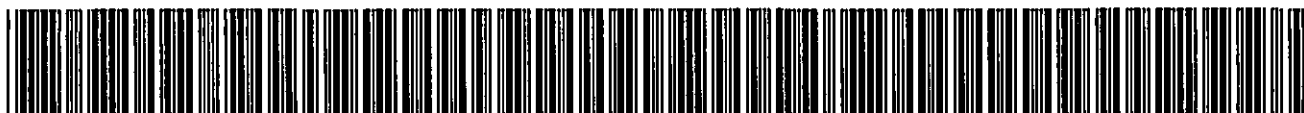


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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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CAPE TOWN, 14 OCTOBER 1998

KAAPSTAD, 14 OKTOBER 1998

No. 19351

OFFICE OF THE PRESIDENT

No. 1314.

14 October 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 73 of 1998: Electoral Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1314.

14 Oktober 1998

Hierby word bekend gemaak dat die President sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 73 van 1998: Kieswet, 1998.

ACT

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

*(English text signed by the President.)
(Assented to 12 October 1998.)*

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

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WET

Om verkiesings van die Nasionale Vergadering, provinsiale wetgewers en munisipale rade te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 12 Oktober 1998.)*

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) “agent” means a person appointed in terms of section 58; (i)
 - (ii) “chief electoral officer” means the person appointed in terms of section 12(1) of the Electoral Commission Act and includes any person designated to act in that capacity in terms of section 12(3) of that Act; (vi) 30
 - (iii) “Code” means a Code issued by the Commission under section 99, and includes the Electoral Code of Conduct; (xi)
 - (iv) “Commission” means the Electoral Commission, established by section 3 of the Electoral Commission Act; (xii) 35
 - (v) “counter” means a person appointed in terms of section 78; (xx)
 - (vi) “counting officer” means a person appointed in terms of section 76; (xix)
 - (vii) “election” means—
 - (a) an election of the National Assembly;
 - (b) an election of a provincial legislature; or 40
 - (c) an election of a municipal council or a by-election for a municipal council; (xxii)
 - (viii) “election timetable” means a timetable for an election published by the Commission in terms of section 20; (xxv)
 - (ix) “Electoral Code of Conduct” means the Code contained in Schedule 2; (xxiii) 45
 - (x) “Electoral Commission Act” means the Electoral Commission Act, 1996 (Act No. 51 of 1996); (xxix)
 - (xi) “Electoral Court” means the Court established by section 18 of the Electoral Commission Act; (xxiv)

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2. Formule vir vasstelling van getal lede van provinsiale wetgewers
- 20 3. Kommissie verantwoordelik vir vasstelling van setels
4. Vasstelling moet in *Staatskoerant* gepubliseer word

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HERROEPING VAN WETTE

HOOFTUK 1

25 UITLEG, TOEPASSING EN UITVOERING VAN WET

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "agent" 'n persoon ingevolge artikel 58 aangestel; (i)
 - (ii) "beampte"—
 - 30 (a) 'n voorsittende beampte;
 - (b) 'n stembeampte;
 - (c) 'n telbeampte;
 - (d) 'n teller; of enige natuurlike persoon ingevolge artikel 80 aangestel; (xv)
 - 35 (iii) "beteken" om per geregistreerde pos, telegram, teleks of telefaks te stuur of om per hand af te lewer; (xxiii)
 - (iv) "geregistreerde party" 'n party ingevolge artikel 15 van die Wet op die Verkiesingskommissie geregistreer; (xxi)
 - (v) "hierdie Wet" ook enige regulasies ingevolge artikel 100 uitgevaardig;
 - 40 (xxiv)
 - (vi) "hoofverkiesingsbeampte" die persoon ingevolge artikel 12(1) van die Wet op die Verkiesingskommissie aangestel, en ook enige persoon wat ingevolge artikel 12(3) van daardie Wet aangewys is om in daardie hoedanigheid waar te neem; (ii)
 - 45 (vii) "identiteitsdokument" 'n identiteitsdokument na 1 Julie 1986 uitgereik ingevolge artikel 8 van die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), of 'n tydelike identiteitsertifikaat ingevolge die Wet op Identifikasie, 1997 (Wet No. 68 van 1997), uitgereik; (xii)

- (xii) "identity document" means an identity document issued after 1 July 1986, in terms of section 8 of the Identification Act, 1986 (Act No. 72 of 1986), or a temporary identity certificate issued in terms of the Identification Act, 1997 (Act No. 68 of 1997); (vii)
- (xiii) "list of candidates" means the list of candidates referred to in section 27; (viii) 5
- (xiv) "municipal council" means a municipal council referred to in Chapter 7 of the Constitution; (xiii)
- (xv) "officer" means—
 (a) a presiding officer;
 (b) a voting officer; 10
 (c) a counting officer;
 (d) a counter; or
 any natural person appointed in terms of section 80; (ii)
- (xvi) "party liaison committee" means a committee established in terms of the Regulations on Party Liaison Committees published in terms of the Electoral Commission Act; (xiv) 15
- (xvii) "political office", in relation to a registered party, means any office in the party to which a representative of the party is elected or nominated, whether involving remuneration or not, or any other paid office in the party to which a person is appointed; (xv) 20
- (xxviii) "prescribe" means prescribe by regulation in terms of section 100 and "prescribed" has a corresponding meaning; (xxvi)
- (xix) "prescribed manner" includes any prescribed requirement as to time, process or form; (xxvii)
- (xx) "presiding officer" means a person appointed in terms of section 72; (xxviii) 25
- (xxi) "registered party" means a party registered in terms of section 15 of the Electoral Commission Act; (iv)
- (xxii) "security services" means the services as defined in section 199 of the Constitution; (xxi)
- (xxiii) "serve" means to send by registered post, telegram, telex or telefax or to deliver by hand; (iii) 30
- (xxiv) "this Act" includes any regulations made in terms of section 100; (v)
- (xxv) "voter" means a South African citizen—
 (a) who is 18 years old or older; and
 (b) whose name appears on the voters' roll; (ix) 35
- (xxvi) "voters' roll" means the national common voters' roll compiled in terms of section 5; (x)
- (xxvii) "voting district" means a voting district established in terms of section 60; (xvii)
- (xxviii) "voting officer" means a person appointed in terms of section 74; (xvi) 40
- (xxix) "voting station" means any voting station established in terms of section 64. (xviii)

Interpretation of this Act

2. Every person interpreting or applying this Act must—
 (a) do so in a manner that gives effect to the constitutional declarations, guarantees and responsibilities contained in the Constitution; and 45
 (b) take into account any appropriate Code.

Application of this Act

3. This Act applies to every—
 (a) election of the National Assembly; 50
 (b) election of a provincial legislature; and
 (c) election of a municipal council or a by-election for such council.

Administration of this Act

4. The Commission must administer this Act.

- (viii) "kandidaatlys" 'n kandidaatlys in artikel 27 na verwys; (xiii)
- (ix) "kieser" 'n Suid-Afrikaanse burger—
 (a) wat 18 jaar oud of ouer is; en
 (b) wie se naam op die kieserslys verskyn; (xxv)
- 5 (x) "kieserslys" die nasionale gemeenskaplike kieserslys opgestel ingevolge artikel 5; (xxvi)
- (xi) "Kode" 'n Kode deur die Kommissie kragtens artikel 99 uitgereik, en ook die Verkiesingsgedragskode; (iii)
- (xii) "Kommissie" die Verkiesingskommissie, deur artikel 3 van die Wet op die
 10 Verkiesingskommissie ingestel; (iv)
- (xiii) "munisipale raad" 'n munisipale raad in Hoofstuk 7 van die Grondwet na verwys; (xiv)
- (xiv) "party-skakelkomitee" 'n komitee ingestel ingevolge die Regulasies op Party-skakelkomitees uitgevaardig ingevolge die Wet op die Verkiesingskommissie; (xvi)
- 15 (xv) "politieke amp", met betrekking tot 'n geregistreerde party, enige amp in die party waarin 'n verteenwoordiger vir die party verkies of benoem word, hetsy vergoeding betrokke is of nie, of enige ander betaalde amp in die party waarin 'n persoon aangestel word; (xvii)
- 20 (xvi) "stembeampte" 'n persoon ingevolge artikel 74 aangestel; (xxviii)
- (xvii) "stemdistrik" 'n stemdistrik ingevolge artikel 60 bepaal; (xxvii)
- (xviii) "stemlokaal" enige stemlokaal ingevolge artikel 64 ingestel; (xxix)
- (xix) "telbeampte" 'n persoon ingevolge artikel 76 aangestel; (vi)
- (xx) "teller" 'n persoon ingevolge artikel 78 aangestel; (v)
- 25 (xxi) "veiligheidsdienste" die dienste soos omskryf in artikel 199 van die Grondwet; (xxii)
- (xxii) "verkiesing"—
 (a) 'n verkiesing van die Nasionale Vergadering;
 (b) 'n verkiesing van 'n provinsiale wetgewer; of
 30 (c) 'n verkiesing van 'n munisipale raad of 'n tussenverkiesing vir 'n munisipale raad; (vii)
- (xxiii) "Verkiesingsgedragskode" die Kode in Bylae 2 vervat; (ix)
- (xxiv) "Verkiesingshof" die Hof deur artikel 18 van die Wet op die Verkiesingskommissie ingestel; (xi)
- 35 (xxv) "verkiesingstydrooster" 'n tydrooster vir 'n verkiesing deur die Kommissie ingevolge artikel 20 gepubliseer; (viii)
- (xxvi) "voorskryf" by regulasie ingevolge artikel 100 voorskryf, en het "voorgeskrewe" 'n ooreenstemmende betekenis; (xviii)
- (xxvii) "voorgeskrewe wyse" ook enige voorgeskrewe vereiste wat betref tyd, proses of vorm; (xix)
- 40 (xxviii) "voorsittende beampte" 'n persoon ingevolge artikel 72 aangestel; (xx)
- (xxix) "Wet op die Verkiesingskommissie" die Wet op die Verkiesingskommissie, 1996 (Wet No. 51 van 1996). (x)

Uitleg van hierdie Wet

- 45 2. Elke persoon wat hierdie Wet uitlê of toepas, moet—
 (a) dit op 'n wyse doen wat gevolg gee aan die grondwetlike verklarings, waarborge en verantwoordelikhede in die Grondwet vervat; en
 (b) enige toepaslike Kode in aanmerking neem.

Toepassing van hierdie Wet

- 50 3. Hierdie Wet is van toepassing op elke—
 (a) verkiesing van die Nasionale Vergadering;
 (b) verkiesing van 'n provinsiale wetgewer; en
 (c) verkiesing van 'n munisipale raad of 'n tussenverkiesing vir so 'n raad.

Uitvoering van hierdie Wet

- 55 4. Die Kommissie moet hierdie Wet uitvoer.

CHAPTER 2

REGISTRATION OF VOTERS, AND VOTERS' ROLL

National common voters' roll

5. The chief electoral officer must compile and maintain a national common voters' roll. 5

Persons who may apply for registration as voter

6. (1) Any South African citizen in possession of an identity document may apply for registration as a voter.

(2) For the purposes of the general registration of voters contemplated in section 14, an identity document includes a temporary certificate in a form which corresponds materially with a form prescribed by the Minister of Home Affairs by notice in the *Government Gazette* and issued by the Director-General of Home Affairs to a South African citizen from particulars contained in the population register and who has applied for an identity document. 10

Applications for registration as voter 15

7. (1) A person applying for registration as a voter must do so—

- (a) in the prescribed manner; and
- (b) only for the voting district in which that person is ordinarily resident.

(2) For the purposes of this section the head office in the Republic of a person referred to in section 33(1)(a)(ii) is regarded as the ordinary place of residence of that person or a member of that person's household. 20

Registration

8. (1) If satisfied that a person's application for registration complies with this Act, the chief electoral officer must register that person as a voter by making the requisite entries in the voters' roll. 25

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

- (a) has applied for registration fraudulently or otherwise than in the prescribed manner;
- (b) is not a South African citizen;
- (c) has been declared by the High Court to be of unsound mind or mentally disordered; 30
- (d) is detained under the Mental Health Act, 1973 (Act No. 18 of 1973); or
- (e) is not ordinarily resident in the voting district for which that person has applied for registration.

(3) A person's name may not be entered in the voters' roll for more than one voting district. 35

Applications to change registration details

9. (1) A registered voter or person who has applied for registration as a voter and whose name or ordinary place of residence has changed, must apply in the prescribed manner to have that change recorded in the voters' roll or in that person's application. 40

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

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

Applications for deregistration as voter 45

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

HOOFSTUK 2

REGISTRASIE VAN KIESERS, EN KIESERSLYS

Nasionale gemeenskaplike kieserslys

5. Die hoofverkiesingsbeampte moet 'n nasionale gemeenskaplike kieserslys opstel
5 en in stand hou.

Persone wat om registrasie as kieser aansoek mag doen

6. (1) Enige Suid-Afrikaanse burger wat 'n identiteitsdokument besit, mag om registrasie as 'n kieser aansoek doen.

(2) Vir die doeleindes van die algemene registrasie van kiesers in artikel 14 beoog, omvat 'n identiteitsdokument ook 'n tydelike sertifikaat in 'n vorm wat wesentlik ooreenkom met die vorm deur die Minister van Binnelandse Sake by kennisgewing in die *Staatskoerant* voorgeskryf en deur die Direkteur-generaal van Binnelandse Sake aan 'n Suid-Afrikaanse burger uitgereik van besonderhede wat in die bevolkingsregister vervat is en wat om 'n identiteitsdokument aansoek gedoen het.

15 Aansoeke om registrasie as kieser

7. (1) 'n Persoon wat aansoek doen om registrasie as 'n kieser moet dit doen—

(a) op die voorgeskrewe wyse; en

(b) slegs vir die stembedstrik waarin daardie persoon gewoonlik woonagtig is.

(2) By die toepassing van hierdie artikel word die hoofkantoor in die Republiek van 'n persoon in artikel 33(1)(a)(ii) na verwys, geag die gewone verblyfplek van daardie persoon of 'n lid van daardie persoon se huishouding te wees.

Registrasie

8. (1) Indien die hoofverkiesingsbeampte tevrede is dat 'n persoon se aansoek om registrasie aan hierdie Wet voldoen, moet die hoofverkiesingsbeampte daardie persoon as 'n kieser registreer deur die nodige inskrywings in die kieserslys te doen.

(2) Die hoofverkiesingsbeampte mag nie 'n persoon as 'n kieser registreer nie indien daardie persoon—

(a) op 'n bedrieglike wyse of andersins as ooreenkomstig die voorgeskrewe wyse om registrasie aansoek gedoen het;

30 (b) nie 'n Suid-Afrikaanse burger is nie;

(c) deur die Hoë Hof geestesversteurd of -gestrem verklaar is;

(d) kragtens die Wet op Geestesgesondheid, 1973 (Wet No. 18 van 1973), aangehou word; of

35 (e) nie gewoonlik woonagtig is in die stembedstrik waarvoor daardie persoon om registrasie aansoek gedoen het nie.

(3) 'n Persoon se naam mag nie in die kieserslys vir meer as een stembedstrik ingeskryf word nie.

Aansoeke om verandering van registrasiebesonderhede

9. (1) 'n Geregistreerde kieser of persoon wat om registrasie as 'n kieser aansoek
40 gedoen het en wie se naam of gewone verblyfplek verander het, moet op die voorgeskrewe wyse aansoek doen om daardie verandering in die kieserslys of daardie persoon se aansoek te laat aanteken.

(2) Niemand hoef aansoek te doen wanneer 'n naamsverandering uit 'n verandering van huwelikstatus voortspruit nie.

45 (3) Indien die hoofverkiesingsbeampte tevrede is dat 'n persoon se aansoek aan hierdie Wet voldoen, moet die hoofverkiesingsbeampte die verandering in die kieserslys of aansoek aanbring.

Aansoeke om skraping van registrasie as kieser

10. (1) 'n Geregistreerde kieser kan op die voorgeskrewe wyse om skraping van
50 registrasie as 'n kieser aansoek doen.

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

Amendments to voters' roll by chief electoral officer

11. (1) The chief electoral officer must—
- (a) change the registration details of a voter, if the chief electoral officer is satisfied that the details of that voter as reflected in the voters' roll are incorrect or have changed; or 5
 - (b) deregister a voter, if the chief electoral officer is satisfied that that voter does not qualify or no longer qualifies for registration.
- (2) The chief electoral officer must record in the voters' roll or a person's application any change in voting district for which a person is registered as a voter or has applied for registration, if that person's place of ordinary residence after a change in the boundaries of that voting district falls in another voting district. 10

Notification by chief electoral officer

12. (1) The chief electoral officer must notify, in the prescribed manner, a person— 15
- (a) whose application in terms of section 7 for registration as a voter has been refused;
 - (b) whose application in terms of section 9 to have a change of name or ordinary place of residence recorded, has been refused;
 - (c) who has been deregistered as a voter in terms of section 11; or 20
 - (d) whose registration details have been changed in terms of section 11.
- (2) The notification must give reasons for the refusal or step concerned.

Appeal against decisions and steps of chief electoral officer

13. (1) A person mentioned in section 12(1) who feels aggrieved by a decision or step taken by the chief electoral officer in terms of section 8, 9 or 11, may appeal to the Commission against that decision or step in the prescribed manner. 25
- (2) The Commission, in the prescribed manner, must consider and decide the appeal and notify the appellant and chief electoral officer of the decision.
- (3) No appeal may be brought against the decision of the Commission, subject to section 20(2)(a) of the Electoral Commission Act. 30

General registration of voters

14. (1) The Commission must, for the compilation of the voters' roll contemplated in section 5, conduct a general registration of voters.
- (2) The Commission may prescribe cut-off dates in respect of the general registration of voters and the compilation of the voters' roll, including the date by which— 35
- (a) any person who wants to be included in the voters' roll must have applied for registration as a voter in terms of section 7 or for the change of registration details in terms of section 9;
 - (b) the chief electoral officer must notify a person in terms of section 12;
 - (c) an appellant must note an appeal in terms of section 13; 40
 - (d) the Commission must consider and decide the appeal and notify the appellant and the chief electoral officer of the decision;
 - (e) the chief electoral officer must give notice of the periods during which and the venues where a provisionally compiled voters' roll will be available for inspection; 45
 - (f) any objections in terms of section 15 in respect of a provisionally compiled voters' roll must be made;
 - (g) the Commission must decide an objection made in terms of section 15 and notify the objector and the chief electoral officer and a person other than the objector whose name or registration details are involved; and 50
 - (h) the chief electoral officer must complete the compilation of the voters' roll and publish it.

(2) By ontvangs van 'n aansoek om skraping van 'n registrasie as kieser, moet die hoofverkiesingsbeampte die aansoeker se naam uit die kieserslys verwyder.

Wysigings aan kieserslys deur hoofverkiesingsbeampte

11. (1) Die hoofverkiesingsbeampte moet—
- 5 (a) die registrasiebesonderhede van 'n kieser verander, indien die hoofverkiesingsbeampte tevrede is dat die besonderhede van daardie kieser soos in die kieserslys weergegee, nie korrek is nie of verander het; of
- (b) die registrasie van 'n kieser skrap, indien die hoofverkiesingsbeampte tevrede is dat daardie kieser nie of nie meer vir registrasie kwalifiseer nie.
- 10 (2) Die hoofverkiesingsbeampte moet in die kieserslys of 'n persoon se aansoek enige verandering in 'n stembedstrik waarvoor 'n persoon as kieser geregistreer is of om registrasie aansoek gedoen het, aanbring indien daardie persoon se gewone verblyfplek na 'n verandering van grense van daardie stembedstrik in 'n ander stembedstrik val.

Kennisgewing deur hoofverkiesingsbeampte

- 15 12. (1) Die hoofverkiesingsbeampte moet op die voorgeskrewe wyse aan 'n persoon kennis gee—
- (a) wie se aansoek ingevolge artikel 7 om registrasie as 'n kieser geweier is;
- (b) wie se aansoek ingevolge artikel 9 om 'n verandering van naam of gewone verblyfplek te laat aanteken, geweier is;
- 20 (c) wie se registrasie ingevolge artikel 11 geskrap is; of
- (d) wie se registrasiebesonderhede ingevolge artikel 11 verander is.
- (2) Die kennisgewing moet die redes vir die betrokke weiering of stap gee.

Appèl teen beslissings en stappe van hoofverkiesingsbeampte

13. (1) 'n Persoon in artikel 12(1) genoem wat verontreg voel deur 'n beslissing of
- 25 stap van die hoofverkiesingsbeampte ingevolge artikel 8, 9 of 11, kan op die voorgeskrewe wyse teen daardie beslissing of stap na die Kommissie appelleer.
- (2) Die Kommissie moet op die voorgeskrewe wyse die appèl oorweeg en beslis, en die appellan en die hoofverkiesingsbeampte van die beslissing in kennis stel.
- (3) Geen appèl kan teen die beslissing van die Kommissie aangeteken word nie,
- 30 behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie.

Algemene registrasie van kiesers

14. (1) Die Kommissie moet, vir die opstel van die kieserslys in artikel 5 beoog, 'n algemene registrasie van kiesers hou.
- (2) Die Kommissie kan sperdatums ten opsigte van die algemene registrasie van
- 35 kiesers en die opstel van die kieserslys voorskryf, met inbegrip van die datum waarteen—
- (a) 'n persoon wat in die kieserslys opgeneem wil word, aansoek moes gedoen het om registrasie as 'n kieser ingevolge artikel 7 of om verandering van registrasiebesonderhede ingevolge artikel 9;
- 40 (b) die hoofverkiesingsbeampte iemand ingevolge artikel 12 kennis moet gee;
- (c) 'n appellan 'n appèl ingevolge artikel 13 moet aanteken;
- (d) die Kommissie die appèl moet oorweeg en beslis en die appellan en die hoofverkiesingsbeampte van die beslissing in kennis moet stel;
- 45 (e) die hoofverkiesingsbeampte kennis moet gee van die tydperke waartydens en die plekke waar 'n voorlopige opgestelde kieserslys ter insae beskikbaar sal wees;
- (f) enige besware ingevolge artikel 15 ten opsigte van 'n voorlopige opgestelde kieserslys aangeteken moet word;
- (g) die Kommissie 'n beswaar ingevolge artikel 15 aangeteken, moet beslis en
- 50 die beswaarmaker en die hoofverkiesingsbeampte en 'n ander persoon as die beswaarmaker wie se naam of registrasiebesonderhede betrokke is, in kennis moet stel; en
- (h) die hoofverkiesingsbeampte die opstel van die kieserslys moet voltooi en dit moet publiseer.

Objections to voters' roll

15. (1) In relation to any segment of the voters' roll or a provisionally compiled voters' roll, any person may object to the Commission in the prescribed manner to—
- (a) the exclusion of any person's name from that segment;
 - (b) the inclusion of any person's name in that segment; or
 - (c) the correctness of any person's registration details in that segment.
- (2) A person who objects to the exclusion or inclusion of the name of another person, or to the correctness of that person's registration details, must serve notice of the objection on that person.
- (3) The Commission must decide an objection and, except for an objection in relation to a provisionally compiled voters' roll, by not later than 14 days after the objection was made, notify the following persons of the decision:
- (a) The person who made the objection;
 - (b) the chief electoral officer; and
 - (c) in the case of an objection against the exclusion or inclusion of the name, or the correctness of the registration details, of a person other than the objector, that other person.
- (4) The chief electoral officer must give effect to a decision of the Commission in terms of subsection (3) within three days.
- (5) No appeal may be brought against the Commission's decision, subject to section 20(2)(a) of the Electoral Commission Act.

Publication and copies of voters' roll

16. (1) A copy of the voters' roll as it exists at any time must be available for inspection during office hours at the Commission's head office, and the provincial and municipal segments of the voters' roll must be available for inspection at the times and venues mentioned in a notice published by the chief electoral officer in the *Government Gazette*.
- (2) The chief electoral officer must provide a certified copy of, or extract from, a segment of the voters' roll as it exists at that time, to any person who has paid the prescribed fee.

CHAPTER 3**PROCLAMATION OF AND PREPARATIONS FOR ELECTIONS***Part 1: Proclamation of elections***Proclamation of elections of National Assembly**

17. (1) Whenever the President or Acting President calls an election of the National Assembly the proclamation concerned must set a single day and date for voting.
- (2) The voting day must be determined after consultation with the Commission.

