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GUIDE TO LOCAL GOVERNMENT ELECTIONS

North West Province





Press



North West Province Guide to Local Government Elections

A Training Manual





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Guide to Local Government Elections

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Foreword

The critical challenge facing the transformation process in South Africa is the democratisation of local government and the creation of sustainable structures in the rural areas. This challenge is considerable and must be met with determination. The local government structures to be introduced, particularly in the rural areas, will be of significant importance to meet the needs of their communities in the years to come.

The local government elections on 1 November 1995 will create the opportunity to change the face of the rural areas and help improve the quality of life of people who have been worst affected by the legacy of Apartheid.

Therefore, these elections are a real revolution for it will be at local level where, with community participation, a substantial part of the Reconstruction and Development Programme will be created and delivered.



I commend the *Guide to Local Government Elections* to all readers. Perhaps you are involved with educating the public, or an official preparing for the elections, or an election officer at a voting station, or a candidate or representative of a party. Perhaps you are the most important person of all – a voter.

So let us all go out there to vote and help to change the face of South Africa and each in our own way create a better life for all.

Darkey E Africa, Member of the Executive Council for Local Government, Housing, Planning and Development, North West Province



We are grateful to the various Task Teams of the North West Province who have assisted us in obtaining specific information on the North West Province. This includes the Communication and Voter Education Task Team, the Demarcation Board Task Team, the Polling Arrangements Task Team, and the Voter Registration Task Team.

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South Africa is in the process of developing a representative and democratic system of government. The next step is the election of interim local government. Not only is the idea of local government new to the majority of our population, in many rural areas there are no local government structures in existence. The November Local Government Elections offer people the first real opportunity to choose people and parties in their area to effect delivery of basic services.

Interim local government has to achieve equitable distribution of local government resources and the creation of new, fully representative structures. The new structures will also be essential mechanisms for delivery of the Reconstruction and Development Programme. The RDP is meant to be people-driven, and by fully participating in these elections, voters will have more say in shaping development in their areas.

The purpose of the Y Press Guide to Local Government Elections Training Manual is:

- to bring together in a clear and understandable way information on the legislation, regulations, structures and procedures for the transition of local government;
- ii) to serve as a reference on election-related issues for those involved in preparing the electorate to vote.

This manual makes specific reference to the present arrangements in the North West Province. Similar manuals are being prepared for use in other provinces.

August 1995

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This manual is designed to give all the information you need to:

- train trainers
- conduct voter education workshops with a wide range of audiences
- give briefings
- answer questions

It covers:

- Why the local government elections are important.
- How they will be run
- How the new system will work
- How to get involved in the process and choose representatives
- How to vote

It also gives some background to the political and organisational problems related to the elections.

At the end is a contact list of organisations and individuals involved in local government elections and voter registration.

Training of trainers

The manual can be used as the basis for one-day or two-day training workshops. These should cover the information trainers will need about the regulations, and the issues to be workshopped with voters.

Voter education workshops

Not every section of the manual will have to be workshopped. Below is a summary of the essential points to cover in any workshop, with an outline for a half-day session and a full-day workshop.

Workshops can be conducted on single issues, for example on voting procedure. Use the summary as a checklist and the rest of the manual as a reference in question and answer sessions.

Summary

The following issues should be covered in any voter education exercise:

Part 1 - Why are we having another election?

Part 5 - What are we voting for?, Who are we voting for? Code of Conduct.

Part 6 - How will the elections be organised? The voting system, Who can vote?, Registration, The voting procedure.

Part 7 - Safeguards for a free and fair election, The Bill of Rights.

Contact list

For registration queries and how to get help.

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How to use this manual



Workshop Outlines

These suggestions are intended to serve as a guide to planning a workshop.

The more you know about the people attending the workshop and the communities they come from, the better you can plan your voter education programme.

Many people will not know anything about the elections until they attend the workshop, so make sure that you allow time to introduce the subject in broad terms and find out what issues need most information or explanation.

HALF-DAY WORKSHOP

- Guide people attending the workshop through all the points in the summary. Allow time for discussion of some of the main ideas, for example:
 - Democracy and local government
 - Why we need local government?
 - How to choose the best candidates
 - Political tolerance at election
 time

Allow 90 minutes

2. Ask questions on the key issues of voter registration (Part 6 page 54) and the voting procedures (Part 6 page 62).

Allow 45 minutes each

3. Have discussions and/or role plays on the issues that are of most concern to the people attending the workshop (for example, the role play on choosing candidates).

People from rural areas might want to workshop the issue of how local government will meet rural people's needs (Part 4). People from different parties, or from communities suffering from violence, might want to workshop parts of the Bill of Rights (Part 7 page 69).

Allow 90 minutes for one workshop

FULL-DAY WORKSHOP

Work all the way through the manual from the beginning.

 Give a full introduction to the issues involved in local government and include a question and answer session to identify areas of confusion or concern.

Allow one hour

- 2. Work through Part 1, beginning with an introduction to the reason for the democratisation of local government. Cover the following areas:
 - What we are voting for?
 Help the participants make lists of:

the services people think local

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How to use this manual

Workshop Outlines

government WILL provide; the services they think it SHOULD provide

- Outline the services that local government actually has a DUTY to provide and lead a discussion on how adequate/realistic this is.
- How local government relates to other levels of government and to the RDP
- Choosing candidates and parties

Allow 90 minutes

3. Work through Part 3, outlining the Constitutional and legal provision for local government and explaining the transitional process.

Explain the election process and voting system (Part 6).

Allow 45 minutes

Conduct a mock voter registration exercise.

Allow 30 minutes

Conduct a mock election.

Allow 45 minutes

4. With rural participants, workshop the whole of Part 4 (there are guidelines in the first section). Stress the uncertainty over the final arrangements and give participants time to consider the proposals put forward. Help them develop their arguments for and against the different positions.

Allow 90 minutes

5. Using Part 3 as a reference, highlight some of the political conflicts and practical problems that have delayed the transition process. Encourage suggestions on how to deal with outstanding issues.

Allow 30 minutes

 Discuss the concept of tolerance and free political activity (Part 7). Workshop the Bill of Rights section and Code of Conduct (Part 5). Refer participants to the parties' commitment to a fair campaign.

Allow one hour

7. Give information from the contact list that participants might find useful for voter education in communities where no workshops have taken place.

Allow 15 minutes

Guide to Local Government Elections

Page 1

Part 1: What is local government?



When we voted in the last election, we voted for representatives who now sit in the National government and in the provincial governments. These representatives decide how the country should be run in terms of the Constitution, which gives the rules within which decisions have to be taken and laws made.

However, not all the needs of the community can be provided for by national and provincial government. These levels of government are usually too far away from local communities to know what their needs are and how to meet them. Therefore, the Constitution says that there should be elected local government throughout the country, which will be responsible for providing local services such as water, electricity, roads and so on.

Under apartheid there was local government in towns and cities (but not in rural areas) which was organised along racial lines. Thus municipalities existed for the White areas of town, management committees existed for the Coloured and Indian areas and Black Local Authorities were established in the townships.

This system caused many problems.

The rich white areas could look after their own needs fairly well, but there was very little money available for development in areas which did not have many businesses or wealthy people to provide taxes to pay for services. **The system was also very expensive**, because instead of having one office to deal with a particular service throughout an area, each racial group had to have its own office.

Opposition to the old system of local government led to people refusing to pay for services and some of the Black Local Authorities were even disbanded. **The Local Government Transition Act** provides procedures for all the old **racially**- based local authorities to be brought together in single non-racial local government bodies. Since communities will now have legitimate non-racial local government in the towns and cities, the national and provincial governments are expecting people to start paying for services so that local government will be able to afford to pay for many of the things that our communities need.

Local government has not provided services in the rural areas in the past.

These services were often provided by "Homeland" governments and by departments of the central government. They found it difficult to provide local services effectively because there was usually no locally elected structure. Often officials who were not even resident in an area had to decide which services should be provided and how.



Many of our communities do not have the services they need. New non-racial local government must provide services to all areas.



What kind of local government will you have?

What is planned for your community?

The structure of local government will depend on where it is located.

The big cities or 'metropolitan' areas

If your community is located in a big city like Durban, Cape Town or Johannesburg, it will come under a **Metropolitan Council** divided into **Sub-structures**. If you live in a township, for example, you will come under a Local Council which will look after certain needs in your area. The Local Council will be part of the Metropolitan Council, which will be responsible for running the whole city and making sure that money from the richer areas is made available for the poorer areas. There is no Metropolitan Council in the North West Province. If areas like Brits, Klerksdorp and Rustenburg become much bigger, they could become Metropolitan areas in the future.

TMC – (Transitional) Metropolitan Council and Metropolitan Sub-structure Councils (MSS) (There is no metro in the North West Province)



Guide to Local Government Elections

Typical structure of an elected local council

Towns and cities

If you live in a town or city such as Klerksdorp or Rustenburg or a smaller town,

you will come under a Local Council which will be responsible for providing services in your area.







Page 4



What kind of local government will you have - non-Metro areas?

Your local council will also have representation on a District Council. Local Councils from the towns will nominate councillors to serve on District Councils. District Councils will be responsible for providing services throughout their District, particularly within the rural areas. Since traditional communities are usually very poor and not much money can be raised from some of the commercial farming areas, District Councils will be responsible for redistributing money raised through taxes from the towns to the rural areas.

If your community is in a commercial farming area or in a traditional community, you will vote directly for parties whose representatives will sit on the District Council. The District Council will therefore be responsible for providing local services to traditional communities, to farmers and to farmworkers.



Local government structures in the North West



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Guide to Local Government Elections



Towns served by TLCs



This map shows the towns which will be served by Transitional Local Councils (TLCs) in the North West. The boundaries between the TLCs had not been finalised at the time of printing.

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Guide to Local Government Elections

Page 7

Part 2: Why are we having another election?

Democracy and elections

Democracy means rule by the people.

In a true democracy, there is respect for human rights, rejection of violence and tolerance of different opinions. Political leaders and government officials are accountable to the people.

In a democracy there have to be regular free and fair elections. This gives the citizens an opportunity to elect new leaders and parties if the previous leaders have not kept their promises or have not been acting according to the people's wishes.

All citizens must be equal in a democracy. No one must be prevented from expressing their point of view. That includes being **free to**

support any political party or leader. The role of opposition parties in a democracy is important and must be protected. All people must be free to vote in secret, without fear of intimidation or violence, to elect the government of their choice.

In a democracy, citizens have responsibilities as well as rights. They must act in a way that makes sure that democracy remains strong and continues into the future. Democratic behaviour includes a commitment to dialogue (talking to each other). Individuals, social organisations, political parties and public institutions must talk to each other, because it is the most effective way to get to know society's problems and to agree on solutions.

