

Date Printed: 01/06/2009

JTS Box Number: IFES_17
Tab Number: 39
Document Title: ELECTORAL BILL AS INTRODUCED IN THE
NATIONAL ASSEMBLY - BILL TO REGULATE
Document Date: 1998
Document Country: SAF
Document Language: ENG-AFR
IFES ID: EL00474



REPUBLIC OF SOUTH AFRICA

ELECTORAL BILL

(As introduced in the National Assembly)

(MINISTER OF HOME AFFAIRS)

[B 69—98]

REPUBLIEK VAN SUID-AFRIKA

KIESWETSONTWERP

(Soos ingedien in die Nasionale Vergadering)

(MINISTER VAN BINNELANDSE SAKE)

[W 69—98]

ISBN 0 621 28400 9

BILL

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

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

CONTENTS

CHAPTER 1

INTERPRETATION, APPLICATION AND ADMINISTRATION OF ACT 5

1. Definitions
2. Interpretation of this Act
3. Application of this Act
4. Administration of this Act

CHAPTER 2 10

REGISTRATION OF VOTERS, AND VOTERS' ROLL

5. National common voters' roll
6. Persons who may apply for registration as voter
7. Applications for registration as voter
8. Registration 15
9. Applications to change registration details
10. Applications for deregistration as voter
11. Entries in or amendments to voters' roll at instance of chief electoral officer
12. Notification by chief electoral officer
13. Appeal against decisions and steps of chief electoral officer 20

CHAPTER 3

PROCLAMATION OF AND PREPARATIONS FOR ELECTIONS

Part 1: Proclamation of elections

14. Proclamation of elections of National Assembly
15. Proclamation of elections of provincial legislatures 25
16. Proclamation of municipal elections
17. Election timetables
18. General postponement of elections
19. Postponement of voting at voting station
20. Revote at voting station 30

Part 2: Voters' roll

21. Cut-off date for registration as voter in election

WETSONTWERP

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.

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

INHOUD

HOOFSTUK 1

5 UITLEG, TOEPASSING EN UITVOERING VAN WET

1. Woordomskrywing
2. Uitleg van hierdie Wet
3. Toepassing van hierdie Wet
4. Uitvoering van hierdie Wet

10 HOOFSTUK 2

REGISTRASIE VAN KIESERS, EN KIESERSLYS

5. Nasionale gemeenskaplike kieserslys
6. Persone wat om registrasie as kieser aansoek mag doen
7. Aansoeke om registrasie as kieser
- 15 8. Registrasie
9. Aansoeke om verandering van registrasiebesonderhede
10. Aansoeke om skrapping van registrasie as kieser
11. Inskrywings in en wysigings van kieserslys deur hoofverkiesingsbeampte uit eie beweging
- 20 12. Kennisgewing deur hoofverkiesingsbeampte
13. Appèl teen beslissings en stappe van hoofverkiesingsbeampte

HOOFSTUK 3

AFKONDIGING VAN EN VOORBEREIDINGS VIR VERKIESINGS

Deel 1: Afkondiging van verkiesings

- 25 14. Afkondiging van verkiesings van Nasionale Vergadering
15. Afkondiging van verkiesings van provinsiale wetgewers
16. Afkondiging van munisipale verkiesings
17. Verkiesingstydroosters
18. Algemene uitstel van verkiesings
- 30 19. Uitstel van stemming by stemlokaal
20. Herstemming by stemlokaal

Deel 2: Kieserslys

21. Sperdatum vir registrasie as kieser in verkiesing

- 22. Inspection and copies of voters' roll
- 23. Objections to voters' roll
- 24. Certification of voters' roll

Part 3: Parties contesting election, and lists of candidates

- 25. Requirements for parties to contest election 5
- 26. Submission of lists of candidates
- 27. Non-compliance concerning submission of lists of candidates
- 28. Inspection of copies of lists of candidates and accompanying documents
- 29. Objections to lists of candidates
- 30. List of parties entitled to contest election and final lists of candidates 10

Part 4: Municipal councils

- 31. Further regulating of elections of municipal councils

Part 5: Special votes

- 32. Special votes

CHAPTER 4 15

ELECTIONS

Part 1: Voting

- 33. Officers at voting stations
- 34. Hours of voting
- 35. Initial procedures 20
- 36. Voting procedure
- 37. Assistance to certain voters
- 38. Issue of new ballot papers
- 39. Objections concerning voting
- 40. Sealing of full ballot boxes 25
- 41. Completion of form and sealing of voting materials
- 42. Mobile voting stations
- 43. More than one election on same day

Part 2: Counting of votes at voting station

- 44. Place and time of counting of votes 30
- 45. Counting of votes and determination of provisional results
- 46. Objections concerning sorting of ballot papers
- 47. Objections concerning counting of votes and determination of provisional results
- 48. Procedure concerning provisional results and voting materials 35

Part 3: Counting of votes at place other than voting station

- 49. Application of Part and procedures
- 50. Verification procedure
- 51. Objections concerning verification procedure
- 52. Application of certain sections in Part 2 40

Part 4: Objections material to final results of election

- 53. Objections material to final results of election
- 54. Powers of Commission and Electoral Court

Part 5: Determination and declaration of final result of election

- 55. Determination and declaration of final result of election 45

- 22. Insae in en afskrifte van kieserslys
- 23. Besware teen kieserslys
- 24. Sertifisering van kieserslys

Deel 3: Partye wat aan verkiesing deelneem, en kandidaatlyste

- 5 25. Vereistes vir partye om aan verkiesing deel te neem
- 26. Indiening van kandidaatlyste
- 27. Nie-voldoening aangaande indiening van kandidaatlyste
- 28. Insae in afskrifte van kandidaatlyste en bygaande dokumente
- 29. Besware teen kandidaatlyste
- 10 30. Lys van partye geregtig om aan verkiesing deel te neem en finale kandidaatlyste

Deel 4: Munisipale rade

- 31. Verdere reëling van verkiesings van munisipale rade

Deel 5: Spesiale stemme

- 15 32. Spesiale stemme

HOOFSTUK 4

VERKIESINGS

Deel 1: Stemming

- 33. Beamptes by stemlokale
- 20 34. Stemure
- 35. Aanvanklike prosedures
- 36. Stemprosedure
- 37. Hulpverlening aan sekere kiesers
- 38. Uitreiking van nuwe stembriewe
- 25 39. Besware aangaande uitbring van stemme
- 40. Verseëling van vol stembusse
- 41. Voltooiing van vorm en verseëling van stemmateriaal
- 42. Mobiele stemlokale
- 43. Meer as een verkiesing op dieselfde dag

