4
REGISTRATION OF PARTIES

15 Registration of parties
15A Registration of parties for municipal elections
16 Prohibition on registration of party under certain circumstances
16A Change of party's name
[S. 16A inserted by s. 30 of Act 34 of 2003 (wef 17 December 2003).]
17 Cancellation of registration of party
[S. 17 substituted by s. 31 of Act 34 of 2003 (wef 17 December 2003).]

CHAPTER 5
ELECTORAL COURT

18 Establishment of Electoral Court
19 Composition of Electoral Court
20 Powers, duties and functions of Electoral Court

CHAPTER 6
GENERAL PROVISIONS

21 Offences and penalties
21A Restriction on use of name
[S. 21A inserted by s. 5 of Act 1 of 2019 (wef 6 March 2019).]
22 Legal proceedings against Commission
23 Regulations
24 Repeal of laws, legal succession and transitional provision
25 Short title and commencement

Schedule
LAWS REPEALED

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## CHAPTER 1
## INTERPRETATION AND APPLICATION OF ACT (ss 1–2)

# 1 Definitions

**[NB:** A definition of **'Independent Commission'** has been inserted by s. 6 of the Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014, a provision which will be put into operation by proclamation. See PENDLEX.**]**

(1) In this Act, unless the context otherwise indicates—

**'chairperson'** means the chairperson designated in terms of section 8 (1);

**'chief electoral officer'** means the chief electoral officer appointed in terms of section 12 (1);

**'Commission'** means the Electoral Commission established by section 3 (1);

**'election'** means any election for a national, provincial or local legislative body in terms of any law;

**'Electoral Court'** means the Electoral Court established by section 18;

**'party'** means any registered party, and includes any organisation or movement of a political nature which publicly supports or opposes the policy, candidates or cause of any registered party, or which propagates non-participation in any election;

**'political office'** means any executive appointment or elected office, including any elected or nominated public representative of a party, whether involving remuneration or not, or any other paid office, in the service of a party;

**'prescribe'** means prescribe by regulation;

**'registered party'** means any party registered in terms of section 15;

**'regulation'** means a regulation made under section 23; and

**'this Act'** includes the regulations.

(2) For the purposes of this Act, unless clearly inconsistent with the context, any reference therein to an election, shall be construed as to include a referendum declared by the President under section 2 (2).

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## 2 Application of Act

(1) This Act applies in respect of any election for national, provincial and local legislative bodies, and any referendum referred to in subsection (2).

(2) Notwithstanding anything to the contrary in any other law contained, the President may, after consultation with the Commission, by proclamation in the *Gazette*—

*(a)* declare that a referendum shall be held in order to ascertain the views of voters on a matter specified in the proclamation;

*(b)* determine that the referendum shall be held in the Republic, or in a part of the Republic specified in the proclamation, on a day or consecutive days and, subject to this Act, during the hours so specified;

*(c)* determine who shall be entitled, in accordance with this Act, to vote at the referendum; and

*(d)* determine what question or questions to ascertain the views of voters, must appear on the ballot paper.

# CHAPTER 2
# ELECTORAL COMMISSION (ss 3–11)

## 3 Establishment of Commission

(1) There is an Electoral Commission for the Republic, which is independent and subject only to the Constitution and the law.

(2) The Commission shall be impartial and shall exercise its powers and perform its functions without fear, favour or prejudice.

## 4 Objects of Commission

The objects of the Commission are to strengthen constitutional democracy and promote democratic electoral processes.

## 5 Powers, duties and functions of Commission

(1) The functions of the Commission include to—

*(a)* manage any election;

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*(b)* ensure that any election is free and fair;

*(c)* promote conditions conducive to free and fair elections;

*(d)* promote knowledge of sound and democratic electoral processes;

*(e)* compile and maintain voters' rolls by means of a system of registering of eligible voters by utilising available data and information furnished by voters, as prescribed;

[Para. *(e)* substituted by s. 1 of Act 1 of 2019 (wef 6 March 2019).]

*(f)* compile and maintain a register of parties;

*(g)* establish and maintain liaison and co-operation with parties;

*(h)* undertake and promote research into electoral matters;

*(i)* develop and promote the development of electoral expertise and technology in all spheres of government;

*(j)* continuously review electoral legislation and proposed electoral legislation, and to make recommendations in connection therewith;

*(k)* promote voter education;

*(l)* promote co-operation with and between persons, institutions, governments and administrations for the achievement of its objects;

*(m)* . . .

[Para. *(m)* deleted by s. 94 of the Act 117 of 1998 (wef 1 February 1999).]

*(n)* declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections;

*(o)* adjudicate disputes which may arise from the organisation, administration or conducting of elections and which are of an administrative nature; and

*(p)* appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

(2) The Commission shall, for the purposes of the achievement of its objects and the performance of its functions—

*(a)* acquire the necessary staff, whether by employment, secondment, appointment on contract or otherwise;

*(b)* establish and maintain the necessary facilities for

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collecting and disseminating information regarding electoral matters;

*(c)* co-operate with educational or other bodies or institutions with a view to the provision of instruction to or the training of persons in electoral and related matters; and

*(d)* generally, perform any act that is necessary for or conducive to that.

## 6 Composition of Commission and appointment of commissioners

(1) The Commission shall consist of five members, one of whom shall be a judge, appointed by the President in accordance with the provisions of this section.

(2) No person shall be appointed as a member of the Commission unless he or she—

*(a)* is a South African citizen;

*(b)* does not at that stage have a high party-political profile;

*(c)* has been recommended by the National Assembly by a resolution adopted by a majority of the members of that Assembly; and

*(d)* has been nominated by a committee of the National Assembly, proportionally composed of members of all parties represented in that Assembly, from a list of recommended candidates submitted to the committee by the panel referred to in subsection (3).

(3) The panel shall, subject to subsection (6), consist of—

*(a)* the President of the Constitutional Court, as chairperson;

*(b)* a representative of the Human Rights Commission established by section 115 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);

*(c)* a representative of the Commission on Gender Equality established by section 119 (1) of the said Constitution; and

*(d)* the Public Protector established by section 110 (1) of the said Constitution.