In a democracy all parties must accept the outcome of the elections.



In a democracy, everyone is free to listen to different points of view and to support any political party or leader.



Bringing government closer

ocal government is the form of government closest to the people. It should be easy to reach and influence.

Under the Interim Constitution, all South Africans have the right to stand for election and to vote for non-racial, democratic local government (see page 40). These local government bodies must make sure that money and other resources are shared out fairly, so that services like water and lights will be available to every household in the area they serve.

The individuals elected to local government should not just represent the supporters of their party, they have to promote the interests of all the people in the area they are chosen to represent. Elected councillors will be a vital link between local people and provincial and national decision makers.

Efficient, representative local authorities will be needed to make sure that development takes place in every community and that the poverty and inequality of the past is brought to an end.

Local government has been described as 'the hands and feet' of the RDP. It is critical to the reconstruction of the services which most affect our daily lives.

The old, racially based local authorities served only a minority. A non-racial, democratic system must provide affordable services to all South Africans. Changing from the old system to the new is a difficult and complex task. There is uncertainty about how the process will be managed. There is confusion and disagreement about what kind of local government will be established in rural areas.



National, provincial and local government

n April 1994, South Africans elected the country's first democratic, non-racial government. We voted for a Government of National Unity to run the country and for Provincial Assemblies to run the nine new provinces.

In the local government elections in November 1995, we will be voting for people and parties to run the villages, towns and cities where we live.

Under apartheid, local government did not represent the needs of the people and therefore was not trusted. Voters need to know why the new local authorities will be different from the old racially based councils and boards.

The old local authorities provided for people according to race. A few people enjoyed all the services they needed for a good life – hot, running water, lights and telephones, clean streets and reliable transport. However, the vast majority of South Africans were denied their most basic needs such as water and housing.

In the new South Africa everyone has the **right to a decent quality of life**. But for many people nothing has changed. If things are going to change we must change them LOCALLY – in our homes, our streets, our neighbourhoods. We need local government that will take decisions and allocate resources in the best interests of the people in our area.

National and provincial government are making decisions and policies on the changes needed to improve the lives of South Africans now that apartheid has ended. They have created plans like the Reconstruction and Development Programme (RDP) to achieve these changes and are raising money to pay for some of them. Elected councillors will form a vital link between local people and provincial and national decision makers. Efficient, representative local government will be needed to make sure that development takes place in every community.

Voter educators may need to spend some time discussing the difference between national, provincial and local government and why there is a need for these different levels.



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Democracy and development go together

Effective local government is critical to the success of the Reconstruction and Development Programme (RDP).

The aim of the RDP is to make sure that money and skills (resources) from both inside and outside South Africa are directed into projects that meet people's basic needs.

Local councillors can help us to identify, design and promote reconstruction and development projects.

Councillors and civil servants will have to know about what assistance is available to RDP projects and how people can get it.

Our new local councils will need the help of communities to propose projects and put them forward for funding.

The general public must make sure they get all the information they need to become involved in the RDP. Communities will have to present their needs to the local authorities, find out what services will be provided and get help in putting together proposals for projects to bridge the gaps.

It has been suggested that in larger local councils, there should be an RDP liaison officer in each of the main departments, (such as water and sanitation, primary health care and transport).

The RDP itself does not have money to pay for schools, clinics and other projects. The job of the RDP office is to process applications to make sure they qualify for funding and then forward them to the . government departments or external donors who do have funds. Local government will also raise money to provide services to people.

Much of the money for RDP projects comes from re-arranging government spending and reorganising budgets so that resources go to the areas of greatest need.

'Masakhane'

The Masakhane ('building together now') programme, launched by the RDP Ministry in February, is intended to **speed up delivery** of basic services and housing, to **promote payment** for services, rent and bonds, **create efficient local government** and **stimulate economic development.**

Communities are being asked to help this programme. The government says that every rand withheld as part of a boycott is a rand less for building houses. It says anyone who occupies a house without paying for it is denying a house to someone living in a shack. It says that money being withheld is 'effectively preventing the RDP from succeeding in transforming people's living conditions'.

We need a system of local government that delivers to the people, so that they will be happy to pay for affordable services and **so that responsible councillors and citizens together can make sure the RDP is a success.**

Local government and the RDP





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Workshops

Questions voters may ask

Q. The people we voted for in the last election promised us jobs, houses and water. We haven't seen these things yet, so why should we vote more people into well-paid positions?

A. The national government can set priorities, make policies and allocate budgets, but local government is needed to make things happen on the ground. Local elections are part of the process of creating the new democratic South Africa.

Q. We voted for our leaders to run the country. Why don't they just appoint people to govern locally?

A. In a democratic system, people have the right to choose their representatives at every level. Local people know better than anyone else who should represent their community.

Q. Why should we elect people when we already have chiefs?

A. The chiefs are involved in running traditional authority areas. They will work with the elected councillors to make sure these areas get all the services they need.

Q. We have never supported local authorities before – in fact our leaders told us to boycott them. What is different now?

A. In the past, local authorities were part of the apartheid system. The new councils will be non-racial and depend on the majority of local people for support.

Workshop Notes 1

- 1. Divide the participants into two groups.
- 2. One group writes down reasons for supporting local elections. The other writes down reasons for opposing them.
- 3. Guide the groups in a debate about each other's reasons. Ask both groups for suggestions on how the arguments against local elections can be overcome.

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Part 3: How will local government change?



The Interim Constitution provides for elected local government throughout the country. The Interim Constitution says that local government should promote the well-being of all the people.

Elected Local Government



The Constitution and local government

nder South Africa's Interim Constitution, local government is recognised as a part of the new democratic government structure.

Chapter 10 of the Interim Constitution provides for elected local government throughout the country.

The Interim Constitution says that **local** government should promote the wellbeing of all the people. Local government bodies will have the power to make 'by-laws' (local laws) for their areas, as long as they do not conflict with provincial or national legislation, or with the Constitution.

For example, a by-law cannot be passed which restricts access to an area or facility* on the grounds of race, gender, religion, etc. Any measures that conflict with national policy or basic rights can be declared invalid.

Elected councillors should have enough power to run an area the way local people want. So a council might make by-laws to prevent high-rise buildings, or to fine people who dump rubbish.

Rights may be limited under Section 33 of the Constitution if the limitation is 'reasonable'. For example making separate toilet facilities available to different sexes. Page 14



Provincial constitutions and local government

The provincial governments still have to agree on provincial constitutions and draft laws to regulate future local elections. This means it is **not yet clear exactly what powers local government will have in each province**. However, elected local councils should be free to manage local affairs on behalf of communities without interference from a higher authority.

In general, local governments will have the power to decide how to develop the areas where we live.

They will set priorities for services and decide the level of charges.

The Constitutional Assembly is drafting the final national Constitution. This will provide for elections at all levels of government. The Provincial Government will draw up a provincial constitution and draft laws to regulate future local elections.



Guide to Local Government Elections

Legislation



Local Government Transition Act

The change in local government, from apartheid structures to non-racial, democratic and efficient authorities, is taking place under the 1993 *Local Government Transition Act.*

The Local Government Transition Act (LGTA) was negotiated in the Local Government Negotiating Forum. This Forum included politicians of all parties, people from existing provincial and local authorities and representatives of the non-government

sector. It consulted with the Multi-Party Negotiating Council, which was negotiating the Interim Constitution at the same time.

The rural question

The LGTA does not fully deal with rural areas. There has been a great deal of confusion and controversy about how local government will be introduced into areas where it does not already exist.

The manner in which traditional authorities are being dealt with is discussed in Part 4.



Timetable for change

Part 3: How will local government change?

Timetable for change



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ELECTORAL TIME-FRAMES

(Subject to amendments)

- 27 January 3 February 1995 Voter registration begins
- 28 April 1995 Deadline for demarcating outer boundaries for
- 24 June 1995 Preliminary Voters' Roll made available for
- 24 June 16 July 1995 Supplementary registration and
- 8 August 1995 Presiding Officer of Revision Court certifies the
- 31 July 13 August 1995 Division of Voters' Roll according to
- 4 September 1995 (noon) deadline for nomination of parties
- 22 September 1995 Nomination Day. Returning Officer
- 9 October 1995 Lists of registered parties and candidates

government. Local government will develop its own character in each province. However any restructuring which takes place after the elections must not conflict with the principles of the

First fully democratic Local Government Elections 1998 - 2000

Guide to Local Government Elections



Democracy in stages

The LGTA sets down a **two-stage process** for establishing fully democratic local government within the next five years.

The first stage is called the **pre-interim phase**. This started with the passing of the Local Government Transition Act and will

last until the first non-racial local elections on 1 November.

The second stage is called the **interim phase**. This starts as soon as new local authorities are elected on 1 November. It continues until fully democratic councils are elected under the final Constitution, between 1998 and 2000.

The Constitution provides for urban and rural local government. The Local Government Transition Act deals with the change of local government in line with the broader process of change in South Africa.



The pre-interim phase

Local government negotiating forums

The negotiators agreed to a two-stage transition rather than trying to create a completely new system of local government.

The **pre-interim phase** was designed to bring together people already involved in local government with those who had been excluded under apartheid. The intention was that 'statutory bodies' would join 'non-statutory bodies' in local forums to negotiate how local government would be made democratic. Since local government bodies did not exist in the rural areas, this phased approach only applied to the towns and cities. Therefore pre-interim structures were not established in the North West Province's rural areas* (see part 4 for a discussion of local government in rural areas).

Statutory bodies were those who were officially part of local government (White, Indian and Coloured municipalities, Regional Service Councils etc) in the apartheid era. The **non-statutory** side is made up of people who represent their communities but had no official role in the old local authorities (political parties, civics, women's groups, trade unions etc).

In the <u>pre-interim phase</u> (which will end at the November elections) forums were set up that were as representative as possible. Half were from statutory and half from non-statutory bodies. The forums negotiated transitional structures



* but see the note above regarding the North West Province's rural areas.





Transitional local authorities

During the pre-interim phase, local negotiating forums met for several months to decide on representative transitional or interim councils to perform local government functions until the elections.

Metropolitan areas have Transitional Metropolitan Councils (TMCs) which are divided into Transitional Metropolitan Substructures (TMSs). Towns have Transitional Local Councils (TLCs) whilst in rural areas there are Transitional Local Councils, Rural (TLCRs) and Regional Services Councils (RSCs). Local Government Coordinating Committees (LGCCs) have been set up as temporary structures where it has not been possible to negotiate new integrated councils.

The councillors who serve on these transitional local authorities were not elected. The members of the negotiating forums appointed them.