30 *Deel 2: Tel van stemme by stemlokaal*

- 44. Plek en tyd van tel van stemme
- 45. Tel van stemme en bepaling van voorlopige uitslae
- 46. Besware aangaande sortering van stembriewe
- 47. Besware aangaande tel van stemme en bepaling van voorlopige uitslae
- 35 48. Prosedure aangaande voorlopige uitslae en stemmateriaal

Deel 3: Tel van stemme by ander plek as stemlokaal

- 49. Toepassing van Deel en prosedures
- 50. Bevestigingsprosedure
- 51. Besware aangaande bevestigingsprosedure
- 40 52. Toepassing van sekere artikels in Deel 2

Deel 4: Wesentlike besware teen finale uitslae van verkiesing

- 53. Besware wat wesentlik vir finale uitslae van verkiesing is
- 54. Bevoegdhede van Kommissie en Verkiesingshof

Deel 5: Bepaling en verklaring van finale uitslag van verkiesing

- 45 55. Bepaling en verklaring van finale uitslag van verkiesing

CHAPTER 5

AGENTS

- | | | |
|-----|---------------------------------|---|
| 56. | Appointment of party agents | |
| 57. | Appointment of candidate agents | |
| 58. | Powers and duties of agents | 5 |

CHAPTER 6

ADMINISTRATION

Part 1: Voting districts

- | | | |
|-----|--|----|
| 59. | Establishment of voting districts | |
| 60. | Factors for determining voting district boundaries | 10 |
| 61. | Consultation with party liaison committee | |
| 62. | Inspection and copies of maps of voting districts | |

Part 2: Voting stations

- | | | |
|-----|--|----|
| 63. | Establishment of voting stations | |
| 64. | Relocation of voting stations in emergencies | 15 |
| 65. | Organisation of voting stations | |
| 66. | Mobile voting stations | |

Part 3: Voting materials

- | | | |
|-----|---------------------|----|
| 67. | Ballot papers | |
| 68. | Ballot boxes | 20 |
| 69. | Voting compartments | |
| 70. | Voting materials | |

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

- | | | |
|-----|---|----|
| 71. | Appointment of presiding officers | 25 |
| 72. | Powers and duties of presiding officers | |
| 73. | Appointment of voting officers | |
| 74. | Powers and duties of voting officers | |
| 75. | Appointment of counting officers | |
| 76. | Powers and duties of counting officers | 30 |
| 77. | Appointment of counters | |
| 78. | Powers and duties of counters | |
| 79. | Appointment of additional persons | |
| 80. | Powers and duties of additional persons | |
| 81. | General provisions concerning appointment of officers | 35 |
| 82. | General provisions concerning appointment of institutions | |

Part 5: Accreditation of observers and persons providing voter education

- | | | |
|-----|--|----|
| 83. | Accreditation of observers | |
| 84. | Powers and duties of accredited observers | |
| 85. | Accreditation of persons providing voter education | 40 |

CHAPTER 7

GENERAL PROVISIONS

Part 1: Prohibited conduct

- | | | |
|-----|-----------------|----|
| 86. | Undue influence | |
| 87. | Impersonation | 45 |

HOOFSTUK 5

AGENTE

56. Aanstelling van party-agente
 57. Aanstelling van kandidaat-agente
 5 58. Bevoegdhede en pligte van agente

HOOFSTUK 6

ADMINISTRASIE

Deel 1: Stemdistrikte

59. Bepaling van stemdistrikte
 10 60. Faktore vir bepaling van stemdistrikgrense
 61. Oorlegpleging met party-skakelkomitee
 62. Insaë in en afskrifte van kaarte van stemdistrikte

Deel 2: Stemlokale

63. Instelling van stemlokale
 15 64. Verplasing van stemlokale in noodgevalle
 65. Organisering van stemlokale
 66. Mobiele stemlokale

Deel 3: Stemmateriaal

67. Stembriewe
 20 68. Stembusse
 69. Stemkompartemente
 70. Stemmateriaal

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

- 25 71. Aanstelling van voorsittende beamptes
 72. Bevoegdhede en pligte van voorsittende beamptes
 73. Aanstelling van stembeamptes
 74. Bevoegdhede en pligte van stembeamptes
 75. Aanstelling van telbeamptes
 30 76. Bevoegdhede en pligte van telbeamptes
 77. Aanstelling van tellers
 78. Bevoegdhede en pligte van tellers
 79. Aanstelling van bykomende persone
 80. Bevoegdhede en pligte van bykomende persone
 35 81. Algemene bepalinge aangaande aanstelling van beamptes
 82. Algemene bepalinge aangaande aanstelling van instellings

Deel 5: Akkreditering van waarnemers en persone wat kiesersopleiding verskaf

83. Akkreditering van waarnemers
 84. Bevoegdhede en pligte van geakkrediteerde waarnemers
 40 85. Akkreditering van persone wat kiesersopleiding verskaf

HOOFSTUK 7

ALGEMENE BEPALINGS

Deel 1: Verbode gedrag

86. Onbehoorlike beïnvloeding
 45 87. Identiteitsbedrog

- 88. Intentional false statements
- 89. Infringement of secrecy
- 90. Prohibitions concerning voting and election materials
- 91. Prohibitions concerning placards and billboards during election
- 92. Obstruction of, or non-compliance with, directions of Commission, chief electoral officer and other officers 5
- 93. Contravention of Code

Part 2: Enforcement

- 94. Institution of and intervention in civil proceedings by chief electoral officer
- 95. Jurisdiction and powers of Electoral Court 10

Part 3: Offences and penalties

- 96. Offences
- 97. Penalties

Part 4: Additional powers and duties of Commission

- 98. Electoral Code of Conduct and other Codes 15
- 99. Regulations
- 100. Assignment of powers and duties by Commission
- 101. Assignment of powers and duties by chief electoral officer
- 102. Powers of Commission, etc., when deciding objections and appeals
- 103. Access to private places 20
- 104. Ownership of voting and election materials
- 105. Return or forfeiture of deposit

Part 5: Other general provisions

- 106. Temporary obligations
- 107. Prohibition on certain political activities 25
- 108. Prohibition on publication of exit polls
- 109. Effect of certain irregularities
- 110. Inspection and copying of documents
- 111. Prohibition on certain strikes and lockouts
- 112. Limitation of liability 30
- 113. Repeal of laws
- 114. Act binds State
- 115. Application of Act when in conflict with other laws
- 116. Short title and commencement

SCHEDULE 1 35

ELECTION TIMETABLE

- 1. Cut-off time for act to be performed
- 2. Cut-off date for registration as voter in election
- 3. Notice that list of addresses of voting stations is available for inspection
- 4. Notice that voters' roll is available for inspection 40
- 5. Cut-off date for objections to voters' roll
- 6. Decision of objections concerning voters' roll
- 7. Certification of voters' roll
- 8. Cut-off date for submission of list of candidates
- 9. Notice of non-compliance 45
- 10. Inspection of lists of candidates and accompanying documents
- 11. Cut-off date for objections
- 12. Decision of objections
- 13. Cut-off date for appeals against decisions
- 14. Deciding appeals 50
- 15. List of parties and candidates entitled to contest election and final list of candidates