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(4) The panel shall submit a list of no fewer than eight recommended candidates to the committee of the National Assembly referred to in subsection (2) *(d)*.
(5) The panel shall act in accordance with the principles of transparency and openness and make its recommendations with due regard to a person's suitability, qualifications and experience.
(6) If any person referred to in subsection (3) *(b)* to *(d)* should for any reason not be available to serve on the panel, the chairperson shall, after consultation with the remaining members of the panel, designate any other person as a member of the panel.

## 7 Terms of office, conditions of service, removal from office and suspension of commissioners

**[NB:** The heading has been substituted by s. 7 *(a)* of the Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014, a provision which will be put into operation by proclamation. See PENDLEX.**]**

(1) The term of office of a member of the Commission is seven years unless—

*(a)* he or she resigns or dies at an earlier date;
*(b)* he or she is removed from office in terms of subsection (3); or
*(c)* the President, on the recommendation of the National Assembly, extends the member's term of office for a specified period.

[Sub-s. (1) substituted by s. 1 of Act 14 of 2004 (wef 24 June 2004).]

(2) The conditions of service, remuneration, allowances and other benefits of commissioners shall from time to time be determined by the President after consultation with the Commission on Remuneration of Representatives established by section 2 of the Commission on the Remuneration of Representatives Act, 1994 (Act 37 of 1994), and a distinction may be made between commissioners appointed in a full-time and part-time capacity.

**[NB:** Sub-s. (2) has been substituted and sub-ss. (2A), (2B) and (2C) have been inserted by s. 7 *(b)* and *(c)* respectively of the Determination of Remuneration of Office-bearers of Independent Constitutional Institutions Laws Amendment Act 22 of 2014, provisions which will be put into operation by proclamation. See PENDLEX.**]**

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(3) A commissioner may—

*(a)* only be removed from office by the President—

(i) on the grounds of misconduct, incapacity or incompetence;

(ii) after a finding to that effect by a committee of the National Assembly upon the recommendation of the Electoral Court; and

(iii) the adoption by a majority of the members of that Assembly of a resolution, calling for that commissioner's removal from office;

*(b)* be suspended from office by the President at any time after the start of the proceedings of the committee contemplated in paragraph *(a)* (ii);

*(c)* be reappointed, but only for one further term of office.

## 8 Chairperson of Commission

(1) The President shall designate a chairperson and vice-chairperson from among the members of the Commission.

(2) In the absence of both the chairperson and vice-chairperson, the remaining members shall elect an acting chairperson from their number.

## 9 Conduct of commissioners

(1) Every member of the Commission shall—

*(a)* serve impartially and independently and perform his or her functions as such in good faith and without fear, favour or prejudice;

*(b)* if appointed in a full-time capacity, serve as such to the exclusion of any other duty or obligation arising out of any other employment or occupation or the holding of any other office, unless specifically authorised thereto by the President.

(2) No member of the Commission—

*(a)* shall during his or her term of office be eligible for appointment or nomination to any political office;

*(b)* may, whether directly or indirectly, in any manner give support to, or oppose, any party or candidate participating

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in an election, or any of the issues in contention between parties or candidates;

*(c)* may, by his or her membership, association, statement, conduct or in any other manner place in jeopardy his or her perceived independence, or in any other manner harm the credibility, impartiality, independence or integrity of the Commission;

*(d)* may make private use of or profit from any confidential information gained as a result of his or her appointment and functions as such member;

*(e)* may divulge any such information to any third party save in the course and scope of his or her official functions;

*(f)* shall during his or her term of office be eligible to serve as a member of Parliament, a provincial legislature or a local government body, and such ineligibility shall continue for a period of 18 months reckoned from the date upon which such term of office has terminated.

## 10 Disclosure of conflicting interests

(1) Subject to subsection (2), a member may not at any meeting of the Commission during the discussion of any matter before such meeting in respect of which he or she has any financial or other interest which might preclude him or her from performing his or her functions in a fair, impartial and proper manner—

*(a)* be present;

*(b)* cast a vote; or

*(c)* in any other manner participate in the proceedings thereof.

(2) If at any stage during the course of any proceedings before the Commission it appears that any member has or may have an interest which may cause such a conflict of interests to arise on his or her part—

*(a)* such member shall forthwith and fully disclose the nature of his or her interest and leave the meeting so as to enable the remaining members to discuss the matter and determine whether such member is precluded from participating in such meeting by reason of a conflict of interests; and

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*(b)* such disclosure and the decision taken by the remaining members regarding such determination, shall be recorded in the minutes of the meeting.

(3) If any member fails to disclose any interest as required by subsection (2) or, subject to that subsection, is present at a meeting of the Commission or in any manner whatsoever participates in the proceedings of the Commission in relation to such matter, such proceedings may be reviewed and varied or set aside by the Commission.

## 11 Meetings of Commission

(1) The Commission may meet at any place in the Republic determined by the chairperson for the purpose of performing its functions.

(2) Meetings may be convened at any time by the chairperson at such intervals as circumstances may require and he or she shall convene a special meeting when requested to do so by any two other members of the Commission.

(3) A quorum for a meeting of the Commission is the majority of the total number of the members.

(4) A decision by the majority of the members present at a meeting of the Commission is a decision of the Commission.

(5) The Commission may determine its own procedures to be followed at its meetings.

# CHAPTER 3
# ADMINISTRATION, STAFF AND ACCOUNTABILITY OF COMMISSION (ss 12–14)

## 12 Administration and staff of Commission

(1) As soon as possible after the composition of the Commission and whenever necessary thereafter, the Commission shall appoint a suitably qualified and experienced person as chief electoral officer.

(2) The chief electoral officer—

*(a)* shall be the head of the administration of the Commission;

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*(b)* shall be the accounting officer of the Commission for the purposes of the Exchequer Act, 1975 (Act 66 of 1975), and shall cause the necessary accounting and other related records to be kept; and

*(c)* may exercise all such powers and shall perform all such duties and functions as may be entrusted or assigned to him or her by the Commission or this Act or any other law.

(3) Whenever the chief electoral officer is for any reason absent or unable to perform his or her functions, or whenever a vacancy in the office of chief electoral officer occurs, the Commission may designate a member of its staff to act in that capacity until the chief electoral officer resumes his or her functions, or a chief electoral officer is appointed in terms of subsection (1), and that member has, while so acting, such powers and shall perform such functions of the chief electoral officer as may be delegated or assigned to him or her by the Commission.