Proclamation of elections of provincial legislatures

18. (1) Whenever the President or the Premier or Acting Premier of a province calls an election of the provincial legislature the proclamation concerned must set a single day and date for voting.
- (2) The voting day must be determined after consultation with the Commission.

Proclamation of municipal elections

19. Municipal elections must be called in accordance with Chapter 7 of the Constitution and national or provincial legislation thereunder.

Besware teen kieserslys

15. (1) Enige persoon kan, met betrekking tot enige segment van die kieserslys of 'n voorlopige opgestelde kieserslys, op die voorgeskrewe wyse beswaar by die Kommissie aanteken oor—

- 5 (a) die uitsluiting van enige persoon se naam uit daardie segment;
 (b) die insluiting van enige persoon se naam in daardie segment; of
 (c) die korrektheid van enige persoon se registrasiebesonderhede in daardie segment.

(2) 'n Persoon wat beswaar aanteken teen die uitsluiting of insluiting van 'n ander
 10 persoon se naam, of teen die korrektheid van daardie persoon se registrasiebesonderhede, moet kennis van die beswaar aan daardie persoon beteken.

(3) Die Kommissie moet 'n beswaar beslis en, behalwe vir 'n beswaar met betrekking tot 'n voorlopige opgestelde kieserslys, teen nie later nie as 14 dae nadat die beswaar aangeteken is, die volgende persone van die beslissing in kennis stel:

- 15 (a) Die persoon wat die beswaar aangeteken het;
 (b) die hoofverkiesingsbeampte; en
 (c) in die geval van 'n beswaar teen die uitsluiting of insluiting van die naam, of die korrektheid van die registrasiebesonderhede, van 'n ander persoon as die beswaarmaker, daardie ander persoon.

20 (4) Die hoofverkiesingsbeampte moet binne drie dae uitvoering gee aan 'n beslissing van die Kommissie ingevolge subartikel (3).

(5) Geen appèl kan teen die beslissing van die Kommissie aangeteken word nie, behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie.

Publisering en afskrifte van kieserslys

25 16. (1) 'n Afskrif van die kieserslys soos dit te eniger tyd bestaan, moet gedurende kantoorure ter insae beskikbaar wees by die hoofkantoor van die Kommissie, en die provinsiale en munisipale segmente van die kieserslys moet ter insae beskikbaar wees op die tye en by die plekke vermeld in 'n kennisgewing deur die hoofverkiesingsbeampte in die *Staatskoerant* gepubliseer.

30 (2) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit, 'n segment van die kieserslys soos dit op daardie tyd bestaan, aan enige persoon verskaf wat die voorgeskrewe bedrag betaal het.

HOOFSTUK 3**AFKONDIGING VAN EN VOORBEREIDINGS VIR VERKIESINGS**35 **Deel 1: Afkondiging van verkiesings****Afkondiging van verkiesings van Nasionale Vergadering**

17. (1) Wanneer ook al die President of Waarnemende President 'n verkiesing van die Nasionale Vergadering uitskryf, moet die betrokke proklamasie 'n enkele dag en datum vir die stemming vasstel.

40 (2) Die stemdag moet na oorleg met die Kommissie vasgestel word.

Afkondiging van verkiesings van provinsiale wetgewers

18. (1) Wanneer ook al die President of die Premier of Waarnemende Premier van 'n provinsie 'n verkiesing van die provinsiale wetgewer uitskryf, moet die betrokke proklamasie 'n enkele dag en datum vir die stemming vasstel.

45 (2) Die stemdag moet na oorleg met die Kommissie vasgestel word.

Afkondiging van munisipale verkiesings

19. Munisipale verkiesings moet ooreenkomstig Hoofstuk 7 van die Grondwet en nasionale en provinsiale wetgewing daarkragtens uitgeskryf word.

Election timetables

20. (1) The Commission must after consultation with the party national liaison committee—
- (a) compile an election timetable for each election substantially in accordance with Schedule 1; and 5
 - (b) publish the election timetable in the *Government Gazette*.
- (2) The Commission may amend the election timetable by notice in the *Government Gazette*—
- (a) if it considers it necessary for a free and fair election; or
 - (b) if the voting day is postponed in terms of section 21. 10

General postponement of elections

21. (1) The Commission may request the person who called an election to postpone the voting day for that election, provided the Commission is satisfied that—
- (a) the postponement is necessary for ensuring a free and fair election; and
 - (b) the voting day for the election will still fall within the period as required by the Constitution or national or provincial legislation thereunder. 15
- (2) If the person to whom the request is made accedes to the request, that person, by proclamation or notice in the *Government Gazette*, must postpone the voting day for the election to a day determined by that person, but that day must fall within the period referred to in subsection (1)(b). 20

Postponement of voting at voting station

22. (1) If it is not reasonably possible to conduct a free and fair election at a voting station on the proclaimed voting day, the Commission may at any time before the voting at a voting station has commenced, postpone voting at that voting station.
- (2) A postponement in terms of subsection (1) must be— 25
- (a) effected in the prescribed manner;
 - (b) to a day that would still fall within the period referred to in section 21(1)(b); and
 - (c) publicised in the media considered appropriate so as to ensure wide publicity of the postponement of the voting day at that voting station. 30

Revote at voting station

23. (1) If ballot papers used in an election at a voting station are lost, destroyed or unlawfully removed before the votes cast at the voting station have been counted or the provisional result for that voting station has been determined and announced, the Commission may allow a revote at that voting station. 35
- (2) A revote at a voting station must be—
- (a) conducted on a date that would still fall within the period referred to in section 21(1)(b);
 - (b) publicised in the media considered appropriate so as to ensure wide publicity of the date determined for the revote; and 40
 - (c) conducted in accordance with a procedure prescribed by the Commission which is consistent with the principles provided for in Chapter 4. 45

Part 2: Voters' roll**Voters' roll for election**

24. (1) The voters' roll, or the segments of the voters' roll that must be used for an election, are those as they exist on the day the election is proclaimed. 45
- (2) By not later than the relevant date stated in the election time table, the chief electoral officer must certify the voters' roll or the segments of the voters' roll to be used in that election and publish it by making it available for inspection at the following venues: 50

Verkiepingstydroosters

20. (1) Die Kommissie moet na oorleg met die party nasionale skakelkomitee—
 (a) vir elke verkiesing 'n verkiesingstydrooster opstel, wat wesentlik in ooreenstemming met Bylae 1 moet wees; en
 5 (b) die verkiesingstydrooster in die *Staatskoerant* publiseer.
 (2) Die Kommissie kan die verkiesingstydrooster by kennisgewing in die *Staatskoerant* wysig—
 (a) indien hy dit vir 'n vrye en regverdigde verkiesing noodsaaklik ag; of
 (b) indien die stembag ingevolge artikel 21 uitgestel word.

10 Algemene uitstel van verkiesings

21. (1) Die Kommissie kan die persoon wat 'n verkiesing uitgeskryf het, versoek om die stembag vir daardie verkiesing uit te stel mits die Kommissie tevrede is dat—
 (a) die uitstel noodsaaklik is om 'n vrye en regverdigde verkiesing te verseker; en
 15 (b) die stembag vir die verkiesing steeds binne die tydperk soos vereis deur die Grondwet of nasionale of provinsiale wetgewing daarkragtens, sal val.
 (2) Indien die persoon aan wie die versoek gerig word, tot die versoek instem, moet daardie persoon, by proklamasie of kennisgewing in die *Staatskoerant*, die stembag vir die verkiesing uitstel tot 'n dag deur daardie persoon bepaal, maar daardie dag moet binne die tydperk bedoel in subartikel (1)(b) val.

20 Uitstel van stemming by stemlokaal

22. (1) Indien dit nie redelikerwys moontlik is om 'n vrye en regverdigde verkiesing by 'n stemlokaal op die afgekondigde stembag te hou nie, kan die Kommissie te eniger tyd voordat die stemming by 'n stemlokaal begin het, die stemming by daardie stemlokaal uitstel.
 25 (2) 'n Uitstel ingevolge subartikel (1) moet—
 (a) op die voorgeskrewe wyse geskied;
 (b) tot 'n dag wees wat steeds binne die tydperk bedoel in artikel 21(1)(b) sal val; en
 30 (c) publisiteit in die media wat as toepaslik beskou word, gegee word om wye bekendmaking van die uitstel van die stembag by daardie stemlokaal te verseker.

Herstemming by stemlokaal

23. (1) Indien stembriewe wat tydens 'n verkiesing by 'n stemlokaal gebruik is, verlore raak, vernietig word of wederregtelik verwyder word voordat die stemme getel
 35 is wat by die stemlokaal uitgebring is, of die voorlopige uitslag vir daardie stemlokaal bepaal en aangekondig is, kan die Kommissie 'n herstemming by daardie stemlokaal toelaat.
 (2) 'n Herstemming by 'n stemlokaal moet—
 40 (a) gehou word op 'n datum wat steeds binne die tydperk bedoel in artikel 21(1)(b) sal val;
 (b) publisiteit in die media gegee word wat as toepaslik beskou word om wye bekendmaking van die datum vasgestel vir die herstemming te verseker; en
 (c) gehou word ooreenkomstig 'n prosedure deur die Kommissie voorgeskryf wat bestaanbaar is met die beginsels waarvoor Hoofstuk 4 voorsiening maak.

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Deel 2: Kieserslys**Kieserslys vir verkiesing**

24. (1) Die kieserslys, of die segmente van die kieserslys wat vir 'n verkiesing gebruik moet word, is daardie soos hulle bestaan op die dag waarop die verkiesing afgekondig word.
 50 (2) Teen nie later nie as die tersaaklike datum vermeld in die verkiesingstydrooster, moet die hoofverkiesingsbeampte die kieserslys of die segmente van die kieserslys wat in daardie verkiesing gebruik gaan word, sertifiseer en dit publiseer deur dit by die volgende plekke vir insae beskikbaar te stel:

- (a) At the Commission's head office, the segments for all voting districts in which the election will take place;
- (b) in each province, at the office of the Commission's provincial representative, the segments for all voting districts in the province in which the election will take place; and 5
- (c) at the office of each municipality, the segments for all voting districts in that municipality in which the election will take place.

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

25. (1) Section 24 does not apply in respect of the first election of the National Assembly and the first election of a provincial legislature referred to in items 6(3)(a) and 11(1)(a) of Schedule 6 to the Constitution, respectively. 10

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

Part 3: Parties contesting election, and lists of candidates 15

Requirements for parties to contest election

26. A party may contest an election only if that party—
- (a) is a registered party; and
 - (b) has submitted a list of candidates in terms of section 27.

Submission of lists of candidates 20

27. (1) A registered party intending to contest an election must nominate candidates and submit a list or lists of those candidates for that election to the chief electoral officer in the prescribed manner by not later than the relevant date stated in the election timetable.

- (2) The list or lists must be accompanied by a prescribed— 25
- (a) undertaking, signed by the duly authorised representative of the party, binding the party, persons holding political office in the party, and its representatives and members, to the Code;
 - (b) declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution; 30
 - (c) acceptance of nomination, signed by each candidate;
 - (d) undertaking signed by each candidate, that that candidate will be bound by the Code; and 35
 - (e) deposit.

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

(b) The amount to be deposited by a registered party contesting an election of a provincial legislature, must be less than the amount for contesting an election of the National Assembly. 40

Non-compliance concerning submission of lists of candidates

28. (1) If a registered party that has submitted a list of candidates has not fully complied with section 27, the chief electoral officer must notify that party of its non-compliance. 45

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

(3) The opportunity provided for in subsection (2) includes an opportunity to substitute a candidate and to re-order the names on that list as a result of that substitution. 50

- (a) By die Kommissie se hoofkantoor, die segmente vir alle stembedistrikte waarin die verkiesing sal plaasvind;
- (b) in elke provinsie, by die kantoor van die Kommissie se provinsiale verteenwoordiger, die segmente vir alle stembedistrikte in die provinsie waarin die verkiesing sal plaasvind; en
- (c) by die kantoor van elke munisipaliteit, die segmente vir alle stembedistrikte in daardie munisipaliteit waarin die verkiesing sal plaasvind.

Kieserslys vir eerste verkiesings van Nasionale Vergadering en provinsiale wetgewers

25. (1) Artikel 24 is nie van toepassing nie op die eerste verkiesing van die Nasionale Vergadering en die eerste verkiesing van 'n provinsiale wetgewer waarna onderskeidelik in items 6(3)(a) en 11(1)(a) van Bylae 6 by die Grondwet verwys word.
- (2) Die kieserslys wat vir die verkiesings waarna verwys word in subartikel (1) gebruik moet word, is die kieserslys wat deur die hoofverkiesingsbeampte ingevolge artikel 5 opgestel en deur daardie beampte teen die datum waarna in artikel 14(2)(h) verwys word, gepubliseer is.

Deel 3: Partye wat aan verkiesing deelneem, en kandidaatlyste

Vereistes vir partye om aan verkiesing deel te neem

26. 'n Party kan aan 'n verkiesing deelneem slegs indien daardie party—
- (a) 'n geregistreerde party is; en
- (b) ingevolge artikel 27 'n kandidaatlys ingedien het.

Indiening van kandidaatlyste

27. (1) 'n Geregistreerde party wat voornemens is om aan 'n verkiesing deel te neem, moet vir daardie verkiesing kandidate benoem en 'n lys of lysie van daardie kandidate vir daardie verkiesing by die hoofverkiesingsbeampte indien teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld.
- (2) Die lys of lysie moet vergesel wees van 'n voorgeskrewe—
- (a) onderneming, onderteken deur die behoorlik gemagtigde verteenwoordiger van die party, wat die party, persone wat 'n politieke amp in die party beklee, en sy verteenwoordigers en lede, tot die Kode verbind;
- (b) verklaring, onderteken deur die behoorlik gemagtigde verteenwoordiger van die party, dat elke kandidaat op die lys ingevolge die Grondwet of nasionale of provinsiale wetgewing kragtens Hoofstuk 7 van die Grondwet bevoeg is om 'n kandidaat in die verkiesing te wees;
- (c) aanvaarding van benoeming, deur elke kandidaat onderteken;
- (d) onderneming deur elke kandidaat onderteken, dat daardie kandidaat deur die Kode gebind sal wees; en
- (e) deposito.
- (3) (a) Die Kommissie kan die bedrag voorskryf wat ingevolge subartikel (2)(e) gedeponeer moet word.
- (b) Die bedrag wat gedeponeer moet word deur 'n geregistreerde party wat aan 'n verkiesing van 'n provinsiale wetgewer deelneem, moet minder wees as die bedrag om aan 'n verkiesing van die Nasionale Vergadering deel te neem.

Nie-voldoening aangaande indiening van kandidaatlyste

28. (1) Indien 'n geregistreerde party wat 'n kandidaatlys ingedien het, nie ten volle aan artikel 27 voldoen het nie, moet die hoofverkiesingsbeampte daardie party van sy nie-voldoening in kennis stel.
- (2) Kennis moet op die voorgeskrewe wyse gegee word teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, en moet aantoon dat die party 'n geleentheid het om teen nie later nie as die tersaaklike datum in die verkiesingstyd-rooster vermeld, aan artikel 27 te voldoen.
- (3) Die geleentheid waarvoor subartikel (2) voorsiening maak, sluit 'n geleentheid in om 'n kandidaat te vervang en die name op die lys as gevolg van daardie vervanging te herrangskik.

Inspection of copies of lists of candidates and accompanying documents

29. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must give notice that copies of the lists of candidates and accompanying documents submitted by registered parties in terms of section 27, as amended and supplemented in terms of section 28, will be available for inspection. 5
- (2) The notice must be—
- (a) published in the *Government Gazette*; and
 - (b) publicised in the media considered appropriate by the chief electoral officer so as to ensure wide publicity of the lists.
- (3) The notice must state, and the chief electoral officer must ensure, that for the relevant period stated in the election timetable— 10
- (a) copies of the lists for—
 - (i) an election of the National Assembly, will be available for inspection at the Commission's head office, a place in each province designated in the notice and the office of each municipality in the country; and 15
 - (ii) an election of a provincial legislature, will be available for inspection at the Commission's head office, a place in the province designated in the notice and the office of each municipality in that province; and
 - (b) copies of the documents accompanying the lists are available for inspection at the Commission's head office. 20
- (4) Any person may inspect a copy of a list of candidates and accompanying documents referred to in subsection (1).
- (5) The chief electoral officer must provide a certified copy of, or extract from, a list of candidates or document referred to in subsection (1), to any person who has paid the prescribed fee. 25

Objections to lists of candidates

30. (1) Any person, including the chief electoral officer, may object to the nomination of a candidate on the following grounds:
- (a) The candidate is not qualified to stand in the election;
 - (b) there is no prescribed acceptance of nomination signed by the candidate; or 30
 - (c) there is no prescribed undertaking, signed by the candidate, that the candidate is bound by the Code.
- (2) The objection must be made to the Commission in the prescribed manner by not later than the relevant date stated in the election timetable, and must be served on the registered party that nominated the candidate. 35
- (3) The Commission must decide the objection, and must notify the objector and the registered party that nominated the candidate of the decision in the prescribed manner by not later than the relevant date stated in the election timetable.
- (4) The objector, or the registered party who nominated the candidate, may appeal against the decision of the Commission to the Electoral Court in the prescribed manner and by not later than the relevant date stated in the election timetable. 40
- (5) The Electoral Court must consider and decide the appeal and notify the parties to the appeal and the chief electoral officer of the decision in the prescribed manner and by not later than the relevant date stated in the election timetable.
- (6) If the Commission or the Electoral Court decides that a candidate's nomination does not comply with section 27, the Commission or the Electoral Court may allow the registered party an opportunity to comply with that section, including an opportunity to substitute a candidate and to re-order the names on the list as a result of that substitution. 45

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

31. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must— 50

Insaë in afskrifte van kandidaatlyste en bygaande dokumente

29. (1) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, kennis gee dat afskrifte van die kandidaatlyste en bygaande dokumente wat ingevolge artikel 27 deur geregistreeerde partye ingedien is, soos gewysig en aangevul ingevolge artikel 28, vir insaë beskikbaar sal wees.
- (2) Die kennisgewing moet—
- (a) in die *Staatskoerant* gepubliseer word; en
- (b) in die media wat die hoofverkiesingsbeampte as toepaslik beskou, publisiteit gegee word ten einde wye bekendmaking van die lys te verseker.
- (3) Die kennisgewing moet vermeld, en die hoofverkiesingsbeampte moet toesien, dat daar vir die tersaaklike tydperk in die verkiesingstydrooster vermeld—
- (a) afskrifte van die lys vir—
- (i) 'n verkiesing van die Nasionale Vergadering, by die Kommissie se hoofkantoor, 'n plek in elke provinsie in die kennisgewing aangedui, en die kantoor van elke munisipaliteit in die land, vir insaë beskikbaar sal wees; en
- (ii) 'n verkiesing van 'n provinsiale wetgewer, by die Kommissie se hoofkantoor, 'n plek in die provinsie in die kennisgewing aangedui, en die kantoor van elke munisipaliteit in daardie provinsie, vir insaë beskikbaar sal wees; en
- (b) afskrifte van die dokumente wat die lys vergesel het, vir insaë by die Kommissie se hoofkantoor beskikbaar sal wees.
- (4) Enige persoon mag insaë verkry in 'n afskrif van 'n kandidaatlys asook die bygaande dokumente waarna in subartikel (1) verwys word.
- (5) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit, 'n kandidaatlys of dokument waarna in subartikel (1) verwys word, verskaf aan enige persoon wat die voorgeskrewe bedrag betaal het.

Besware teen kandidaatlyste

30. (1) Enige persoon, met inbegrip van die hoofverkiesingsbeampte, kan op die volgende gronde teen die benoeming van 'n kandidaat beswaar maak:
- (a) Die kandidaat is nie bevoeg om in die verkiesing te staan nie;
- (b) daar is geen voorgeskrewe aanname van benoeming onderteken deur die kandidaat nie; of
- (c) daar is geen voorgeskrewe onderneming onderteken deur die kandidaat dat die kandidaat deur die Kode gebind is nie.
- (2) Beswaar moet op die voorgeskrewe wyse teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, by die Kommissie aangeteken word, en moet beteken word op die geregistreeerde party wat die kandidaat benoem het.
- (3) Die Kommissie moet die beswaar beslis, en moet die beswaarmaker en die geregistreeerde party wat die kandidaat benoem het, op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, van die beslissing in kennis stel.
- (4) Die beswaarmaker, of die geregistreeerde party wat die kandidaat benoem het, kan op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, teen die beslissing van die Kommissie na die Verkiesingshof appelleer.
- (5) Die Verkiesingshof moet die appèl oorweeg en beslis, en die partye by die appèl, asook die hoofverkiesingsbeampte, op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, van die beslissing in kennis stel.
- (6) Indien die Kommissie of die Verkiesingshof beslis dat 'n kandidaat se benoeming nie aan artikel 27 voldoen nie, kan die Kommissie of die Verkiesingshof die geregistreeerde party 'n geleentheid bied om aan daardie artikel te voldoen, met inbegrip van 'n geleentheid om 'n kandidaat te vervang en die name op die lys te herrangskik as gevolg van daardie vervanging.

Lys van partye geregtig om aan verkiesing deel te neem en finale kandidaatlyste

31. (1) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld—

- (a) give effect to a decision of the Commission in terms of section 30(3) and to a decision of the Electoral Court in terms of section 30(5); and
- (b) compile a list of the registered parties entitled to contest the election concerned and have the final list of candidates for each of those parties available.

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

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

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Part 4: Municipal councils

Further regulating of elections of municipal councils

32. Whenever it may be necessary to further regulate elections of or by-elections for municipal councils the Commission may, subject to the provisions of Chapter 7 of the Constitution and of national or provincial legislation under that Chapter, make regulations regarding—

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- (a) the calling of municipal elections;
- (b) election time-tables;
- (c) party lists of candidates;
- (d) candidates contesting elections of or by-elections for municipal councils, the payment of deposits by candidates, the return or forfeiture thereof, the inspection of lists of candidates and objections to candidates;
- (e) the postponement of voting at a voting station;
- (f) voting procedures;
- (g) counting of votes and objections material to final results of elections;
- (h) the appointment of candidate agents; and
- (i) generally, any other matter which is necessary or expedient to be prescribed in order to achieve the objects of this Act and of Chapter 7 of the Constitution or national or provincial legislature thereunder.

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Part 5: Special votes and declaration votes

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Special votes

33. (1) The Commission—

- (a) must allow a person to apply for a special vote if that person cannot vote at a voting station in the voting district in which the person is registered as a voter, due to that person's—
 - (i) physical infirmity or disability, or pregnancy;
 - (ii) absence from the Republic on Government service or membership of the household of the person so being absent; or
 - (iii) absence from that voting district while serving as an officer in the election concerned, or while on duty as a member of the security services in connection with the election;
- (b) may prescribe other categories of persons who may apply for special votes.

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(2) The Commission must prescribe—

- (a) the procedure for applying for special votes; and
- (b) procedures, consistent in principle with Chapter 4, for the casting and counting of special votes.

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Declaration votes

34. The Commission may prescribe—

- (a) circumstances in and conditions on which a person who is unavoidably and

- (a) uitvoering gee aan 'n beslissing van die Kommissie ingevolge artikel 30(3) en aan 'n beslissing van die Verkiesingshof ingevolge artikel 30(5); en
- (b) 'n lys van die geregistreerde partye wat geregtig is om aan die betrokke verkiesing deel te neem, opstel en die finale kandidaatlys van elk van daardie partye beskikbaar hê.
- 5 (2) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit, 'n lys in subartikel (1)(b) genoem aan enige persoon verskaf wat die voorgeskrewe bedrag betaal het.
- 10 (3) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, aan elke kandidaat op 'n finale kandidaatlys vir 'n verkiesing, 'n sertifikaat uitreik wat verklaar dat die persoon 'n kandidaat in daardie verkiesing is.