- 88. Opsetlike valse verklarings
- 89. Skending van geheimhouding
- 90. Verbodsbepalings aangaande stem- en verkiesingsmateriaal
- 91. Verbodsbepalings aangaande plakkate en reklameborde tydens verkiesing
- 5 92. Dwarsboming van, of nie-voldoening aan, voorskrifte van Kommissie. hoofverkiesingsbeampte en ander beamptes
- 93. Oortreding van Kode

Deel 2: Uitvoering

- 94. Instelling van en toetreding tot siviele verrigtinge deur hoofverkiesingsbeampte
- 10 95. Regsbevoegdheid en bevoegdhede van Verkiesingshof

Deel 3: Misdrywe en strawwe

- 96. Misdrywe
- 97. Strawwe

Deel 4: Bykomende bevoegdhede en pligte van Kommissie

- 15 98. Verkiesingsgedragskode en ander Kodes
- 99. Regulasies
- 100. Opdra van bevoegdhede en pligte deur Kommissie
- 101. Opdra van bevoegdhede en pligte deur hoofverkiesingsbeampte
- 102. Bevoegdhede van Kommissie, ens., wanneer besware en appèlle beslis word
- 20 103. Toegang tot private plekke
- 104. Eiendomsreg van stem- en verkiesingsmateriaal
- 105. Teruggawe of verbeuring van deposito

Deel 5: Ander algemene bepalinge

- 106. Tydelike verpligtinge
- 25 107. Verbod op sekere politieke aktiwiteite
- 108. Verbod op publikasie van meningspeilings
- 109. Uitwerking van sekere onreëlmatighede
- 110. Insae in en kopiëring van dokumente
- 111. Verbod op sekere stakings en uitsluitings
- 30 112. Bepierking van aanspreeklikheid
- 113. Herroeping van wette
- 114. Wet bind Staat
- 115. Toepassing van Wet wanneer bots met ander wette
- 116. Kort titel en inwerkingtreding

35 **BYLAE 1**

VERKIESINGSTYDROOSTER

- 1. Spertyd vir uitvoering van handeling
- 2. Sperdatum vir registrasie as kieser in verkiesing
- 3. Kennisgewing dat adreslys van stemlokale ter insae beskikbaar is
- 40 4. Kennisgewing dat kieserslys ter insae beskikbaar is
- 5. Sperdatum vir besware teen kieserslys
- 6. Beslissing van besware aangaande kieserslys
- 7. Sertifisering van kieserslys
- 8. Sperdatum vir voorlegging van kandidaatlys
- 45 9. Kennisgewing van nie-voldoening
- 10. Insae in kandidaatlyste en bygaande dokumente
- 11. Sperdatum vir besware
- 12. Beslissing van besware
- 13. Sperdatum vir appèlle teen beslissings
- 50 14. Beslissing van appèlle
- 15. Lys van partye en kandidate geregtig daarop om aan verkiesing deel te neem en finale kandidaatlys

- 16. Issue of certificate to candidates
- 17. Determination of boundaries of voting stations
- 18. Prescribing of voting hours
- 19. Notice of route of mobile voting stations

SCHEDULE 2

5

ELECTORAL CODE OF CONDUCT

- 1. Purpose of Code
- 2. Promotion of Code
- 3. Compliance with Code and electoral laws
- 4. Public commitment 10
- 5. Duty to co-operate
- 6. Role of women
- 7. Role of Commission
- 8. Prohibited conduct
- 9. Additions to Code 15

SCHEDULE 3

REPEAL OF LAWS

CHAPTER 1

INTERPRETATION, APPLICATION AND ADMINISTRATION OF ACT

Definitions 20

- 1. In this Act, unless the context otherwise indicates—
 - (i) "agent" means a person appointed in terms of section 56 or 57; (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) 25
 - (iii) "Code" means a Code issued by the Commission under section 98, and includes the Electoral Code of Conduct; (x)
 - (iv) "Commission" means the Electoral Commission, established by section 3 of the Electoral Commission Act; (xi)
 - (v) "counter" means a person appointed in terms of section 77; (xvi) 30
 - (vi) "counting officer" means a person appointed in terms of section 75; (xv)
 - (vii) "election" means—
 - (a) an election of the National Assembly;
 - (b) an election of a provincial legislature; or
 - (c) an election of a municipal council or a by-election for a municipal 35 council; (xviii)
 - (viii) "election timetable" means a timetable for an election published by the Commission in terms of section 17; (xxi)
 - (ix) "Electoral Code of Conduct" means the Code contained in Schedule 2; (xix)
 - (x) "Electoral Commission Act" means the Electoral Commission Act, 1996 (Act 40 No. 51 of 1996); (xxv)
 - (xi) "Electoral Court" means the Court established by section 18 of the Electoral Commission Act; (xx)
 - (xii) "identity document" means—
 - (a) an identity document issued after 1 July 1986, in terms of section 8 of the 45 Identification Act, 1986 (Act No. 72 of 1986), and includes a temporary identity certificate issued in terms of section 9 of that Act, but excludes—
 - (i) an identity document or a reference book mentioned in section 8(3) of that Act; and
 - (ii) an identity document issued in terms of a law repealed by the 50 Identification Amendment Act, 1995 (Act No. 47 of 1995); or
 - (b) an identity card issued under the Identification Act, 1997 (Act No. 68 of 1997), and includes a temporary identity certificate issued in terms of section 16 of that Act; (vii)

16. Uitreik van sertifikaat aan kandidate
17. Vaststelling van grense van stemlokale
18. Voorskryf van stemure
19. Kennisgewing van roete van mobiele stemlokale

5

BYLAE 2

VERKIESINGSGEDRAGSKODE

1. Oogmerk van Kode
2. Bevordering van Kode
3. Nakoming van Kode en verkiesingswette
- 10 4. Openbare onderneming
5. Plig tot samewerking
6. Rol van vroue
7. Rol van Kommissie
8. Verbode gedrag
- 15 9. Byvoegings by Kode