All the groups represented in a forum nominated the people they wanted to be appointed. Half those appointed had to be acceptable to the statutory side and half to the non-statutory side. The final list had to be approved by the Minister responsible for local government in each province.

In most cases, the appointed councillors took over from the old councillors, who gave up their seats and allowances as soon as the transitional body was in place. In some cases, councillors from the old system were chosen by their parties to be appointed to the new body.

Problem areas

In some cases where agreement could not be reached between the statutory and nonstatutory sides to set up non-racial councils, Local Government Coordinating Committees (LGCCs) were established instead of Transitional Local Councils.

These committees are made up of people appointed from the statutory and nonstatutory sides, who coordinate the activities of all the old local authorities in the area.

Unlike the TLCs and other structures, the LGCCs do not take over the old authorities. They just make sure that all sectors of the community can participate in decisionmaking until the election of new councils.



The pre-interim phase

In areas where no local government structures existed or have been set up, the Regional Service Councils (RSCs) have been appointed as agents of the provincial government, to manage the elections.

By 1 March, 44 TLCs and LGCCs had been proclaimed, that means officially recognised, in the North West Province. The map on page 6 shows where they are.

What do appointed councillors do?

The appointed councillors on the TLCs and the LGCCs represent all the parties involved in local government.

Their job is similar to that of the TEC, the national Transitional Executive Council which acted as a 'caretaker' government between the end of apartheid rule and the election of the Government of National Unity.

The TLCs are responsible for administering local government between now and the election on 1 November. In the case of the LGCCs some local government functions remain with old local authorities. However the LGCCs are responsible for preparing for the November 1 election.

In rural and traditional authority areas of North West, where there are no transitional structures, **Regional Councils** (RCs) are managing the transition process.

Very few people not directly involved in setting up the transitional structures were informed:

- how the TLCs, LGCCs and RCs were appointed
- who was nominated to these councils
- · how people got their places
- how the councils would operate until the elections

But we can all take part in the process now.



The TLCs, LGCCs and RCs will no longer operate after the 1 November elections. They will be replaced by elected Local Councils and District Councils. If appointed councillors want to be part of the new, elected councils, they will have to stand for election!

*Transitional authorities in South Africa		
Province	No. of Councils	No. of councillors
Eastern Cape	102	1328
Eastern Transvaal	38	740
Free State	84	1229
Gauteng	37	1400
KwaZulu Natal	70	1588
North West	51	840
Northern Cape	69	960
Northern Province	68	1156
Western Cape	142	2318
TOTAL.	661	11559

Transitional authority type	No.
Transitional Local Councils (TLC)	479
Transitional Local Councils, Rural (TLCR)	46
Regional Service Councils (RSC)	33
Transitional Metropolitan Councils (TMC)	6
Transitional Metropolitan Sub-structures (TMS)	56
Local Government Coordinating Committees (LGCC)	35
Joint Service Boards (JSB)	6

From National Directory of Transitional Local Authorities. Project Vote/NDI 1995.



The transition to full democracy

The interim phase that starts with the 1 November elections will help us to change from the apartheid system to a fully democratic local government. The local government system during the interim phase will not be completely democratic.

Proportional representation

Forty percent (40%) of all councillors in TLC and LGCC areas will be elected by proportional representation. This means that voters will vote for parties of their choice. The parties will then select councillors according to how many votes they get.

Ward representation

Sixty percent (60%) of all councillors will be directly elected from wards (small areas into which each council area is divided). Although every councillor must be elected by a majority of the people living in the area, at least half of the ward councillors will come from the old White, Indian or Coloured Local Authority areas. Since there will usually be more voters in the old Black Local Authority areas, than in the old White, Indian and Coloured Local Authority areas, this means that voters living in the mainly White, Indian and Coloured areas will be better represented.

This system was agreed to make sure that minority groups will be represented, even if they win no seats through proportional representation. The negotiators wanted to make sure that everyone would support the changes and make them work. The idea was that, just as we have a Government of National Unity, we will have governments of local unity, so that all groups will adjust to working with each other.

The interim phase will end after the Constitution is finally agreed. Each province will be able to make laws for the local government system it wants in future (though within the limits set by the Constitution) and hold fully democratic elections before the year 2000.

The diagram on pages 16 and 17 shows how the legislation and the two-phase approach work.

During the interim phase local government will have to:

- Organise within its new areas of responsibility
- Become accountable and democratic
- Help develop new relationships between elected councils, officials and the general public.

What happens next?

After the election

Once the results of the 1 November election have been declared, the elected councillors will take their seats on the transitional councils.

Some of the councillors who were appointed to run these councils until 1 November might remain as elected councillors if they are elected by the voters. The rest will give up their seats.

The new councillors and their officials will face a difficult job:

They will take over the **assets** (that is, the buildings, money, equipment and other property) of the old councils.

They will also take over the **liabilities** (duties and debts) of the old councils.

The old **by-laws** (rules for people in the council area), service fees and other charges will still apply when the new council takes over.

This means that before the new local government can provide the services our communities need at fair and affordable prices, they must set priorities and work out budgets and charges. They must also pass new by-laws and resolutions to govern the area and set new rates and local taxes. Each council will elect an executive, or management committee. It will decide how the council is to be organised. This includes the number of departments it will have, for example, and what their responsibilities will be. It will set up 'standing committees' – councillors who will deal with certain important issues. If there are new departments and new tasks to carry out, it will have to appoint people to these.

Your council must consult you and keep you informed of the changes it is making on your behalf. It must tell you who is responsible for the different functions of the council.

You can find out what local government is doing and how to influence it through:

- The councillors you elect to represent your community
- Public meetings of the council
- The council committees
- The office of the Town Clerk/Chief Executive Officer

Electing responsible local councillors is one step to ensuring fair and efficient local government in your area.

Making sure those councillors know your needs and act on them is the next step. That challenge only begins on 1 November.





Who is running these elections?

The Provincial Premier

The Provincial Premier has final responsibility for ensuring that local elections take place on time and in accordance with the regulations.

In the North West Province, this is Mr Popo Molefe. He is assisted by the Minister of Local Government and Housing, Mr Darkey Africa.

The local government Ministers for the other provinces are:

Gauteng:	Mr Dan Mofokeng
Eastern Cape:	Mr Maxwell Mamase
Eastern Transvaal:	Mr January Masilela
KwaZulu Natal:	Dr Frank Mdlalose
Northern Cape:	Mr Ouneas Dikgetsi
Northern Province:	Mr John Dombo
Free State:	Ms M A Motsumi
Western Cape:	Mr P J Marais

Locally, each transitional local authority will administer the elections according to the regulations.

The election regulations

Each of the nine provincial governments has drawn up regulations on how the Local Government Elections must be run.

These regulations must be in line with the Constitution and with national government policy on establishing democratic local government.

The regulations cover the entire election period. They include rules for who can vote and stand for election, arrangements for drawing up the Voters' Roll, the procedures for deciding ward boundaries, appointment of electoral officers and other preparations. They cover the running of voting stations, the voting procedure and the rules for counting the votes and declaring the result.

The regulations for North West were published in January in English and Afrikaans. Members of the public can see the regulations which are held at all local council offices.

The arrangements for local elections are far more complicated than for the national elections. If voters ask questions relating to an aspect of the election process that you cannot answer, you can refer them to your training organisation or directly to the relevant Task Team office.

Who is running these elections?

The Task Group

A Local Government Elections Task Group (LGETG) has been set up by the National government. The Task Group's job is to coordinate the preparations for and the conduct of the elections. This covers everything from the setting of local boundaries to the arrangements for election day. The LGETG is not responsible for election management. This is the responsibility of the provinces. The administrative task is the responsibility of the local authorities.

The LGETG will make sure that the regulations for local elections are similar in all provinces and that everything happens on time.

There are **Task Teams** to help the Task Group carry out its work. The Task Teams operate at **national**, **provincial** and **local** level. The names and contact details of the leaders of the Task Teams for the North West Province are listed in the resource section at the back of this manual (p72). They can supply details of the local contacts.

These Task Teams will deal with any problems relating to the coordination of the elections under the following headings:

Demarcation - finalising the district and local boundaries which will determine where people must vote

Registration/Voters' Roll - making sure everyone who is entitled to vote registers

Communication/voter education explaining local government to the public and keeping us up to date with the election process **Polling arrangements** - standardising preparation of voting stations, conduct of the ballot, counting of votes and declaration of results

Regulations - making sure that the regulations are relevant, practical and properly drafted and applied, and dealing with any queries or disputes

Timeframes/monitoring - making sure that all the stages of the election process are successfully completed within agreed deadlines

Finance - making sure that all necessary resources are available and accounted for

Technical Training - supervising the training of registration officers and other electoral officials

Questions voters may ask

Q. Will there be an IEC (Independent Electoral Commission) for these elections?

A. No. The Task Group will coordinate arrangements for the local elections, working through the Transitional Local Councils. Unlike the IEC, they will not have responsibility for monitoring the elections or judging whether they were free and fair.

Q. Who will pay for these elections?

A. The National Government is making a grant to provincial governments. Local authorities and the provinces are paying for the election. Included in these costs are registration, printing of ballot papers and setting up voting stations.


Part 4: What will happen in rural areas?



Meeting basic needs

Millions of South Africans live in rural communities, on farms, or in informal settlements where there are no formal local government structures.

Until now, services such as water, agricultural extension, education, clinics and roads, have not been provided to these areas by local government.

In the commercial farming areas, some services, like housing and water, were provided by white farmers. Others, like roads and schools, were provided in provincial or national government.

In former 'Homeland' areas, some services were provided by the Homeland government. In traditional authority areas, the chiefs and headmen have played governmental roles such as resolving disputes, allocating land and maintaining law and order.

Because there has been no proper local government nor enough money, the provision of services in rural areas has been poor and uneven.

The Local Government Transition Act deals with the restructuring of local government in order to form democratic, non-racial local authorities to be elected in November.

The Act does not deal with setting up local authorities where none exists. However, an amendment to the Act did allow the North West Province to develop its own model of rural local government.



Guide to Local Government Elections





District bodies

District local government

The North West Province will have two types of local government.

Transitional Local Councils (TLCs) are needed to take care of services such as housing and roads in the towns and cities. TLCs cover the towns, townships and informal settlements of the urban areas.

Outside of the towns and cities, the idea is to create **District Councils**, to take care of the services for **farmers** and the **farmworkers** in the commercial farming areas (or the former white farmlands) and **traditional communities**. Responsibility for providing local government services to the rural areas will rest with District Councils.

How will District Councils be represented?

District Councils cover large areas and include at least one major town, commercial farming areas, mining areas and traditional communities. There will be five District Councils in North West Province. They will replace the old Regional Services Councils.