Deel 4: Munisipale rade

Verdere reëling van verkiesings van munisipale rade

- 15 32. Wanneer ook al dit noodsaaklik is om verkiesings van of tussenverkiesings vir munisipale rade verder te reël, kan die Kommissie, behoudens die bepalings van Hoofstuk 7 van die Grondwet en van nasionale of provinsiale wetgewing kragtens daardie Hoofstuk, regulasies uitvaardig in verband met—
- 20 (a) die uitskrif van munisipale verkiesings;
- (b) verkiesingstydroosters;
- (c) partylyste van kandidate;
- (d) kandidate wat aan verkiesings van of tussenverkiesings vir munisipale rade deelneem, die betaling van deposito's deur kandidate, die teruggawe of verbeuring daarvan, die insae van kandidaatlyste en besware teen kandidate;
- 25 (e) die uitstel van stemming by 'n stemlokaal;
- (f) stemprosedures;
- (g) tel van stemme en besware wesentlik tot die finale uitslae van verkiesings;
- (h) die aanstelling van kandidaat-agente; en
- 30 (i) in die algemeen, enige ander aangeleentheid wat noodsaaklik of dienstig is om voorgeskryf te word ten einde die oogmerke van hierdie Wet en van Hoofstuk 7 van die Grondwet of nasionale of provinsiale wetgewing daarkragtens, te bereik.

Deel 5: Spesiale stemme en verklaringstemme

Spesiale stemme

- 35 33. (1) Die Kommissie—
- (a) moet 'n persoon toelaat om om 'n spesiale stem aansoek te doen indien daardie persoon nie by 'n stemlokaal in die stembedstrik waarin daardie persoon as 'n kieser geregistreer is, kan stem nie vanweë daardie persoon se—
- 40 (i) fisiese ongesteldheid of gestremdheid, of swangerskap;
- (ii) afwesigheid van die Republiek in Regeringsdiens of lidmaatskap van die huishouding van die aldus afwesige persoon; of
- (iii) afwesigheid van daardie stembedstrik terwyl diens as 'n beampte in die betrokke verkiesing verrig word, of terwyl aan diens as 'n lid van die
- 45 veiligheidsdienste in verband met die verkiesing;
- (b) kan ander kategorieë persone voorskryf wat aansoek om spesiale stemme kan doen.
- (2) Die Kommissie moet—
- (a) die prosedure om om spesiale stemme aansoek te doen, voorskryf; en
- 50 (b) prosedures, in beginsel met Hoofstuk 4 bestaanbaar, voorskryf vir die uitbring en tel van spesiale stemme.

Verklaringstemme

34. Die Kommissie kan—
- (a) die omstandighede voorskryf waarin en voorwaardes waarop 'n persoon wat
- 55 onvermydelik en onvoorsienbaar nie in staat is om in die stembedstrik waarin

unforeseeably unable to vote in the voting district in which that person is registered as a voter, may apply to vote elsewhere;

- (b) the procedure for applying for declaration votes; and
- (c) procedures, consistent in principle with Chapter 4, for the casting and counting of declaration votes. 5

CHAPTER 4

ELECTIONS

Part 1: Voting

Officers at voting stations

35. On voting day each voting station must be staffed by— 10
- (a) the presiding officer appointed for that voting station, who may exercise the powers and must perform the duties assigned to a presiding officer by or under this Act; and
 - (b) the voting officers appointed for that voting station, who may exercise the powers and must perform the duties assigned to a voting officer by or under this Act. 15

Hours of voting

36. (1) By not later than the relevant date stated in the election timetable, the Commission must prescribe the voting hours for an election.
- (2) If it is necessary for ensuring a free and fair election, the Commission may 20 prescribe different voting hours for different voting stations.
- (3) The chief electoral officer must publish the prescribed voting hours in the media considered appropriate so as to ensure wide publicity of those hours.
- (4) A voting station must—
- (a) open for voting at the prescribed time; and 25
 - (b) subject to subsection (7)(b), remain open for voting until the prescribed time, or such later time as the Commission may determine in terms of subsection (7)(a).
- (5) No person may be admitted to a voting station for the purpose of voting after the voting station has closed for voting. 30
- (6) Voting at a voting station must continue until every voter has voted who—
- (a) is entitled to vote at that voting station; and
 - (b) had reported for voting at that voting station at the time prescribed for that voting station to close for voting.
- (7) To ensure a free and fair election, the Commission— 35
- (a) on the voting day, may extend voting hours at a voting station until as late as midnight on that voting day; or
 - (b) may temporarily close a voting station for part of voting day if it is temporarily impossible to conduct a free and fair election at that voting station. 40

Initial procedures

37. Immediately before opening a voting station for voting, the presiding officer must—
- (a) show all agents present that each ballot box to be used at that voting station is empty; and 45
 - (b) in the presence of those agents close and secure the ballot boxes in the prescribed manner.

Voting procedure

38. (1) A voter may only vote once in an election, and may vote only at the voting station in the voting district for which that voter is registered. 50

daardie persoon as 'n kieser geregistreer is, te stem nie, aansoek kan doen om elders te stem;

- (b) die prosedure om om verklaringstemme aansoek te doen, voorskryf; en
 (c) prosedures, in beginsel met Hoofstuk 4 bestaanbaar, voorskryf vir die
 5 uitbring en tel van verklaringstemme.

HOOFSTUK 4

VERKIESINGS

Deel 1: Stemming

Beampes by stemlokale

- 10 35. Op stemdag moet elke stemlokaal beman word deur—
 (a) die voorsittende beampte vir daardie stemlokaal aangestel, wat die bevoegd-
 hede kan uitoefen en die pligte moet verrig wat by of kragtens hierdie Wet
 aan 'n voorsittende beampte opgedra is; en
 15 (b) die stembeampes vir daardie stemlokaal aangestel, wat die bevoegdhede kan
 uitoefen en die pligte moet verrig wat by of kragtens hierdie Wet aan 'n
 stembeampte opgedra is.

Stemure

36. (1) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster
 vermeld, moet die Kommissie die stemure vir 'n verkiesing voorskryf.
 20 (2) Indien dit nodig is ten einde 'n vrye en regverdige verkiesing te verseker, kan die
 Kommissie verskillende stemure vir verskillende stemlokale voorskryf.
 (3) Die hoofverkiesingsbeampte moet die voorgeskrewe stemure in die media wat as
 toepaslik beskou word, publiseer ten einde wye bekendmaking van daardie ure te
 verseker.
 25 (4) 'n Stemlokaal moet—
 (a) vir die uitbring van stemme oopmaak op die voorgeskrewe tyd; en
 (b) behoudens subartikel (7)(b), vir die uitbring van stemme oop bly tot die
 voorgeskrewe tyd, of die later tyd wat die Kommissie ingevolge subartikel
 (7)(a) bepaal.
 30 (5) Geen persoon word in 'n stemlokaal vir die uitbring van 'n stem toegelaat nadat
 die stemlokaal vir die uitbring van stemme gesluit het nie.
 (6) Die uitbring van stemme by 'n stemlokaal moet voortgaan totdat elke kieser
 gestem het wat—
 (a) geregtig is om by daardie stemlokaal te stem; en
 35 (b) by daardie stemlokaal aangemeld het om te stem teen die tyd vir daardie
 stemlokaal voorgeskryf om vir die uitbring van stemme te sluit.
 (7) Ten einde 'n vrye en regverdige verkiesing te verseker, kan die Kommissie—
 (a) op stemdag, die stemure by 'n stemlokaal verleng tot so laat as middernag op
 daardie stemdag; of
 40 (b) 'n stemlokaal tydelik vir 'n deel van stemdag sluit indien dit tydelik
 onmoontlik is om 'n vrye en regverdige verkiesing by daardie stemlokaal te
 hou.

Aanvanklike prosedures

37. Onmiddellik voordat 'n stemlokaal vir die uitbring van stemme oopmaak, moet
 45 die voorsittende beampte—
 (a) aan alle agente wat teenwoordig is, wys dat elke stembus wat by daardie
 stemlokaal gebruik sal word, leeg is; en
 (b) in die teenwoordigheid van daardie agente die stembusse op die
 voorgeskrewe wyse toemaak en beveilig.

50 Stemprosedure

38. (1) 'n Kieser mag slegs een keer in 'n verkiesing stem, en mag slegs stem by die
 stemlokaal in die stemdistrik waarvoor daardie kieser geregistreer is.

- (2) A voter is entitled to vote at a voting station—
- (a) on production of that voter's identity document to the presiding officer or a voting officer at the voting station; and
 - (b) if that voter's name is in the certified segment of the voters' roll for the voting district concerned. 5
- (3) When a voter produces an identity document to a presiding officer or voting officer as required by subsection (2)(a), the presiding officer or voting officer must examine the identity document and determine whether—
- (a) the voter is the person described in that identity document;
 - (b) the voter's name is in the certified segment of the voters' roll for the voting district concerned; and 10
 - (c) that voter has not already voted in the election.
- (4) For the purposes of subsection (3)(a), the presiding officer or voting officer may require that the voter's fingerprints be taken.
- (5) If the presiding officer or voting officer is satisfied in respect of all the matters mentioned in subsection (3), that officer must— 15
- (a) record that the voter is regarded to have voted in the election;
 - (b) mark the hand of the voter in the prescribed manner;
 - (c) mark the back of a ballot paper for that election; and
 - (d) hand the ballot paper to the voter. 20
- (6) Once the voter has received a ballot paper marked in terms of subsection (5)(a), the voter must—
- (a) enter an empty voting compartment;
 - (b) mark the ballot paper in a way that indicates the registered party or candidate the voter wishes to vote for; 25
 - (c) fold the ballot paper to conceal the voter's vote;
 - (d) take the ballot paper to a ballot box for the election and show it to the presiding officer or a voting officer in a way that that officer can see the mark made in terms of subsection (5)(a);
 - (e) place the ballot paper in the ballot box; and 30
 - (f) without delay leave the voting station.
- (7) The voting compartment must comply with the provisions of section 70.

Assistance to certain voters

39. (1) The presiding officer or a voting officer, at the request of a voter who is unable to read, must assist that voter in voting in the presence of— 35
- (a) a person appointed in terms of section 85 by an accredited observer, if available; and
 - (b) two agents from different parties, if available.
- (2) A person may assist a voter in voting if— 40
- (a) the voter requires assistance due to a physical disability;
 - (b) the voter has requested to be assisted by that person; and
 - (c) the presiding officer is satisfied that that person has attained the age of 18 years.
- (3) The secrecy of voting contemplated in section 38 must be preserved in the application of this section. 45

Issue of new ballot papers

40. (1) If a voter accidentally marks a ballot paper in a way that does not indicate for whom the voter wishes to vote and the ballot paper has not yet been placed in the ballot box—
- (a) the voter may return that ballot paper to the presiding officer or a voting officer; 50
 - (b) that officer must deal with the ballot paper in accordance with subsection (2), and must give the voter a new ballot paper in accordance with section 38(5); and
 - (c) the voter may vote in accordance with section 38(6). 55
- (2) Upon receiving a ballot paper from a voter in terms of subsection (1), the presiding officer or a voting officer must mark "cancelled" on the back of the ballot paper and file it separately to be dealt with in accordance with section 43.

- (2) 'n Kieser is geregtig om by 'n stemlokaal te stem—
- (a) by voorlegging van daardie kieser se identiteitsdokument aan die voorsittende beampte of 'n stembeampte by die stemlokaal; en
- (b) indien daardie kieser se naam in die gesertifiseerde segment van die kieserslys vir die betrokke stemdistrik is.
- 5 (3) Wanneer 'n kieser 'n identiteitsdokument volgens voorskrif van subartikel 2(a) aan 'n voorsittende beampte of stembeampte voorlê, moet die voorsittende beampte of stembeampte die identiteitsdokument ondersoek en vasstel of—
- (a) die kieser die persoon is wat in daardie identiteitsdokument beskryf word;
- 10 (b) die kieser se naam in die gesertifiseerde segment van die kieserslys van die betrokke stemdistrik is; en
- (c) daardie kieser al in die verkiesing gestem het of nie.
- (4) Die voorsittende beampte of stembeampte kan vir die doeleindes van subartikel (3)(a) vereis dat die kieser se vingerafdrukke geneem word.
- 15 (5) Indien die voorsittende beampte of stembeampte tevrede is ten opsigte van al die aangeleenthede genoem in subartikel (3), moet daardie beampte—
- (a) aantekens dat die kieser geag word in die verkiesing te gestem het;
- (b) die hand van die kieser op die voorgeskrewe wyse merk;
- (c) die agterkant van 'n stembrief vir daardie verkiesing merk; en
- 20 (d) die stembrief aan die kieser oorhandig.
- (6) Sodra die kieser 'n stembrief ontvang het wat ingevolge subartikel (5)(a) gemerk is, moet die kieser—
- (a) 'n leë stemkompartement binnegaan;
- 25 (b) die stembrief op 'n wyse merk wat aandui vir watter geregistreerde party of kandidaat die kieser wil stem;
- (c) die stembrief toevou sodat die kieser se stemkeuse nie sigbaar is nie;
- (d) die stembrief na 'n stembus vir die verkiesing neem en dit aan die voorsittende beampte of 'n stembeampte op 'n wyse toon dat die beampte die merk kan sien wat ingevolge subartikel (5)(a) gemaak is;
- 30 (e) die stembrief in die stembus plaas; en
- (f) onverwyld die stemlokaal verlaat.
- (7) Die stemkompartement moet aan die bepalings van artikel 70 voldoen.

Hulpverlening aan sekere kiesers

39. (1) Die voorsittende beampte of 'n stembeampte moet, op versoek van 'n kieser
- 35 wat nie kan lees nie, daardie kieser behulpsaam wees om te stem in die teenwoordigheid van—
- (a) 'n persoon ingevolge artikel 85 deur 'n geakkrediteerde waarnemer aangesel, indien beskikbaar; en
- (b) twee agente van verskillende partye, indien beskikbaar.
- 40 (2) 'n Persoon kan 'n kieser behulpsaam wees om te stem indien—
- (a) die kieser hulp nodig het as gevolg van 'n liggaamlike gestremdheid;
- (b) die kieser versoek het om deur daardie persoon bygestaan te word; en
- (c) die voorsittende beampte tevrede is dat daardie persoon die ouderdom van 18 jaar bereik het.
- 45 (2) Die geheimhouding van stemming beoog in artikel 38 moet by die toepassing van hierdie artikel eerbiedig word.

Uitreiking van nuwe stembriewe

40. (1) Indien 'n kieser per abuis 'n stembrief op 'n wyse merk wat nie aandui vir wie die kieser wou stem nie en die stembrief nog nie in die stembus geplaas is nie—
- 50 (a) kan die kieser die stembrief aan die voorsittende beampte of 'n stembeampte terugbesorg;
- (b) moet daardie beampte met die stembrief ooreenkomstig subartikel (2) handel en aan die kieser 'n nuwe stembrief ooreenkomstig artikel 38(5) oorhandig; en
- 55 (c) kan die kieser ooreenkomstig artikel 38(6) stem.
- (2) By ontvangs van 'n stembrief van 'n kieser ingevolge subartikel (1) moet die voorsittende beampte of 'n stembeampte "gekanselleer" op die agterkant van die stembrief merk en dit afsonderlik liasseer om ooreenkomstig artikel 43 mee gehandel te word.

Objections concerning voting

41. (1) At any time before a voter has been handed a ballot paper, an agent may object to that voter being entitled to vote or to vote at the voting station concerned.
- (2) An agent, or the voter concerned, may object if the voter is refused a ballot paper. 5
- (3) An agent, or a voter, may object to any conduct, other than that mentioned in subsection (1) or (2), of an officer, an agent, or any other person present at a voting station.
- (4) An objection in terms of subsection (1), (2) or (3) must be made to the presiding officer in the prescribed manner.
- (5) The presiding officer, in the prescribed manner, must decide the objection and notify the objector and any other parties involved in the objection, of the decision. 10
- (6) An appeal against the decision of the presiding officer may be noted with the Commission in the prescribed manner and time.
- (7) The presiding officer must keep a written record in the prescribed manner of each objection and decision made in terms of this section. 15

Sealing of full ballot boxes

42. (1) As soon as a ballot box is full, the presiding officer, in the presence of any agents present, must seal the ballot box in the prescribed manner and allow those agents to affix their seals thereto.
- (2) Immediately after the last vote has been cast, every remaining used ballot box must be similarly dealt with. 20
- (3) A sealed ballot box must remain—
- (a) sealed until opened for the counting of votes in terms of section 46(1); and
- (b) in the voting station until the commencement of the counting of the votes there or, if the votes are not to be counted at that voting station, until removed for delivery in terms of section 43(3). 25

Completion of form and sealing of voting materials

43. (1) As soon as practicable after the close of a voting station for voting, the presiding officer, in the presence of any agents present, must—
- (a) complete a form reflecting the number of— 30
- (i) ballot boxes entrusted to that presiding officer;
- (ii) used ballot boxes;
- (iii) unused ballot boxes;
- (iv) ballot papers entrusted to that presiding officer;
- (v) issued ballot papers; 35
- (vi) unissued ballot papers; and
- (vii) cancelled ballot papers;
- (b) seal each unused ballot box entrusted to that presiding officer;
- (c) seal in separate containers— 40
- (i) the certified segment of the voters' roll for that voting district;
- (ii) the unused ballot papers entrusted to that presiding officer;
- (iii) the cancelled ballot papers; and
- (iv) the written record, as required by section 41(7), of any objections concerning voting; and
- (d) allow those agents to affix their seals to the items mentioned in paragraphs (b) and (c). 45
- (2) If the votes in an election are to be counted at the voting station at which those votes were cast and if the counting officer for that voting station is a person other than

Besware aangaande uitbring van stemme

41. (1) Te eniger tyd voordat 'n stembrief aan 'n kieser oorhandig word, kan 'n agent beswaar maak dat daardie kieser geregtig is om te stem of by die betrokke stemlokaal te stem.

5 (2) 'n Agent, of die betrokke kieser, kan beswaar maak indien die kieser 'n stembrief geweier word.

(3) 'n Agent, of 'n kieser, kan beswaar maak teen enige ander optrede as dié in subartikel (1) of (2) vermeld, van 'n beampte, 'n agent of enige ander persoon wat by 'n stemlokaal teenwoordig is.

10 (4) 'n Beswaar ingevolge subartikel (1), (2) of (3) moet by die voorsittende beampte op die voorgeskrewe wyse aangeteken word.

(5) Die voorsittende beampte moet op die voorgeskrewe wyse die beswaar beslis, en die beswaarmaker en enige ander partye betrokke by die beswaar van die beslissing in kennis stel.

15 (6) 'n Appèl teen die beslissing van die voorsittende beampte kan by die Kommissie op die voorgeskrewe wyse en binne die voorgeskrewe tyd aangeteken word.

(7) Die voorsittende beampte moet 'n geskrewe rekord op die voorgeskrewe wyse hou van elke beswaar en beslissing wat ingevolge hierdie artikel aangeteken of gemaak is.

20 Verseëling van vol stembusse

42. (1) Sodra 'n stembus vol is, moet die voorsittende beampte, in die teenwoordigheid van enige agente wat teenwoordig is, die stembus op die voorgeskrewe wyse verseël en daardie agente toelaat om hul seëls daarop aan te bring.

(2) Onmiddellik nadat die laaste stem uitgebring is, moet elke oorblywende 25 gebruikte stembus insgelyks mee gehandel word.

(3) 'n Verseëelde stembus moet—

(a) verseël bly totdat dit vir die tel van stemme ingevolge artikel 46(1) geopen word; en

30 (b) in die stemlokaal bly totdat die tel van stemme aldaar 'n aanvang neem of, indien die stemme nie by daardie stemlokaal getel sal word nie, totdat dit vir aflewering ingevolge artikel 43(3) verwyder word.

Voltooiing van vorm en verseëling van stemmateriaal

43. (1) So gou prakties moontlik na die sluiting van 'n stemlokaal vir die uitbring van stemme, moet die voorsittende beampte in die teenwoordigheid van enige agente wat 35 teenwoordig is—

(a) 'n vorm voltooi wat 'n aanduiding gee van die getal—

(i) stembusse aan daardie voorsittende beampte toevertrou;

(ii) gebruikte stembusse;

40 (iii) ongebruikte stembusse;

(iv) stembriewe aan daardie voorsittende beampte toevertrou;

(v) uitgereikte stembriewe;

(vi) onuitgereikte stembriewe; en

(vii) gekanselleerde stembriewe;

45 (b) elke ongebruikte stembus verseël wat aan daardie voorsittende beampte toevertrou is;

(c) in afsonderlike houers—

(i) die gesertifiseerde segment van die kieserslys vir daardie stemdistrik verseël;

50 (ii) die ongebruikte stembriewe verseël wat aan daardie voorsittende beampte toevertrou is;

(iii) die gekanselleerde stembriewe verseël; en

(iv) die geskrewe rekord, soos deur artikel 41(7) vereis, van enige besware aangaande die uitbring van stemme, verseël; en

55 (d) daardie agente toelaat om hulle seëls aan te bring op die items in paragrawe (b) en (c) vermeld.

(2) Indien die stemme in 'n verkiesing getel gaan word by die stemlokaal waar daardie stemme uitgebring is en indien die telbeampte vir daardie stemlokaal 'n ander persoon is as die voorsittende beampte vir daardie stemlokaal, moet die voorsittende

the presiding officer for that voting station, the presiding officer must deliver to the counting officer for that voting station the items mentioned in subsection (1).

(3) If the votes in an election are not to be counted at the voting station at which those votes were cast, the presiding officer must deliver the following to the counting officer of a counting venue determined by the Commission in terms of section 46(1)(b): 5

- (a) The form mentioned in subsection (1)(a);
- (b) the sealed, used ballot boxes;
- (c) the sealed, unused ballot boxes; and
- (d) the sealed containers mentioned in subsection (1)(c).

Mobile voting stations 10

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

(2) Immediately after a mobile voting station is closed for voting, the presiding officer responsible for that voting station must act in accordance with section 43(3). 15

More than one election on same day

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

Part 2: Counting of votes at voting station 20

Place and time of counting of votes

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

- (a) the voting station is a mobile voting station; or
- (b) in the interest of ensuring a free and fair election, the Commission determines that those votes be counted at another counting venue. 25

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

(3) The procedures provided for in this Part may be suspended only with the consent of the Commission and, if they are suspended, the counting officer must ensure the safe-keeping of all the voting materials entrusted to the counting officer until the counting of votes has been completed. 30

Counting of votes and determination of provisional results

47. (1) The counting officer must open all the used ballot boxes that were sealed in terms of section 42(1) or (2). 35

(2) The counting officer must—

- (a) cause the ballot papers to be sorted on the basis of the ballot papers for each election if more than one election was held at a voting station on the same day;
- (b) cause the ballot papers for each election to be sorted and compare it with the number of ballot papers issued in the prescribed manner; 40
- (c) cause the votes cast in each election to be counted in the prescribed manner; and
- (d) determine the result of each count at that voting station.

(3) The counting officer must reject a ballot paper— 45

- (a) that indicates the identity of the voter;
- (b) on which a vote is cast for more than one registered party or for more than one candidate;
- (c) that is unmarked;
- (d) that is marked in such a way that it is not reasonably possible to determine the voter's choice; 50

beampte die items genoem in subartikel (1) aan die telbeampte vir daardie stemlokaal oorhandig.

(3) Indien die stemme in 'n verkiesing nie by die stemlokaal waar daardie stemme uitgebring is, getel sal word nie, moet die voorsittende beampte aan die telbeampte van 'n telpunt deur die Kommissie ingevolge artikel 46(1)(b) bepaal, die volgende oorhandig:

- (a) Die vorm in subartikel (1)(a) genoem;
- (b) die verseëelde, gebruikte stembusse;
- (c) die verseëelde, ongebruikte stembusse; en
- 10 (d) die verseëelde houers in subartikel (1)(c) genoem.

Mobiele stemlokale

44. (1) Indien die Kommissie besluit om mobiele stemlokale in 'n verkiesing te gebruik, moet die Kommissie stemprosedures, wesentlik ooreenkomstig artikels 35 tot 43, vir daardie stemlokale voorskryf.

15 (2) Onmiddellik nadat 'n mobiele stemlokaal vir die uitbring van stemme gesluit word, moet die voorsittende beampte verantwoordelik vir daardie stemlokaal ooreenkomstig artikel 43(3) optree.