BYLAE 3

HERROEPING VAN WETTE

HOOFSTUK 1

UITLEG, TOEPASSING EN UITVOERING VAN WET

20 Woordoms krywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "agent" 'n persoon ingevolge artikel 56 of 57 aangestel; (i)
 - (ii) "beampte"—
 - 25 (a) 'n voorsittende beampte;
 - (b) 'n stembeampte;
 - (c) 'n telbeampte;
 - (d) 'n teller: of enige natuurlike persoon ingevolge artikel 79 aangestel; (xiii)
 - 30 (iii) "beteken" om per geregistreerde pos, telegram, teleks of telefaks te stuur of om per hand af te lewer; (xxi)
 - (iv) "geregistreerde party" 'n party ingevolge artikel 15 van die Wet op die Verkiesingskommissie geregistreer; (xix)
 - (v) "hierdie Wet" ook enige regulasies ingevolge artikel 99 uitgevaardig; (xxii)
 - 35 (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)
 - (vii) "identiteitsdokument"—
 - 40 (a) 'n identiteitsdokument na 1 Julie 1986 uitgereik ingevolge artikel 8 van die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), en ook 'n tydelike identiteitsertifikaat ingevolge artikel 9 van daardie Wet uitgereik, maar nie ook—
 - (i) 'n identiteitsdokument of 'n bewysboek in artikel 8(3) van daardie Wet genoem nie; en
 - 45 (ii) 'n identiteitsdokument uitgereik ingevolge 'n wet herroep deur die Wysigingswet op Identifikasie, 1995 (Wet No. 47 van 1995), nie; of
 - (b) 'n identiteitskaart ingevolge die Wet op Identifikasie, 1997 (Wet No. 68 van 1997), uitgereik, en ook 'n tydelike identiteitsertifikaat ingevolge
 - 50 artikel 16 van daardie Wet uitgereik; (xii)
 - (viii) "kieser" 'n Suid-Afrikaanse burger—
 - (a) wat 18 jaar oud of ouer is; en
 - (b) wie se naam op die kieserslys verskyn; (xxiii)
 - (ix) "kieserslys" die nasionale gemeenskaplike kieserslys opgestel ingevolge
 - 55 artikel 5; (xxiv)

- (xiii) "officer" means—
 (a) a presiding officer;
 (b) a voting officer;
 (c) a counting officer;
 (d) a counter; or 5
 any natural person appointed in terms of section 79: (ii)
- (xiv) "party liaison committee" means a committee established in terms of the Regulations on Party Liaison Committees published in terms of the Electoral Commission Act: (xii)
- (xv) "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: (xiii) 10
- (xvi) "prescribe" means prescribe by regulation in terms of section 99 and "prescribed" has a corresponding meaning: (xxii) 15
- (xvii) "prescribed manner" includes any prescribed requirement as to time, process or form: (xxiii)
- (xviii) "presiding officer" means a person appointed in terms of section 71: (xxiv)
- (xix) "registered party" means a party registered in terms of section 15 of the Electoral Commission Act: (iv) 20
- (xx) "security services" means the services as defined in section 199 of the Constitution: (xvii)
- (xxi) "serve" means to send by registered post, telegram, telex or telefax or to deliver by hand: (iii)
- (xxii) "this Act" includes any regulations made in terms of section 99: (v) 25
- (xxiii) "voter" means a South African citizen—
 (a) who is 18 years old or older; and
 (b) whose name appears on the voters' roll: (viii)
- (xxiv) "voters' roll" means the national common voters' roll compiled in terms of section 5: (ix) 30
- (xxv) "voting officer" means a person appointed in terms of section 73. (xiv)

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 35
 (b) take into account any appropriate Code.

Application of this Act

3. This Act applies to every—
 (a) election of the National Assembly;
 (b) election of a provincial legislature; and 40
 (c) election of a municipal council or a by-election for such council.

Administration of this Act

4. The Commission must administer this Act.

CHAPTER 2

REGISTRATION OF VOTERS, AND VOTERS' ROLL 45

National common voters' roll

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

- (x) "Kode" 'n Kode deur die Kommissie kragtens artikel 98 uitgereik, en ook die Verkiesingsgedragskode; (iii)
- (xi) "Kommissie" die Verkiesingskommissie, deur artikel 3 van die Wet op die Verkiesingskommissie ingestel; (iv)
- 5 (xii) "party-skakelkomitee" 'n komitee ingestel ingevolge die Regulasies op Party-skakelkomitees uitgevaardig ingevolge die Wet op die Verkiesingskommissie; (xiv)
- (xiii) "politieke amp", met betrekking tot 'n geregistreerde party, enige amp in die party waarin 'n verteenwoordiger vir die party verkies of benoem word, hetsy
- 10 vergoeding betrokke is of nie, of enige ander betaalde amp in die party waarin 'n persoon aangestel word; (xv)
- (xiv) "stembeampte" 'n persoon ingevolge artikel 73 aangestel; (xxv)
- (xv) "telbeampte" 'n persoon ingevolge artikel 75 aangestel; (vi)
- (xvi) "teller" 'n persoon ingevolge artikel 77 aangestel; (v)
- 15 (xvii) "veiligheidsdienste" die dienste soos omskryf in artikel 199 van die Grondwet; (xx)
- (xviii) "verkieping"—
 - (a) 'n verkieping van die Nasionale Vergadering;
 - (b) 'n verkieping van 'n provinsiale wetgewer; of
 - 20 (c) 'n verkieping van 'n munisipale raad of 'n tussenverkieping vir 'n munisipale raad; (vii)
- (xix) "Verkiepingsgedragskode" die Kode in Bylae 2 vervat; (ix)
- (xx) "Verkiepingshof" die Hof deur artikel 18 van die Wet op die Verkiesingskommissie ingestel; (xi)
- 25 (xxi) "verkiepingstydrooster" 'n tydrooster vir 'n verkieping deur die Kommissie ingevolge artikel 17 gepubliseer; (viii)
- (xxii) "voorskryf" by regulasie ingevolge artikel 99 voorskryf, en het "voorgeskrewe" 'n ooreenstemmende betekenis; (xvi)
- (xxiii) "voorgeskrewe wyse" ook enige voorgeskrewe vereiste wat betref tyd,
- 30 proses of vorm; (xvii)
- (xxiv) "voorsittende beampte" 'n persoon ingevolge artikel 71 aangestel; (xviii)
- (xxv) "Wet op die Verkiesingskommissie" die Wet op die Verkiesingskommissie, 1996 (Wet No. 51 van 1996). (x)

Uitleg van hierdie Wet

- 35 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

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

Uitvoering van hierdie Wet

- 45 4. Die Kommissie moet hierdie Wet uitvoer.

HOOFSTUK 2

REGISTRASIE VAN KIESERS, EN KIESERSLYS

Nasionale gemeenskaplike kieserslys

- 50 5. Die hoofverkiepingsbeampte moet 'n nasionale gemeenskaplike kieserslys opstel en in stand hou.

Persons who may apply for registration as voter

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

Applications for registration as voter

- 7. A person applying for registration as a voter must do so— 5
 - (a) in the prescribed manner; and
 - (b) only for the voting district in which that person is ordinarily resident.