Urban areas will help pay for local government services in the poorer rural areas.



District representatives

District Councils will not be divided into wards. The representatives of political parties who become District Councillors will be elected according to proportional representation. This means that all rural voters will vote for a party and the parties they vote for will nominate District Councillors. Voters in the towns will not vote in this way. Some of the councillors who have been elected on Local Councils will also be nominated to become District Councillors.

District bodies

As we have said, **local councils from the towns** (the TLCs as they are presently known) will form part of the District Councils.

The **councillors** who are elected to these local councils will therefore **nominate people to sit on the District Councils** as well. That means councillors who represent the towns will be indirectly elected to sit on Regional Councils.

In rural areas, voters will vote directly for parties whose representatives will sit on District Councils.

Parties will then **stand for election** to these District Councils on the basis of **proportional representation.** The District Councils will not be divided into wards, instead, all voters from a District Council will vote for parties representing the whole District Council area. The parties who get the most votes will then appoint councillors to the District Council. The number of Councillors who may be elected from any District Council area will depend on the size of the population.

Special interest groups

District Councils will not only be represented by councillors, from the rural areas and from the towns, who have obtained their positions by participating in the elections. They will also be represented by '**special interest groups'** from the rural areas. These include traditional leaders, farmers and levy payers (or business people who pay taxes to the District Council), women and farm labourers. These special interest groups may represent up to 20% of all councillors in a District Council and have an automatic right to sit on the District Council. The next section discusses why special interest groups will be represented in this way.



Potential problems

Because District Council offices will cover such large areas, their offices will often be a long way away from particular communities. Since there will be no local government structures at a very local level in rural areas, and since special interest groups will also have the right to sit on District Councils, there will be many District Councillors. The opportunity for individual councillors to contribute to debates might, therefore, be limited. It might also be difficult for particular communities to make their needs felt within the District Councils. This is because District councillors will not be representing particular wards but the whole District Council area.

The North West Provincial Government recognises these problems and says that it will be necessary also to establish local government at the very local level. However, the Provincial Government is concerned that due to a short-term lack of capacity it will not be able to deliver adequate services straight away.

There are various reasons why rural interest groups are being given a place in local government.



Historically chiefs have had authority over people within their area. However local government duties go beyond the present responsibilities of traditional leaders.

Rural interest groups

Chiefs, farmworkers, farmers and women's organisations are being given special representation in rural local government structures.

Traditional Authorities and Local Government

In the past the *chiefs* have had responsibility for functions that elected government, public officials and the courts carry out in other areas. For example, they have been responsible for allocating land, settling disputes and arresting people under their control who break customary law.

Local government has duties and powers that go beyond the traditional functions of the *chiefs*.

Local government is likely to be responsible for many of the services that

were previously provided by the previous regime. These include water provision and helping to provide roads. In terms of the Constitution, the position of the *chiefs* and traditional authorities is protected. Traditional authorities might, therefore, be expected to continue to fulfil their traditional functions. However, the *chiefs* will also have the right to sit on District Councils to ensure that the needs of their communities are addressed.

The Constitution

South Africa's Interim Constitution recognises that traditional leaders have a role to play at all levels of government. They are entitled to the 'loyalty, respect, support and obedience' of people in the area where they are appointed. The powers of traditional leaders will be regulated by the Constitution but what form this regulation will take is still to be agreed.

Special interest groups

The Interim Constitution also says that traditional leaders are entitled to serve on local government bodies.

It says there should be elected local government bodies across the country, in both rural and urban areas, but the *chiefs* should be automatically represented on them. These provisions are interpreted or understood in different ways by different people.

The national view

Briefly, the National government says there should be local government elections covering the whole country, urban and rural. The election regulations say that traditional leaders must be automatically included on elected local councils.

Traditional leaders will have the right to sit on District Councils.

They and their supporters need to discuss the role that the *chiefs* should play in these Councils. Some *chiefs* argue that, because they represent their communities as a whole, they should not support particular political parties. Rather they should support positions which will serve the interests of their communities as a whole. Others say that because *chiefs* are leaders in their own right they should become involved in party politics within District Councils.

Farmers and levy payers

In addition to traditional leaders being represented on District Councils, it has also been argued that landowners should have special representation on these bodies. This is because the property owners will be paying many of the taxes that will be used by the District Councils. Few voters will be property owners in the rural areas. Most will be farm workers or residents in traditional communities. The property owners feel that unless their associations have representation on District Councils, their needs will not be taken into account.

Farm Labourers

It has also been argued that farm labourers need special representation on District Councils. This is because farm workers often live on isolated farms and depend on the farmer for many of their needs. Giving farm workers special representation is intended to ensure that special attention will be given to getting services to them.

Women

It has been suggested that rural women also have particular needs and that special representation should be given to them on District Councils. The special needs arise from the fact that that although rural women are mainly responsible for getting the services their families need, (like fetching water or fetching wood) they tend to have less power than other groups in the society.

Potential problems

It is not clear how special interest groups will appoint councillors. In the case of those interest groups who are organised, such as the farmers, or the traditional leaders, it may be possible for these people to decide who should represent them. There are some farm workers who are members of trades unions, and representatives could be nominated through this structure. Similarly there are womens' organisations through which special interest group representatives could be selected. However, some farmers, some traditional leaders, many farm labourers and women are not members of such organisations. In these cases, it is not clear how the special interest groups will be able to hold their representatives accountable.





Who will pay for rural services?

Some income for rural areas will be obtained from the taxes District Councils charge to business owners in the towns and the rural areas: Such taxes have been charged by the Regional Councils in the past.

Income for District Councils might also come from property taxes in the rural areas. Property taxes were only charged by the white town councils previously. District Councils might decide to charge residents a

property tax to help pay for services like sewerage disposal or public transport.

District Councils will also charge fees for providing services such as water.

In addition to trying to raise their own money, District Councils will also have to seek funds from the Province and the National Government.

Rural communities will have to make sure that their councillors know what their needs

are to ensure that these needs are addressed by the District Councils.

Rural communities will also need to recognise that District Councils may not be able to provide all the services they require, and that many projects will continue to require financial and labour contributions from the community.

Poor rural communities are in greatest need of basic services like water. District Councils will provide some of these services but they will need to raise money from Provincial and National Government and from the community.





Workshops

Workshop Notes 2

Outline the proposals for rural local government. Here are some suggested questions to raise:

- 1. What problems will District Councils face in trying to provide adequate services to rural people?
- 2. How should the chiefs and traditional authorities relate to District Councils?
- 3. How should special interest group representatives be selected by their interest groups?

- 4. How can rural people become involved in local government apart from voting?
- 5. Elected councillors can be voted out of office if they are unpopular. What can people do if they are unhappy with unelected councillors?

Part 5: What and who are we voting for?

There are two main reasons for voting in the local government election:

- To get access to the services we need for a decent quality of life;
- ◆ To have a say in how our community is run.

Voting for services

The people we elect to local government are responsible for:

- raising money to provide services;
- making sure those services reach everyone who needs them.

These services include:

- water
- electricity
- basic health care
- refuse collection
- roads, transport and traffic
- library services
- parks and recreation
- protection services
- sanitation and environmental protection

Providing such services takes time and costs money. We won't all get everything we need at once. That is why it is important that we vote and then make our views known about where the money is most urgently needed.

Electricity Water **Basic health care Refuse collection** Roads & transport Library services Parks & recreation **Protection services**

These are some of the services local government is responsible for providing.



Part 5: What and who are we voting for?



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Voting to have a say

Voting in the national election gave all South Africans an opportunity to decide who would run the country. Voting in the local elections will give us a say in how our neighbourhood is run.

We will be voting for people who live in our own villages, town or cities to represent us in local affairs. We can choose people we know and trust, people who are clear about our needs, share our problems and are committed to solving them.

The divisions and inequalities in our communities have built up over years and years. No local authority will be able to meet everyone's needs straight away. However, we can influence how the problems are tackled. We can elect people who will listen to our views on how they raise money, share out resources and decide priorities.

Councillors represent a lot of people and they won't be able to satisfy everyone all of the time. But we all have the right to protest when we think they are not acting in our interests. And if they still don't respond, we can vote them out in the next election!

Our new councillors will also provide a link between us and the national and provincial governments. If we lobby them about our needs and problems, they can take our concerns to Ministerial level.

The more active our community is, the more effective local government can be.

Questions voters may ask

Q. Politicians make promises to get votes and then break them. Why should these councillors be any different?

A. The new Constitution makes every level of government accountable to the voters. If councillors don't carry out their promises, they must explain their actions to us. If they don't behave responsibly, we can get rid of them in the next elections.

Duties of councillors

Code of Conduct for councillors

A democratic South Africa needs open, honest and accountable government.

The people we elect to local government must act within the law. They must not use their positions for their own ends.

This is why the Local Government Transition Act provides for a Code of Conduct to regulate the behaviour of councillors.

The Code is set out in a schedule to the Act. It covers the duties of councillors and says that they must not abuse their position or powers.

Duties

The Code says that a councillor must attend all meetings of the council or any committee to which she or he has been elected or appointed, unless permission to be absent has been granted.

Abuse of position

Councillors are forbidden to mislead the council or improperly influence the decisions it takes. This includes:

- trying to influence decisions in order to benefit personally or on behalf of someone else
- encouraging or taking part in unlawful decisions by the council
- encouraging or taking part in any discussion or decision that might lead the council to breach, neglect, or fail in its duties, or that might cause the council loss or unlawful liabilities.

Councillors are not allowed to put pressure on local government employees. This includes:

putting pressure on any employee to add

or take out information from documents, or to present recommendations to the council in a particular way

 instructing any employee not to carry out any decision of the council or its committees, or to carry it out in a way that goes against their intention.

Councillors are forbidden from revealing confidential information to anyone who does not have the right to it.

They are not allowed to request, demand or accept gifts or favours from anyone in return for voting or arguing in a certain way, or revealing confidential information.

They are also forbidden to interfere in the way the council is administered.

Misuse of council property

No councillor may:

- take any property owned or managed by the council for the personal use or benefit of themselves or any other person;
- unlawfully or improperly acquire any benefit from or right in any council property or asset;
- use local government offices, facilities or equipment for their personal activities or for conducting business affairs outside of their official duties.

All councillors have a duty to uphold the Code of Conduct and to report any violations, or alleged violations, of it.

The Town Clerk (or Chief Executive Officer) must investigate and report to the council any alleged violation or failure to comply with the Code of Conduct.

The Code must be displayed in all places where the council and its committees meet.





Who will pay?

Affordable services

We are voting for local government to provide proper services to all people at fair and affordable prices.