(4) The chief electoral officer shall in consultation with the Commission appoint such officers and employees of the Commission as he or she may consider necessary to enable the Commission to exercise its powers and to perform its duties and functions effectively.

(5) The conditions of service, remuneration, allowances, subsidies and other benefits of the chief electoral officer, an acting chief electoral officer and the other administrative staff of the Commission shall be prescribed by the Commission.

(6) Notwithstanding the provisions of the Government Employees Pension Law, 1996 (Proclamation 21 of 1996)—

*(a)* any person appointed in terms of this section who, immediately before the date of such appointment was a member of the Government Employees Pension Fund referred to in section 2 of that Law, may remain such member notwithstanding such appointment; and

*(b)* any person so appointed who is not a member of the said fund may become a member of that fund as from the date of such appointment and, if applicable, shall contribute thereto.

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## 13 Finances and auditing

(1) The expenditure in connection with the exercise of the Commission's powers and the performance of its duties and functions shall be defrayed out of money appropriated by Parliament for that purpose or received by the Commission from any other source.

(2) The Commission shall budget for the necessary resources or additional resources to enable it to exercise its powers and perform its duties and functions effectively.

(3) The records referred to in section 12 (2) *(b)* shall be audited by the Auditor-General in terms of the Auditor-General Act, 1995 (Act 12 of 1995).

## 14 Reports by Commission

(1) The Commission shall annually, as soon as possible after the end of each financial year, submit to the National Assembly an audited report of all money received from other sources as contemplated in section 13 (1), as well as the audited statement on income and expenditure and a report in regard to the functions, activities and affairs of the Commission in respect of such financial year.

(2) The Commission shall furnish the President with such information and particulars as he or she may from time to time in writing require in connection with the activities of the Commission.

(3) The Commission shall as soon as possible after the end of an election publish a report thereon.

(4) The Commission may, if it deems it necessary, publish a report on the likelihood or otherwise that it will be able to ensure that any pending election will be free and fair.

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## CHAPTER 4
## REGISTRATION OF PARTIES (ss 15–17)

### 15 Registration of parties

(1) The chief electoral officer shall, upon application by a party in the prescribed manner and form, accompanied by the items mentioned in subsection (3), register such party in accordance with this Chapter.

[Sub-s. (1) substituted by s. 26 of Act 34 of 2003 (wef 17 December 2003) and by s. 2 of Act 1 of 2019 (wef 6 March 2019).]

(2) The form shall, *inter alia*, make provision for the following:

*(a)* the name of the party;

*(b)* the distinguishing mark or symbol of the party in colour; and

*(c)* the abbreviation, if any, of the name of the party consisting of not more than eight letters.

[Sub-s. (2) substituted by s. 26 of Act 34 of 2003 (wef 17 December 2003).]

(3) The application shall be accompanied by—

*(a)* that party's deed of foundation which has been adopted at a meeting of, and has been signed by the prescribed number of persons who are qualified voters;

*(b)* the prescribed amount, if any; and

*(c)* . . .

[Para. *(c)* omitted by s. 26 of Act 34 of 2003 (wef 17 December 2003).]

*(d)* that party's constitution.

[Sub-s. (3) substituted by s. 26 of Act 34 of 2003 (wef 17 December 2003).]

(4) The party's deed of foundation shall contain the prescribed particulars.

(5) After a party has been registered the chief electoral officer shall issue that party with a registration certificate in the prescribed form and publish the prescribed particulars of such registration in the *Gazette*.

(6) Every registered party not represented in a legislative body shall annually renew its registration in the prescribed manner and at the prescribed time.

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## 15A Registration of parties for municipal elections

(1) The chief electoral officer shall, upon application by a party in the prescribed manner and form, and if the application is accompanied by the items mentioned in subsection (2), register such party in respect of a particular municipality.

[Sub-s. (1) substituted by s. 27 of Act 34 of 2003 (wef 17 December 2003) and by s. 3 of Act 1 of 2019 (wef 6 March 2019).]

(2) The application shall be accompanied by—

*(a)* that party's deed of foundation which has been adopted at a meeting of, and has been signed by, the prescribed number of persons who are qualified voters;

*(b)* the prescribed amount, if any; and

*(c)* . . .

[Para. *(c)* omitted by s. 27 of Act 34 of 2003 (wef 17 December 2003).]

*(d)* that party's constitution.

[Sub-s. (2) substituted by s. 27 of Act 34 of 2003 (wef 17 December 2003).]

(3) A party registered for a particular municipality or municipalities, may under such registration only participate in elections for councils for those municipalities.

(4) Subsections (1), (2), (3) and (4) of section 15 do not apply to a registration under this section.

[S. 15A inserted by s. 93 of Act 27 of 2000 (wef 11 July 2000).]

## 16 Prohibition on registration of party under certain circumstances

(1) The chief electoral officer may not register a party in terms of section 15 or 15A, if—

*(a)* fourteen days have not elapsed since the applicant has submitted to the chief electoral officer proof of publication of the prescribed notice of application in the *Gazette* in the case of an application referred to in section 15 or in a newspaper circulating in the municipal area concerned in the case of an application referred to in section 15A.

*(b)* a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application resembles

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the name, abbreviated name, distinguishing mark or symbol, as the case may be, of any other registered party to such an extent that it may deceive or confuse voters; or

*(c)* a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application or the constitution of the party or the deed of foundation mentioned in section 15 or 15A contains anything—

(i) which portrays the propagation or incitement of violence or hatred or which causes serious offence to any section of the population on the grounds of race, gender, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language; or

(ii) which indicates that persons will not be admitted to membership of the party or welcomed as supporters of the party on the grounds of their race, ethnic origin or colour.

[Sub-s. (1) substituted by s. 28 of Act 34 of 2003 (wef 17 December 2003).]

(2) Any party which is aggrieved by a decision of the chief electoral officer to register or not to register a party, may within 30 days after the party has been notified of the decision, appeal against the decision to the Commission in the prescribed manner.