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. 10
- (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; 15
 - (c) has been declared by the High Court to be of unsound mind or mentally disordered;
 - (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. 20
- (3) A person's name may not be entered in the voters' roll for more than one voting district.

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. 25
- (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. 30

Applications for deregistration as voter

- 10. (1) A registered voter may apply for deregistration as a voter in the prescribed manner.
- (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. 35

Entries in or amendments to voters' roll at instance of chief electoral officer

- 11. (1) The chief electoral officer may—
 - (a) register as a voter any person who has not applied for registration, by entering that person's name in the voters' roll for the voting district in which that person is ordinarily resident, if the chief electoral officer is satisfied that that person qualifies for registration; 40
 - (b) change the registration details of a voter, if the chief electoral officer is satisfied that details of that voter as reflected in the voters' roll are incorrect or have changed; or
 - (c) deregister a voter, if the chief electoral officer is satisfied that that voter does not qualify or no longer qualifies for registration. 45

Persone wat om registrasie as kieser aansoek mag doen

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

Aansoeke om registrasie as kieser

- 5 7. 'n Persoon wat aansoek doen om registrasie as 'n kieser moet dit doen—
 (a) op die voorgeskrewe wyse; en
 (b) slegs vir die stemdistrik waarin daardie persoon gewoonlik woonagtig is.

Registrasie

8. (1) Indien die hoofverkiesingsbeampte tevrede is dat 'n persoon se aansoek om
 10 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—

- 15 (a) op 'n bedrieglike wyse of andersins as ooreenkomstig die voorgeskrewe
 wyse om registrasie aansoek gedoen het;
 (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 1873),
 20 aangehou word; of
 (e) nie gewoonlik woonagtig is in die stemdistrik waarvoor daardie persoon om
 registrasie aansoek gedoen het nie.

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

Aansoeke om verandering van registrasiebesonderhede

25 9. (1) 'n Geregistreeerde kieser of persoon wat om registrasie as 'n kieser aansoek
 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
 30 van huwelikstatus voortspruit nie.

(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

35 10. (1) 'n Geregistreeerde kieser kan op die voorgeskrewe wyse om skraping van
 registrasie as 'n kieser aansoek doen.

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

40 Inskrywings in en wysigings van kieserslys deur hoofverkiesingsbeampte uit eie
 beweging

11. (1) Die hoofverkiesingsbeampte kan—

- 45 (a) 'n persoon wat nie om registrasie aansoek gedoen het nie as 'n kieser
 registreer deur daardie persoon se naam in die kieserslys in te skryf vir die
 stemdistrik waarin daardie persoon gewoonlik woonagtig is, indien die
 hoofverkiesingsbeampte tevrede is dat daardie persoon vir registrasie kwalifiseer;
 (b) die registrasiebesonderhede van 'n kieser verander, indien die hoofverkie-
 singsbeampte tevrede is dat die besonderhede van daardie kieser soos in die
 kieserslys weergegee, nie korrek is nie of verander het; of
 50 (c) die registrasie van 'n kieser skrap, indien die hoofverkiesingsbeampte
 tevrede is dat daardie kieser nie of nie meer vir registrasie kwalifiseer nie.

(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.

Notification by chief electoral officer

5

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

10

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.
- (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.

15

20

CHAPTER 3

PROCLAMATION OF AND PREPARATIONS FOR ELECTIONS

Part 1: Proclamation of elections

Proclamation of elections of National Assembly

25

14. (1) Whenever the President or Acting President calls an election of the National Assembly the proclamation concerned must—
- (a) set a single day and date for voting; and
 - (b) give at least 60 days' notice of the voting day.
- (2) The voting day must be determined after consultation with the Commission.

30

Proclamation of elections of provincial legislatures

15. (1) Whenever the President or the Premier or Acting Premier of a province calls an election of the provincial legislature the proclamation concerned must—
- (a) set a single day and date for voting; and
 - (b) give at least 60 days' notice of the voting day.
- (2) The voting day must be determined after consultation with the Commission.

35

Proclamation of municipal elections

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

Election timetables

40

17. (1) The Commission must—
- (a) compile an election timetable for each election substantially in accordance with Schedule 1; and
 - (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 18.

45

(2) Die hoofverkiegingsbeampte moet in die kieserslys of 'n persoon se aansoek enige verandering in 'n stemdistrik waarvoor 'n persoon as kieser geregistreer is of om registrasie aansoek gedoen het, aanbring indien daardie persoon se gewone verblyfplek na 'n verandering van die grense van daardie stemdistrik in 'n ander stemdistrik val.

5 Kennisgewing deur hoofverkiegingsbeampte

12. (1) Die hoofverkiegingsbeampte moet op die voorgeskrewe wyse aan 'n persoon kennis gee—

- (a) wie se aansoek ingevolge artikel 7 om registrasie as 'n kieser geweier is;
 - 10 (b) wie se aansoek ingevolge artikel 9 om 'n verandering van naam of gewone verblyfplek te laat aanteken, geweier is;
 - (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.

Appel teen beslissings en stappe van hoofverkiegingsbeampte

15 13. (1) 'n Persoon in artikel 12(1) genoem wat verontreg voel deur 'n beslissing of stap van die hoofverkiegingsbeampte 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 appel oorweeg en beslis, en die appellant en die hoofverkiegingsbeampte van die beslissing in kennis stel.

20 (3) Geen appel kan teen die beslissing van die Kommissie aangeteken word nie, behoudens artikel 20(2)(a) van die Wet op die Verkiegingskommissie.

HOOFSTUK 3

AFKONDIGING VAN EN VOORBEREIDINGS VIR VERKIESINGS

Deel 1: Afkondiging van verkiesings

25 Afkondiging van verkiesings van Nasionale Vergadering

14. (1) Wanneer ook al die President of Waarnemende President 'n verkiesing van die Nasionale Vergadering uitskryf, moet die betrokke proklamasie—

- (a) 'n enkele dag en datum vir die stemming vasstel; en
 - 30 (b) minstens 60 dae kennis van die stembdag gee.
- (2) Die stembdag moet na oorleg met die Kommissie vasgestel word.

Afkondiging van verkiesings van provinsiale wetgewers

15. (1) Wanneer ook al die President of die Premier of Waarnemende Premier van 'n provinsie 'n verkiesing van die provinsiale wetgewer uitskryf, moet die proklamasie—

- (a) 'n enkele dag en datum vir die stemming vasstel; en
 - 35 (b) minstens 60 dae kennis van die stembdag gee.
- (2) Die stembdag moet na oorleg met die Kommissie vasgestel word.