Who will pay?

Local government bodies receive grants from national and provincial government to help them provide services to people in their area. These grants only cover a small part of the total costs.

Each authority must raise the rest of the money it needs in other ways.

These include:

Service fees - charging people for the electricity, water, refuse collection, transport

and other services they use

Property tax, or rates - rent paid on buildings, land or facilities owned by the local authority

Sale of assets - such as buildings or other property

Fines - such as parking tickets, litter fines

Interest on investments - income earned by keeping money in a bank

Levies - usually small charges added to rates or other bills to provide facilities like museums and libraries free to residents

A local authority usually raises more than half its income through service charges.



A local authority raises most of the money it needs from payment of services, fines, rent, etc. National and provincial government provide the rest.

Who will pay?

In the past, many people have refused to pay service charges in protest against the apartheid government and the low standards and unequal services provided.

Local residents will be expected to contribute towards the cost of the electricity, water and other services they use.

Each local authority will set different rates and charges. This will depend on many things, including the facilities available to people, their ability to pay and the levels of investment needed to bring essential services and infrastructure to the area.

Under the new system, local authorities must conduct their business in an open and democratic manner.

This means decisions that councillors make about how to raise and spend income and what to charge for services can be questioned and criticised by the public.

Q. How can we agree to pay for services when we don't know what we will be charged?

A. We are agreeing to the principle of paying for the electricity and water and other things we use. We must elect councillors who know the economic problems we face and will help to make sure the council does not set charges we cannot afford.

Workshop Notes 3

- 1. Encourage input from participants on the reasons for non-payment for rent and services in the past. Summarise the reasons on newsprint.
- 2. Ask whether these reasons still exist or are still valid and cross out those that are no longer valid.
- 3. Divide any remaining obstacles to paying for services into practical and political issues and help discussion on how they can be overcome.
- 4. If there are still reasons why people would not pay, ask participants to discuss what, if any, are the alternatives for service provision.



Questions voters may ask



Choosing the best candidate

Councillors you can trust

We are voting for **responsible people and parties who we trust** to run our neighbourhoods.

We will be able to choose from lists of candidates in our area. We will not have to decide who will get our vote until we have seen all the names and heard what each candidate or party proposes to do for our community.

Most of the candidates will be people who stay near us. That means we will know their backgrounds and we will know what they have done for our community in the past. We will be able to question them closely about their plans to help us if we vote for them.

There are rules about who can stand for election, including final dates for nomination, and these will be made public.

- Parties* must register to take part in the election and have until about two months before election day to do so. Members of a party will nominate candidates for the party list. The list of candidates chosen by that party must be handed to the Returning Officer by noon on 4 September 1995. The list of parties registered and candidates nominated will be published by 9 October.
- Parties must pay a deposit to register for each local council area where they will have candidates. The deposit will depend on the number of voters in the council area. It will be R100 where there are 1000 voters or fewer in the council area and a minimum of R250 where there are more than 1000 voters in the council area. The maximum deposit payable per transitional authority will be R1500.

This is to make sure that parties are

serious about taking part and do not register to confuse the voters or for other mischievous reasons.

Individuals may stand in a ward with the backing of a party. Individuals who do not represent a party but wish to serve their community may also stand as ward candidates. The person must collect a nomination form from the nearest local government or Transitional Local Council office. They must get 2% of the voters in the ward they want to serve to sign the form. This is to make sure that only people with support in the community stand for election. The nomination form must be handed to the Returning Officer by 12 noon on 4 September.

Both party list and ward candidates must qualify to stand for election. The qualifications are:

- All candidates must be on the Voters' Roll in the area where they are standing for election.
- All parties must have registered or paid a deposit. (As individual candidates are nominated they do not have to register or pay a deposit.)
- No one who is more than three months in arrears for rent, traffic fines etc. may be a candidate.
- No one who is already an MP, Senator or member of a Provincial Legislature or who is disqualified from being a member of the National Assembly may be a candidate.
- A council employee may only be a candidate with permission from the Executive Council.
- PARTY means any local organisation. Community associations as well as political parties can put forward a list of party candidates.

Choosing the best candidate

What to look for before deciding

The people standing for election will have just over a month, from September to try to get support (canvass). This is the critical time for voters to make up their minds who is the best person to represent them.

Candidates should visit the people in their ward or area to explain why they are standing for election and what they will do if they become one of the new councillors.

They should attend public meetings and debates where people can hear their views and ask them questions. They should publicise their policies so that voters can compare one candidate or party with another.

There are many different qualities that we might look for in people who want to represent us.

In the course of a workshop, voter

educators can encourage discussion about what those qualities are and how to test whether the candidates have them.

Below are some important qualities. Workshop participants can add to these or make their own lists:

- Trustworthiness
- Honesty
- Sincerity
- Concern for people's welfare
- Understanding of the area
- Reliability

These are qualities that we might not always associate with politicians! So we must be able to judge whether candidates will do the things they promise.



We must be able to judge whether we think candidates will deliver the things that they promise.





Choosing the best candidate



Think carefully before you decide which candidate deserves your vote.

Workshops

Questions voters may ask

Q. How much will councillors get paid and where will the money come from?

A. This will vary from one local authority to another. They will be taxed on whatever they receive. The money will come from the council revenue – which means indirectly it comes from us, through local taxes and charges.

Q. Even if we vote in new councillors, the old civil servants will still have their jobs. Won't they prevent changes?

A. Section 24 of the Interim Constitution gives us the right to fair and lawful administration. The civil servants who act for the government must be efficient, accountable and respectful to the public. They can be disciplined if they are not.

Workshop Notes 4

- 1. Divide the participants into four or more groups which represent made-up political parties.
- Give each 'party' five minutes to prepare a short statement (manifesto) covering two or three issues on which they will 'campaign'.
- 3. Each group selects a 'candidate' to represent their party.
- 4. The facilitator gives each candidate a card naming a negative quality or activity that would make the candidate unsuitable or ineligible for election. No one else sees this card.
- Each candidate presents her or his manifesto and the party seeks support from participants.
- 6. The participants question each

candidate to find out how they will deliver on their promises and whether they have the qualities required to be a councillor.

- 7. The candidates do not have to reveal what is written on their card unless directly challenged. If the content of the card is discovered, they must stand down.
- 8. The facilitator summarises the party positions.
- 9. The participants vote and elect one of the candidates.
- 10. All the candidates reveal their card details if they have not already been discovered.
- 11. The facilitator leads a discussion on the kind of questions voters need to ask about candidates to avoid electing unsuitable people.





Choosing the best party

Registration as a party for these elections is open to any locally-based association of people. This includes civic organisations, local community groups as well as political parties. As long as these parties qualify in terms of the requirements for registration as listed on page 40, they can stand as candidates for proportional representation.

South Africa is now a multi-party democracy. This means all political parties are free to exist, to recruit members and to campaign. Parties can no longer be banned just for

opposing the government. All individuals are free to join any party, or to refuse to join a party.

At election time, everyone has the right to find out about all the parties standing for election. All the parties have the right to tell voters about their policies.

Last year, voter educators taught millions of people how to vote. However, many voters said that they did not get enough information to help them choose between the different parties.

During the campaigning period parties will put forward policies and promises. Voters must decide if they can be trusted.



The Promises Party promises the earth - no problem!



The ME party will bring you lights and water

Code of conduct for campaigners

Electoral Code of conduct

- Campaigns shall be fair and all parties and their supporters will tolerate 1. each other's points of view.
- 2. All parties must publicly condemn violence and intimidation.
- 3. All parties shall have access to all voters.
- 4. No party should have control over access to an area and no party should be excluded from any area.
- No inflammatory language shall be used. 5.
- No party or its supporters shall use intimidation of any kind. 6.
- There shall be no interference in or disruption of public meetings. 7.
- 8. All parties shall promote non-partisan voter education and ensure safe access for voter educators.
- 9. All parties shall facilitate the equal participation of women in political activities.
- 10. There shall be no discrimination on the basis of race, gender, religion, class, ethnicity or other grounds.
- 11. Weapons have no place in election campaigns and will not be displayed during political activities or near voting stations.
- 12. The security services shall not take sides in any dispute or interfere in any way with the election process.
- 13. All parties shall commit themselves to a secret ballot.
- 14. There shall be no interference with voters or voting stations on election day.
- 15. All parties accept the authority of those responsible for the running of the elections.







Part 6: How will the elections be organised in TLCs?

Will it be like last year?

The local government elections will be run differently from last year's elections.

Last year, politicians were elected through **proportional representation**. That means parties were represented in the national and provincial parliaments in proportion to the number of votes they received (so a party that won half the total votes got half the total seats).

In that system, it did not matter which areas the candidates came from or in which area people voted. This time, because we are voting for people to run our own neighbourhoods, it is important that **only local people stand for election.** Only people who are registered in our neighbourhood can vote for them.

This is why every TLC is being demarcated into 'wards'. Wards are small areas within the boundaries of each transitional local authority. The voters living in each ward will elect councillors to represent their local interests.

Each province has a Demarcation Board.

This is a group of people appointed to 'demarcate', that means to draw up, the **boundaries of the Transitional Local Councils** (TLCs) **and other local authority areas**. Each TLC is demarcated into wards, according to the number of voters and other considerations. The Board recommends the number of wards and council seats for each TLC. Each ward in a TLC area must have at least one seat and must have an equal number of seats.

There is a **mixed voting system** for the 1 November election. The diagrams on these pages show how it works.

- For every 10 councillors 4 will be elected through proportional representation (40%).
- The remaining 6 will be elected through the ward system (60%).

The ward system

In each ward where there will be one council seat, the candidate who wins the most votes wins the seat. In wards where there are, for example, three councillors, the three candidates with the most votes will be elected, even if there is a big difference between the number of votes they received. This is known as a **simple majority** system.

EXAMPLE

If it is decided that the TLC in the area where you stay will have **20** seats, **8** of the councillors will be elected by proportional representation and **12** will be elected from wards. There will be **12 wards in the TLC**.

VOTING IN YOUR WARD



There are 12 seats for ward candidates.

In your ward, let's call it **Ward A**, you will be choosing **one** individual from the ward candidate list to represent you.

You will also have one vote for the party you want to represent you in your TLC – let's call it Busheniville – as a whole. There are eight seats for parties in Busheniville TLC. The people in Busheniville Ward A will vote for the party of their choice – the seats will go to the parties according to the total number of votes they get from all the wards.



The voting system

Any person who qualifies to vote in a ward also has the right to stand for election anywhere in the TLC. An individual with support in the ward (for example, a woman or man who has been active in community development work) can be an independent candidate.