Meer as een verkiesing op dieselfde dag

45. Indien meer as een verkiesing by 'n stemlokaal op dieselfde dag gehou word, moet die Kommissie stemprosedures, wesentlik ooreenkomstig artikels 35 tot 43, vir elk van daardie verkiesings voorskryf.

Deel 2: Tel van stemme by stemlokaal

Plek en tyd van tel van stemme

46. (1) Stemme moet getel word by die stemlokaal waar daardie stemme uitgebring is, behalwe wanneer—

- (a) die stemlokaal 'n mobiele stemlokaal is; of
- (b) die Kommissie, in belang daarvan om 'n vrye en regverdige verkiesing te verseker, bepaal dat daardie stemme by 'n ander telpunt getel moet word.

(2) Die telbeampte moet toesien dat die prosedures in hierdie Deel uiteengesit, 'n aanvang neem so gou prakties moontlik nadat die stemlokaal vir die uitbring van stemme gesluit word, en sonder onderbreking voortgesit word totdat dit afgehandel is.

(3) Die prosedures waarvoor hierdie Deel voorsiening maak, kan slegs met die toestemming van die Kommissie opgeskort word en, indien dit opgeskort word, moet die telbeampte toesien dat al die die stemmateriaal aan die telbeampte toevertrou, veilig bewaar word totdat die tel van stemme afgehandel is.

Tel van stemme en bepaling van voorlopige uitslae

47. (1) Die telbeampte moet al die gebruikte stembusse wat ingevolge artikel 42(1) of (2) verseël is, oopmaak.

- (2) Die telbeampte moet—
- 40 (a) die stembriewe laat sorteer op die grondslag van die stembriewe vir elke verkiesing, indien meer as een verkiesing by 'n stemlokaal op dieselfde dag gehou is;
 - (b) die stembriewe vir elke verkiesing op die voorgeskrewe wyse laat sorteer en dit met die getal stembriewe wat uitgereik is, vergelyk;
 - 45 (c) die stemme in elke verkiesing uitgebring op die voorgeskrewe wyse laat tel; en
 - (d) die uitslag van elke telling by die stemlokaal gehou, bepaal.

(3) Die telbeampte moet 'n stembrief verwerp—

- 50 (a) wat die identiteit van die kieser aandui;
- (b) waarop 'n stem uitgebring is vir meer as een geregistreerde party of vir meer as een kandidaat;
- (c) wat ongemerk is;
- (d) wat op so 'n wyse gemerk is dat dit nie redelikerwys moontlik is om die kieser se keuse te bepaal nie;

- (e) that does not bear the mark required in terms of section 38(5)(c); or
- (f) that is not an official ballot paper.

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

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

- (a) mark "disputed" on the back of that ballot paper;
- (b) file separately, but cause to be counted, the accepted ballot papers that are disputed; and
- (c) file separately the rejected ballot papers that are disputed. 10

Objections concerning sorting of ballot papers

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

(2) The objection must be made to the counting officer in the prescribed manner at any stage before the counting officer has completed the form mentioned in section 48. 15

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

Objections concerning counting of votes and determination of provisional results

49. (1) An agent may object to an alleged inaccuracy in the counting of the votes or the determination of a result in terms of section 47(2)(c) or (d). 20

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

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

(4) The counting officer must notify the objector and any other parties involved in the objection, of the decision made in terms of subsection (3). 25

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

(6) An appeal against the decision of the counting officer may be noted with the Commission in the prescribed manner and time. 30

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

Procedure concerning provisional results and voting materials

50. (1) After determining the result at a voting station, the counting officer must complete a form reflecting— 35

- (a) the number of ballot papers supplied to the voting station;
- (b) the result at the voting station;
- (c) the number of counted ballot papers that were not disputed;
- (d) the number of counted ballot papers that were disputed;
- (e) the number of rejected ballot papers that were not disputed; 40
- (f) the number of rejected ballot papers that were disputed;
- (g) the number of cancelled ballot papers; and
- (h) the number of unused ballot papers.

(2) Once the counting officer has complied with subsection (1), the counting officer must announce the result of the count at the voting station to members of the public and agents present at the voting station. 45

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

(4) Once the counting officer has complied with subsection (3), the counting officer must— 50

- (a) seal in separate containers each of the items mentioned in subsection (1) and the written record of any objections in terms of section 48 or 49; and
- (b) deliver the form completed in terms of subsection (1) and the sealed containers to an officer designated by the chief electoral officer.

- (e) wat nie die merk dra wat ingevolge artikel 38(5)(c) vereis word nie; of
 (f) wat nie 'n amptelike stembrief is nie.
- (4) Die telbeampte moet "verwerp" op die agterkant van elke verworpe stembrief aanbring en die verworpe stembriewe apart liasseer.
- 5 (5) Indien 'n telbeampte se aanvaarding of verwerping van 'n stembrief deur 'n agent betwis word, moet die telbeampte—
- (a) "betwis" op die agterkant van die stembrief aanbring;
 (b) die aanvaarde stembriewe wat betwis word apart liasseer, maar daardie stembriewe laat tel; en
- 10 (c) die verworpe stembriewe wat betwis word apart liasseer.

Besware aangaande sortering van stembriewe

48. (1) 'n Agent kan beswaar teen enige beweerde onreëlmatigheid by die sortering van stembriewe ingevolge artikel 47(2)(a) of (b) aanteken.
- (2) Die beswaar moet by die telbeampte op die voorgeskrewe wyse aangeteken word
- 15 op enige tydstip voordat die telbeampte die vorm genoem in artikel 48 voltooi.
- (3) Artikel 41(5) tot (7), aangepas soos in die samehang nodig mag wees, is op die beswaar van toepassing.

Besware aangaande tel van stemme en bepaling van voorlopige uitslae

49. (1) 'n Agent kan beswaar teen 'n beweerde fout by die tel van stemme of die
- 20 bepaling van 'n uitslag ingevolge artikel 47(2)(c) of (d), aanteken.
- (2) Die beswaar moet by die telbeampte op die voorgeskrewe wyse aangeteken word op enige tydstip voordat die telbeampte die vorm genoem in artikel 50 voltooi het.
- (3) Die telbeampte moet die beswaar op die voorgeskrewe wyse beslis en besluit of 'n hertelling gelas moet word.
- 25 (4) Die telbeampte moet die beswaarmaker en enige ander partye betrokke by die beswaar van die beslissing ingevolge subartikel (3), in kennis stel.
- (5) Indien die telbeampte 'n hertelling gelas, moet die telbeampte die uitslag opnuut bepaal.
- (6) 'n Appèl teen 'n beslissing van die telbeampte kan by die Kommissie op die
- 30 voorgeskrewe wyse en binne die voorgeskrewe tyd aangeteken word.
- (7) Die telbeampte moet 'n geskrewe rekord op die voorgeskrewe wyse hou van elke beswaar ingevolge subartikel (1) en elke beslissing ingevolge subartikel (3).

Prosedure aangaande voorlopige uitslae en stemmateriaal

50. (1) Nadat die uitslag by 'n stemlokaal bepaal is, moet die telbeampte 'n vorm
- 35 voltooi wat aantoon—
- (a) die getal stembriewe wat aan die stemlokaal voorsien is;
 (b) die uitslag by die stemlokaal;
 (c) die getal getelde stembriewe wat nie betwis is nie;
 (d) die getal getelde stembriewe wat wel betwis is;
- 40 (e) die getal verworpe stembriewe wat nie betwis is nie;
 (f) die getal verworpe stembriewe wat wel betwis is;
 (g) die getal gekanselleerde stembriewe; en
 (h) die getal ongebruikte stembriewe.
- (2) Sodra die telbeampte aan subartikel (1) voldoen het, moet die telbeampte die
- 45 uitslag van die telling by die stemlokaal aan aanwesige lede van die publiek en agente bekendmaak.
- (3) Sodra die telbeampte aan subartikel (2) voldoen het, moet die telbeampte die Kommissie van die uitslag van die telling in kennis stel.
- (4) Sodra die telbeampte aan subartikel (3) voldoen het, moet die telbeampte—
- 50 (a) elk van die items genoem in subartikel (1) en die geskrewe rekord van enige besware ingevolge artikel 48 of 49 in aparte houers verseël; en
 (b) die vorm ingevolge subartikel (1) voltooi en die verseëelde houers aflewer aan 'n beampte deur die hoofverkiegingsbeampte aangewys.

Part 3: Counting of votes at place other than voting station**Application of Part and procedures**

51. (1) This Part applies to the counting of votes mentioned in section 46(1)(a) or (b).
 (2) The counting officer must ensure that the procedures provided for in this Part commence as soon as practicable after receipt of the items mentioned in section 43(3), and continue uninterrupted until they are completed. 5
 (3) The procedures provided for in this Part may be suspended only with the consent of the Commission and, if they are suspended, the counting officer must ensure the safe-keeping of all the voting materials entrusted to the counting officer until the counting of votes has been completed. 10

Verification procedure

52. (1) After receipt of the items mentioned in section 43(3), the counting officer must examine whether the seals are intact on those items.
 (2) The counting officer must allow any agents present to examine whether the seals are intact. 15
 (3) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must verify the form completed by the presiding officer in terms of section 43(1)(a) by comparing it with—
 (a) the number of used ballot boxes received;
 (b) the number of unused ballot boxes received; 20
 (c) the number of containers received; and
 (d) the contents of those boxes and containers.
 (4) The counting officer must deal with any irregularities and discrepancies in the prescribed manner.
 (5) The counting officer must keep a written record in the prescribed manner of any irregularities and discrepancies and the manner in which those irregularities and discrepancies were dealt with. 25

Objections concerning verification procedure

53. (1) At any time before the counting of votes commences, an agent may object to any alleged irregularity or inaccuracy in the verification procedure performed by the counting officer. 30
 (2) The objection must be made to the counting officer in the prescribed manner.
 (3) Section 41(5) to (7), adjusted as may contextually be necessary, applies to the objection.

Application of certain sections in Part 2 35

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

Part 4: Objections material to final results of election**Objections material to final results of election** 40

55. (1) Despite Parts 1 to 3 of this Chapter, any interested party may make an objection concerning any aspect of an election that is material to the final result of the election.
 (2) The objection must be made to the Commission in the prescribed manner not later than 21:00 on the second day after the voting day. 45
 (3) The Commission, on good cause shown, may condone a late objection.
 (4) The Commission, in the prescribed manner, must decide the objection, and must notify the objector and any other parties involved in the objection, of the decision.

Deel 3: Tel van stemme by ander plek as stemlokaal**Toepassing van Deel en prosedures**

51. (1) Hierdie Deel is van toepassing op die tel van stemme genoem in artikel 46(1)(a) of (b).

5 (2) Die telbeampte moet toesien dat die prosedures waarvoor hierdie Deel voorsiening maak so gou prakties moontlik na ontvangs van die items genoem in artikel 43(3) 'n aanvang neem, en sonder onderbreking voortgesit word totdat dit afgehandel is.

10 (3) Die prosedures waarvoor hierdie Deel voorsiening maak, kan slegs met die toestemming van die Kommissie opgeskort word en, indien dit opgeskort word, moet die telbeampte toesien dat al die stemmateriaal aan die telbeampte toevertrou, veilig bewaar word totdat die tel van stemme afgehandel is.

Bevestigingsprosedure

52. (1) Na ontvangs van die items genoem in artikel 43(3) moet die telbeampte 15 bepaal of die seëls op daardie items ongeskonde is.

(2) Die telbeampte moet enige agente wat teenwoordig is, toelaat om te bepaal of die seëls ongeskonde is.

(3) Nadat die seëls ondersoek is, moet die telbeampte al die verseëelde stembusse en houers oopmaak en die vorm wat deur die voorsittende beampte ingevolge artikel 20 43(1)(a) voltooi is, bevestig deur dit te vergelyk met—

- (a) die getal gebruikte stembusse wat ontvang is;
- (b) die getal ongebruikte stembusse wat ontvang is;
- (c) die getal houers wat ontvang is; en
- (d) die inhoud van daardie busse en houers.

25 (4) Die telbeampte moet met enige onreëlmatighede en verskille op die voorgeskrewe wyse handel.

(5) Die telbeampte moet 'n skriftelike rekord op die voorgeskrewe wyse hou van enige onreëlmatighede en verskille en die wyse waarop daar met daardie onreëlmatighede en verskille gehandel is.

30 Besware aangaande bevestigingsprosedure

53. (1) Te eniger tyd voordat daar met die tel van stemme begin word, kan 'n agent beswaar aanteken teen enige beweerde onreëlmatigheid of fout in die bevestigingsprosedure wat deur die telbeampte gevolg is.

(2) Die beswaar moet op die voorgeskrewe wyse by die telbeampte aangeteken word.

35 (3) Artikel 41(5) tot (7), aangepas soos in die samehang nodig mag wees, is op die beswaar van toepassing.

Toepassing van sekere artikels in Deel 2

54. Artikels 47 tot 50, aangepas soos in die samehang nodig mag wees, is van toepassing op die tel van stemme en die bepaling van die uitslag by 'n ander punt as 40 'n stemlokaal, besware en prosedures aangaande uitslae en stemmateriaal.

Deel 4: Wesentlike besware teen finale uitslae van verkiesing**Besware wat wesentlik vir finale uitslae van verkiesing is**

55. (1) Ondanks Dele 1 tot 3 van hierdie Hoofstuk, kan enige belanghebbende party beswaar aanteken aangaande enige aspek van 'n verkiesing wat wesentlik vir die finale 45 uitslag van die verkiesing is.

(2) Die beswaar moet by die Kommissie op die voorgeskrewe wyse nie later nie as 21:00 op die tweede dag na die stembdag aangeteken word.

(3) Die Kommissie kan om gegronde redes 'n laat beswaar kondoneer.

50 (4) Die Kommissie moet op die voorgeskrewe wyse die beswaar beslis en die beswaarmaker en enige ander partye wat by die beswaar betrokke is van die beslissing in kennis stel.

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

(6) The Electoral Court, in the prescribed manner, must consider and decide the appeal and notify the parties to the appeal of its decision. 5

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

Powers of Commission and Electoral Court

56. If the Commission or the Electoral Court decides, whether as a result of an objection or appeal brought under section 55 or otherwise, that a serious irregularity has occurred concerning any aspect of an election, the Commission or the Electoral Court may order— 10

- (a) that the votes cast at a particular voting station do not count in whole or in part; or
- (b) that the votes cast in favour of a registered party or candidate at a particular voting station must be deducted in whole or in part from the votes cast in favour of that registered party or candidate in that election. 15

Part 5: Determination and declaration of final result of election

Determination and declaration of final result of election

57. (1) The Commission must determine and declare the result of an election by adding together the results received from all voting stations. 20

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

- (a) sooner than 21:00 of the second day after the voting day; or
- (b) before all objections made under section 55 have been dealt with in terms of that section, other than an appeal to the Electoral Court in terms of subsection (5) of that section. 25

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

- (a) to wait for the receipt of the result from every voting station would unduly and unreasonably delay the determination and declaration of the result of that election; and 30
- (b) the outstanding results are not likely to materially influence the overall result of that election.

(4) If the Commission is unable to determine and declare the result of an election within the seven-day period required by subsection (2)(c), the Commission must apply to the Electoral Court for an extension of that period. 35

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

CHAPTER 5

40

AGENTS

Appointment of party agents

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

- (a) two party agents for each voting station; and
- (b) four party agents for each venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place. 45

(2) A party agent—

- (a) must be a South African citizen; and
- (b) may not be a candidate in an election.

(3) The appointment and revocation of appointment of a person as a party agent must be effected in the prescribed manner. 50

(5) 'n Beswaarmaker of ander party wat by die beswaar betrokke is en wat deur die beslissing van die Kommissie verontreg voel, kan na die Verkiesingshof op die voorgeskrewe wyse appelleer.

(6) Die Verkiesingshof moet op die voorgeskrewe wyse die appèl oorweeg en beslis, en die partye by die appèl van sy beslissing in kennis stel.

(7) Die uitslag van 'n verkiesing word nie opgeskort hangende die beslissing van die Verkiesingshof nie.

Bevoegdhede van Kommissie en Verkiesingshof

56. Indien die Kommissie of die Verkiesingshof beslis, hetsy as gevolg van 'n beswaar of 'n appèl kragtens artikel 55 of andersins, dat 'n ernstige onreëlmatigheid plaasgevind het aangaande enige aspek van 'n verkiesing, kan die Kommissie of die Verkiesingshof gelas—

- (a) dat die stemme by 'n bepaalde stemlokaal uitgebring in die geheel of ten dele nie tel nie; of
- (b) dat die stemme by 'n bepaalde stemlokaal ten gunste van 'n geregistreerde party of kandidaat uitgebring in geheel of ten dele afgetrek moet word van die stemme wat in daardie verkiesing ten gunste van daardie geregistreerde party of kandidaat uitgebring is.

Deel 5: Bepaling en verklaring van finale uitslag van verkiesing

20 Bepaling en verklaring van finale uitslag van verkiesing

57. (1) Die Kommissie moet die uitslag van 'n verkiesing bepaal en verklaar deur die uitslae ontvang van alle stemlokale saam te voeg.

(2) Die bepaling en verklaring van die uitslag van 'n verkiesing moet binne sewe dae na die stemdag geskied, maar nie—

- (a) vroeër nie as 21:00 van die tweede dag na die stemdag; of
- (b) voordat daar ingevolge artikel 55 met alle besware kragtens daardie artikel aangeteken, mee gehandel is nie, behalwe 'n appèl na die Verkiesingshof ingevolge subartikel (5) van daardie artikel.

(3) Die Kommissie kan die uitslag van 'n verkiesing bepaal en verklaar sonder dat die uitslae van alle stemlokale ontvang is, indien—

- (a) om te wag vir die ontvangs van die uitslag van elke stemlokaal die bepaling en vasstelling van die uitslag van die verkiesing onnodig en onredelik sal vertraag; en
- (b) die uitstaande uitslae waarskynlik nie die algehele uitslag van die verkiesing wesentlik sal beïnvloed nie.

(4) Indien die Kommissie nie in staat is om die uitslag van 'n verkiesing te bepaal en te verklaar binne die tydperk van sewe dae deur subartikel (2)(c) vereis nie, moet die Kommissie by die Verkiesingshof om 'n verlenging van daardie tydperk aansoek doen.

(5) Die Verkiesingshof kan om gegronde redes die tydperk verleng waarin die Kommissie die uitslag van 'n verkiesing moet bepaal en verklaar.

HOOFTUK 5

AGENTE

Aanstelling van party-agente

58. (1) Elke geregistreerde party wat aan 'n verkiesing deelneem, kan—

- (a) twee party-agente vir elke stemlokaal aanstel; en
- (b) vier party-agente aanstel vir elke punt waar die verrigtinge plaasvind waarvoor Deel 3 of 5 van Hoofstuk 4 voorsiening maak.

(2) 'n Party-agent moet—

- (a) 'n Suid-Afrikaanse burger wees; en
- (b) mag nie 'n kandidaat in 'n verkiesing wees nie.

(3) Die aanstelling en intrekking van aanstelling van 'n persoon as 'n party-agent moet op die voorgeskrewe wyse geskied.

Powers and duties of agents

- 59.** (1) An agent may observe the proceedings provided for in—
- (a) Part 1 of Chapter 4 concerning voting;
 - (b) Parts 2 and 3 of Chapter 4 concerning the counting of votes; and
 - (c) Part 5 of Chapter 4 concerning the determination and declaration of the result of an election. 5
- (2) The absence of an agent from a place where any electoral proceedings are being conducted does not invalidate those proceedings.
- (3) Whilst present at any voting station, or venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place, an agent must— 10
- (a) wear the prescribed identification indicating—
 - (i) that the person is an agent; and
 - (ii) the registered party or candidate represented by that agent; and
 - (b) comply with any order issued by— 15
 - (i) an officer; or
 - (ii) a member of the security services acting on the instructions of an officer.

CHAPTER 6**ADMINISTRATION*****Part 1: Voting districts*****Establishment of voting districts 20**

- 60.** (1) The Commission must—
- (a) establish voting districts for the whole of the territory of the Republic;
 - (b) determine the boundaries of each voting district in accordance with the factors mentioned in section 61; and
 - (c) keep a map of each voting district. 25
- (2) The voting districts for an election are those voting districts which on the date on which the election is called are within the area in which the election is called.

Factors for determining voting district boundaries

- 61.** The Commission must determine the boundaries of a voting district by taking into account any factor within the proposed voting district that could affect the free, fair and orderly conduct of elections, including— 30
- (a) the availability of a suitable venue for a voting station;
 - (b) the number and distribution of eligible voters;
 - (c) the accessibility of a voting station to voters given— 35
 - (i) the radius of the proposed voting district;
 - (ii) the availability of transport;
 - (iii) telecommunications facilities; and
 - (iv) any geographical or physical feature that may impede access to the voting station;
 - (d) municipal and provincial boundaries; and 40
 - (e) tribal, traditional, historical and customary boundaries.

Consultation with party liaison committee

- 62.** Before determining the boundaries of a voting district, the Commission may consult on the proposed boundaries of that voting district with—
- (a) the municipal party liaison committee for the municipality within which that voting district will fall; or 45
 - (b) if no municipal party liaison committee has been established in a municipality, the provincial party liaison committee for the province within which that voting district will fall.

Bevoegdhede en pligte van agente

59. (1) 'n Agent kan die verrigtinge waarneem waarvoor daar voorsiening gemaak word in—

- (a) Deel 1 van Hoofstuk 4 aangaande die uitbring van stemme;
 - 5 (b) Dele 2 en 3 van Hoofstuk 4 aangaande die tel van stemme; en
 - (c) Deel 5 van Hoofstuk 4 aangaande die bepaling en verklaring van die uitslag van 'n verkiesing.
- (2) Die afwesigheid van 'n agent van die plek waar enige verkiesingsverrigtinge geskied, maak nie daardie verrigtinge ongeldig nie.
- 10 (3) Terwyl 'n agent teenwoordig is by 'n stemlokaal, of punt waar die verrigtinge plaasvind waarvoor Deel 3 of 5 van Hoofstuk 4 voorsiening maak, moet die agent—
- (a) die voorgeskrewe identifikasie dra wat—
 - (i) aantoon dat die persoon 'n agent is; en
 - (ii) die geregistreerde party of kandidaat aantoon wat deur daardie agent
 - 15 (b) voldoen aan 'n bevel uitgereik deur—
 - (i) 'n beampste; of
 - (ii) 'n lid van die veiligheidsdienste handelende in opdrag van 'n beampste.

HOOFSTUK 620 **ADMINISTRASIE***Deel 1: Stemdistrikte***Bepaling van stemdistrikte**

60. (1) Die Kommissie moet—
- (a) stemdistrikte vir die hele grondgebied van die Republiek bepaal;
 - 25 (b) die grense van elke stemdistrik ooreenkomstig die faktore genoem in artikel 61 bepaal; en
 - (c) 'n kaart van elke stemdistrik hou.
- (2) Die stemdistrikte vir 'n verkiesing is daardie stemdistrikte wat op die datum waarop daardie verkiesing uitgeskryf word, binne die gebied is waarin die verkiesing
- 30 uitgeskryf word.

Faktore vir bepaling van stemdistrikgrense

61. Die Kommissie moet die grense van 'n stemdistrik bepaal deur enige faktor in die voorgestelde stemdistrik in ag te neem wat die vrye, regverdige en ordelike voer van verkiesings kan raak, met inbegrip van—
- 35 (a) die beskikbaarheid van 'n geskikte plek vir 'n stemlokaal;
 - (b) die getal en verspreiding van bevoegde kiesers;
 - (c) die toeganklikheid van 'n stemlokaal vir kiesers gegewe—
 - (i) die radius van die voorgestelde stemdistrik;
 - (ii) die beskikbaarheid van vervoer;
 - 40 (iii) telekommunikasiegeriewe; en
 - (iv) enige geografiese of fisiese kenmerk wat toegang tot die stemlokaal mag bemoeilik;
 - (d) munisipale en provinsiale grense; en
 - (e) stam-, tradisionele, historiese en gebruikelike grense.