(3) The Commission shall in the case of such an appeal enquire into or consider the matter and may, subject to subsection (4), confirm or set aside the decision of the chief electoral officer.

(4) In considering such an appeal against the refusal to register a party in terms of subsection (1) *(a)* the Commission—

*(a)* shall take into account the fact that the party which is associated with the name, abbreviated name, distinguishing mark or symbol, as the case may be, for the longest period, should *prima facie* be entitled thereto;

*(b)* may, for the purposes of paragraph *(a)*—

(i) afford the parties concerned an opportunity to offer such proof, including oral evidence or sworn or affirmed statements by any person which, in the

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opinion of the Commission, could be of assistance in the expeditious determination of the matter; and

(ii) administer an oath or affirmation to any person appearing to testify orally before it.

[Sub-s. (4) amended by s. 29 of Act 34 of 2003 (wef 17 December 2003).]

## 16A Change of party's name

(1) A party may submit an application in the prescribed form to the chief electoral officer to change its registered name, abbreviated name, distinguishing mark or symbol.

(2) Such an application shall be accompanied by proof of publication in the *Gazette* of the prescribed notice of application.

(3) Section 16, with the changes required by the context, applies to the chief electoral officer's consideration of the application and decision to change, or not to change, the party's registered name, abbreviated name, distinguishing mark or symbol in accordance with the application.

(4) If the registered name, abbreviated name, distinguishing mark or symbol is changed as a result of the application, the chief electoral officer shall withdraw the registration certificate issued in terms of section 15 and issue the party with a new registration certificate reflecting the change.

[S. 16A inserted by s. 30 of Act 34 of 2003 (wef 17 December 2003).]

## 17 Cancellation of registration of party

(1) The Commission may cancel the registration of a party if—

*(a)* after due notice in writing to that party and an inquiry into the matter, the Commission is satisfied that the party no longer functions or has no intention to participate in an election;

*(b)* it is notified by that party in the prescribed manner that the party has dissolved or is intending to dissolve on a specified date;

*(c)* that party is not represented in the National Assembly, a provincial legislature or a municipal council and it has

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not participated in a national, provincial or municipal general election that took place after the date of its registration or after the date when it was last so represented; or

*(d)* that party has changed its deed of foundation or constitution and the Commission is satisfied that change has resulted in that deed of foundation or constitution containing anything—

(i) which portrays the propagation or incitement of violence or hatred or which causes serious offence to any section of the population on grounds of race, gender, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language; or

(ii) which indicates that persons will not be admitted to membership of the party or welcomed as supporters of the party on the grounds of their race, ethnic origin or colour.

(2) The Commission may not cancel the registration of a party on the grounds set out in subsection (1) *(d)* unless it has served a notice on the party giving it an opportunity to withdraw or change the offending amendment or part of the amendment and the party has not done so to the Commission's satisfaction within three months.

(3) A registered party shall within two months after having changed its deed of foundation or constitution submit a copy of the changed deed of foundation or constitution to the chief electoral officer.

[S. 17 substituted by s. 31 of Act 34 of 2003 (wef 17 December 2003).]

## CHAPTER 5
## ELECTORAL COURT (ss 18–20)

## 18 Establishment of Electoral Court

There is an Electoral Court for the Republic, with the status of the Supreme Court.

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## 19 Composition of Electoral Court

(1) The Electoral Court shall consist of the following members appointed by the President upon the recommendation of the Judicial Service Commission:

*(a)* A chairperson, who is a judge of the Appellate Division of the Supreme Court, and two other judges of the Supreme Court; and

*(b)* two other members who are South African citizens.

(2) The terms of office of the members of the Electoral Court, their conditions of service, remuneration, leave and other benefits, shall be determined by the President.

## 20 Powers, duties and functions of Electoral Court

(1) *(a)* The Electoral Court may review any decision of the Commission relating to an electoral matter.

*(b)* Any such review shall be conducted on an urgent basis and be disposed of as expeditiously as possible.

(2) *(a)* The Electoral Court may hear and determine an appeal against any decision of the Commission only in so far as such decision relates to the interpretation of any law or any other matter for which an appeal is provided by law.

*(b)* No such appeal may be heard save with the prior leave of the chairperson of the Electoral Court granted on application within the period and in the manner determined by that Court.

*(c)* Such an appeal shall be heard, considered and summarily determined upon written submissions submitted within three days after leave to appeal was granted in terms of paragraph *(b)*.

(2A) The Electoral Court may hear and determine any dispute relating to membership, leadership, constitution or founding instruments of a registered party.

[Sub-s. (2A) inserted by s. 4 of Act 1 of 2019 (wef 6 March 2019).]

(3) The Electoral Court may determine its own practice and procedures and make its own rules.

(4) The Electoral Court shall—

*(a)* make rules in terms of which electoral disputes and complaints about infringements of the Electoral Code of Conduct as defined in section 1 of the Electoral Act,

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1993 (Act 202 of 1993), and appeals against decisions thereon may be brought before courts of law; and

*(b)* determine which courts of law shall have jurisdiction to hear particular disputes and complaints about infringements, and appeals against decisions arising from such hearings.

(5) The hearings and appeals referred to in subsection (4) shall enjoy precedence in the courts of law determined in accordance with that subsection.

(6) The Electoral Court may hear and determine any matter that relates to the interpretation of any law referred to it by the Commission.

(7) The Electoral Court may investigate any allegation of misconduct, incapacity or incompetence of a member of the Commission and make any recommendation to a committee of the National Assembly referred to in section 7 (3) *(a)* (ii).

(8) The Director-General: Justice shall provide the necessary accommodation, administration and financial support for the Electoral Court.

## CHAPTER 6
## GENERAL PROVISIONS (ss 21–25)

### 21 Offences and penalties

(1) Any person commits an offence who—

*(a)* wilfully hinders or obstructs the Commission, the chief electoral officer or a member of the staff of the Commission in the exercise of its or his or her powers or in the performance of its or his or her duties or functions;

*(b)* wilfully interrupts the proceedings of a meeting of the Commission or a sitting of the Electoral Court or misbehaves in any other manner in the place where such meeting or sitting is held;

*(c)* does anything calculated improperly to influence the Commission or that Court in respect of any matter being or to be considered by the Commission or that Court in connection with any decision or order.