Afkondiging van munisipale verkiesings

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

40 Verkiegingstydroosters

17. (1) Die Kommissie moet—

- (a) vir elke verkiesing 'n verkiesingstydrooster opstel, wat wesentlik in ooreenstemming met Bylae 1 moet wees; en
 - (b) die verkiesingstydrooster in die *Staatskoerant* publiseer.
- 45 (2) Die Kommissie kan die verkiesingstydrooster by kennisgewing in die *Staatskoerant* wysig—
- (a) indien hy dit vir 'n vrye en regverdige verkiesing noodsaaklik ag; of
 - (b) indien die stembdag ingevolge artikel 18 uitgestel word.

General postponement of elections

18. (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.
- (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).

Postponement of voting at voting station

19. (1) If it is not reasonably possible to conduct a free and fair election at a voting station on the proclaimed voting day, the Commission may at any time before the voting at a voting station has commenced, postpone voting at that voting station.
- (2) A postponement in terms of subsection (1) must be—
- (a) effected in the prescribed manner;
 - (b) to a date within seven days of the proclaimed voting day;
 - (c) to a day that would still fall within the period referred to in section 18(1)(b); and
 - (d) publicised in the public media considered appropriate so as to ensure wide publicity of the postponement of the voting day at that voting station.

Revote at voting station

20. (1) If ballot papers used in an election at a voting station are lost, destroyed or unlawfully removed before the votes cast at the voting station have been counted or the provisional result for that voting station has been determined and announced, the Commission may allow a revote at that voting station.
- (2) A revote at a voting station must be conducted in accordance with a procedure prescribed by the Commission which is consistent with the principles provided for in Chapter 4.

Part 2: Voters' roll

Cut-off date for registration as voter in election

21. (1) By not later than the relevant date stated in the election timetable for an election, a person who wants to vote in that election must—
- (a) be registered as a voter;
 - (b) have applied for registration as a voter in terms of section 7; or
 - (c) have applied for change of registration details, if section 9 is applicable.
- (2) By the respective dates stated in the election timetable—
- (a) the chief electoral officer must process every application referred to in subsection (1)(b) or (c);
 - (b) the chief electoral officer must notify every person as required by section 12;
 - (c) an appellant must serve any appeal referred to in section 13;
 - (d) the Commission must consider and decide the appeal and notify the appellant and the chief electoral officer of the decision in the prescribed manner; and
 - (e) the chief electoral officer must compile the segment of the voters' roll to be used in that election. The segment must—
 - (i) consist of the segments for every voting district in which that election has been called; and
 - (ii) only include the names of voters registered for those voting districts and who will be at least 18 years of age on the voting day for that election.

Algemene uitstel van verkiesings

18. (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 regverdigte verkiesing te verseker; en
5 (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
10 binne die tydperk bedoel in subartikel (1)(b) val.

Uitstel van stemming by stemlokaal

19. (1) Indien dit nie redelikerwys moontlik is om 'n vrye en regverdigte 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
15 stemlokaal uitstel.

(2) 'n Uitstel ingevolge subartikel (1) moet—

- (a) op die voorgeskrewe wyse geskied;
(b) tot 'n datum binne sewe dae vanaf die afgekondigde stembag wees;
20 (c) tot 'n dag wees wat steeds binne die tydperk bedoel in artikel 18(1)(b) sal val; en
(d) publisiteit in die openbare 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

25 20. (1) Indien stembriewe wat tydens 'n verkiesing by 'n stemlokaal gebruik is, verlore raak, vernietig word of wederregtelik verwyder word voordat die stemme getel 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.

30 (2) 'n Herstemming by 'n stemlokaal moet gehou word ooreenkomstig 'n prosedure deur die Kommissie voorgeskryf wat bestaanbaar is met die beginsels waarvoor Hoofstuk 4 voorsiening maak.

Deel 2: Kieserslys

Sperdatum vir registrasie as kieser in verkiesing

35 21. (1) Teen nie later nie as die tersaaklike datum vermeld in die verkiesingstyd-
drooster vir 'n verkiesing, moet 'n persoon wat in daardie verkiesing wil stem—

- (a) as 'n kieser geregistreer wees; of
(b) om registrasie as 'n kieser ingevolge artikel 7 aansoek gedoen het; of
40 (c) om verandering van registrasiebesonderhede aansoek gedoen het, indien artikel 9 van toepassing is.

(2) Teen die onderskeie datums in die verkiesingstyd-
drooster vermeld, moet—

- (a) die hoofverkiesingsbeampte elke aansoek bedoel in subartikel (1)(b) of (c) verwerk;
(b) die hoofverkiesingsbeampte elke persoon in kennis stel soos deur artikel 12 vereis;
45 (c) 'n appellant 'n appèl waarna in artikel 13 verwys word, beteken;
(d) die Kommissie die appèl oorweeg en beslis en die appellant en die hoofverkiesingsbeampte op die voorgeskrewe wyse van die beslissing in kennis stel; en
50 (e) die hoofverkiesingsbeampte die segment van die kieserslys wat in daardie verkiesing gebruik moet word, opstel. Die segment moet—
(i) bestaan uit die segmente vir elke stembagterreë wat daardie verkie-
sing uitgeskryf is; en
55 (ii) slegs die name bevat van kiesers wat vir daardie stembagterreë geregistreer is en wat op die stembag van daardie verkiesing minstens 18 jaar oud sal wees.

Inspection and copies of voters' roll

22. (1) By not later than the relevant date stated in the election timetable for an election, the chief electoral officer must give notice that copies of the segment of the voters' roll to be used in that election will be available for inspection.
- (2) The notice must be— 5
- (a) published in the *Government Gazette*; and
 - (b) publicised in the public media considered appropriate by the chief electoral officer so as to ensure wide publicity of the voters' roll.
- (3) The notice must state, and the chief electoral officer must ensure, that for the period stated in the election timetable copies of the following segments of the voters' roll will be available for inspection at the following places: 10
- (a) At the Commission's head office, the segments for all voting districts in which the election will take place;
 - (b) at a place in each province designated in the notice, the segments for all voting districts in the province in which the election will take place; and 15
 - (c) at the office of each municipality, the segments for all voting districts in that municipality in which the election will take place.
- (4) Any person may inspect a copy of a segment of the voters' roll referred to in subsection (1).
- (5) The chief electoral officer must provide a certified copy of, or extract from, a 20 segment of the voters' roll referred to in subsection (1) to any person who has paid the prescribed fee.

Objections to voters' roll

23. (1) In relation to the segment of the voters' roll to be used in an election, any person may object to— 25
- (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) An objection to the Commission must be lodged in the prescribed manner by not later than the relevant date stated in the election timetable for the election concerned. 30
- (b) A person who objects to the inclusion or exclusion 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 in the prescribed manner and by not later than the relevant date stated in the election timetable, notify the following 35 persons of the decision:
- (a) The person who lodged the objection;
 - (b) the chief electoral officer; and
 - (c) in the case of an objection against the inclusion or exclusion of the name, or the correctness of the registration details, of a person other than the objector, 40 that other person.
- (4) By not later than the relevant date stated in the election timetable, the chief electoral officer must give effect to a decision of the Commission in terms of subsection (3).
- (5) No appeal may be brought against the Commission's decision, subject to section 45 20(2)(a) of the Electoral Commission Act.