This diagram shows how the mixed voting system of ward candidates and proportional representation works. It is only a model - your TLC will probably have different numbers of wards and seats and different numbers of candidates and parties.

Voting in wards

Where you can vote

In the national election, each one of us could vote anywhere in the country that we chose.

In the November election, in a TLC we can only vote **in the Ward where we are registered***. The reasons for this are explained in the section *Voter Registration*.

While we are registering, it will be decided how many council seats and wards (areas represented by each councillor) there will be in each area. Our names will go on the Voters' Roll for the ward where we live.

Where are the wards?

We will not know which ward we are in or, therefore, exactly where we will be voting, • until June or July. However, the election regulations set down how wards are to be identified, or 'delimited'. Some wards will be bigger than others.

Some of the things that will be considered are:

- character of the area for example, if there are hills, wasteland, a dam or plantation in an area, the ward might have to be quite big to include sufficient people;
- availability of a building that can be used as a voting station – for example, if there is a school and a community hall quite near to each other, the ward boundary might be put in between them so that each ward will have a suitable voting station;

- number of people in the area it is intended that everyone should be equally represented by a local councillor. Some densely populated areas might have smaller wards and larger numbers of voters.
- There is another important factor in deciding where wards will be. The regulations state that where a new Transitional Local Council includes former White, Indian and Coloured local authority areas, at least half the ward councillors must be located in those areas and half in other areas. Remember - ward councillors make up 60% (6 out of 10) of the total number of councillors, so at least 30% (3 out of 10) of the total councillors must come from these areas. (In the Busheniville example (page 51), six ward councillors would come from these areas). This was agreed by the multi-party negotiators to ensure minority representation.

How wards are identified

Each TLC is demarcated into wards. Lots of things are considered before it is decided where the boundaries between the wards should be. The diagram on the next page shows some of these things.

* In the case of a District Council we can only vote in a Magisterial District in which we are registered as a voter.





How your vote counts in TLC areas

The Ballot papers

Because this is a mixed system, there will be **different ballot papers**.

There is a **yellow ballot paper** to vote for the party of your choice (proportional representation) which has a list of parties for the whole TLC area or District Council.

There is a **white ballot paper** to vote for the individual candidate who you think will best serve the interests of your area. The list of candidates will be different in each ward.

In Metropolitan areas (that means large cities and their surroundings), there will be **Transitional Metropolitan**, or **Metro** **Councils** as well as local councils. These big councils will coordinate the work of local government throughout the area.

In such cases, there will be a **third ballot paper**.

This **green paper** is for voters to elect 40% of the councillors who will serve on the Transitional Metro Council from a party list. The local councils, called Metro Sub-Structures will appoint the other 60% of the representatives. The diagram opposite shows how this works.

The details for the voting system in the **rural areas** are still to be finalised.





How your vote counts

Party lists

- Parties that is, community organisations and political parties will decide how many candidates they will put up for election in each TLC or District Council.
- Ward candidates can also be nominated by a party for TLCs.
- Candidates must live in the TLC area or the District Council area.
- A party might have a candidate for every council seat or it might have only one.
- Parties might have candidates in every TLC, District Council, just a few, or only one.
- The Returning Officer will publish a list of all the parties standing in each TLC and District Council by 9 October 1995.



Voting rights



Page 53

Who can vote?

In order to vote, a person must be:

- 1. a South African citizen, or a permanent resident in South Africa;
- aged 18 or above on election day – 1 November 1995;
- 3. living in an area covered by a transitional authority, or

paying rates, service charges or other levies to the transitional authority.



Who cannot vote?

- People who have been declared insane or who are detained under drug dependency laws cannot vote.
- Convicted criminals serving prison sentences for committing, or attempting to commit, murder, aggravated robbery or rape may not vote.

Is the procedure the same as in the national elections?

There are several important differences between the April 1994 elections and these elections. These include:

- ♦ There is only one day of voting.
- The voting process combines proportional representation (voting for a party) and a ward system (voting for a named candidate).
- People must be registered to vote.
- People who live in one local authority area but are liable for rates or service charges in another, may vote once in each local authority area. No one can vote more than once in the same local authority area.
- People may only register to vote in the area where they have their home, or business address.

For example, if you work in the area of one Local Council and pay rent to that Council but you have a family home in a different Local Council area, you can vote once in each area.

Or, if you run a business and pay rates in one local authority area but stay in another, you can vote in both places. As there is only one day of voting, you must be able to go to both places on the same day, or else choose where you will vote.

Part 6: How will the elections be run?

Home Affairs will employ extra staff and send mobile teams to remote

areas to help people

longer hours if

passport-size

necessary.

apply for IDs. Regional offices may open for

Remember, you need two

photographs of yourself when you apply for your

and the second

Voter Registration



Everyone needs an ID

In order to register, you must have an ID number.

At the beginning of the year, up to 20 % of potential voters across South Africa did not have IDs.

Anyone who doesn't have an ID should apply to their nearest Home Affairs office now. It may take up to two months or longer to issue an ID book.

If you apply now, Home Affairs will give you a receipt. The receipt will have a reference number on it and will be proof that you have applied. You can use this document to register but you must **collect your ID book before you go to vote**.

Anyone who applied for an ID before the last election but did not collect their document should collect it from the office where they applied. Anyone who applied through a mobile registration unit should inquire at their nearest Home Affairs office.

If you received a Temporary Voter's Card (TVC) last year, your ID document will have been processed automatically. If you have not collected it, go to the office that issued the TVC as soon as possible. ID but your ID document will be issued free of charge.

Voters must follow up their applications in good time - <u>no temporary voter cards</u> will be issued for this election.

Voters must be on the roll

The big difference between procedures for the national election and for this local election is voter registration. It is very important for voter educators to explain how this works and why it is necessary. No matter how well people understand the voting process or how eager to vote they are, **if they don't register, they can't vote**.

A recent study of attitudes to the local government elections shows widespread ignorance of and resistance to registration. These pages give information about why and how to register. Problems voter educators may face in convincing people to register are discussed below.

What is the Voters' Roll?

The Voters' Roll is a public record of the names, addresses, ID numbers and voter numbers of all people registered to vote in a certain area.

Voter Registration

Why must people register?

Registration will ensure that only people who live or work in an area will be entitled to vote for candidates in that area.

- The Voters' Roll will also make sure that no one can vote twice in the same area. When a person goes to vote, their serial (voter) number will be checked from the list.
- The number of people expected at each voting station – and, therefore, the number of staff and ballot papers needed – will be known, so the elections will run more smoothly.
- The Voters' Roll means people are registered for all future elections and only have to re-register if they move to another area.

When must they register?

The election regulations say voter registration must be completed within 90 days from the date the local election regulations come into effect in each province. In North West, this deadline was 28 April. Because of the slow rate of registration nationally, the registration deadline was extended until 5 June.

Who is responsible for registration?

Voters' Roll Officers are employed by each transitional authority to prepare the Voters' Roll. The government has a duty to inform all citizens about the procedure.

Community and religious organisations, employers and unions, teachers and non government organisations can all help people to register. They can distribute forms, they can help people to fill them in and they can collect them and take them back to the Voters' Roll Officer.

Political parties have a clear interest in helping their supporters get on to the Voters' Roll. However, the regulations state that

anyone who misses the registration deadline will not have a vote. It is the responsibility of individual voters to apply to register.

What about elderly and disabled people?

Unlike in the national election, there will be no 'special' votes on 1 November.

How does a person register?

- 1. Anyone applying to register must have an ID number (see previous page).
- 2. There is an official registration form (an ER1 form). People can apply to register without this form but must supply all the information the form requires.
- 3. The information required includes name, ID number and address. The form must be completed fully and accurately.
- 4. The form must be returned to the Voters' Roll Officer in the area where the voter is applying to register.
- 5. The Voters' Roll officer will check that the information is complete and that the applicant qualifies as a voter.



Only people aged 18 or older on 1 November can register to vote.







Voter Registration

Where do people get the registration forms?

Registration forms are available from the offices of every Transitional Local Council, and many other places. At the back of this manual, there is a list of every collection point established by the end of March. The list includes registration points for people staying in rural areas and other places not covered by a TLC. There are also contact details for members of the Local Government Elections Task Team, in case of problems.

What about people who cannot write and those who cannot get transport to a local authority office?

People who do not read and write are entitled to assistance in completing the form, or can make their applications verbally. Some Transitional Local Authorities are operating mobile registration units and sending 'enumerators' into communities to help people register. Community organisations, religious leaders, political parties and others can distribute application forms to those who cannot collect one in person.

Is there a charge for registering?

All applications are processed free of charge. It is an offence for anyone to sell the forms or request money for submitting them on behalf of voters.

What if a person cannot get a form?

Someone who is unable to submit an official form in time may still have their name included on the Voters' Roll, provided they:

- supply all the required information to the Voters' Roll officer;
- meet all the conditions for eligibility as a voter.

How will people know if they are included on the Voters' Roll?

The Voters' Roll had to be prepared and made public by 24 June.

The Voters' Roll officer had to issue a notice, not later than 16 June, informing people that they could inspect the list at the offices of their transitional council and other public places (from 24 June to 16 July).

Anyone whose name did not appear but who believed they were eligible to vote in the area covered could apply to the Voters' Roll officer within 14 days of publication of the Roll (not later than 10pm on 16 July).

Anyone who believed that someone named on the Roll did not qualify as a voter (for example, because they do not live in the area where they are registered) could object to their inclusion, (not later than 10pm on 16 July). The Voters' Roll officer could also make objections.

A list of claims and objections could be inspected at Transitional Local Councils and other public places between 20 and 24 July.

A **'revision court'** was due to meet on one or more days between 27 July to 7 August, to hear disputes. This court will decide who is eligible if there is an appeal or an objection. It has the power to add or remove names from the Voters' Roll. It will also correct any errors or omissions in the information included. It will advise those affected of the dates and places of hearings. Anyone objecting **must** attend the hearing.

Once the Voters' Roll is signed by the presiding officer of the court, it is proof that everyone whose name is included has the right to vote in this election.



Voter Registration

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This is a sample of the voter registration form. Please note that the form includes an age declaration. However, everyone who is 17 but will be 18 on election day can register to vote. Voter educators should point this out in workshops.

Guide to Local Government Elections

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Voter Registration

Problems to watch for

Voter educators may need to help monitor the registration process in case of fraud.

1. In areas where registration forms have been collected by a party or organisation representative, someone from the area should inspect the Voters' Roll to make sure that all names submitted have been listed. This is to guard against anyone collecting names but failing to hand in the forms, in order to prevent people voting and influence the result.

 In the national elections, there were many reports of people being charged for ID documents and voter cards. Voter educators need to remind voters that they have a right to apply to register at no cost.