(2) Any person convicted of any offence referred to in subsection

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(1), may be sentenced to a fine or to imprisonment for a period not exceeding five years.

## 21A Restriction on use of name

(1) No person may use or trade under a name containing the words 'Electoral Commission', 'Independent Electoral Commission' or the acronym 'IEC' for the purposes of elections or the translation thereof in any other official language to—

*(a)* conduct his, her or its affairs or business, or carry on his, her or its occupation or trade;

*(b)* be registered or licensed under any law; or

*(c)* falsely claim to be acting on behalf of the Commission.

(2) No person may, without the prior written authorisation of the Commission, represent or make use of the logos, designs or electoral material used or owned by the Commission.

(3) Any person who contravenes a provision of subsection (1) or (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.

[S. 21A inserted by s. 5 of Act 1 of 2019 (wef 6 March 2019).]

## 22 Legal proceedings against Commission

(1) The State Liability Act, 1957 (Act 20 of 1957), applies with the necessary changes in respect of the Commission.

(2) In such application a reference to a Minister of a department shall be construed as a reference to the chairperson of the Commission.

## 23 Regulations

(1) The Commission may make regulations regarding—

*(a)* the time limits within and manner in which appeals may be noted or decisions may be brought under review by the Commission in terms of this Act;

*(b)* the compiling and maintaining of voters' rolls;

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*(c)* the registration of parties in terms of this Act;
*(d)* the regulation of the conduct of all persons, parties and candidates in so far as such conduct may promote or inhibit the conduct of a free and fair election;
*(e)* any matter required or permitted to be prescribed in terms of this Act;
*(f)* the holding of a referendum declared under section 2; and
*(g)* generally, all matters which are necessary or expedient to be prescribed in order to achieve the objects of this Act.

(2) A regulation may prescribe penalties for any contravention thereof, or any failure to comply therewith, of a fine or imprisonment for a period not exceeding two years.

(3) Any regulation which affects state expenditure, shall be made with the concurrence of the Minister of Finance.

## 24 Repeal of laws, legal succession and transitional provision

(1) The laws mentioned in the Schedule are hereby repealed.

(2) The Commission is the successor in title to the Independent Electoral Commission established by section 4 of the Independent Electoral Commission Act, 1993 (Act 150 of 1993), and is empowered to control all electoral equipment and material held by any organ of state in any sphere of government.

(3) The Special Electoral Court established by section 32 of the Independent Electoral Commission Act, 1993, shall, notwithstanding the repeal of that Act by subsection (1), dispose of any matter pending before it as if this Act had not been passed.

[Date of commencement of s. 24: to be proclaimed.]

## 25 Short title and commencement

This Act shall be called the Electoral Commission Act, 1996, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*.

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# Schedule
# LAWS REPEALED

| Number and year of law | Title |
|---|---|
| Act 150 of 1993 | Independent Electoral Commission Act, 1993 |
| Act 193 of 1993 | Independent Electoral Commission Amendment Act 1993 |
| Act 5 of 1994 | Independent Electoral Commission Amendment Act, 1994 |
| Proclamation 46 of 1994 | Independent Electoral Commission Amendment Proclamation, 1994 |

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# PENDLEX*
## ELECTORAL COMMISSION ACT 51 OF 1996
### after amendment by the
## DETERMINATION OF REMUNERATION OF OFFICE-BEARERS OF INDEPENDENT CONSTITUTIONAL INSTITUTIONS LAWS AMENDMENT ACT 22 OF 2014

## Section 1—definition

**'Independent Commission'** means the Independent Commission for the Remuneration of Public Office-bearers established by section 2 of the Independent Commission for the Remuneration of Public Office-bearers Act, 1997 (Act 92 of 1997);

## Section 7—heading

Terms of office, salary, allowances and benefits, removal from office and suspension of commissioners

## Section 7 (2)

The full-time and part-time members of the Commission shall be entitled to such salary, allowances and benefits—

*(a)* as determined by the President, from time to time, by notice in the *Gazette*, after taking into consideration the recommendations of the Independent Commission; and

*(b)* approved by the National Assembly in terms of subsection (2C): Provided that a distinction may be made between commissioners appointed in a full-time and part-time capacity: Provided further that such salary

* Provisions which have not yet commenced.

shall not be reduced, nor shall the allowances and benefits be adversely altered, during their term of office.

## Section 7 (2A)

The Independent Commission shall, when investigating or considering the salary, allowances and benefits of the members of the Commission, consult with the Cabinet members responsible for home affairs and for finance.

## Section 7 (2B)

A notice in terms of subsection (2) *(a)* or any provision thereof may commence with effect from a date specified in the notice, which date may not be more than one year before the date of publication of the notice.

## Section 7 (2C)

*(a)* A notice issued under subsection (2) *(a)* shall be submitted to the National Assembly for approval before publication thereof.

*(b)* The National Assembly shall, by resolution—

(i) approve the notice, whether in whole or in part; or

(ii) disapprove the notice.

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# REGULATIONS

## IN TERMS OF THE

# ELECTORAL COMMISSION ACT 51 OF 1996

# REGULATIONS ON PARTY LIAISON COMMITTEES, 1998

**Published under**

GN R824 in *GG* 18978 of 19 June 1998

[with effect from 19 June 1998]

Section 5(1)*(g)* of the Electoral Commission Act, 1996, describes it as a function of the Electoral Commission to establish and maintain liaison and co-operation with parties. The Commission is of the opinion that formal structures of party liaison committees will facilitate such liaison and co-operation. In terms of section 23 of the Electoral Commission Act, 1996, the Electoral Commission has, therefore, made the regulations set out in the Schedule.

## SCHEDULE

### 1 Definitions

In these Regulations, any word or expression to which a meaning has been assigned in section 1 of the Act, shall have that meaning and, unless the context otherwise indicates—

**'the Act'** means the Electoral Commission Act, 1996 (Act 51 of 1996); and

**'registered party'** means a party registered in terms of Chapter 4 of the Act;

**'Commission'** means the Electoral Commission established in terms of the Act.

### 2 Establishment of party liaison committees

The Electoral Commission establishes the following party liaison committees:

2.1 A party liaison committee in the national sphere with not more than two representatives from every registered party represented in the National Assembly.