Certification of voters' roll

24. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must certify the segment of the voters' roll to be used in that election.
- (2) The chief electoral officer must provide a certified copy of, or extract from, the 50 certified segment of the voters' roll to any person who has paid the prescribed fee.

Insae in en afskrifte van kieserslys

22. (1) Teen nie later nie as die tersaaklike datum vermeld in die verkiesingstyd-
rooster vir 'n verkiesing, moet die hoofverkiesingsbeampte kennis gee dat afskrifte van
die segment van die kieserslys wat in daardie verkiesing gebruik sal word, vir insae
5 beskikbaar sal wees.

(2) Die kennisgewing moet—

(a) in die *Staatskoerant* gepubliseer word; en

(b) in die openbare media wat die hoofverkiesingsbeampte as toepaslik beskou,
publisiteit gegee word ten einde wye bekendmaking van die kieserslys te
10 verseker.

(3) Die kennisgewing moet vermeld, en die hoofverkiesingsbeampte moet toesien,
dat vir die tydperk in die verkiesingstydrooster vermeld afskrifte van die volgende
segmente van die kieserslys vir insae beskikbaar sal wees by die volgende plekke:

(a) By die Kommissie se hoofkantoor, die segmente vir alle stembedistrikte waarin
15 die verkiesing sal plaasvind;

(b) by 'n plek in elke provinsie in die kennisgewing aangedui, 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.

20 (4) Enige persoon mag insae hê in 'n afskrif van 'n segment van die kieserslys
waarna in subartikel (1) verwys word.

(5) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit,
'n segment van die kieserslys waarna in subartikel (1) verwys word, aan enige persoon
verskaf wat die voorgeskrewe bedrag betaal het.

25 Besware teen kieserslys

23. (1) Enige persoon kan met betrekking tot die segment van die kieserslys wat in
'n verkiesing gebruik gaan word, beswaar aanteken teen—

(a) die uitsluiting van enige persoon se naam uit daardie segment;

(b) die insluiting van enige persoon se naam in daardie segment; of

30 (c) die korrektheid van enige persoon se registrasiebesonderhede in daardie
segment.

(2) (a) 'n Beswaar aan die Kommissie moet op die voorgeskrewe wyse aangeteken
word teen nie later nie as die tersaaklike datum vermeld in die verkiesingstydrooster vir
die betrokke verkiesing.

35 (b) 'n Persoon wat beswaar aanteken teen die insluiting of uitsluiting van 'n ander
persoon se naam, of teen die korrektheid van daardie persoon se registrasie-
besonderhede, moet kennis van die beswaar aan daardie persoon beteken.

(3) Die Kommissie moet 'n beswaar beslis, en op die voorgeskrewe wyse en teen nie
later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, die volgende
40 persone van die beslissing in kennis stel:

(a) Die persoon wat die beswaar aangeteken het;

(b) die hoofverkiesingsbeampte; en

45 (c) in die geval van 'n beswaar teen die insluiting of uitsluiting van die naam, of
die korrektheid van die registrasiebesonderhede, van 'n ander persoon as die
beswaarmaker, daardie ander persoon.

(4) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in
die verkiesingstydrooster vermeld aan 'n beslissing van die Kommissie ingevolge
subartikel (3) uitvoering gee.

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

Sertifisering van kieserslys

24. (1) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum
vermeld in die verkiesingstydrooster, die segment van die kieserslys sertifiseer wat in
daardie verkiesing gebruik gaan word.

55 (2) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit,
die gesertifiseerde segment van die kieserslys aan enige persoon verskaf wat die
voorgeskrewe bedrag betaal het.

Part 3: Parties contesting election, and lists of candidates

Requirements for parties to contest election

25. 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 26. 5

Submission of lists of candidates

26. (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. 10

- (2) The list or lists must be accompanied by a prescribed—
- (a) undertaking, signed by the duly authorised representative of the party, binding the party, persons holding political office in the party, and its representatives and members, to the Code;
 - (b) declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution; 15
 - (c) acceptance of nomination, signed by each candidate;
 - (d) undertaking signed by each candidate, that that candidate will be bound by the Code; and 20
 - (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— 25
- (i) an election of a provincial legislature, must be less than the amount for contesting an election of the National Assembly; and
 - (ii) an election of a municipal council, must be less than the amount for contesting an election of a provincial legislature.

Non-compliance concerning submission of lists of candidates 30

27. (1) If a registered party that has submitted a list of candidates has not fully complied with section 26, the chief electoral officer must notify that party of its non-compliance.

(2) The notification must be given in the prescribed manner by not later than the relevant date stated in the election timetable, and must indicate that the party has an opportunity to comply with section 26 by not later than the relevant date stated in the election timetable. 35

(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. 40

Inspection of copies of lists of candidates and accompanying documents

28. (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 26, as amended and supplemented in terms of section 27, will be available for inspection. 45

- (2) The notice must be—
- (a) published in the *Government Gazette*; and
 - (b) publicised in the public 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— 50
- (a) copies of the lists for—
 - (i) an election of the National Assembly, will be available for inspection

Deel 3: Partye wat aan verkiesing deelneem, en kandidaatlyste

Vereistes vir partye om aan verkiesing deel te neem.

25. 'n Party kan aan 'n verkiesing deelneem slegs indien daardie party—

- (a) 'n geregistreerde party is; en
5 (b) ingevolge artikel 26 'n kandidaatlys ingedien het.

Indiening van kandidaatlyste

26. (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 10 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;
15 (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;
20 (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.

25 (b) Die bedrag wat gedeponeer moet word deur 'n geregistreerde party wat—

- (i) 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; en
30 (ii) aan 'n verkiesing van 'n munisipale raad deelneem, moet minder wees as die bedrag om aan 'n verkiesing van 'n provinsiale wetgewer deel te neem.

Nie-voldoening aangaande indiening van kandidaatlyste

27. (1) Indien 'n geregistreerde party wat 'n kandidaatlys ingedien het, nie ten volle aan artikel 26 voldoen het nie, moet die hoofverkiesingsbeampte daardie party van sy nie-voldoening in kennis stel.

35 (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 26 te voldoen.

(3) Die geleentheid waarvoor subartikel (2) voorsiening maak, sluit 'n geleentheid in 40 om 'n kandidaat te vervang en die name op die lys as gevolg van daardie vervanging te herrangskik.