Questions voters may ask

Q. I do not have a street address. Can I still register?

A. Yes. A description of where you normally stay will be accepted, as long as it is accurate enough for the Voters' Roll officer to identify which ward you are in. For example, if you live in an informal settlement, name the settlement and the road nearest where you stay. State which part of the settlement you stay in (eg, central, north), or give a landmark, such as a spaza shop.

Q. I am 17 years old but will be 18 by 1 November. Can I vote?

A. Yes. Apply to register using the ER1 form and include your date of birth.

Q. I am already on the Voters' Roll used in the last municipal elections and none of my details have changed. Won't I be registered automatically?

A. No. You must register again. Each of the nine provinces is compiling a totally new list of voters. This will serve as an accurate record for all future elections.

Q. The registration form asks people if they are liable to pay rates. Won't this information be used to make people pay arrears?

A. No. You do not have to give this information unless you are claiming to register in an area **because** you pay rates there. The information will only be used to keep a record of where eligible voters live.

Q. What happens if I move to another area after I have registered?

A. If you move during the registration period, you can apply to re-register in the area you move to. If you move after the Voters' Roll is finalised, you will be registered at your old address and will have to return to that area to vote on election day.

Q. Do I have to register?

A. Everyone who wants to vote must register but it is not compulsory to register, or to vote. In some countries, people can be fined for not voting. In South Africa, there is no penalty.

Workshops



Workshop Notes 6

- 1. Allow plenty of time for questions and answers after explaining the registration process.
- 2. Question participants on key aspects of registration to check levels of understanding.
- 3. Distribute registration forms to all participants. Divide the participants into small groups. Get everyone to complete the forms, cross-checking with members of their group.

- 4. Deal with any queries or problems the groups encounter.
- 5. Check that all participants have registered (or are clear about how and where to register if they wish to do so) and can help their own relatives, friends and colleagues to register.
- 6. Use the list at the back of this manual to tell participants their nearest registration points.





Counting the votes



Last year, there were arguments and allegations of fraud during the counting of votes. This year, it should be easier to monitor the process because we will know how many voters are registered in each area.

Going to vote

The voting station

In urban areas voting stations will handle an average of between 2500 to 4000 voters. In rural areas voting stations are unlikely to handle more than 750 voters. Only places that are accessible, secure, suitable and acceptable will be chosen as voting stations.

The list of voting stations and their locations will be published no later than 12 September. This list may be added to or amended until 22 September.

Outside the voting station

The regulations for the setting up, supervision and security of voting stations are similar to those for the national elections.

- There will be an 'inner perimeter' of 500 metres around each voting station and a 'controlled area' of 1000 metres around each voting station.
- Only voters, election officials and people authorised by the returning officer will be allowed inside the inner perimeter.
- Anyone is allowed inside the controlled area but in both areas all political activity is prohibited. This means anything intended to promote a political party or to influence voters in their choice of party or candidate is forbidden. For example, there can be no election posters or other party propaganda, like T-shirts, in the area and parties cannot try to attract support from people waiting to vote.

Running the voting station

The election officers who will staff the voting stations serve similar functions to those in the national elections but they have different titles.



The '**Returning Officer**' is responsible for running the election in each transitional authority area. She or he is usually the Chief Executive of the authority concerned.

The **Returning Officer** may appoint one or more **Deputy Returning Officers** together with **Presiding Officers, Voting Officers, Translation Officers, Counting Officers** and other officials if necessary.

All election officers must behave in a nonpartisan manner. Political party officials, election candidates, people nominated to a transitional authority and people involved in a party election campaign are not permitted to serve as election officers.



No political campaigning is allowed in the area around the voting station.


Going to vote

Inside the voting station

Voters, election officers, police officers, candidates and their agents are allowed inside the voting station.

The Returning Officer may give permission to other people to enter in special circumstances (a photographer might be allowed inside, for example, when a political leader casts her or his vote).

Only the voter is allowed inside the voting booth, unless she or he requests assistance.

How to vote

The steps for voting are outlined below. The illustration on the next page shows these steps.

- 1. Show your ID to the electoral officer at the entrance to the voting station.
- Give your name and address and show your ID to the electoral officer issuing ballot papers. The officer will check that you are listed on the voters' roll and cross off your name and number.
- Collect two ballot papers a white one with the list of candidates for your ward and a yellow one with the list of parties.
- 4. Go to a voting booth to cast your vote in secret. On one ballot paper, mark an X next to the name of the candidate you support. If there is more than one seat in your ward, you will mark an X next to more than one candidate. On the other, mark an X next to the name of the party you support.

- 5. Fold each of the ballot papers so that your mark cannot be seen but the official stamp is visible. Place them in the ballot box.
- 6. Leave the voting station

Getting help

People who are blind, or have difficulty walking or holding a pencil, can be assisted to vote. They may be accompanied by a person of their choice aged 18 or over. Any voter experiencing difficulty can ask an election officer for help. Notes for guidance will be displayed inside every voting booth.

There will be no international observers or monitors.

In voting stations in District Council areas voters will be required to have invisible ink placed on their fingers to ensure they cannot vote at another voting station in the District Council areas.

When to vote

There is only one day of voting – Wednesday 1 November 1995. This is a public holiday. Voting stations will open from 7am to 10pm.

Going to vote





Guide to Local Government Elections



Questions voters may ask

Q. Can anyone use my serial (voter) number, or my ID number, to find out how I voted?

A. No, your serial number will be written only on the counterfoil of the ballot papers, as proof that papers have been issued. Your ID number will just be checked.

Q. If there is no marking of hands with invisible ink in a TLC, what is to stop someone voting more than once?

A. You name will only appear on one Voters' Roll in a TLC. When the ballot papers are issued, the election official will mark out your name and serial number to show you have voted. No one else can then vote in your name.

Q. What happens if I arrive to vote and find my name has already been crossed out?

A. If the election officer has crossed out your name by mistake, you will have to make a special declaration that you have not voted. This may have to be supported by another official.

Q. Do I have to mark my ballot paper with a cross?

A. Make a cross if possible, but a tick, or any other mark that clearly shows your choice, will be accepted. Remember, this is a secret ballot, so don't put your name anywhere on the ballot paper.

Q. What if I make a mistake?

A. If you 'spoil' your ballot paper by marking it in the wrong place, return the spoilt paper to the election officer and you will be issued with another.

Workshop Notes 7

- 1. Allow time for questions and answers.
- 2. Conduct a mock election:
- ask for volunteers to act as election officers - you need one officer to conduct or monitor each of the steps in the How to Vote section above;
- the 'officials' issue two mock ballot papers, one for ficticious candidates and one for ficticious parties, to each participant;
- the voter educator facilitates a mock voting process
- 'voters' mark their ballot papers in

secret (behind a door or other partition, if there is no voting booth available);

- 'voters' deposit their ballot papers in ballot boxes (sealed containers that participants have checked are empty, if no official boxes are available);
- the voter educator counts the votes, declares the result and announces whether there are any spoiled papers;
- the group discusses any problems, for example why papers were spoiled, and how to overcome them.

Monitoring the election

Who will keep watch?

In South Africa's first non-racial election in 1994, thousands of international observers and journalists, hundreds of foreign politicians, church leaders and dignatories joined local monitors to try to ensure that the elections were free, fair and safe.

This time, there will be no international watchdogs – it will be up to the security services, the election officers, political parties and, most importantly, the public to see that the elections are conducted properly. This means that we, the voters, must look out for any irregularities.

Police presence

It is expected that 200 000 security service personnel will be in attendance at voting stations across the country on election day.

It is the responsibility of the **Returning Officer** for each local authority area to arrange proper security.

The election officers appointed to run the voting stations must make sure that the election regulations are followed. They can call on police officers to assist them in dealing with anyone who violates the regulations.

Candidates and party agents will have an important role to play to guard against fraud and intimidation of voters. For example, in an area dominated by one party, and where the election officers know most of the voters, opposition party agents will be needed to make sure voters are not intimidated.

The voters' role

As with the last election, in the end it is the voters who will determine the success of this effort to bring democracy to our doorstep. By being aware of their rights, of the principles on which the elections are being run, of the positions and policies of the candidates, and by turning up to cast their votes, the public can protect themselves against being misled, deprived of their rights or intimidated.

If voters are well-informed they will be able to identify and report instances of misconduct during a campaign and in, or around the voting station.

This is important because if the result of a local election is unfairly influenced by fraud or intimidation or poor administration, the chances of having genuinely representative,

> efficient and democratic local government will be reduced. The councillors elected might not be considered legitimate and their decisions might not be accepted by some voters. This could prevent development in the area. Therefore, we all have an interest in 'policing' these elections.

The security forces, the election officers and the voters will have to work together to monitor the elections. There will be no international observers.





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Monitoring the election

Dealing with disputes

t is quite normal for disputes to arise during an election. Even in countries which have been holding elections peacefully for many years, rival candidates and opposing parties fight 'dirty' campaigns in their efforts to win power.

A special department of the Independent Electoral Commission dealt with complaints and disputes during South Africa's national elections. For our local elections, the arrangements are different.

Multi-party liaison committees

At national and provincial level, the ministries responsible for local government have set up Multi-Party Liaison Committees. . These committees are supposed to include representatives of all the political parties. They will work with the Task Teams to reach agreement on issues relating to the election. This is intended to help prevent differences of opinion leading to more serious conflict.

Local Election Committees

At local level, there will be Election Committees to settle disputes related to the running of the election. An Election Committee is made up of three independent people appointed by the TLC. There are rules about who can serve on the committee and people who hold office in any political party are excluded.

What will the Committee do?

It will:

- determine how voters will be advised of which voting station they must use;
- hear complaints from any party or member of the public about decisions made by the Voters' Roll officer or the Returning Officer;
- consider disputes referred to it by those officials;
- rule on conflicts or complaints about the symbols used by parties or individual candidates.

The Committee cannot consider any matter that falls within the powers of the Revision Court. For example, it cannot hear complaints about names included on, or excluded from, the Voters' Roll.



Arguments are normal during an election period. There is a range of bodies to deal with local election disputes to make sure they do not lead to violence.

Monitoring the election

Electoral law

The election regulations make it an offence for anyone to interfere or try to interfere with the smooth running of the election. They make it an offence to do anything intended to influence unfairly the outcome of the election.