2.2 A provincial party liaison committee for each province with—

2.2.1 not more than two representatives from every registered party represented in the legislature of the province concerned; and

2.2.2 not more than two representatives from every registered party represented in the party liaison committee in the national sphere but not represented in the provincial party liaison committee concerned.

2.3 Municipal party liaison committees for a single municipality or a group of municipalities with—

2.3.1 not more than two representatives from every registered party represented in the municipal council or councils concerned; and

2.3.2 not more than two representatives from every registered party represented in the party liaison committee in the relevant province, but not represented in the municipal party liaison committee concerned; and

2.3.3 not more than one representative of every independent councillor represented in the municipal council or councils concerned.

## 3 Additional members

The Commission may co-opt any person or representative onto any specific party liaison committee.

**4** After the date of promulgation of an election, in terms of any legislation, until the date of that election, any registered party which, or independent candidate who, has complied with the requirements for contesting that election shall be entitled to representation on the party liaison committee established in respect of the legislature for which that election is promulgated.

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## 5 Chairperson and convenors

The Commission shall designate a person as its representative for every party liaison committee and that person shall act as convenor of and chairperson at meetings of the party liaison committee.

## 6 Functions of party liaison committees

Party liaison committees will serve as vehicles for consultation and co-operation between the Commission and the registered parties concerned on all electoral matters, aimed at the delivery of free and fair elections.

## 7 Travelling and accommodation expenditure

Parties are responsible for all expenses incurred by their representatives in respect of their participation in party liaison committees in all spheres of government:

7.1 Should a party be unable to send a representative to attend a meeting of the national or provincial party liaison committee because it does not have the means to pay his or her necessary travel and accommodation expenditure, the Commission may, on application, endeavour to assist that party by way of a contribution towards such expenses from funds voted by Parliament for this purpose or from funds that may have been made available by donors for this purpose.

7.2 The Commission will consider such applications on the basis of transparency, equity and even-handedness.

7.3 A record of such contributions shall be kept by the Chief Electoral Officer and shall be available for inspection by anyone during normal office hours at the office of the Chief Electoral Officer.

## 8 Short title and commencement

These Regulations shall be called the Regulations on Party Liaison Committees, 1998, and shall commence on 19 June 1998.

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# REGULATIONS FOR THE REGISTRATION OF POLITICAL PARTIES, 2004

**Published under**

GN R13 in *GG* 25894 of 7 January 2004

**as amended by**

GenN 1204 in *GG* 31452 of 22 September 2008
GN R151 in *GG* 34044 of 23 February 2011

The Electoral Commission has, under the powers vested in it by section 23(1)*(c)* of the Electoral Commission Act, 1996 (Act 51 of 1996), made the regulations set out in the Schedule.

## SCHEDULE

### 1 Definitions

In these Regulations—

*(a)* any word or expression to which a meaning has been assigned in section 1 of the Electoral Commission Act, 1996 (Act 51 of 1996), shall have that meaning; and

*(b)* unless the context otherwise indicates, '**Act**' means the Electoral Commission Act, 1996 (Act 51 of 1996) as amended.

### 2 Applications for registration

(1)*(a)* Every application referred to in section 15(1) and 15A(1) of the Act must be submitted to the Chief Electoral Officer in a form substantially similar to Annexure 1.

*(b)* The notice of application referred to in section 16(1)*(a)* of the Act must be in a form substantially similar to Annexure 2.

*(c)* Anyone wishing to raise an objection against the intended registration must do so by written notice in which is set out the grounds for the objection and which must be delivered at the office of the Chief Electoral Officer in Pretoria within fourteen days after the notice has been published as required by section 16(1)*(a)* of the Act.

*(d)* The Chief Electoral Officer must reject an application—

(i) for any of the reasons contemplated in section 16(1) of the Act; or

(ii) if the application does not comply with the provisions of the Act or Regulations.

(2) The constitution of a party, contemplated in sections 15(3)*(d)* and 15A(2)*(d)* of the Act, that applies to register in terms of sections 15 or 15A of the Act, should, as far as possible, also contain the following—

*(a)* The executive structure of the party;

*(b)* The election procedure for the executive of the party;

*(c)* The decision making process and functions of the office bearers within the party;

*(d)* The minimum requirements for membership of the party;

*(e)* The internal disciplinary procedures of the party; and

*(f)* The requirements for audited financial statements.

[Subreg. (2) added by GenN 1204 of 22 September 2008.]

(3) . . .

[Subreg. (3) added by GenN 1204 of 22 September 2008 and deleted by GN R151 of 23 February 2011.]

## 3 Deed of Foundation

(1)*(a)* The deed of foundation referred to in section 15 of the Act must be signed by 500 registered voters, whose full names and identity numbers must be reflected against their signatures.

*(b)* The deed of foundation referred to in section 15A of the Act must be signed by 100 registered voters, whose full names and identity numbers must be reflected against their signatures.

[Para. *(b)* substituted by GN R151 of 23 February 2011.]

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(2) A party that is registered in terms of section 15A of the Act and which subsequently applies to register in terms of section 15 of the Act must comply with subregulation (1)*(a)*.

(3) The voters referred to in regulation 3(1)*(a)* and *(b)* above must sign the deed of foundation on a form substantially similar to Annexure 6 to these Regulations.

[Reg. 3 substituted by GenN 1204 of 22 September 2008.]

## 4 Registration fees

(1) The amount referred to in section 15(3)*(b)* of the Act shall be R500 and the amount referred to in section 15A(2)*(b)* of the Act shall be R200 in respect of each municipality.

(2) The amounts referred to in subregulation (1) are not refundable.

## 5 Registration certificate

The registration certificate referred to in section 15(5) of the Act shall be in a form substantially similar to Annexure 3.

## 6 Notification of registration in *Gazette*

The particulars which must be published in the *Gazette* in terms of section 15(5) of the Act shall be the following, namely—

*(a)* name and abbreviated name of the party;

*(b)* symbol of the party;

*(c)* that the party has been registered only in respect of a particular municipality, if that is the case;

*(d)* date of registration of the party; and

*(e)* a reference number.