45 **Oorlegpleging met party-skakelkomitee**

62. Voordat die grense van 'n stemdistrik bepaal word, kan die Kommissie oor die voorgestelde grense van daardie stemdistrik oorleg pleeg met—
- (a) die munisipale party-skakelkomitee vir die munisipaliteit waarin daardie stemdistrik sal val; of
 - 50 (b) indien geen munisipale party-skakelkomitee in 'n munisipaliteit ingestel is nie, die provinsiale party-skakelkomitee vir die provinsie waarin daardie stemdistrik sal val.

Inspection and copies of maps of voting districts

63. (1) As soon as practicable after section 60(1) has been complied with, the chief electoral officer must give notice that copies of the map of each voting district will be available for inspection.
- (2) The notice must be— 5
- (a) published in the *Government Gazette*; and
 - (b) publicised in the media considered appropriate by the chief electoral officer so as to ensure wide publicity of those maps.
- (3) The notice must state, and the chief electoral officer must ensure, that copies of— 10
- (a) those maps are available for inspection at the Commission's head office; and
 - (b) the maps of the voting districts within a municipality are available for inspection at the office of the municipality.
- (4) Any person may inspect a copy of a map mentioned in subsection (1).
- (5) The chief electoral officer must provide a certified copy of a map of a voting district to any person who has paid the prescribed fee. 15

Part 2: Voting stations

Establishment of voting stations

64. (1) The Commission must establish for an election one voting station, or one voting station and a mobile voting station, or only a mobile voting station, in each voting district. 20
- (2) When determining the location of a voting station, the Commission may take into account any factor that could affect the free, fair and orderly conduct of elections, including—
- (a) the number and distribution of eligible voters in that voting district;
 - (b) the availability of suitable venues for a voting station; 25
 - (c) the distance to be travelled to reach those venues;
 - (d) access routes to those venues;
 - (e) the availability of transport to those venues;
 - (f) traffic density at or near those venues;
 - (g) parking facilities at or near those venues; 30
 - (h) telecommunications facilities at those venues;
 - (i) general facilities at those venues;
 - (j) the safety and convenience of voters;
 - (k) any geographical or physical feature that may impede access to or at those venues; and 35
 - (l) the ease with which those venues could be secured.
- (3) Before determining the location of a voting station, the Commission may consult on the proposed location of that voting station with—
- (a) the municipal party liaison committee for the municipality within which that voting station will fall; or 40
 - (b) if no municipal party liaison committee has been established in the municipality, the provincial party liaison committee for the province within which the voting station will fall.
- (4) By not later than the relevant date stated in the election timetable, the chief electoral officer must give notice that copies of a list containing the address of each voting station will be available for inspection. 45
- (5) Section 63(2) to (5), adjusted as may contextually be necessary, applies to the inspection and copies of that list.

Relocation of voting stations in emergencies

65. (1) Despite section 64, the Commission may relocate a voting station if it is of the view that it is necessary to do so for the conduct of a free and fair election. 50
- (2) The chief electoral officer must take all reasonable steps to publicise the relocation of a voting station among voters in the voting district concerned.

Insaë in en afskrifte van kaarte van stemdistrikte

63. (1) So gou prakties moontlik nadat daar aan artikel 60(1) voldoen is, moet die hoofverkiegingsbeampte kennis gee dat afskrifte van die kaart van elke stemdistrik vir insaë beskikbaar sal wees.
- 5 (2) Die kennisgewing moet—
- (a) in die *Staatskoerant* gepubliseer word; en
 - (b) publisiteit in die media wat die hoofverkiegingsbeampte as toepaslik beskou, gegee word ten einde wye bekendmaking van daardie kaarte te verseker.
- (3) Die kennisgewing moet bepaal, en die hoofverkiegingsbeampte moet toesien, dat
- 10 afskrifte van—
- (a) daardie kaarte by die Kommissie se hoofkantoor vir insaë beskikbaar is; en
 - (b) die kaarte van die stemdistrikte binne 'n munisipaliteit by die kantoor van die munisipaliteit vir insaë beskikbaar is.
- (4) Enige persoon het insaë in 'n afskrif van 'n kaart in subartikel (1) genoem.
- 15 (5) Die hoofverkiegingsbeampte moet 'n gesertifiseerde afskrif van 'n kaart van 'n stemdistrik aan enige persoon verskaf wat die voorgeskrewe bedrag betaal het.

Deel 2: Stemlokale**Instelling van stemlokale**

64. (1) Die Kommissie moet vir 'n verkiesing óf een stemlokaal, óf een stemlokaal
- 20 en 'n mobiele stemlokaal, óf slegs 'n mobiele stemlokaal, in elke stemdistrik instel.
- (2) By die bepaling van die ligging van 'n stemlokaal kan die Kommissie enige faktor in aanmerking neem wat die vrye, regverdige en ordelike voer van verkiesings kan raak, met inbegrip van—
- (a) die getal en verspreiding van bevoegde kiesers in daardie stemdistrik;
 - 25 (b) die beskikbaarheid van geskikte plekke vir 'n stemlokaal;
 - (c) die reisafstand om daardie plekke te bereik;
 - (d) toegangsroetes na daardie plekke;
 - (e) die beskikbaarheid van vervoer na daardie plekke;
 - (f) verkeersdigtheid by of naby daardie plekke;
 - 30 (g) parkeergeriewe by of naby daardie plekke;
 - (h) telekommunikasiegeriewe by daardie plekke;
 - (i) algemene geriewe by daardie plekke;
 - (j) die veiligheid en gerief van kiesers;
 - (k) enige geografiese of fisiese kenmerk wat toeganklikheid tot of by daardie
 - 35 plekke mag bemoeilik; en
 - (l) die gemak waarmee daardie plekke beveilig kan word.
- (3) Voordat die ligging van 'n stemlokaal bepaal word, kan die Kommissie oor die voorgestelde ligging van die stemlokaal oorleg pleeg met—
- 40 (a) die munisipale party-skakelkomitee vir die munisipaliteit waarin daardie stemlokaal sal val; of
 - (b) indien daar geen munisipale party-skakelkomitee in die munisipaliteit ingestel is nie, die provinsiale party-skakelkomitee vir die provinsie waarin die stemlokaal sal val.
- (4) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld,
- 45 moet die hoofverkiegingsbeampte kennis gee dat afskrifte van 'n lys wat die adres van elke stemlokaal bevat, vir insaë beskikbaar sal wees.
- (5) Artikel 63(2) tot (5), aangepas soos in die samehang nodig mag wees, is op insaë in en afskrifte van daardie lys van toepassing.

Verplasing van stemlokale in noodgevälle

- 50 65. (1) Ondanks artikel 64 kan die Kommissie 'n stemlokaal verplaas indien die Kommissie van mening is dat dit nodig is vir die hou van 'n vrye en regverdige verkiesing.
- (2) Die hoofverkiegingsbeampte moet alle redelike stappe doen om publisiteit aan die verplasing van 'n stemlokaal onder kiesers in die betrokke stemdistrik te gee.

Organisation of voting stations

66. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must determine the boundary of every voting station.

(2) The presiding officer of a voting station may alter the boundary of that voting station on voting day if the presiding officer considers it necessary to do so to ensure proper control and security at the voting station, and must demarcate that boundary in the prescribed manner. 5

Mobile voting stations

67. (1) In order to ensure a free and fair election, the Commission may decide to use mobile voting stations. 10

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

(3) The notice must be publicised by the chief electoral officer in the media considered appropriate so as to ensure wide publicity of the information referred to in subsection (2). 15

Part 3: Voting materials

Ballot papers

68. The Commission must determine— 20

- (a) the design of the ballot paper or ballot papers to be used in an election;
- (b) the language to be used on a ballot paper, taking into account the election in which that ballot paper is to be used; and
- (c) the manner in which ballot papers issued must be accounted for.

Ballot boxes 25

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

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

(3) The Commission must determine the manner in which ballot boxes are to be— 30

- (a) numbered and labelled; and
- (b) closed, secured, opened, sealed and unsealed.

Voting compartments

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

(2) A voting compartment must screen a voter from observation by other persons while marking a ballot paper. 35

Voting materials

71. (1) Before voting opens at a voting station, the chief electoral officer must supply the presiding officer responsible for that voting station with all the voting materials necessary for the election at that voting station, including— 40

- (a) ballot papers;
- (b) ballot boxes;
- (c) voting compartments;
- (d) a certified voters' roll for the voting district concerned; and
- (e) a receipt to be signed by the presiding officer detailing the voting materials entrusted to that presiding officer. 45

Organisering van stemlokale

66. (1) Teen nie later nie as die tersaaklike datum vermeld in die verkiesingstyd-rooster moet die hoofverkiesingsbeampte die grens van elke stemlokaal bepaal.

(2) Die voorsittende beampte van 'n stemlokaal kan op stembdag die grens van daardie stemlokaal verander indien die voorsittende beampte dit nodig ag ten einde behoorlike beheer en veiligheid by die stemlokaal te verseker, en moet daardie grens op die voorgeskrewe wyse afbaken.

Mobiele stemlokale

67. (1) Ten einde 'n vrye en regverdige verkiesing te verseker, kan die Kommissie besluit om mobiele stemlokale te gebruik.

(2) Indien die Kommissie besluit om mobiele stemlokale in 'n verkiesing te gebruik, moet die hoofverkiesingsbeampte, teen nie later nie as die tersaaklike datum in die verkiesingstyd-rooster vermeld, kennis gee van die roete, met inbegrip van die plekke waar en geraamde tye wanneer elke mobiele stemlokaal sal stop.

(3) Die kennisgewing moet in die media wat as toepaslik beskou word, deur die hoofverkiesingsbeampte publisiteit gegee word ten einde wye bekendmaking van die inligting waarna in subartikel (2) verwys word, te verseker.

Deel 3: Stemmateriaal

Stembriewe

68. Die Kommissie moet—

- (a) die ontwerp van die stembrief of -briewe bepaal wat in 'n verkiesing gebruik moet word;
- (b) die taal wat op 'n stembrief gebruik moet word, bepaal, met inagneming van die verkiesing waarin daardie stembrief gebruik sal word; en
- (c) die wyse bepaal waarop daar rekenskap van uitgereikte stembriewe gegee moet word.

Stembusse

69. (1) Die Kommissie moet die ontwerp en materiaal van stembusse bepaal wat in 'n verkiesing gebruik moet word.

(2) Elke stembus moet geskik wees om behoorlik toegemaak te kan word.

(3) Die Kommissie moet die wyse bepaal waarop—

- (a) stembusse genommer en geëtiketteer moet word; en
- (b) stembusse toegemaak, beveilig, oopgemaak en geseël en die seëls verwyder moet word.

Stemkompartemente

70. (1) Die Kommissie moet die ontwerp en materiaal van stemkompartemente bepaal wat in 'n verkiesing gebruik moet word.

(2) 'n Stemkompartement moet 'n kieser uit die sig van ander persone afskort terwyl die kieser 'n stembrief merk.

Stemmateriaal

71. (1) Voordat 'n stemlokaal vir die uitbring van stemme geopen word, moet die hoofverkiesingsbeampte die voorsittende beampte wat vir daardie stemlokaal verantwoordelik is, voorsien van al die stemmateriaal wat vir die verkiesing by daardie stemlokaal nodig is, met inbegrip van—

- (a) stembriewe;
- (b) stembusse;
- (c) stemkompartemente;
- (d) 'n gesertifiseerde kieserslys vir die betrokke stembdistrik; en
- (e) 'n ontvangsbewys wat geteken moet word deur die voorsittende beampte en wat die stemmateriaal spesifiseer wat aan daardie voorsittende beampte toevertrou is.

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

Part 4: Appointment of officers, additional persons and institutions, and their powers and duties

Appointment of presiding officers

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

Powers and duties of presiding officers

73. (1) The presiding officer of a voting station must co-ordinate and supervise the voting at that voting station so as to ensure that the election at the voting station is free and fair. 10

(2) The presiding officer—

(a) may exercise the powers and must perform the duties assigned to a presiding officer by or under this Act; 15

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

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

(3) The presiding officer may exclude from the area within the boundary of a voting station any person other than— 20

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

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

(c) the prescribed number of candidates as the presiding officer may allow; 25

(d) a person appointed by an accredited observer;

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

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

(4) (a) Despite subsection (3), the presiding officer may order any person mentioned in subsection (3)(b) to (f) to leave the area within the boundary of the voting station if that person's conduct is not conducive to a free and fair election at that voting station. 30

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

(5) If a person refuses to comply with an order in terms of subsection (4), the presiding officer may order a member of the security services to forcibly remove that person, and that member must comply with that order. 35

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

(a) the presiding officer is absent from duty, or for any reason is temporarily unable to exercise the powers and perform the duties of the presiding officer; 40

or

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

Appointment of voting officers

74. As soon as practicable after the proclamation of an election, the chief electoral officer, in consultation with the Commission, must appoint for each voting station as many voting officers as may be necessary. 45

Powers and duties of voting officers

75. A voting officer—

(2) 'n Voorsittende beampte is verantwoordelik vir die veilige bewaring van al die stemmateriaal wat aan daardie beampte verskaf is.

Deel 4: Aanstelling van beamptes, bykomende persone en instellings, en hul bevoegdhede en pligte

5 Aanstelling van voorsittende beamptes

72. So gou prakties moontlik na die afkondiging van 'n verkiesing moet die hoofverkiesingsbeampte, in oorleg met die Kommissie, 'n voorsittende beampte en 'n adjunk-voorsittende beampte aanstel vir elke stemlokaal waar daardie verkiesing gehou moet word.

10 Bevoegdhede en pligte van voorsittende beamptes

73. (1) Die voorsittende beampte van 'n stemlokaal moet die stemming by daardie stemlokaal koördineer en daarvoor toesig hou ten einde te verseker dat die verkiesing by die stemlokaal vry en regverdig is.

(2) Die voorsittende beampte—

- 15 (a) kan die bevoegdhede uitoefen en moet die pligte verrig wat by of kragtens hierdie Wet aan 'n voorsittende beampte opgedra is;
- (b) moet alle redelike stappe doen om ordelikheid by daardie stemlokaal te verseker; en
- 20 (c) kan aan 'n lid van die veiligheidsdienste opdrag gee om hulp te verleen ten einde ordelikheid by daardie stemlokaal te verseker, en daardie lid moet daardie opdrag uitvoer.

(3) Die voorsittende beampte kan enige persoon van die gebied binne die grens van 'n stemlokaal uitsluit, uitgesonderd—

- 25 (a) 'n lid, werknemer of beampte van die Kommissie, of die hoofverkiesingsbeampte;
- (b) 'n agent wat ingevolge artikel 59 geregtig is om by 'n stemlokaal teenwoordig te wees;
- (c) die voorgeskrewe getal kandidate soos die voorsittende beampte mag toelaat;
- (d) 'n persoon aangestel deur 'n geakkrediteerde waarnemer;
- 30 (e) 'n kieser wat vir die doel van die uitbring van 'n stem teenwoordig is; en
- (f) enige ander persoon of kategorie persone wat deur die hoofverkiesingsbeampte gemagtig is om by die stemlokaal teenwoordig te wees.

(4) (a) Ondanks subartikel (3) kan die voorsittende beampte enige persoon genoem in subartikel (3)(b) tot (f) beveel om die gebied binne die grens van die stemlokaal te verlaat indien daardie persoon se optrede nie bevorderlik is vir 'n vrye en regverdigde verkiesing by die stemlokaal nie.

(b) Die voorsittende beampte moet redes aan daardie persoon gee vir 'n bevel ingevolge paragraaf (a).

(5) Indien 'n persoon weier om aan 'n bevel ingevolge subartikel (4) te voldoen, kan 40 die voorsittende beampte aan 'n lid van die veiligheidsdienste opdrag gee om daardie persoon met geweld te verwyder, en daardie lid moet daardie opdrag uitvoer.

(6) Die adjunk-voorsittende beampte van 'n stemlokaal moet as voorsittende beampte waarneem wanneer—

- 45 (a) die voorsittende beampte van diens afwesig is, of om enige rede tydelik nie in staat is om die bevoegdhede en pligte van die voorsittende beampte uit te oefen en te verrig nie; of
- (b) die amp van voorsittende beampte van daardie stemlokaal vakant is.

Aanstelling van stembeamptes

74. So gou prakties moontlik na afkondiging van 'n verkiesing moet die hoofverkiesingsbeampte, in oorleg met die Kommissie, vir elke stemlokaal soveel stembeamptes aanstel as wat nodig mag wees.

Bevoegdhede en pligte van stembeamptes

75. 'n Stembeampte—

- (a) must assist the presiding officer in the exercise of the presiding officer's powers and the performance of the presiding officer's duties; and
- (b) may exercise the powers and must perform the duties assigned to a voting officer by or under this Act.

Appointment of counting officers

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

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

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Powers and duties of counting officers

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

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

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

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- (a) the counting officer is absent from duty, or for any reason is temporarily unable to exercise the powers and perform the duties of the counting officer; or
- (b) the office of counting officer for that voting station or venue is vacant.

25

Appointment of counters

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

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

Powers and duties of counters

79. A counter—

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- (a) must assist a counting officer in the counting of votes; and
- (b) may exercise the powers and must perform the duties assigned to a counter by or under this Act.

Appointment of additional persons

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

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

- (a) a natural person; or
- (b) an institution, including a juristic person or an organ of state.

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Powers and duties of additional persons

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

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General provisions concerning appointment of officers

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

- (a) moet die voorsittende beampte by die uitoefening van die voorsittende beampte se bevoegdhe en die verrigting van die voorsittende beampte se pligte, bystaan; en
- (b) kan die bevoegdhe uitoefen en moet die pligte verrig wat by of kragtens hierdie Wet aan 'n stembeampte opgedra is.

Aanstelling van telbeamptes

76. (1) So gou prakties moontlik na afkondiging van 'n verkiesing moet die hoofverkiesingsbeampte, in oorleg met die Kommissie, 'n telbeampte en 'n adjunktelbeampte vir elke stemlokaal of punt waar die tel van stemme moet plaasvind, aanstel.
- 10 (2) Die hoofverkiesingsbeampte kan die voorsittende beampte, die adjunkvoorsittende beampte of 'n stembeampte vir 'n stemlokaal as die telbeampte of adjunktelbeampte vir daardie stemlokaal of by 'n punt aanstel.

Bevoegdhe en pligte van telbeamptes

77. (1) Die telbeampte vir 'n stemlokaal of punt vir die tel van stemme, moet die tel van stemme en die bepaling van die uitslag van die verkiesing by die stemlokaal of punt koördineer en daarvoor toesig hou ten einde te verseker dat die verkiesing by daardie stemlokaal of punt vry en regverdig is.
- (2) Artikel 73(2) tot (5), aangepas soos in die samehang nodig mag wees, is op die bevoegdhe en pligte van 'n telbeampte van toepassing.
- 20 (3) die adjunktelbeampte vir 'n stemlokaal of punt moet as telbeampte waarneem wanneer—
- (a) die telbeampte van diens afwesig is, of om enige rede tydelik nie in staat is om die bevoegdhe en pligte van die telbeampte uit te oefen en te verrig nie; of
- 25 (b) die amp van telbeampte vir daardie stemlokaal of punt vakant is.

Aanstelling van tellers

78. (1) So gou prakties moontlik na afkondiging van 'n verkiesing moet die hoofverkiesingsbeampte, in oorleg met die Kommissie, soveel tellers vir elke stemlokaal of punt waar die tel van stemme moet plaasvind, aanstel as wat nodig mag wees.
- 30 (2) Die hoofverkiesingsbeampte kan die voorsittende beampte, adjunkvoorsittende beampte of 'n stembeampte vir 'n stemlokaal as 'n teller by daardie stemlokaal of by 'n punt aanstel.

Bevoegdhe en pligte van tellers

79. 'n Teller—
- 35 (a) moet 'n telbeampte met die tel van stemme bystaan; en
- (b) kan die bevoegdhe uitoefen en moet die pligte verrig wat by of kragtens hierdie Wet aan 'n teller opgedra is.

Aanstelling van bykomende persone

80. (1) Die hoofverkiesingsbeampte kan, in oorleg met die Kommissie, soveel bykomende persone as wat nodig is, aanstel ten einde die Kommissie in staat te stel om sy bevoegdhe en sy pligte doeltreffend uit te oefen en te verrig.
- (2) 'n Persoon deur die hoofverkiesingsbeampte ingevolge subartikel (1) aangestel, kan—
- (a) 'n natuurlike persoon wees; of
- 45 (b) 'n instelling, met inbegrip van 'n regspersoon of 'n staatsorgaan, wees.

Bevoegdhe en pligte van bykomende persone

81. 'n Persoon deur die hoofverkiesingsbeampte ingevolge artikel 80 aangestel, kan enige bevoegdhe uitoefen en moet enige plig verrig by of kragtens hierdie Wet aan so 'n persoon opgedra.

50 Algemene bepalinge aangaande aanstelling van beamptes

82. (1) 'n Persoon word nie aangestel as 'n beampte in 'n verkiesing, of bly nie aan in daardie amp, indien daardie persoon—

- (a) is a candidate contesting that election;
 (b) is an agent in that election; or
 (c) holds political office in a registered party.
- (2) (a) An officer exercises the powers and performs the duties assigned to that officer subject to the directions, control and discipline of the chief electoral officer. 5
 (b) The chief electoral officer must determine in writing the terms and conditions of appointment of an officer, including—
 (i) the powers and duties assigned to that officer; and
 (ii) any remuneration payable to that officer.
- (3) The assignment of a power or duty to an officer does not prevent the chief electoral officer from exercising that power or performing that duty. 10
- (4) A person may not be appointed as an officer unless that person has signed the prescribed undertaking, which must include an undertaking to be bound by—
 (a) the Code; and
 (b) a declaration of secrecy. 15
- (5) All officers must be impartial and exercise their powers and perform their duties independently and without fear, favour or prejudice.
- (6) An officer may not, whether directly or indirectly, in any manner give support to, or oppose, any registered party or candidate contesting an election, or any of the issues in contention between parties or candidates. 20
- (7) An officer may not place in jeopardy that officer's perceived independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.
- (8) An officer is not liable for any loss suffered by a person as a result of an act performed or omitted in good faith in the exercise of a power or the performance of a duty in terms of this Act. 25
- (9) An officer may be removed from office by the chief electoral officer on account of—
 (a) misconduct, incompetence or incapacity;
 (b) absence from duty without leave of the chief electoral officer; 30
 (c) bias;
 (d) a material contravention of this section;
 (e) a material contravention of the declaration of secrecy; or
 (f) any other consideration related to free and fair elections.
- (10) No appeal may be brought against a decision by the chief electoral officer to appoint a person as an officer, or to remove an officer from office. 35
- (11) An officer may resign from office by giving one calendar month's notice in writing to the chief electoral officer.
- (12) The chief electoral officer may appoint, in accordance with this Part, a person to fill a vacancy caused by the death or the removal or resignation from office of an officer. 40

General provisions concerning appointment of institutions

83. (1) In this section, "institution" means an institution appointed by the chief electoral officer in terms of section 80.
- (2) (a) An institution and its employees exercise the powers and perform the duties assigned to the institution subject to the directions, control and discipline of the chief electoral officer. 45
 (b) The chief electoral officer must determine in writing the terms and conditions of appointment of an institution, including—
 (i) the services, facilities and employees to be made available to the Commission by that institution; 50
 (ii) the powers and duties assigned to that institution; and
 (iii) any remuneration payable to that institution.
- (3) The assignment of a power or duty to an institution does not prevent the chief electoral officer from exercising that power or performing that duty.