The offences listed in the regulations concern the following areas:

- Interfering with election proceedings (for example by refusing to leave a voting station where votes are to be counted);
- Interfering with the right to vote in secret (for example by intimidating someone to find out how they voted);
- Pressurising a voter in any way (for example by threatening someone with violence if they don't support a certain party);
- Bribery (for example, offering money to someone so they will agree to vote for your party);

- Personation (for example, pretending to be someone else in order to vote);
- Interfering with election related material (for example, tearing down posters advertising the election);
- Interfering with free political activity (for example, refusing to allow someone from a rival party to speak at a meeting);
- Publishing false information (for example, making public allegations about a candidate which are known to be untrue, in order to reduce his or her support).

Where disputes concern alleged criminal activity, they will be reported to the police.

The Returning Officer will report any violations of the regulations to the Public Prosecutor. All offences have severe penalties, of a fine and/or imprisonment. For some offences, anyone found guilty can be fined up to R100 000 and/or imprisoned for up to five years.



Part 7: Safeguards for a free and fair election





Tolerance is about listening to each other's views and disagreeing without fighting. During election time tolerance means recognising the right of people to support and campaign for opposing political parties.

Tolerance and elections

Tolerance means a willingness to listen and 'tolerate', or put up with, a different point of view – even if it is in opposition to your own.

Tolerance does not mean that we all have to agree, but rather that we are free to disagree without the threat of violence. Nobodý is always right and nobody knows everything. There will always be political competition, so it is important that we settle political differences by debate and dialogue – not by threats and violence.

The opposite of tolerance is intolerance. In the past there was a lot of intolerance, by the government, by parties, organisations and individuals. People were not free to speak out against the government, nor could they support the parties of their choice.

Today there is still intolerance in our country. Intolerant behaviour includes labelling people because of their past, their culture, their colour, their language or their political beliefs. Intolerance makes everyone afraid, it causes confusion and leads to violence.

Why do we need tolerance?

Tolerance enables people to enjoy their basic human rights, such as freedom of speech, freedom to form and join a political party, freedom of religion, thought and expression. Tolerance enables people with opposing views to talk to each other and, therefore, solve problems more easily. It helps to create peace in the community.

In a tolerant society, we can canvass support for the different people and parties we want to elect – and learn about the views of others without feeling threatened.

Bill of Rights

Free political activity

Politicians of all parties all over the world use every means at their disposal to secure votes at election time.

During South Africa's national elections campaign, there were allegations of intimidation, obstruction, fraud and many other violations of the electoral code of conduct. In areas dominated by one party, other parties were often denied access to potential voters and people were not free to express dissenting views.

The 1 November local government elections will be conducted under the new Constitution, which guarantees the right of all citizens to engage freely in a wide range of political activity.

It is important that South Africans are aware of the rights enshrined in the Bill of Rights in the Constitution. We must be prepared to defend our rights and to respect those of others.

Here is a summary of those sections of the Bill of Rights relating to political activity.

Section 14 Freedom of conscience



Everyone has the right to freedom of conscience, religion, thought, belief and opinion

No one can be discriminated against or persecuted because of what they believe. Everyone has the right to hold political views that differ from those of others,



including their husbands or wives, their employers, church leaders or anyone else.

It is important for voter educators to stress the need to respect other people's views. For example, a man may try to persuade or influence his wife to share his political beliefs but in the end she has the right to her own opinions and the right to express them secretly when she goes to vote.

Section 15 Free Speech



Everyone has the right to freedom of speech and expression

This means we all have the right to say what we want and express ourselves as we choose, as long as we do not take away any right from another person.

During an election campaign it is important to listen to what others say, in order to become informed and to develop our own views.

Section 16 Peaceful protest

Everyone has the right to assemble, demonstrate and petition, peacefully and unarmed

Under apartheid, even peaceful demonstrations were prevented with armed force. During the 1994 election campaign, supporters of opposing parties prevented their rivals from holding meetings, often by violent means. The Bill of Rights protects people's rights to stage rallies, marches and other events without interference.

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Bill of Rights

Section 17 Freedom of association



Everyone has the right to join any organisation of their choice

An organisation can no longer be banned simply because it criticises or opposes the government. We are all free to join a political organisation or party without threat or interference. We are also free not to join or to be forced or intimidated into joining.

Section 18 Freedom of movement

All citizens are entitled to move freely anywhere in South Africa

Racist laws restricting people's movement to different areas and public places are invalid under the new Constitution. The Bill of Rights guarantees all South Africans the freedom to go wherever they please.

During the national elections, there was a problem with 'no-go areas'. There were places where outsiders, and people believed to support a rival political party, were unable to go for fear of attack. If voters are to be properly informed about the different parties, freedom of movement must be respected.

Section 21 Political rights

Everyone has the right to form, participate in and recruit members for a political party

This section safeguards free political activity. It includes:

- ♦ the right to vote in secret and
- the right to stand for election to public office.

Guide to Local Government Elections

It also means anyone is free to start a political party or a campaigning organisation, to campaign for or join in the activities of such an organisation and to encourage other people to join if they wish.

The rights of opposition political parties are guaranteed against discrimination by a ruling party. No government can declare South Africa a one-party state or ban its rivals.

All these rights apply to the local elections. They protect everyone – women, whether they are married or single, and men. They apply regardless of race, religion or any other consideration.

Political parties must comply with a Code of Conduct to uphold and defend free political activity during their election campaigns. (See page 45).



Part 7: Safeguards for a free and fair election

Workshops

Questions voters may ask

Q. Where I stay, there is only one party. The Constitution might say I don't have to join but how can it protect me from victimisation if I refuse?

A. If an individual is being intimidated at gunpoint into joining a political party or organisation, quoting the Bill of Rights might not give them instant protection. However, by getting to know our rights, making others aware of them and pressurising our own political leaders to respect them, we can gradually increase tolerance.

Q. The Constitution says anyone can participate in politics but men often stop their wives from attending meetings. Is this going to change?

A. Changing the law does not immediately change attitudes. Families, churches, unions, youth groups and other community organisations need to discuss the right to equality promised in the Constitution and work out how it can be put into practice.

Workshop Notes 8

- 1. The facilitator outlines each of the rights listed above.
- 2. Participants discuss how such rights have been violated in the past and suggest examples of when the Constitution might be used to prevent future abuses.
- 3. Participants discuss whether there are any circumstances in which a person or an organisation should be denied any of their political freedoms. For example, if a party is promoting racist, sexist or homophobic views should it still have freedom of speech?
- 4. Participants are divided into two groups and each takes the role of a fictitious political party. Both parties want to campaign in the same area. Party A is long-established in the area and received 95 percent of the vote in the last election. Party B has its stronghold in a neighbouring area and wants to take control in Party B's area. The parties argue about whether Party B's representatives and supporters should be allowed to campaign in the area.
- 5. The facilitator summarises the two arguments and invites participants to judge which should prevail.

Workshop Notes 9

- 1. Participants discuss the Code of Conduct.
- 2. Working in small groups, participants draw up their own local election codes of conduct, to reflect specific needs and problems of their area/group.
- 3. A rapporteur for each group explains how

and why its code is different from the published one.

4. The facilitator leads discussion on whether any aspect of the codes drawn up could infringe anyone's democratic rights, or whether it is unreasonable in any other way.



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Koster	Kudube/Temba/Moretele
Ga Rankuwa	Mabopane
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Broederstroom	Kosmos
Skeerpoort	Letlhabile
Ouksie	Diamantville
Mothotlung	Ga-Rankuwa
Mabopane	Winterveld
Temba	

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Makwassie

Mothibistad

Pampierstad Bloemhof

Pudimoe

Stella

Amalia

Wolmaranstad

Potchefstroom	
Orkney	
Hartbeesfontein	
Leeudoringstad	
Ottosdal	

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Mogwase	Monnakato
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Mmabatho
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Glossary

ARREARS - An amount of money, such as rent or electricity charges, which has not been paid on time; the amount owing.

AUTONOMY - Freedom of a person or organisation such as a local government body to conduct its own affairs without interference.

BUDGET - A one-year plan which shows what services will be offered and how they will be paid for.

CHIEF EXECUTIVE OFFICER (CEO)/TOWN CLERK - The person in charge of all employees of the local authority. He/she is responsible for the work done by the local authority.

INFRASTRUCTURE - The basic and essential services or institutions necessary for the effective functioning of a society, for example roads, a telephone system, hospitals.

INTER-GOVERNMENTAL GRANTS - Grants given by one level of government to another, for example, National to Provincial or National to Local Government; usually administered for development purposes.

JURISDICTION - Refers to three concepts:

- The authority or power held by a local government body;
- The area of a local government's authority, for example, Durban or KwaMashu;
- The position of an authority compared to other authorities (for example, local, provincial or national jurisdiction).

LEGITIMATE - Recognised as being lawful and accepted by the people.

LOCAL AUTHORITY - A body set up to deliver services within an area, as well as to govern or regulate the affairs of the community within that area. **METROPOLITAN AREA** - A large, densely populated, urban area which has many residential and business districts, industrial areas and local governments.

NOMINATIONS - The process of putting forward names of people for election.

POLITICAL ACCOUNTABILITY - The duty of politicians and public officials to answer to the public about their activities.

Accountability allows members of the public to keep a check on their elected representatives. It means politicians and their officials must allow everything they do in the course of their work to be open to the judgment of the people.

PROPERTY TAX - A tax paid to the local authority by people who own property in the area run by that authority.

RATES - A form of tax regularly paid by property owners to the local authority for services. Rates are calculated according to the value of the property owned – whether it is a piece of land or a building.

REPRESENTATIVE - The person who is elected, nominated or appointed by the people to speak and act on their behalf, or to represent their interests in government.

RETURNING OFFICER - The person appointed by the Local Authority to be responsible for the preparation and conduct of the election.

TOWN CLERK - See Chief Executive Officer

TRANSITIONAL - Something temporary or interim, such as the local authority system that will be in place during the shift from one system of government to another.

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North West Province Guide to Local Government Elections

The next step towards building democracy in South Africa is to create fully representative, efficient and accountable local government. As we move towards elections of interim local government bodies, Y Press offers this comprehensive, non-partisan training manual as a guide to local government elections.

The Manual is designed to help all those involved in preparing the electorate to go to the polls in November. It presents information and issues in a clear and objective way. The Manual also serves as a general introduction to those participating in local government for the first time.

Fully illustrated with drawings, diagrams, photos and charts, the manual includes workshop notes for trainers and guidelines for dealing with difficult questions.

It explains the legislation, regulations, structures and procedures for the transformation of local government.

The Manual is a valuable reference for trainers, NGOs and community organisations, political parties, candidates, trade unions, Transitional Councils and business.

Y Press was established to publish educational materials aimed at assisting the understanding of key issues in a democratic and representative culture.



Publishing for development and education

Also available from Y Press: A User's Guide to the South African Economy, Trade Union Research Project (1994). Guide to Local Government Elections - KwaZulu Natal