## 7 Register of parties and registration of documents

(1) The Chief Electoral Officer must keep a register of parties in which is recorded all registrations, renewals of registrations,

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failures to renew registrations, changes of the registered names, abbreviated names, distinguishing marks or symbols of parties and cancellations of registrations.

(2) The register of parties and a copy of every document lodged with the Chief Electoral Officer for the purposes of the registration of a party, or the renewal of the registration of a party, the changes of the registered name, abbreviated name, distinguishing mark or symbol of a party or the cancellation of the registration of a party, shall be kept for inspection by the public at the office of the Chief Electoral Officer and any person may inspect the register and if requested a copy of the register to be made available free of charge during office hours.

(3) The Chief Electoral Officer must furnish a copy of a document referred to in subregulation (2) to any person applying for it after a person has paid a fee of one rand (R1,00) per page.

## 8 Effect of registration of a party

A party registered under these Regulations shall—

*(a)* be entitled to be represented on a party liaison committee as contemplated in the regulations on Party Liaison Committees;

*(b)* have free access to any voter's roll compiled and maintained by the Commission; and

*(c)* be entitled to protection by the Commission of its name, abbreviation of its name and distinguishing mark or symbol.

## 9 Notification of change in registration particulars

Any change in the particulars furnished in Annexure 1 must be notified to the Chief Electoral Officer in writing within 30 days after such change by the registered contact person or the leader of the party.

## 10 Renewal of registration

Every registered party not represented in a legislative body, as referred to in section 15(6) of the Act shall, before the last day of

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January of every year after the year in which the party has been registered, renew its registration by submitting to the Chief Electoral Officer a written declaration made by an executive officer of the party, duly instructed by the party to make such declaration, to the effect that the party has not dissolved and that it is continuing to operate as a party, if that is indeed the case.

## 11 Appeal against decision of the Chief Electoral Officer to register or not to register a party

An appeal against the decision of the Chief Electoral Officer to register or not to register a party as contemplated in section 16(2) of the Act shall—

*(a)* be in writing and signed by an executive officer of the appealing party, duly instructed thereto by that party; and

*(b)* fully set out the reasons for the appeal.

## 12 Change of party's name, distinguishing mark or symbol

(1) An application to change the registered name, abbreviated name, distinguishing mark or symbol in terms of section 16A(1) of the Act shall be in a form substantially similar to Annexure 4 and the notice of application referred to in section 16A(2) of the Act shall be in a form substantially similar to Annexure 5.

(2) The notice of application must be published in the *Gazette* on a date thirty days before the application is submitted to the Chief Electoral Officer.

## 13 Cancellation of registration of party

The notification referred to in section 17(1)*(b)* of the Act shall be in the form of a declaration by an executive officer of the party, duly instructed thereto by the party, to the effect that the party has dissolved or intends to dissolve on a date specified in the declaration.

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## 14 Inquiry by the Commission

In any inquiry in terms of section 17(1) of the Act, the Commission may—

*(a)* investigate the factual basis of the issue;

*(b)* afford interested parties an opportunity to make written or oral submissions;

*(c)* call for written or oral submissions from other persons or parties;

*(d)* conduct a hearing; or

*(e)* take any one or more or all of the above actions.

## 15 Offences and penalties

Any person who makes a false statement or furnishes false particulars in any application or other document required by these Regulations shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

## 16 Repeal of Regulations

The Regulations for the Registration of Political Parties, 2000, published in Government Notice R712 of 13 July, 2000 are hereby repealed.

## 17 Short title

These Regulations are called the Regulations for the Registration of Political Parties, 2004.

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ANNEXURE 1

**ELECTORAL COMMISSION**

APPLICATION FOR REGISTRATION BY A PARTY IN TERMS OF SECTION 15 OR 15A OF THE ELECTORAL COMMISSION ACT, 1996 (ACT 51 OF 1996)

1 Name of the party .....

*(Name may not consist of more than 60 letters)*

2 Abbreviated name, if any, of the party.....

*(The abbreviated name may not consist of more than eight letters)*

3 *(a)* Distinguishing mark or symbol of the party (two identical samples are required):

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

*(b)* A5 size logo for ballot paper printing purposes must be submitted together with this application.

4 Business address of party:

.....

.....

.....

5 The party's deed of foundation and its constitution are attached.

Date of submission

Time

NB: Areas shaded in grey
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6 * We are applying in terms of section 15A of the Act for registration in respect of the following municipality/municipalities

.....

.....

.....

7 Name and address of leader of the party

.....

.....

8 Names and addresses of members constituting the executive body of the party:

| | Name | Address | Designation |
|---|---|---|---|
| (i) | | | |
| (ii) | | | |
| (iii) | | | |
| (iv) | | | |
| (v) | | | |
| (vi) | | | |
| (vii) | | | |
| (viii) | | | |
| (ix) | | | |
| (x) | | | |

9 Particulars of the contact person of the party:

Name.....

Address .....

.....

Telephone number (.....) .....

Cell number (.....) .....

Fax number (.....) .....

E-mail .....

*Reference Number:*

*NB: Areas shaded in grey are for IEC official use only*

* Delete if not applicable.

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## DECLARATION

10 I, ....., the undersigned, in my capacity as ..... on behalf of the ..... party, duly instructed by the party to take charge of the registration—

*(a)* declare that the information furnished above is true and correct in every respect;

*(b)* solemnly commit and subject the party, its office bearers, officials and candidates (if any) to any electoral code of conduct prescribed by law; and

*(c)* declare that the party will function primarily as a political party.

.....

(*Signature*)

Date.....

Designation.....

Address.....

.....

Telephone No. (.....) .....

Cell No. (.....) .....

Fax No. (.....) .....

*Reference Number:*

*NB: Areas shaded in grey are for IEC official use only*

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ANNEXURE 2

**ELECTORAL COMMISSION**

NOTICE OF APPLICATION FOR REGISTRATION OF A PARTY IN TERMS OF SECTION 16(1)*(a)* OF THE ELECTORAL COMMISSION ACT, 1996 (ACT 51 OF 1996)

SOUTH AFRICA

1 Notice is hereby given that the ..... (name of party) is applying for registration in terms of the Electoral Commission Act, 1996 (Act 51 of 1996).