- (a) 'n kandidaat is wat aan daardie verkiesing deelneem nie;
- (b) 'n agent in daardie verkiesing is nie; of
- (c) 'n politieke amp in 'n geregistreerde party beklee nie.
- (2) (a) 'n Beampste oefen die bevoegdheids uit en verrig die pligte wat aan daardie
5 beampste opgedra is behoudens die voorskrifte, beheer en dissipline van die hoofver-
kiesingsbeampste.
- (b) Die hoofverkiegingsbeampste moet die bedinge en voorwaardes van aanstelling
van 'n beampste skriftelik bepaal, met inbegrip van—
- (i) die bevoegdheids en pligte aan daardie beampste opgedra; en
- 10 (ii) enige vergoeding aan daardie beampste betaalbaar.
- (3) Die opdra van 'n bevoegdheids of plig aan 'n beampste, belet nie die hoof-
verkiegingsbeampste om self daardie bevoegdheids uit te oefen of daardie plig te verrig
nie.
- (4) 'n Persoon word nie as 'n beampste aangestel nie tensy daardie persoon die
15 voorgeskrewe onderneming onderteken het, wat moet insluit 'n onderneming om
gebind te wees deur—
- (a) die Kode; en
- (b) 'n verklaring van geheimhouding.
- (5) Alle beampstes moet onpartydig wees en hul bevoegdheids en pligte onafhanklik
20 en sonder vrees, begunstiging of vooroordeel uitoefen en verrig.
- (6) 'n Beampste mag nie, hetsy regstreeks of onregstreeks, op enige wyse enige
geregistreerde party of kandidaat wat aan 'n verkiesing deelneem, of enige van die
geskilpunte tussen partye of kandidate, ondersteun of opponeer nie.
- (7) 'n Beampste mag nie daardie beampste se oënskynlike onafhanklikheids in gevaar
25 stel of die geloofwaardigheds, onpartydigheids, onafhanklikheids of integriteit van die
Kommissie benadeel deur enige lidmaatskap, assosiasie, verklaring of gedrag nie.
- (8) 'n Beampste is nie aanspreeklik vir enige verlies wat 'n persoon ly as gevolg van
'n handeling te goeder trou gedoen of nagelaat by die uitoefening van 'n bevoegdheids
of die verrigting van 'n plig ingevolgs hierdie Wet nie.
- 30 (9) 'n Beampste kan van die amp onthef word deur die hoofverkiegingsbeampste op
grond van—
- (a) wangedrag, onbekwaamheids of onvermoë;
- (b) afwesigheds van diens sonder verlof van die hoofverkiegingsbeampste;
- (c) partydigheids;
- 35 (d) 'n wesentlike oortreding van hierdie artikel;
- (e) 'n wesentlike oortreding van die verklaring van geheimhouding; of
- (f) enige ander oorweging wat verband hou met vrye en regverdige verkiesings.
- (10) Geen appèl kan aangeteken word teen 'n besluit van die hoofverkiegings-
beampste om 'n persoon as 'n beampste aan te stel, of 'n beampste uit die amp te verwyder
40 nie.
- (11) 'n Beampste kan uit die amp bedank deur een kalendermaand skriftelike kennis
aan die hoofverkiegingsbeampste te gee.
- (12) Die hoofverkiegingsbeampste kan ooreenkomstig hierdie Deel 'n persoon aanstel
om 'n vakature wat deur die afsterwe of die verwydering of bedanking uit die amp van
45 'n beampste, te vul.

Algemene bepalinge aangaande aanstelling van instellings

83. (1) In hierdie artikel beteken "instelling" 'n instelling deur die hoof-
verkiegingsbeampste ingevolgs artikel 80 aangestel.
- (2) (a) 'n Instelling en sy werknemers oefen die bevoegdheids uit en verrig die pligte
50 wat aan die instelling opgedra is, behoudens die voorskrifte, beheer en dissipline van
die hoofverkiegingsbeampste.
- (b) Die hoofverkiegingsbeampste moet die bedinge en voorwaardes van aanstelling
van 'n instelling skriftelik bepaal, met inbegrip van—
- (i) die dienste, geriewe en werknemers wat deur daardie instelling aan die
55 Kommissie beskikbaar gestel moet word;
- (ii) die bevoegdheids en pligte aan daardie instelling opgedra; en
- (iii) enige vergoeding betaalbaar aan daardie instelling.
- (3) Die opdra van 'n bevoegdheids of plig aan 'n instelling belet nie die hoofver-
kiegingsbeampste om self daardie bevoegdheids uit te oefen of daardie plig te verrig
60 nie.

- (4) An institution must ensure that an employee of that institution who exercises a power or performs a duty in terms of this Act is not—
- (a) a candidate contesting that election;
 - (b) an agent in that election; or
 - (c) holds political office in a registered party. 5
- (5) An institution may not be appointed unless that institution, and each of its employees who will exercise powers and perform duties in terms of this Act, have signed the prescribed undertaking, which must include an undertaking to be bound by a declaration of secrecy.
- (6) Every institution must ensure that it, and its employees, exercise their powers and perform their duties impartially and independently and without fear, favour or prejudice. 10
- (7) An institution, and each of its employees who exercises powers and performs duties in terms of this Act, may not, whether directly or indirectly, in any manner give support to, or oppose, any registered party or candidate contesting an election, or any of the issues in contention between parties or candidates. 15
- (8) An institution, and each of its employees who exercises powers and performs duties in terms of this Act, may not place in jeopardy their perceived independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.
- (9) An institution and its employees are not liable for any loss suffered by any person as a result of any act performed or omitted in good faith in the exercise of any power or the performance of a duty in terms of this Act. 20
- (10) The chief electoral officer may revoke the appointment of an institution on account of that institution's—
- (a) incapacity or incompetence; 25
 - (b) bias; or
 - (c) failure to adequately discipline and control its employees exercising any powers or performing any duties in terms of this Act.
- (11) An institution must immediately terminate an employee's exercise of any power or performance of any duty in terms of this Act on account of that employee's— 30
- (a) misconduct, incompetence or incapacity;
 - (b) absence from duty without leave of the chief electoral officer;
 - (c) bias;
 - (d) material contravention of this section;
 - (e) material contravention of the declaration of secrecy; or 35
 - (f) conduct which is not conducive to free and fair elections.
- (12) No appeal may be brought against a decision by the chief electoral officer to appoint an institution, or to revoke the appointment of an institution.
- (13) An institution may terminate its appointment by giving two calendar months' notice in writing to the chief electoral officer. 40
- (14) The chief electoral officer may appoint, in accordance with this Part, another institution in the place of an institution whose appointment has been revoked or terminated.

Part 5: Accreditation of observers and persons providing voter education

Accreditation of observers 45

- 84.** (1) Any juristic person may apply to the Commission in the prescribed manner for accreditation to observe an election.
- (2) The Commission may require further information in support of an application.
- (3) The Commission may accredit an applicant to observe an election after considering the application, any further information provided by the applicant, and whether— 50
- (a) the accreditation of the applicant will promote conditions conducive to a free and fair election; and
 - (b) the persons appointed by the applicant will— 55
 - (i) observe that election impartially and independently of any registered party or candidate contesting that election;
 - (ii) be competent and professional in observing that election; and
 - (iii) subscribe to a Code governing observers issued by the Commission in terms of section 99.

- (4) 'n Instelling moet toesien dat 'n werknemer van daardie instelling wat ingevolge hierdie Wet 'n bevoegdheid uitoefen of 'n plig verrig nie—
- (a) 'n kandidaat is wat aan daardie verkiesing deelneem nie;
- (b) 'n agent in daardie verkiesing is nie; of
- 5 (c) 'n politieke amp in 'n geregistreerde party beklee nie.
- (5) 'n Instelling word nie aangestel nie tensy daardie instelling, en elk van sy werknemers wat ingevolge hierdie Wet bevoegdhede sal uitoefen en pligte sal verrig, die voorgeskrewe onderneming onderteken het, wat moet insluit 'n onderneming om deur 'n verklaring van geheimhouding gebind te wees.
- 10 (6) Elke instelling moet toesien dat hy en sy werknemers hul bevoegdhede uitoefen en hul pligte verrig op 'n onpartydige wyse, onafhanklik en sonder vrees, begunstiging of vooroordeel.
- (7) 'n Instelling en elk van sy werknemers wat ingevolge hierdie Wet bevoegdhede uitoefen en pligte verrig, mag nie, hetsy regstreeks of onregstreeks, op enige wyse 'n
- 15 geregistreerde party of kandidaat wat aan 'n verkiesing deelneem, of enige geskilpunte tussen partye of kandidate, ondersteun of opponeer nie.
- (8) 'n Instelling, en elk van sy werknemers wat ingevolge hierdie Wet bevoegdhede uitoefen en pligte verrig, mag nie hul oënskynlike onafhanklikheid in gevaar stel of die geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van die Kommissie
- 20 benadeel deur enige lidmaatskap, assosiasie, verklaring of gedrag nie.
- (9) 'n Instelling en sy werknemers is nie aanspreeklik vir enige verlies deur enige persoon gelyk as gevolg van 'n handeling te goeder trou gedoen of nagelaat by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig ingevolge hierdie Wet nie.
- (10) Die hoofverkiesingsbeampte kan die aanstelling van 'n instelling intrek op
- 25 grond van daardie instelling se—
- (a) onvermoë of onbekwaamheid;
- (b) partydigheid; of
- (c) versuim om sy werknemers wat ingevolge hierdie Wet bevoegdhede uitoefen of pligte verrig, in 'n voldoende mate te dissiplineer en te beheer.
- 30 (11) 'n Instelling moet onmiddellik 'n werknemer se uitoefening van 'n bevoegdheid of die verrigting van 'n plig ingevolge hierdie Wet, beëindig op grond van daardie werknemer se—
- (a) wangedrag, onbekwaamheid of onvermoë;
- (b) afwesigheid van diens sonder die hoofverkiesingsbeampte se toestemming;
- 35 (c) partydigheid;
- (d) wesentlike oortreding van hierdie artikel;
- (e) wesentlike oortreding van die verklaring van geheimhouding; of
- (f) gedrag wat nie bevorderlik vir vrye en regverdige verkiesings is nie.
- (12) Geen appèl kan aangeteken word teen 'n besluit van die hoofverkiesings-
- 40 beampte om 'n instelling aan te stel, of die aanstelling van 'n instelling in te trek nie.
- (13) 'n Instelling kan sy aanstelling beëindig deur twee kalendermaande skriftelike kennis aan die hoofverkiesingsbeampte te gee.
- (14) Die hoofverkiesingsbeampte kan ooreenkomstig hierdie Deel 'n ander instelling aanstel in die plek van 'n instelling wie se aanstelling ingetrek of beëindig is.

45 **Deel 5: Akkreditering van waarnemers en persone wat kiesersopleiding verskaf**

Akkreditering van waarnemers

84. (1) Enige regspersoon kan op die voorgeskrewe wyse by die Kommissie aansoek doen om akkreditering om 'n verkiesing waar te neem.
- (2) Die Kommissie kan verdere inligting ter ondersteuning van 'n aansoek vereis.
- 50 (3) Die Kommissie kan 'n aansoeker akkrediteer om 'n verkiesing waar te neem na oorweging van die aansoek, enige verdere inligting deur die aansoeker verstrekk, en of—
- (a) die akkreditering van die aansoeker die omstandighede bevorderlik vir 'n vrye en regverdige verkiesing sal bevorder; en
- 55 (b) die persone deur die aansoeker aangestel—
- (i) daardie verkiesing onpartydig en onafhanklik van enige geregistreerde party of kandidaat wat aan daardie verkiesing deelneem, sal waarneem;
- (ii) by die waarneming van daardie verkiesing bekwaam en professioneel sal wees; en
- 60 (iii) hul sal onderwerp aan 'n Kode ter regulering van waarnemers deur die Kommissie ingevolge artikel 99 uitgereik.

(4) The Commission may decide—

- (a) to accredit the applicant, in which case, the Commission must—
- (i) enter the applicant's name in the register of persons accredited as observers;
 - (ii) issue a certificate of accreditation in the applicant's name stating the period and other conditions of accreditation; and
 - (iii) send the certificate to the applicant; or
- (b) not to accredit the applicant, in which case the Commission must advise the unsuccessful applicant in writing of its decision.

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

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

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

Powers and duties of accredited observers

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

- (a) Part 1 of Chapter 4 concerning voting;
- (b) Parts 2 and 3 of Chapter 4 concerning the counting of votes; and
- (c) Part 5 of Chapter 4 concerning the determination and declaration of the election results.

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

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

- (a) an officer; or
- (b) a member of the security services acting on the instructions of an officer.

Accreditation of persons providing voter education

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

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

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

- (a) the services provided by the applicant meet the Commission's standards;
- (b) the applicant is able to conduct its activities effectively;
- (c) the applicant or the persons appointed by the applicant to provide voter education will—
 - (i) do so in a manner that is impartial and independent of any registered party or candidate contesting that election;
 - (ii) be competent to do so; and
 - (iii) subscribe to a Code issued by the Commission under section 98 governing persons accredited to provide voter education; and
- (d) the accreditation of the applicant will promote voter education and conditions conducive to free and fair elections.

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

- (4) Die Kommissie kan besluit om—
- (a) die aansoeker te akkrediteer, in welke geval die Kommissie—
 - (i) die aansoeker se naam moet inskryf in die register van persone as waarnemers geakkrediteer;
 - 5 (ii) 'n sertifikaat van akkreditering in die aansoeker se naam uitreik, met vermelding van die tydperk en ander voorwaardes van akkreditering; en
 - (iii) die sertifikaat aan die aansoeker stuur; of
 - (b) die aansoeker nie te akkrediteer nie, in welke geval die Kommissie die onsuksesvolle aansoeker skriftelik van sy besluit in kennis moet stel.
- 10 (5) Indien 'n persoon wat as 'n waarnemer geakkrediteer is in 'n wesentlike opsig versuim om aan die voorwaardes van akkreditering te voldoen, kan die Kommissie daardie akkreditering intrek nadat hy redelike kennis van intrekking aan daardie persoon gegee het.
- (6) Enige persoon het insae in die register en afskrifte van die sertifikate van persone
15 wat as waarnemers geakkrediteer is. Die register en afskrifte van die sertifikate moet by die Kommissie se hoofkantoor gehou word.
- (7) Die hoofverkiesingsbeampte moet 'n gewaarmerkte afskrif van, of uittreksel uit, daardie register of 'n sertifikaat aan 'n persoon verskaf wat die voorgeskrewe bedrag betaal het.

20 Bevoegdheids- en pligte van geakkrediteerde waarnemers

85. (1) 'n Persoon deur 'n geakkrediteerde waarnemer aangestel, kan met betrekking tot die verkiesing waarvoor daardie waarnemer geakkrediteer is die verrigtinge waarnaem waarvoor daar voorsiening gemaak is in—
- (a) Deel 1 van Hoofstuk 4 aangaande die uitbring van stemme;
 - 25 (b) Dele 2 en 3 van Hoofstuk 4 aangaande die tel van stemme; en
 - (c) Deel 5 van Hoofstuk 4 aangaande die bepaling en verklaring van die verkiesingsuitslae.
- (2) Terwyl 'n persoon deur 'n geakkrediteerde waarnemer aangestel, 'n verkiesing waarnaem, moet daardie persoon die voorgeskrewe identifikasie dra wat aandui dat die
30 persoon 'n geakkrediteerde waarnemer verteenwoordig.
- (3) 'n Persoon deur 'n geakkrediteerde waarnemer aangestel, moet voldoen aan 'n bevel uitgereik deur—
- (a) 'n beampte; of
 - (b) 'n lid van die veiligheidsdienste handelende in opdrag van 'n beampte.

35 Akkreditering van persone wat kiesersopleiding verskaf

86. (1) Enige natuurlike persoon of regs persoon kan op die voorgeskrewe wyse by die Kommissie om akkreditering aansoek doen om kiesersopleiding vir 'n verkiesing te verskaf.
- (2) Die Kommissie kan verdere inligting ter ondersteuning van 'n aansoek vereis.
- 40 (3) Die Kommissie kan 'n aansoeker om kiesersopleiding vir 'n verkiesing te verskaf, akkrediteer na oorweging van die aansoek, enige verdere inligting deur die aansoeker verskaf, en of—
- (a) die dienste deur die aansoeker verskaf aan die Kommissie se standarde
voldoen;
 - 45 (b) die aansoeker in staat is om sy werksaamhede doeltreffend te verrig;
 - (c) die aansoeker of die persone deur die aansoeker aangestel om kiesersopleiding te verskaf—
 - (i) dit sal doen op 'n wyse wat onpartydig is en onafhanklik is van enige
geregistreerde party of kandidaat wat aan daardie verkiesing deelneem;
 - 50 (ii) bekwaam sal wees om dit te doen; en
 - (iii) hul sal onderwerp aan 'n Kode deur die Kommissie kragtens artikel 98
uitgereik ter regulering van persone geakkrediteer om kiesersopleiding
te verskaf; en
 - (d) die akkreditering van die aansoeker, kiesersopleiding en omstandighede
55 bevorderlik vir vrye en regverdigte verkiesings sal bevorder.
- (3) Artikel 84(4) tot (7), aangepas soos in die samehang nodig mag wees, is van toepassing op die akkreditering van persone wat kiesersopleiding verskaf.

CHAPTER 7

GENERAL PROVISIONS

*Part 1: Prohibited conduct***Undue influence**

87. (1) No person may— 5
- (a) compel or unlawfully persuade any person—
 - (i) to register or not to register as a voter;
 - (ii) to vote or not to vote;
 - (iii) to vote or not to vote for any registered party or candidate;
 - (iv) to support or not to support any registered party or candidate; or 10
 - (v) to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or other political event;
 - (b) interfere with the independence or impartiality of the Commission, any member, employee or officer of the Commission, or the chief electoral officer;
 - (c) prejudice any person because of any past, present or anticipated performance of a function in terms of this Act; 15
 - (d) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of this Act;
 - (e) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place: 20
 - (i) Any representative of a registered party or of a candidate;
 - (ii) any candidate in an election;
 - (iii) any member, employee or officer of the Commission;
 - (iv) the chief electoral officer;
 - (v) any person appointed by an accredited observer; or 25
 - (vi) any person accredited to provide voter education; or
 - (f) unlawfully prevent the holding of any political meeting, march, demonstration or other political event.
- (2) Subject to this Act, no person may prevent anyone from exercising a right conferred by this Act. 30
- (3) No person, knowing that another person is not entitled to be registered as a voter, may—
- (a) persuade that other person that that other person is entitled to be registered as a voter; or
 - (b) represent to anyone else that that other person is entitled to be registered as a voter. 35
- (4) No person, knowing that another person is not entitled to vote, may—
- (a) assist, compel or persuade that other person to vote; or
 - (b) represent to anyone else that that other person is entitled to vote.

Impersonation 40

88. No person—
- (a) may apply to be registered as a voter in the name of any other person, whether living, dead or fictitious;
 - (b) may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious; 45
 - (c) who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station;
 - (d) may cast more votes than that person is entitled to; or
 - (e) may impersonate—

HOOFSTUK 7**ALGEMENE BEPALINGS***Deel 1: Verbode gedrag***Onbehoorlike beïnvloeding**

- 5 **87.** (1) Geen persoon mag—
- (a) enige persoon dwing of wederregtelik oorhaal—
- (i) om as 'n kieser te registreer of nie te registreer nie;
- (ii) om te stem of nie te stem nie;
- 10 (iii) om vir enige geregistreerde party of kandidaat te stem of nie te stem nie;
- (iv) om enige geregistreerde party of kandidaat te ondersteun of nie te ondersteun nie; of
- (v) om enige politieke vergadering, optog, betoging of ander politieke geleentheid by te woon en daaraan deel te neem, of nie by te woon en daaraan deel te neem nie;
- 15 (b) inmeng met die onafhanklikheid of onpartydigheid van die Kommissie, enige lid, werknemer of beampte van die Kommissie, of die hoofverkiesings-beampte nie;
- (c) enige persoon benadeel op grond van enige vorige, huidige of verwagte verrigting van 'n werksaamheid ingevolge hierdie Wet nie;
- 20 (d) enige persoon bevoordeel of beloof om te bevoordeel in ruil daarvoor dat daardie persoon nie 'n werksaamheid ingevolge hierdie Wet verrig nie;
- (e) enige van die volgende persone verhoed om redelike toegang tot kiesers te verkry nie, hetsy op 'n openbare of private plek:
- (i) Enige verteenwoordiger van 'n geregistreerde party of van 'n kandidaat;
- 25 (ii) enige kandidaat in 'n verkiesing;
- (iii) enige lid, werknemer of beampte van die Kommissie;
- (iv) die hoofverkiesingsbeampte;
- (v) enige persoon deur 'n geakkrediteerde waarnemer aangestel; of
- (vi) enige persoon geakkrediteer om kiesersopleiding te verskaf; of
- 30 (f) wederregtelik die hou van enige politieke vergadering, optog, betoging of ander politieke geleentheid verhinder nie.
- (2) Behoudens hierdie Wet mag geen persoon iemand verhinder om 'n reg deur hierdie Wet verleen, uit te oefen nie.
- (3) Geen persoon wat weet dat 'n ander persoon nie geregtig is om as 'n kieser
- 35 geregistreer te word nie, mag—
- (a) daardie ander persoon oorreed dat daardie ander persoon geregtig is om as 'n kieser geregistreer te word nie; of
- (b) aan iemand anders voorgee dat daardie ander persoon geregtig is om as 'n kieser geregistreer te word nie.
- 40 (4) Geen persoon wat weet dat 'n ander persoon nie geregtig is om te stem nie, mag—
- (a) daardie ander persoon bystaan, dwing of oorreed om te stem nie; of
- (b) aan iemand anders voorgee dat daardie ander persoon geregtig is om te stem nie.

45 Identiteitsbedrog

- 88.** Geen persoon—
- (a) mag om registrasie as kieser in die naam van enige ander persoon, hetsy lewend, oorlede of fiktief, aansoek doen nie;
- 50 (b) mag om 'n stembrief by 'n stemlokaal in die naam van enige ander persoon, hetsy lewend, oorlede of fiktief, aansoek doen nie;
- (c) wat nie geregtig is om in 'n verkiesing of by 'n stemlokaal te stem nie, mag in daardie verkiesing of by daardie stemlokaal stem nie;
- (d) mag meer stemme uitbring as waarop daardie persoon geregtig is nie; of
- (e) mag valslik voorgee om—

- (i) a representative of a registered party or of a candidate;
- (ii) a candidate in an election;
- (iii) a member, employee or officer of the Commission;
- (iv) the chief electoral officer;
- (v) a person appointed by an accredited observer; or 5
- (vi) a person accredited to provide voter education.

Intentional false statements

89. (1) No person, when required in terms of this Act to make a statement, may make the statement—
- (a) knowing that it is false; or 10
 - (b) without believing on reasonable grounds that the statement is true.
- (2) No person may publish any false information with the intention of—
- (a) disrupting or preventing an election;
 - (b) creating hostility or fear in order to influence the conduct or outcome of an election; or 15
 - (c) influencing the conduct or outcome of an election.

Infringement of secrecy

90. (1) No person may interfere with a voter's right to secrecy while casting a vote.
- (2) Except as permitted in terms of this Act, no person may—
- (a) disclose any information about voting or the counting of votes; or 20
 - (b) open any ballot box or container sealed in terms of this Act, or break its seal.

Prohibitions concerning voting and election materials

91. (1) Except as permitted in terms of this Act, no person may—
- (a) print, manufacture or supply any voting or election material;
 - (b) remove or conceal any voting or election material; 25
 - (c) damage or destroy any voting or election material; or
 - (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.
- (2) The chief electoral officer may authorise—
- (a) the printing, manufacture or supply of any voting or election material; 30
 - (b) the use of the voters' roll or any voting or election material for a purpose other than an election purpose; and
 - (c) the removal or destruction of any voting or election material.

Prohibitions concerning placards and billboards during election

92. From the date on which an election is called to the date the result of the election 35 is determined and declared in terms of section 57, no person may deface or unlawfully remove any billboard, placard or poster published by a registered party or candidate.

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

93. (1) No person may refuse or fail to give effect to a lawful direction, instruction or 40 order of the Commission, or a member, employee or officer of the Commission, or the chief electoral officer.
- (2) A person may not obstruct or hinder the Commission, or a person mentioned in subsection (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties. 45

- (i) 'n verteenwoordiger van 'n geregistreerde party of van 'n kandidaat te wees nie;
- (ii) 'n kandidaat in 'n verkiesing te wees nie;
- (iii) 'n lid, werknemer of beampte van die Kommissie te wees nie;
- 5 (iv) die hoofverkiesingsbeampte te wees nie;
- (v) 'n persoon te wees wat deur 'n geakkrediteerde waarnemer aangestel is nie; of
- (vi) 'n persoon te wees wat geakkrediteer is om kiesersopleiding te verskaf nie.

10 Opsetlike valse verklarings

89. (1) Geen persoon van wie daar ingevolge hierdie Wet vereis word om 'n verklaring af te lê, mag die verklaring aflê—
- (a) wetende dat dit vals is nie; of
 - (b) sonder om op redelike gronde te glo dat die verklaring waar is nie.
- 15 (2) Geen persoon mag enige valse inligting publiseer met die opset om—
- (a) 'n verkiesing te ontwrig of te verhoed nie;
 - (b) vyandigheid of vrees te skep ten einde die voer of uitslag van 'n verkiesing te beïnvloed nie; of
 - (c) die voer of uitslag van 'n verkiesing te beïnvloed nie.

20 Skending van geheimhouding

90. (1) Geen persoon mag inmeng met 'n kieser se reg op geheimhouding tydens die uitbring van 'n stem nie.
- (2) Behalwe soos ingevolge hierdie Wet veroorloof, mag geen persoon—
- (a) enige inligting aangaande die uitbring of tel van stemme openbaar maak nie;
 - 25 of
 - (b) 'n stembus of houer wat ingevolge hierdie Wet verseël is, oopmaak of die seël daarvan breek nie.

Verbodsbepalings aangaande stem- en verkiesingsmateriaal

91. (1) Behalwe soos ingevolge hierdie Wet veroorloof, mag geen persoon—
- 30 (a) enige stem- of verkiesingsmateriaal druk, vervaardig of verskaf nie;
 - (b) enige stem- of verkiesingsmateriaal verwyder of versteek nie;
 - (c) enige stem- of verkiesingsmateriaal beskadig of vernietig nie; of
 - (d) die kieserslys of enige stem- of verkiesingsmateriaal vir 'n ander doel as verkiesingsdoeleindes gebruik nie.
- 35 (2) Die hoofverkiesingsbeampte kan—
- (a) die druk, vervaardiging of verskaffing van stem- of verkiesingsmateriaal magtig;
 - (b) die gebruik van die kieserslys of enige stem- of verkiesingsmateriaal vir 'n ander doel as verkiesingsdoeleindes, magtig; en
 - 40 (c) die verwydering of vernietiging van stem- of verkiesingsmateriaal magtig.

Verbodsbepalings aangaande plakkate en reklameborde tydens verkiesing

92. Vanaf die datum waarop 'n verkiesing uitgeskryf word tot die datum waarop die uitslag van die verkiesing ingevolge artikel 57 bepaal en verklaar word, mag geen persoon enige reklamebord, plakkaat of biljet deur 'n geregistreerde party of kandidaat
- 45 gepubliseer, ontsier of wederregtelik verwyder nie.

Dwarsboming van, of nie-voldoening aan, voorskrifte van Kommissie, hoofverkiesingsbeampte en ander beamptes

93. (1) Geen persoon mag weier of versuim om uitvoering te gee aan 'n wettige voorskrif, opdrag of bevel van die Kommissie, of 'n lid, werknemer of beampte van die
- 50 Kommissie, of die hoofverkiesingsbeampte nie.
- (2) 'n Persoon mag nie die Kommissie, of 'n persoon genoem in subartikel (1), of 'n persoon wat deur 'n geakkrediteerde waarnemer aangestel is, dwarsboom of lastig val by die uitoefening van hul bevoegdhede of die verrigting van hul pligte nie.

Contravention of Code

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

Part 2: Enforcement**Institution of and intervention in civil proceedings by chief electoral officer** 5

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

(2) The chief electoral officer may intervene in any civil proceedings if the Commission has a legal interest in the outcome of those proceedings. 10

Jurisdiction and powers of Electoral Court

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

(2) If a court having jurisdiction by virtue of section 20(4)(b) of the Electoral Commission Act finds that a person or registered party has contravened a provision of Part 1 of this Chapter it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person or party, including— 15

- (a) a formal warning;
- (b) a fine not exceeding R200 000; 20
- (c) the forfeiture of any deposit paid by that person or party in terms of section 27(2)(e);
- (d) an order prohibiting that person or party from—
 - (i) using any public media;
 - (ii) holding any public meeting, demonstration, march or other political event; 25
 - (iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;
 - (iv) erecting or publishing billboards, placards or posters at or in any place;
 - (v) publishing or distributing any campaign literature; 30
 - (vi) electoral advertising; or
 - (vii) receiving any funds from the State or from any foreign sources;
- (e) an order imposing limits on the right of that person or party to perform any of the activities mentioned in paragraph (d);
- (f) an order excluding that person or any agents of that person or any candidates or agents of that party from entering a voting station; 35
- (g) an order reducing the number of votes cast in favour of that person or party;
- (h) an order disqualifying the candidature of that person or of any candidate of that party; or
- (i) an order cancelling the registration of that party. 40

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

Part 3: Offences and penalties**Offences**

97. Any person who contravenes a provision of Part 1 of this Chapter or a provision of section 107, 108 or 109, is guilty of an offence. 45

Penalties

98. Any person convicted of any offence in terms of—

- (a) section 87(1)(b), (c) or (d), 89(2), 90, 91, 93 or 94, is liable to a fine or to imprisonment for a period not exceeding 10 years; 50

Oortreding van Kode

94. Geen persoon of geregistreerde party wat deur die Kode gebind word, mag 'n bepaling van daardie Kode oortree of versuim om daaraan te voldoen nie.

Deel 2: Uitvoering**5 Instelling van en toetreding tot siviele verrigtinge deur hoofverkiesingsbeampte**

95. (1) Behoudens hierdie Wet en enige ander wet kan die hoofverkiesingsbeampte siviele verrigtinge in 'n hof, met inbegrip van die Verkiesingshof, instel om aan 'n bepaling van hierdie Wet of die Kode uitvoering te gee.

(2) Die hoofverkiesingsbeampte kan tot enige siviele verrigtinge toetree as die 10 Kommissie 'n regsbelang by die uitslag van daardie verrigtinge het.

Regsbevoegdheid en bevoegdhede van Verkiesingshof

96. (1) Die Verkiesingshof het finale regsbevoegdheid met betrekking tot alle verkiesingsgeskille en klagtes in verband met skendings van die Kode, en geen beslissing of bevel van die Verkiesingshof is aan appèl of hersiening onderworpe nie.

15 (2) Indien 'n hof wat uit hoofde van artikel 20(4)(b) van die Wet op die Verkiesingskommissie regsbevoegdheid het, bevind dat 'n persoon of geregistreerde party 'n bepaling van Deel 1 van hierdie Hoofstuk oortree het, kan hy in belang van 'n vrye en regverdige verkiesing daardie persoon of party enige toepaslike straf of sanksie oplê, met inbegrip van—

- 20 (a) 'n formele waarskuwing;
- (b) 'n boete van hoogstens R200 000;
- (c) die verbeuring van enige deposito wat deur daardie persoon of party ingevolge artikel 27(2)(e) betaal is;
- 25 (d) 'n bevel wat daardie persoon of party belet om—
- (i) enige openbare media te gebruik;
- (ii) enige openbare vergadering, betoging, optog of ander politieke geleentheid te hou;
- (iii) enige stemdistrik binne te gaan met die oog op die werf van kiesers of 'n ander verkiesingssoogmerk;
- 30 (iv) reklameborde, plakkate of biljette by of op enige plek aan te bring of te publiseer;
- (v) werwingsliteratuur te publiseer of te versprei;
- (vi) verkiesingsreklame te maak; of
- (vii) fondse van die Staat of van buitelandse bronne te ontvang;
- 35 (e) 'n bevel wat beperkings plaas op daardie persoon of party se reg om enige van die bedrywighede genoem in paragraaf (d) te verrig;
- (f) 'n bevel wat daardie persoon of enige agente van daardie persoon of enige kandidate of agente van daardie party van toegang tot 'n stemlokaal uitsluit;
- (g) 'n bevel wat die getal stemme wat ten gunste van daardie persoon of party uitgebring is, verminder;
- 40 (h) 'n bevel wat die kandidatuur van daardie persoon of enige kandidaat van daardie party diskwalifiseer; of
- (i) 'n bevel wat die registrasie van daardie party intrek.

(3) 'n Straf of sanksie waarvoor hierdie artikel voorsiening maak, is bykomend tot 45 die strawwe waarvoor Deel 3 van hierdie Hoofstuk voorsiening maak.

Deel 3: Misdrywe en strawwe**Misdrywe**

97. 'n Persoon wat 'n bepaling van Deel 1 van hierdie Hoofstuk of 'n bepaling van artikel 107, 108 of 109 oortree, is aan 'n misdryf skuldig.

50 Strawwe

98. 'n Persoon wat skuldig bevind word aan 'n misdryf ingevolge—

- (a) artikel 87(1)(b), (c) of (d), 89(2), 90, 91, 93 of 94, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar;

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

Part 4: Additional powers and duties of Commission

Electoral Code of Conduct and other Codes

- 99.** (1) The Electoral Code of Conduct must be subscribed to— 5
 (a) by every registered party before that party is allowed to contest an election; and
 (b) by every candidate before that candidate may be placed on a list of candidates in terms of section 31.
 (2) In order to promote free, fair and orderly elections, the Commission may compile and issue any other Code. 10
 (3) The Commission may change or replace a Code issued in terms of subsection (2).
 (4) A Code issued in terms of subsection (2), or a change to or replacement of such a Code, must be published in the *Government Gazette*.

Regulations 15

- 100.** (1) The Commission must make regulations regarding any matter that must be prescribed in terms of this Act.
 (2) The Commission may make regulations, after consultation with the party national liaison committee, regarding any matter— 20
 (a) that may be prescribed in terms of this Act; or
 (b) that it considers necessary or expedient in order to achieve the objects of this Act.
 (3) Regulations made in terms of this section may prescribe a fine or a period of imprisonment not exceeding one year for a contravention of or a failure to comply with a provision of the regulations. 25
 (4) The Commission must publish any regulations made in terms of this section in the *Government Gazette*.

Assignment of powers and duties by Commission

- 101.** (1) The Commission may— 30
 (a) delegate any of the Commission's powers in terms of this Act, excluding the powers referred to in section 32, 99(2) or 100 or this section, or any other law, to a member, employee or officer of the Commission; or
 (b) instruct a member, employee or officer of the Commission to perform any of the Commission's duties in terms of this Act or any other law.
 (2) A delegation or instruction in terms of subsection (1)— 35
 (a) is subject to any limitations and conditions the Commission may impose; and
 (b) does not prevent the Commission from exercising or performing the assigned power or duty.

Assignment of powers and duties by chief electoral officer

- 102.** (1) The chief electoral officer may— 40
 (a) delegate any of the chief electoral officer's powers in terms of this Act or any other law, to an employee or officer of the Commission; or
 (b) instruct an employee or officer of the Commission to perform any of the chief electoral officer's duties in terms of this Act or any other law.
 (2) Section 101(2), adjusted as may contextually be necessary, applies to a delegation or instruction of the chief electoral officer in terms of subsection (1). 45

- (b) artikel 87(1)(a), (e) of (f), (2), (3) of (4), 88, 89(1), 92, 107(4), 108 of 109, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Deel 4: Bykomende bevoegdhede en pligte van Kommissie

5 Verkiesingsgedragskode en ander Kodes

99. (1) Die Verkiesingsgedragskode moet onderskryf word deur—
- (a) elke geregistreeerde party voordat daardie party toegelaat word om aan die verkiesing deel te neem; en
- (b) elke kandidaat voordat daardie kandidaat ingevolge artikel 31 op 'n kandidaatlys geplaas kan word.
- 10 (2) Ten einde vrye, regverdige en ordelike verkiesings te bevorder, kan die Kommissie enige ander Kode opstel en uitreik.
- (3) Die Kommissie kan 'n Kode ingevolge subartikel (2) uitgereik, verander of vervang.
- 15 (4) 'n Kode ingevolge subartikel (2) uitgereik, of 'n verandering aan, of vervanging van so 'n Kode, moet in die *Staatskoerant* gepubliseer word.

Regulasies

100. (1) Die Kommissie moet regulasies uitvaardig betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet word.
- 20 (2) Die Kommissie kan, na oorleg met die party nasionale skakelkomitee, regulasies betreffende enige aangeleentheid maak—
- (a) wat ingevolge hierdie Wet voorgeskryf kan word; of
- (b) wat die Kommissie as noodsaaklik of dienstig beskou ten einde die oogmerke van hierdie Wet te bereik.
- 25 (3) Regulasies ingevolge hierdie artikel uitgevaardig, kan 'n boete of 'n tydperk van gevangenisstraf van hoogstens een jaar, voorskryf vir 'n oortreding van of 'n versuim om te voldoen aan 'n bepaling van die regulasies.
- (4) Die Kommissie moet regulasies ingevolge hierdie artikel uitgevaardig in die *Staatskoerant* publiseer.

30 Opdra van bevoegdhede en pligte deur Kommissie

101. (1) Die Kommissie kan—
- (a) enige van die Kommissie se bevoegdhede ingevolge hierdie Wet, uitgesonderd die bevoegdhede bedoel in artikel 32, 99(2) of 100 of hierdie artikel, of enige ander wet, aan 'n lid, werknemer of beampte van die Kommissie deleger; of
- 35 (b) 'n lid, werknemer of beampte van die Kommissie opdrag gee om enige van die Kommissie se pligte ingevolge hierdie Wet of enige ander wet, te verrig.
- (2) 'n Delegering of opdrag ingevolge subartikel (1)—
- (a) is onderworpe aan enige beperkings en voorwaardes wat die Kommissie mag ople; en
- 40 (b) belet nie die Kommissie om die bevoegdheid of plig wat opgedra is, self uit te oefen of te verrig nie.

Opdra van bevoegdhede en pligte deur hoofverkiesingsbeampte

102. (1) Die hoofverkiesingsbeampte kan—
- 45 (a) enige van die hoofverkiesingsbeampte se bevoegdhede ingevolge hierdie Wet of enige ander wet, aan 'n werknemer of beampte van die Kommissie deleger; of
- (b) 'n werknemer of beampte van die Kommissie opdrag gee om enige van die hoofverkiesingsbeampte se pligte ingevolge hierdie Wet of enige ander wet, te verrig.
- 50 (2) Artikel 101(2), aangepas soos in die samehang nodig mag wees, is van toepassing op 'n delegering of opdrag van die hoofverkiesingsbeampte ingevolge subartikel (1).

Powers to decide objections and appeals

103. (1) Whenever the Commission, an officer or the chief electoral officer is required in terms of this Act to decide an objection or an appeal, the Commission or that person may attempt to resolve the issue that is the subject of the objection or appeal, through conciliation. 5

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

Access to private places

104. Members, employees and officers of the Commission have access to private places when that access is necessary for the exercise of a power or the performance of a duty assigned to them by or under this Act. 10

Ownership of voting and election materials, and disposal

105. (1) The Commission is regarded as owning all voting and election materials used or provided by it in an election. 15

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

Return or forfeiture of deposit 20

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

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

Part 5: Other general provisions 25**Temporary obligations**

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

(b) For the purposes of this section, "printed matter" means any billboard, placard, poster or pamphlet. 30

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

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

(a) originates from— 35

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

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

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

(4) No person may print, publish or distribute any printed matter or publication that does not comply with this section. 40

Prohibition on certain political activities

108. On voting day no person may—

(a) hold or take part in any political meeting, march, demonstration or other political event; or 45

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

Bevoegdhe om besware en appèlle te beslis

103. (1) Wanneer die Kommissie, 'n beampte of die hoofverkiesingsbeampte 'n beswaar of appèl ingevolge hierdie Wet moet beslis, kan die Kommissie of daardie persoon enige stappe doen om die geskilpunt wat die onderwerp van die beswaar of appèl uitmaak, by wyse van bemiddeling te besleg.

(2) Die Kommissie moet die bevoegdhe voorskryf wat deur die Kommissie, 'n beampte of die hoofverkiesingsbeampte by die beslissing van 'n beswaar of appèl ingevolge hierdie Wet uitgeoefen kan word.

Toegang tot private plekke

104. Lede, werknemers en beamptes van die Kommissie het toegang tot private plekke wanneer daardie toegang noodsaaklik is vir die uitoefening van 'n bevoegdhe of die verrigting van 'n plig by of kragtens hierdie Wet aan hulle opgedra.

Eiendomsreg van stem- en verkiesingsmateriaal, en beskikking

105. (1) Die Kommissie word geag die eienaar te wees van al die stem- en verkiesingsmateriaal deur hom in 'n verkiesing gebruik of verskaf.

(2) Tensy die Verkiesingshof anders gelas, kan die Kommissie oor die stem- en verkiesingsmateriaal wat in 'n bepaalde verkiesing gebruik is, beskik op die wyse deur die Kommissie gelas na ses maande nadat die finale uitslag van die verkiesing verklaar is.

20 Teruggawe of verbeuring van deposito

106. (1) Behoudens artikel 96(2)(c) moet die Kommissie enige deposito deur 'n geregistreerde party ingevolge artikel 27(2)(e) betaal, aan die party terugbetaal, indien minstens een setel in die wetgewer aan wie se verkiesing daardie party deelgeneem het, aan die party toegewys word.

25 (2) 'n Deposito wat nie ingevolge subartikel (1) terugbetaalbaar is nie, word ten gunste van die Staat verbeur.

Deel 5: Ander algemene bepalinge**Tydlike verpligtinge**

107. (1) (a) Hierdie artikel is slegs van toepassing vanaf die datum waarop 'n verkiesing uitgeskryf word tot die datum waarop die uitslag van die verkiesing ingevolge artikel 57 bepaal en verklaar word.

(b) Vir die doeleindes van hierdie artikel beteken "gedrukte materiaal" enige reklamebord, plakkaat, biljet of pamflet.

(2) Enige gedrukte materiaal wat bestem is om die uitslag van 'n verkiesing te beïnvloed, moet die volle naam en adres van die drukker en uitgewer duidelik aantoon.

(3) Die uitgewer van 'n publikasie moet aan 'n artikel in daardie publikasie die woord "advertensie" as opskrif gee, indien daardie artikel—

(a) afkomstig is van—

40 (i) 'n geregistreerde party, 'n persoon wat 'n politieke amp in daardie party beklee, of 'n lid of ondersteuner van daardie party; of

(ii) 'n kandidaat wat aan 'n verkiesing deelneem, of 'n ondersteuner van daardie kandidaat; en

(b) in die publikasie geplaas word teen belofte van betaling aan die publikasie.

(4) Geen persoon mag enige gedrukte materiaal of publikasie wat nie aan hierdie artikel voldoen, druk, publiseer of versprei nie.

Verbod op sekere politieke aktiwiteite

108. Op stemdag mag geen persoon—

(a) enige politieke vergadering, optog, betoging of ander politieke geleentheid hou of daaraan deelneem nie; of

50 (b) in die gebied binne die grens van 'n stemlokaal aan enige politieke aktiwiteit, behalwe die uitbring van 'n stem, deelneem nie.

Prohibition on publication of exit polls

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

Effect of certain irregularities

110. (1) Any mistake in the certified segment of the voters' roll referred to in section 24 or the final list of candidates referred to in section 31 does not invalidate that voters' roll or that list of candidates. 5

(2) An election may not be set aside because of a mistake in the conduct of that election or a failure to comply with this Act, unless the mistake or failure materially affected the result of the election. 10

Inspection and copying of documents

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

Prohibition on certain strikes and lockouts 15

112. (1) The service provided by the Commission is an essential service for the purpose of the Labour Relations Act, 1995 (Act No. 66 of 1995).

(2) Strikes and lockouts on voting day by employees and employers in the public transport or telecommunication sector are prohibited and are not protected in terms of Chapter IV of the Labour Relations Act, 1995. 20

Limitation of liability

113. The Commission, a member, employee and officer of the Commission, the chief electoral officer, an institution appointed in terms of section 80, and a person with whom the Commission has contracted to work for the Commission, is not liable for any loss suffered by any person as a result of any act performed or omitted in good faith in the course of exercising a power or performing a duty assigned by or under this Act. 25

Composition of National Assembly and provincial legislatures

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

Repeal of laws 30

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

(2) Anything done in terms of a provision of any law repealed by subsection (1) and which could be done in terms of a provision of this Act, must be regarded to have been done in terms of the last-mentioned provision. 35

Act binds State

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

Application of Act when in conflict with other laws

117. If any conflict arises between a provision of this Act and a provision of any other law, except the Constitution or an Act of Parliament expressly amending this Act, the provision of this Act prevails. 40

Short title and commencement

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

Verbod op publikasie van uitgangspeilings

109. Niemand mag gedurende die voorgeskrewe ure vir 'n verkiesing die resultaat van enige uitgangspeiling in daardie verkiesing gedoen, druk, publiseer of versprei nie.

Uitwerking van sekere onreëlmatighede

5 110. (1) Enige fout in die gesertifiseerde segment van die kieserslys waarna in artikel 24 verwys word, of op die finale kandidaatlys waarna in artikel 31 verwys word, maak nie daardie kieserslys of kandidaatlys ongeldig nie.

(2) 'n Verkiesing word nie tersyde gestel op grond van 'n fout in die hou van daardie verkiesing of 'n versuim om aan hierdie Wet te voldoen nie, tensy die fout of versuim 10 die uitslag van die verkiesing wesentlik beïnvloed het.

Insae in en kopiëring van dokumente

111. Waar hierdie Wet vereis dat daar aan dokumente publisiteit gegee moet word of vir insae of kopiëring beskikbaar gestel moet word, moet die Kommissie daarna streef om daardie dokumente ook deur middel van die elektroniese tegnologie publisiteit te 15 gee of beskikbaar te stel.

Verbod op sekere stakings en uitsluitings

112. (1) Die diens deur die Kommissie gelewer, is vir die doeleindes van die Wet op Arbeidsverhoudinge, 1995 (Wet No. 66 van 1995), 'n noodsaaklike diens.

(2) Stakings en uitsluitings op stembag deur werknemers en werkgewers in die 20 openbare vervoer- of telekommunikasiesektor is verbode en word nie ingevolge Hoofstuk IV van die Wet op Arbeidsverhoudinge, 1995, beskerm nie.

Beperking van aanspreeklikheid

113. Die Kommissie, 'n lid, werknemer en beampte van die Kommissie, die hoofverkiesingsbeampte, 'n instelling ingevolge artikel 80 aangestel, en 'n persoon met 25 wie die Kommissie gekontraakteer het om werk vir die Kommissie te lewer, is nie aanspreeklik vir enige verlies wat deur enige persoon gely word as gevolg van enige handeling wat te goeder trou verrig of nagelaat is by die uitoefening van 'n bevoegdheid of die verrigting van 'n plig wat by of kragtens hierdie Wet opgedra is nie.

Samestelling van Nasionale Vergadering en provinsiale wetgewers

30 114. Die formules waarna in artikels 46(2) en 105(2) van die Grondwet verwys word, word in Bylae 3 uiteengesit.

Herroeping van wette

115. (1) Behoudens subartikel (2) word die wette in Bylae 4 vermeld hierby herroep.

(2) Enigiets gedoen ingevolge 'n bepaling van enige wet deur subartikel (1) herroep 35 en wat ingevolge 'n bepaling van hierdie Wet gedoen kan word, word geag ingevolge laasgenoemde bepaling gedoen te gewees het.

Wet bind Staat

116. Hierdie Wet bind die Staat behalwe wat strafregtelike aanspreeklikheid betref.

Toepassing van Wet wanneer bots met ander wette

40 117. Indien 'n botsing ontstaan tussen 'n bepaling van hierdie Wet en 'n bepaling van enige ander wet, behalwe die Grondwet of 'n Parlements wet wat hierdie Wet uitdruklik wysig, geniet die bepaling van hierdie Wet voorrang.

Kort titel en inwerkingtreding

118. (1) Hierdie Wet heet die Kieswet, 1998.

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

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

(2) Hierdie Wet tree, behoudens subartikel (3), op 'n datum in werking wat deur die President by proklamasie in die *Staatskoerant* bepaal word.

(3) Artikel 3(c) moet op 'n later datum as dié res van hierdie Wet in werking tree.

SCHEDULE 1
ELECTION TIMETABLE

(Section 20)

The Electoral Commission hereby gives notice that it has in terms of section 17 of the Electoral Act, 1998, determined the election timetable set out below to apply to the (particulars of relevant election) that will be held on (date(s)). (A reference to "section" in this election timetable is a reference to that section of the Electoral Act, 1998.)