2 Date on which the application will be or has been submitted to the Chief Electoral Officer: .....

3 The abbreviation of the name of the party is: .....

There is no abbreviation of the name of the party.

(*Delete that which is not applicable*).

4 The distinguishing mark or symbol of the party is printed underneath.

5 Anyone wishing to raise an objection against the intended registration must do so by written notice in which are set out the grounds for the objections and which must be delivered at the office of the Chief Electoral Officer within fourteen days after the publication of this notice.

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ANNEXURE 3

**ELECTORAL COMMISSION**

CERTIFICATE OF REGISTRATION AS A PARTY IN TERMS OF THE ELECTORAL COMMISSION ACT, 1996 (ACT 51 OF 1996)

SOUTH AFRICA

It is hereby certified that the party of which the details are furnished below, has been registered as a party in terms of section 15 of the Electoral Commission Act, 1996 (Act 51 of 1996).

OR

It is hereby certified that the party of which the details are furnished below, has been registered as a party in terms of section 15A of the Electoral Commission Act, 1996 (Act 51 of 1996) in respect of the following municipality(ies) only:

.....

.....

..... .....

*(Chief Electoral Officer)* *Date:*

**PARTICULARS OF PARTY**

Name:.....

Abbreviated name:.....

Distinguishing mark or symbol:

Business address ..... *Reference Number*

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ANNEXURE 4

**ELECTORAL COMMISSION**

APPLICATION BY A PARTY IN TERMS OF SECTION 16A OF THE ELECTORAL COMMISSION ACT, 1996 (ACT 51 OF 1996)

SOUTH AFRICA

We, the .....(registered name of party) whose registered abbreviated name is .....and whose registered distinguishing mark or symbol is—

hereby apply in terms of section 16A of the Electoral Commission Act, 1996, to change our registered name/abbreviated name/distinguishing mark or symbol to the following:

Name of the party.....

(*Name may not consist of more than 60 letters*)

Abbreviated name.....

(*The abbreviated name may not consist of more than eight letters*)

Distinguishing mark or symbol (two identical samples are required):

Attached is proof of publication in the *Gazette* of the prescribed notice of application.

..... .....

*Signature of person submitting the application on behalf of the party* *Date*

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**DECLARATION**

I, ....., the undersigned, declare that I have been duly authorised by a resolution of the .....of the applying party to bring this application. A certified copy of the resolution dated .....is attached.

.....
*(Signature)*
ID no.....
Date.....
Designation.....
Address
.....
.....
.....
Telephone No. (.....) .....
Cell No. (.....) .....
Fax No. (.....) .....

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ANNEXURE 5

**ELECTORAL COMMISSION**

NOTICE OF APPLICATION FOR THE CHANGE OF A PARTY'S NAME, ABBREVIATED NAME, OR DISTINGUISHING MARK OR SYMBOL IN TERMS OF SECTION 16A OF THE ELECTORAL COMMISSION ACT, 2003

SOUTH AFRICA

Notice is hereby given that the .....(name of party) intends applying to the Chief Electoral Officer for the change of—

**1** its registered name to.....
.....

**2** its registered abbreviated name to.....

**3** its registered mark or symbol to:

Anyone wishing to raise an objection against the application must do so by delivering to the office of the Chief Electoral Officer, within thirty days after the publication of this notice, a written objection, setting out fully the grounds for the objection.

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# ANNEXURE 6

[Annexure 6 added by GenN 1204 of 22 September 2008.]

## ELECTORAL COMMISSION

## DEED OF FOUNDATION OF A PARTY

SOUTH AFRICA

The founding meeting of the party mentioned hereunder, was held at ..... on the ..... day of ..... 20 .....; and

We, the undersigned, being registered voters, confirm that we support the founding of the ..... (FULL NAME OF THE PARTY).

| | Name and Surname | Signature | Identity Number | | | | | | | | | | | | |
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*(a)* In the case of a party applying to register in terms of section 15, a minimum of 500 registered voters must support the founding of the party.

*(b)* In the case of a party applying to register in terms of section 15A, a minimum of 50 registered voters must support the founding of the party.

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# REGULATIONS RELATING TO ACTIVITIES PERMISSIBLE OUTSIDE VOTING STATIONS ON VOTING DAY

**Published under**

GenN 1205 in *GG* 31453 of 22 September 2008

The Electoral Commission has, in terms of section 23(1)*(d)* of the Electoral Commission Act, 1996 (Act 51 of 1996), made the regulations set out in the Schedule.

## SCHEDULE

### Preamble

It is in the interest of free and fair elections that contesting parties should be allowed to continue with lawful and legitimate election related activities immediately outside voting stations. It is however also necessary that voters must not feel intimidated or inhibited by certain activities in the proximity of entrances to voting stations they are obliged to use when proceeding to cast their votes in elections.

### 1 Definitions

In this Schedule, unless the context indicates otherwise—

'**the Act**' means the Electoral Commission Act, 1996 (Act 51 of 1996);

'**the Regulations**' means the Regulations for the Registration of Political Parties published under Government Notice R13 of 07 January 2004; and

'**voting day**' means the day on which voting in an election takes or is to take place.

## 2 Areas of Application

These Regulations apply to vacant areas immediately adjacent to the boundaries of voting stations in national, provincial and municipal elections.

## 3 Location of Party Facilities

A party or independent candidate, where applicable, may not place or position its temporary operational facility, which may include but [is] not limited to a tent, table, or caravan, in a manner that is likely to impede voters' free and direct access to the entrance of a voting station.

**4** If, in the opinion of the presiding officer, a facility is likely to impede voters' access, the presiding officer may instruct the party to move the temporary operational facility elsewhere.

**5** If parties cannot agree amongst themselves on the positioning of their facilities, the presiding officer may be called upon to decide the dispute and issue instructions accordingly to the parties.

**6** The presiding officer may instruct any person who acts in contravention of regulations 3 and 4 to move his or her facility from the designated area and where necessary, request any available security officer to remove any person not in compliance and his or her temporary operational facility, from such area.

## 7 Offences

Anyone who fails to carry out a lawful instruction of the presiding officer or a security officer is guilty of an offence punishable by a fine or a period of imprisonment not exceeding one year.

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