Cut-off time for act to be performed

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

Cut-off date for publication of voters' roll

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

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

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

Cut-off date for submission of list of candidates

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

Notice of non-compliance

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

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

Inspection of lists of candidates and accompanying documents

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

Cut-off date for objections

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

Decision of objections

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

BYLAE 1**VERKIESINGSTYDROOSTER****(Artikel 20)**

Die Verkiegingskommissie gee hierby kennis dat hy die verkiesingstydrooster hieronder uiteengesit ingevolge artikel 17 van die Kieswet, 1998, vir die (besonderhedé van toepaslike verkieëing) wat op (datum(s)) gehou sal word, bepaal het. ('n Verwysing in hierdie verkiesingstydrooster na "artikel" is 'n verwysing na daardie artikel van die Kieswet, 1998.)

Spertyd vir uitvoering van handeling

1. 'n Handeling wat ingevolge hierdie Wet verrig moet word teen nie later nie as 'n datum in die verkiesingstydrooster vermeld, moet voor 17:00 op daardie datum verrig word.

Sperdatum vir publiserings van kieserslys

2. Teen ... [dag/maand/jaar], moet die hoofverkiegingsbeampte die kieserslys of die segmente van die kieserslys wat in hierdie verkiesing gebruik sal word ingevolge artikel 24(2) bekendmaak.

Kennisgewing dat adreslys van stemlokale ter insae beskikbaar is

3. Die hoofverkiegingsbeampte moet teen ... [dag/maand/jaar] kennis gee dat afskrifte van 'n lys wat die adresse van alle stemlokale bevat, vanaf die datum van die kennisgewing tot stembdag ter insae beskikbaar sal wees.

Sperdatum vir voorlegging van kandidaatlys

4. Geregistreerde partye wat aan hierdie verkiesing wil deelneem, moet teen ... [dag/maand/jaar] hul kandidaats vir die verkiesing benoem en 'n lys van dié kandidaats op die voorgeskrewe wyse aan die hoofverkiegingsbeampte voorlê.

Kennisgewing van nie-voldoening

5. (1) Die hoofverkiegingsbeampte moet teen ... [dag/maand/jaar] aan 'n geregistreerde party wat ingevolge artikel 27 'n kandidaatlys voorgelê het, maar wat nie ten volle aan daardie artikel voldoen het nie, kennis van daardie nie-voldoening gee.

(2) Indien die party aan wie kennis gegee is, die geleentheid gebruik om aan artikel 27 te voldoen, moet daardie party dit doen teen ... [dag/maand/jaar].

Insae in kandidaatlyste en bygaande dokumente

6. Die hoofverkiegingsbeampte moet teen ... [dag/maand/jaar] kennis gee dat afskrifte van die volgende dokumente vanaf die datum van die kennisgewing tot ... [dag/maand/jaar] ter insae beskikbaar sal wees: Die kandidaatlyste en bygaande dokumente wat ingevolge artikel 27 deur geregistreerde partye voorgelê is, soos ingevolge artikel 28 gewysig en aangevul.

Sperdatum vir besware

7. Enige persoon, met inbegrip van die hoofverkiegingsbeampte, kan teen ... [dag/maand/jaar] op die voorgeskrewe wyse by die Kommissie teen 'n kandidaat beswaar aanteken.

Beslissing van besware

8. Die Kommissie moet 'n beswaar kragtens artikel 30 beslis, en moet die beswaarmaker asook die geregistreerde party wat die kandidaat benoem het, teen ... [dag/maand/jaar] op die voorgeskrewe wyse van die beslissing in kennis stel.

Cut-off date for appeals against decisions

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

Deciding appeals

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

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

11. By ... [day/month/year], the chief electoral officer—
- (a) must give effect to a decision of the Commission in terms of section 30(3) or a decision of the Electoral Court in terms of section 30(5); and
 - (b) must compile a list of the registered parties entitled to contest the election and the final list of candidates for each of those parties.

Issue of certificate to candidates

12. By ... [day/month/year], the chief electoral officer must issue in the prescribed manner to each candidate on a final list of candidates a certificate stating that the person is a candidate in this election.

Determination of boundaries of voting stations

13. By ... [day/month/year], the chief electoral officer must determine the boundary of every voting station.

Prescribing of voting hours

14. By ... [day/month/year], the Commission must prescribe the voting hours for this election.

Notice of route of mobile voting stations

15. If the Commission decides to use mobile voting stations in the election, the chief electoral officer must give notice by ... [day/month/year] of the route, including the locations and estimated times of stopping of each mobile voting station.

Sperdatum vir appèlle teen beslissings

9. Die beswaarmaker of die geregistreerde party wat dié kandidaat benoem het, kan teen ... [dag/maand/jaar] op die voorgeskrewe wyse teen 'n beslissing van die Kommissie ingevolge artikel 30(3), na dié Verkiesingshof appelleer.

Beslissing van appèlle

10. Dié Verkiesingshof moet 'n appèl wat kragtens artikel 30(4) aangeteken is, oorweeg en beslis en die partye tot die appèl asook die hoofverkiesingsbeampte, op die voorgeskrewe wyse teen ... [dag/maand/jaar] van die beslissing in kennis stel.

Lys van partye en kandidate geregtig om aan verkiesing deel te neem en finale kandidaatlys

11. Die hoofverkiesingsbeampte moet teen ... [dag/maand/jaar]—
- (a) aan 'n beslissing van die Kommissie ingevolge artikel 30(3) of 'n beslissing van die Verkiesingshof ingevolge artikel 30(5) uitvoering gee; en
 - (b) 'n lys van die geregistreerde partye wat geregtig is om aan die verkiesing deel te neem en die finale kandidaatlys vir elk van daardie partye opstel.

Uitreik van sertifikaat aan kandidate

12. Teen ... [dag/maand/jaar] moet die hoofverkiesingsbeampte op die voorgeskrewe wyse 'n sertifikaat wat verklaar dat die persoon 'n kandidaat in hierdie verkiesing is, aan elke kandidaat op 'n finale kandidaatlys uitreik.

Vaststelling van grense van stemlokale

13. Teen ... [dag/maand/jaar] moet die hoofverkiesingsbeampte die grens van elke stemlokaal vasstel.

Voorskryf van stemure

14. Teen ... [dag/maand/jaar] moet die Kommissie die stemure vir hierdie verkiesing voorskryf.

Kennisgewing van roete van mobiele stemlokale

15. Indien die Kommissie besluit om mobiele stemlokale in die verkiesing te gebruik, moet die hoofverkiesingsbeampte teen ... [dag/maand/jaar] kennis gee van die roete, met inbegrip van die plekke waar en geraamde tye wanneer elke mobiele stemlokaal sal stop.

SCHEDULE 2**ELECTORAL CODE OF CONDUCT****(Section 99)****Purpose of Code**

1. The purpose of this Code is to promote conditions that are conducive to free and fair elections, including—

- (a) tolerance of democratic political activity; and
- (b) free political campaigning and open public debate.

Promotion of Code

2. Every registered party and every candidate bound by this Code must—

- (a) promote the purpose of the Code when conducting an election;
- (b) publicise the Code widely in any election campaigns; and
- (c) promote and support efforts in terms of this Act to educate voters.

Compliance with Code and electoral laws

3. Every registered party and every candidate must—

- (a) comply with this Code;
- (b) instruct—
 - (i) in the case of a party, its candidates, persons who hold political office in the party, and its representatives, members and supporters, to comply with this Code and any applicable electoral laws; or
 - (ii) in the case of a candidate, the representatives and supporters of the candidate to comply with this Code and any applicable electoral laws;
- (c) take all reasonable steps to ensure—
 - (i) in the case of a party, that its candidates, persons who hold political office in the party, and its representatives, members and supporters, comply with this Code and any applicable electoral laws; or
 - (ii) in the case of a candidate, that the representatives and supporters of the candidate comply with this Code and any applicable electoral laws.

Public commitment

4. (1) Every registered party and every candidate must—

- (a) publicly state that everyone has the right—
 - (i) to freely express their political beliefs and opinions;
 - (ii) to challenge and debate the political beliefs and opinions of others;
 - (iii) to publish and distribute election and campaign materials, including notices and advertisements;
 - (iv) to lawfully erect banners, billboards, placards and posters;
 - (v) to canvass support for a party or candidate;
 - (vi) to recruit members for a party;
 - (vii) to hold public meetings; and
 - (viii) to travel to and attend public meetings; and
- (b) publicly condemn any action that may undermine the free and fair conduct of elections.

(2) Every registered party and every candidate must accept the result of an election or challenge the result in a court.

BYLAE 2**VERKIESINGSGEDRAGSKODE****(Artikel 99)****Oogmerk van Kode**

1. Die oogmerk van hierdie Kode is om omstandighede wat bevorderlik is vir 'n vrye en regverdige verkiesings te bevorder, met inbegrip van—

- (a) verdraagsaamheid van demokratiese politieke bedrywighede; en
- (b) vrye politieke werwing en ope openbare debat.

Bevordering van Kode

2. Elke geregistreerde party en kandidaat wat deur hierdie Kode gebind word, moet—

- (a) die oogmerk van die Kode by die voer van 'n verkiesing bevorder;
- (b) wye publisiteit aan die Kode in enige verkiesingsveldtogte gee; en
- (c) stappe ingevolge hierdie Wet om kiesers op te lei, bevorder en ondersteun.

Nakoming van Kode en verkiesingswette

3. Elke geregistreerde party en elke kandidaat moet—

- (a) hierdie Kode nakom;
- (b) (i) in geval van 'n party, aan sy kandidate, persone wat 'n politieke amp in die party beklee, en sy verteenwoordigers, lede en ondersteuners, opdrag gee om hierdie Kode en enige toepaslike verkiesingswette na te kom; of
- (ii) in die geval van 'n kandidaat, aan die verteenwoordigers en ondersteuners van die kandidaat, opdrag gee om hierdie Kode en enige toepaslike verkiesingswette na te kom;
- (c) alle redelike stappe doen om te verseker—
 - (i) in die geval van 'n party, dat sy kandidate, persone wat 'n politieke amp in die party beklee, en sy verteenwoordigers, lede en ondersteuners, hierdie Kode en enige toepaslike verkiesingswette nakom; of
 - (ii) in geval van 'n kandidaat, dat die verteenwoordigers en ondersteuners van die kandidaat hierdie Kode en enige toepaslike verkiesingswette nakom.

Openbare onderneming

4. (1) Elke geregistreerde party en elke kandidaat moet—

- (a) in die openbaar verklaar dat elkeen die reg het—
 - (i) om vryelik hul politieke oortuigings en sienswyses te uiter;
 - (ii) om die politieke oortuigings en sienswyses van ander te betwis en te bespreek;
 - (iii) om verkiesings- en werwingsmateriaal, met inbegrip van kennisgewings en advertensies, te publiseer en versprei;
 - (iv) om wettig baniere, reklameborde, plakkaat en biljette op te rig;
 - (v) om ondersteuning vir 'n party of kandidaat te werf;
 - (vi) om lede vir 'n party te werf;
 - (vii) om openbare vergaderings te hou; en
 - (viii) om na openbare vergaderings te reis en hulle by te woon; en
- (b) in die openbaar enige optrede veroordeel wat die vrye en regverdige voer van verkiesings mag ondermyn.

(2) Elke geregistreerde party en elke kandidaat moet die uitslag van 'n verkiesing aanvaar of in 'n hof betwis.

Duty to co-operate

5. Every registered party and every candidate must liaise with other parties contesting an election and endeavour to ensure that they do not call a public meeting, march, demonstration, rally or any other public political event at the same time and place as that called by another party contesting the election.

Role of women

6. Every registered party and every candidate must—
- (a) respect the right of women to communicate freely with parties and candidates;
 - (b) facilitate the full and equal participation of women in political activities;
 - (c) ensure the free access of women to all public political meetings, marches, demonstrations, rallies and other public political events; and
 - (d) take all reasonable steps to ensure that women are free to engage in any political activities.

Role of Commission

7. Every registered party and every candidate must—
- (a) recognise the authority of the Commission in the conduct of an election;
 - (b) assure voters of the Commission's impartiality;
 - (c) give effect to any lawful direction, instruction or order of the Commission, or a member, employee or officer of the Commission, or the chief electoral officer;
 - (d) establish and maintain effective lines of communication with—
 - (i) the Commission; and
 - (ii) other registered parties contesting the election;
 - (e) facilitate the access of members, employees and officers of the Commission, and the chief electoral officer, to public meetings, marches, demonstrations, rallies and other public political events of that party or candidate;
 - (f) co-operate in any investigation of the Commission;
 - (g) take all reasonable steps to ensure—
 - (i) the safety of members, employees and officers of the Commission, and the chief electoral officer, in the exercise of any power or the performance of any duty assigned by or under this Act;
 - (ii) that persons referred to in subparagraph (i) are not subjected to insult, hazard or threat by any representatives or supporters of that party or candidate; and
 - (iii) that representatives of that party or candidate attend meetings of any party liaison committee or other forum convened by the Commission.

Role of media

8. Every registered party and every candidate—
- (a) must respect the role of the media before, during and after an election conducted in terms of this Act;
 - (b) may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
 - (c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.

Prohibited conduct

9. (1) No registered party or candidate may—
- (a) use language or act in a way that may provoke—

Plig tot samewerking

5. Elke geregistreerde party en elke kandidaat moet oorleg pleeg met ander partye wat aan 'n verkiesing deelneem en daarna streef om te verseker dat hulle nie 'n openbare vergadering, optog, betoging, byeenkoms of ander openbare politieke geleentheid op dieselfde tyd en plek reël as die tyd en plek wat deur 'n ander party wat aan die verkiesing deelneem, gereël word nie.

Rol van vroue

6. Elke geregistreerde party en elke kandidaat moet—
- (a) vroue se reg respekteer om vryelik met partye en kandidate te kommunikeer;
 - (b) volle en gelyke deelname van vroue aan politieke bedrywighede vergemaklik;
 - (c) vrye toegang van vroue verseker tot alle openbare politieke vergaderings, optogte, betogings, byeenkomste en ander politieke geleenthede; en
 - (d) alle redelike stappe doen om te verseker dat vroue vryelik aan enige politieke bedrywighede kan deelneem.

Rol van Kommissie

7. Elke geregistreerde party en elke kandidaat moet—
- (a) die gesag van die Kommissie in die voer van 'n verkiesing erken;
 - (b) kiesers van die Kommissie se onpartydigheid verseker;
 - (c) uitvoering gee aan enige wettige voorskrif, opdrag of bevel van die Kommissie, of 'n lid, werknemer of beampte van die Kommissie, of die hoofverkiesingsbeampte;
 - (d) doeltreffende kommunikasiekanale skep en in stand hou met—
 - (i) die Kommissie; en
 - (ii) ander geregistreerde partye wat aan die verkiesing deelneem;
 - (e) toegang van lede, werknemers en beamptes van die Kommissie, en die hoofverkiesingsbeampte, tot openbare vergaderings, optogte, betogings, byeenkomste en ander politieke geleenthede van daardie party of kandidaat, vergemaklik;
 - (f) saamwerk in enige ondersoek van die Kommissie;
 - (g) alle redelike stappe doen om—
 - (i) die veiligheid van lede, werknemers en beamptes van die Kommissie, en die hoofverkiesingsbeampte, te verseker in die uitoefening van enige bevoegdheid of die verrigting van enige plig deur of kragtens hierdie Wet opgedra;
 - (ii) te verseker dat persone waarna in subparagraaf (i) verwys word, nie blootgestel word aan belediging, gevaar of bedreiging deur enige verteenwoordigers of ondersteuners van daardie party of kandidaat nie; en
 - (iii) te verseker dat verteenwoordigers van daardie party of kandidaat vergaderings van enige party-skakelkomitee of ander forum deur die Kommissie byeengeroep, bywoon.

Rol van media

8. Elke geregistreerde party en elke kandidaat—
- (a) moet die rol van die media voor, tydens en na 'n verkiesing ingevolge hierdie Wet gevoer, respekteer;
 - (b) mag nie toegang deur lede van die media tot openbare politieke vergaderings, optogte, betogings en byeenkomste verhoed nie; en
 - (c) moet alle redelike stappe doen om te verseker dat joernaliste nie aan teistering, intimidasie, gevaar, dreigement of fisiese aanranding deur enige van hulle verteenwoordigers of ondersteuners onderwerp word nie.

Verbode gedrag

9. (1) Geen geregistreerde party of kandidaat mag—
- (a) taal gebruik of optree op 'n wyse wat aanleiding kan gee tot—

- (i) violence during an election; or
 - (ii) the intimidation of candidates, members of parties, representatives or supporters of parties or candidates, or voters;
 - (b) publish false or defamatory allegations in connection with an election in respect of—
 - (i) a party, its candidates, representatives or members; or
 - (ii) a candidate or that candidate's representatives;
 - (c) plagiarise the symbols, colours or acronyms of other registered parties; or
 - (d) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political activity.
- (2) No person may—
- (a) offer any inducement or reward to another person—
 - (i) to join or not to join a party;
 - (ii) to attend or not to attend a public meeting, march, demonstration, rally or other public political event;
 - (iii) to vote or not to vote, or to vote or not to vote in any particular way; or
 - (iv) to refuse a nomination as a candidate or to withdraw as a candidate; or
 - (b) carry or display arms or weapons—
 - (i) at a political meeting; or
 - (ii) in any march, demonstration, rally or other public political event;
 - (c) unreasonably prevent any other person access to voters for the purpose of voter education, collecting signatures, recruiting members, raising funds or canvassing support for a party or candidate;
 - (d) deface or unlawfully remove or destroy the billboards, placards, posters or any other election materials of a party or candidate; or
 - (e) abuse a position of power, privilege or influence, including parental, patriarchal, traditional or employment authority to influence the conduct or outcome of an election.

Additions to Code

10. The Commission may by regulations made in terms of section 100 add provisions to this Code.

- (i) geweld gedurende 'n verkiesing nie; of
 - (ii) intimidasie van kandidate, lede van partye, verteenwoordigers of ondersteuners van partye of kandidate, of kiesers nie;
 - (b) valse of lasterlike aantygings publiseer in verband met 'n verkiesing ten opsigte van—
 - (i) 'n party, sy kandidate, verteenwoordigers of lede nie; of
 - (ii) 'n kandidaat of daardie kandidaat se verteenwoordigers nie;
 - (c) die simbole, kleure of akronieme van ander geregistreerde partye naboots nie; of
 - (d) op grond van ras, etnisiteit, geslag, geslagtelikheid, klas of geloof diskrimineer met betrekking tot 'n verkiesing of politieke bedrywighede nie.
- (2) Geen persoon mag—
- (a) 'n ander persoon enige lokmiddel of beloning aanbied nie—
 - (i) om by 'n party aan te sluit of nie aan te sluit nie;
 - (ii) om 'n openbare vergadering, optog, betoging, byeenkoms of ander politieke geleentheid by te woon of nie by te woon nie;
 - (iii) te stem of nie te stem nie of op 'n bepaalde wyse te stem of nie te stem nie;
 - (iv) om 'n benoeming as kandidaat te weier of as kandidaat te onttrek; of
 - (b) 'n wapen dra of vertoon—
 - (i) by 'n politieke vergadering nie; of
 - (ii) tydens enige optog, betoging, byeenkoms of ander openbare politieke geleentheid nie;
 - (c) 'n ander persoon onredelik verhinder om toegang tot kiesers te verkry met die doel om kiesers op te lei, handtekeninge te versamel, lede te werf, fondse in te samel of ondersteuning vir 'n party of kandidaat te werf nie;
 - (d) die reklameborde, plakkate of biljette of enige ander verkiesingsmateriaal van 'n party of kandidaat ontsier of wederregtelik verwyder of vernietig nie; of
 - (e) enige magsposisie of posisie van voorreg of invloed, met inbegrip van ouerlike, patriargale, tradisionele of werkgewergesag misbruik ten einde die hou of uitslag van 'n verkiesing te beïnvloed nie.

Byvoegings by Kode

10. Die Kommissie kan by wyse van regulasies ingevolge artikel 100 bepalings by hierdie Kode voeg.

SCHEDULE 3**COMPOSITION OF NATIONAL ASSEMBLY AND
PROVINCIAL LEGISLATURES****(Section 114)****Formula for determining number of members of National Assembly**

1. (1) By taking into account available scientifically based data and representations by interested parties, the number of seats of the National Assembly must be determined by awarding one seat for every 100 000 of the population with a minimum of 350 and a maximum of 400 seats.

(2) If the total number of seats for all provincial legislatures determined in terms of item 2 exceeds 400, the number of seats for the National Assembly may not be less than 400.

Formula for determining number of members of provincial legislatures

2. By taking into account available scientifically based data and representations by interested parties, the number of seats of a provincial legislature must be determined by awarding one seat for every 100 000 of the population whose ordinary place of residence is within that province, with a minimum of 30 and a maximum of 80 seats.

Commission responsible for determination of seats

3. (1) The determination of seats contemplated in items 1 and 2 must be completed by the Commission not later than 31 March 1999.

(2) The Commission must give notice in the *Government Gazette* of the time and date on which, and the venue where, the determination is to take place, and must afford interested parties an opportunity to make representations before the determination is made.

Determination to be published in *Government Gazette*

4. A determination made in terms of this Schedule must be published in the *Government Gazette* within 14 days of the determination, and takes effect on the date it is published.

BYLAE 3**SAMESTELLING VAN NASIONALE VERGADERING
EN PROVINSIALE WETGEWERS****(Artikel 114)****Formule vir vasstelling van getal lede van Nasionale Vergadering**

1. (1) Met inagneming van beskikbare wetenskaplik gefundeerde data en verdoë deur belanghebbende partye, moet die getal setels van die Nasionale Vergadering vasgestel word deur een setel vir elke 100 000 van die bevolking met 'n minimum van 350 en 'n maksimum van 400 setels, toe te ken.

(2) Indien die totale getal setels van al die provinsiale wetgewers, vasgestel ingevolge item 2, 400 oorskry, mag die getal setels van die Nasionale Vergadering nie minder as 400 wees nie.

Formule vir vasstelling van getal lede van provinsiale wetgewers

2. Met inagneming van beskikbare wetenskaplik gefundeerde data en verdoë deur belanghebbende partye, moet die getal setels van 'n provinsiale wetgewer vasgestel word deur een setel vir elke 100 000 van die bevolking wie se gewone verblyfplek binne daardie provinsie is, met 'n minimum van 30 en 'n maksimum van 80 setels, toe te ken.

Kommissie verantwoordelik vir vasstelling van setels

3. (1) Die vasstelling van setels beoog in items 1 en 2 moet nie later as 31 Maart 1999 deur die Kommissie voltooi word nie.

(2) Die Kommissie moet in die *Staatskoerant* van die tyd en datum waarop, en die plek waar, die vasstelling sal plaasvind, kennis gee, en moet belanghebbende partye 'n geleentheid bied om verdoë te rig voordat die vasstelling gedoen word.

Vasstelling moet in *Staatskoerant* gepubliseer word

4. 'n Vasstelling ingevolge hierdie Bylae gedoen, moet binne 14 dae van die vasstelling in die *Staatskoerant* gepubliseer word, en tree in werking op die datum waarop dit gepubliseer word.

SCHEDULE 4
REPEAL OF LAWS
(Section 115)

No. and year of law	Title
Act No. 202 of 1993	Electoral Act, 1993
Act No. 1 of 1994	Electoral Amendment Act, 1994
Proclamation No. 65 of 1994	
Proclamation No. 69 of 1994	
Proclamation No. 73 of 1994	
Proclamation No. 85 of 1994	
Proclamation No. 91 of 1994	
Act No. 20 of 1997	Electoral Amendment Act, 1997

BYLAE 4**HERROEPING VAN WETTE****(Artikel 115)**

Nommer en Jaar van wet	Titel
Wet No. 202 van 1993	Kieswet, 1993
Wet No. 1 van 1994	Kieswysigingswet, 1994
Proklamasie No. 65 van 1994	
Proklamasie No. 69 van 1994	
Proklamasie No. 73 van 1994	
Proklamasie No. 85 van 1994	
Proklamasie No. 91 van 1994	
Wet No. 20 van 1997	Kieswysigingswet, 1997