Insaë in afskrifte van kandidaatlyste en bygaande dokumente

28. (1) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, kennis gee dat afskrifte van die kandidaatlyste en 45 bygaande dokumente wat ingevolge artikel 26 deur geregistreerde partye ingedien is, soos gewysig en aangevul ingevolge artikel 27, vir insaë beskikbaar sal wees.

(2) Die kennisgewing moet—

- (a) in die *Staatskoerant* gepubliseer word; en
50 (b) in die openbare media wat die hoofverkiesingsbeampte as toepaslik beskou, publisiteit gegee word ten einde wye bekendmaking van die lysie 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 lysie vir—
55 (i) 'n verkiesing van die Nasionale Vergadering, by die Kommissie se hoofkantoor, 'n plek in elke provinsie in die kennisgewing aangedui.

at the Commission's head office, a place in each province designated in the notice and the office of each municipality in the country:

- (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 5
- (iii) a municipal election, will be available for inspection at the Commission's head office and at the office of the municipality in which the election is to be held; and

(b) copies of the documents accompanying the lists are available for inspection at the Commission's head office. 10

(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. 15

Objections to lists of candidates

29. (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 20
- (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. 25

(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. 30

(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 35 does not comply with section 26, 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.

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

30. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must— 40

- (a) give effect to a decision of the Commission in terms of section 29(3) and to a decision of the Electoral Court in terms of section 29(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 45 available.

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

(3) By not later than the relevant date stated in the election timetable, the chief electoral officer must issue to each candidate on a final list of candidates for an election, 50 a certificate stating that the person is a candidate in that election.

- en die kantoor van elke munisipaliteit in die land, vir insae beskikbaar sal wees:
- (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 insae beskikbaar sal wees; en
- (iii) 'n munisipale verkiesing, by die Kommissie se hoofkantoor en by die kantoor van die munisipaliteit waarin die verkiesing gehou gaan word, vir insae beskikbaar sal wees; en
- 10 (b) afskrifte van die dokumente wat die lyste vergesel het, vir insae by die Kommissie se hoofkantoor beskikbaar sal wees.
- (4) Enige persoon mag insae 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, 15 'n kandidaatlys of dokument waarna in subartikel (1) verwys word, verskaf aan enige persoon wat die voorgeskrewe bedrag betaal het.

Besware teen kandidaatlyste

29. (1) Enige persoon, met inbegrip van die hoofverkiesingsbeampte, kan op die volgende gronde teen die benoeming van 'n kandidaat beswaar maak:
- 20 (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.
- 25 (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 geregistreerde party wat die kandidaat benoem het.
- (3) Die Kommissie moet die beswaar beslis, en moet die beswaarmaker en die geregistreerde party wat die kandidaat benoem het, op die voorgeskrewe wyse en teen 30 nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, van die beslissing in kennis stel.
- (4) Die beswaarmaker, of die geregistreerde 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 Verkie- 35 singshof appelleer.
- (5) Die Verkie-singshof 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.
- 40 (6) Indien die Kommissie of die Verkie-singshof beslis dat 'n kandidaat se benoeming nie aan artikel 26 voldoen nie, kan die Kommissie of die Verkie-singshof die geregistreerde 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.

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

30. (1) Die hoofverkiesingsbeampte moet teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld—
- (a) uitvoering gee aan 'n beslissing van die Kommissie ingevolge artikel 29(3) en aan 'n beslissing van die Verkie-singshof ingevolge artikel 29(5); en
- 50 (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.
- (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 55 bedrag betaal het.
- (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.

*Part 4: Municipal councils***Further regulating of elections of municipal councils**

31. 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 5 regulations regarding—

- (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 10 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; 15
- (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.

Part 5: Special votes 20**Special votes**

32. (1) The Commission may decide to allow special votes to be cast in an election.
 (2) If the Commission decides to allow special votes, the Commission must prescribe—
- (a) the categories of persons who may apply for special votes; 25
 - (b) the procedure for applying for special votes; and
 - (c) procedures, consistent in principle with Chapter 4, for the casting and counting of special votes.

CHAPTER 4**ELECTIONS** 30*Part 1: Voting***Officers at voting stations**

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

Hours of voting 40

34. (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 prescribe different voting hours for different voting stations.
 (3) The chief electoral officer must publish the prescribed voting hours in the public 45 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

Deel 4: Munisipale rade

Verdere reëling van verkiesings van munisipale rade

31. 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—
- (a) die uitskrif van munisipale verkiesings;
 - (b) verkiesingsydropsters;
 - (c) partylyste van kandidate;
 - 10 (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;
 - (e) die uitstel van stemming by 'n stemlokaal;
 - (f) stemprosedures;
 - 15 (g) tel van stemme en besware wesentlik tot die finale uitslae van verkiesings;
 - (h) die aanstelling van kandidaat-agente; en
 - (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.
 - 20

Deel 5: Spesiale stemme

Spesiale stemme

32. (1) Die Kommissie kan besluit om die uitbring van spesiale stemme in 'n verkiesing te magtig.
- 25 (2) Indien die Kommissie besluit om spesiale stemme te magtig, moet die Kommissie voorskryf—
- (a) die kategorieë persone wat om spesiale stemme mag aansoek doen;
 - (b) die prosedure om om spesiale stemme aansoek te doen; en
 - 30 (c) prosedures, wat in beginsel met Hoofstuk 4 bestaanbaar moet wees, vir die uitbring en tel van spesiale stemme.

HOOFSTUK 4

VERKIESINGS

Deel 1: Stemming

Beampies by stemlokale

- 35 33. 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
 - 40 (b) die stembeampies 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

34. (1) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, moet die Kommissie die stemure vir 'n verkiesing voorskryf.
- 45 (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 hoofverkiesingsbeampies moet die voorgeskrewe stemure in die openbare media wat as toepaslik beskou word, publiseer ten einde wye bekendmaking van daardie ure te verseker.
- 50 (4) 'n Stemlokaal moet—
- (a) vir die uitbring van stemme oopmaak op die voorgeskrewe tyd; en

- (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. 5
- (6) Voting at a voting station must continue until every voter has voted who—
 - (a) is entitled to vote at that voting station; and
 - (b) was present at that voting station for the purpose of voting at the time prescribed or determined for that voting station to close for voting.
- (7) To ensure a free and fair election, the Commission— 10
 - (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. 15

Initial procedures

35. 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 20
 - (b) in the presence of those agents close and secure the ballot boxes in the prescribed manner.

Voting procedure

36. (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. 25
- (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. 30
- (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 35
 - (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— 40
- (a) mark the back of a ballot paper for the election;
 - (b) hand the ballot paper to the voter; and
 - (c) record that the voter is regarded to have voted in the election.
- (6) Once the voter has received a ballot paper marked in terms of subsection (5)(a), 45 the voter must—
- (a) enter an empty voting compartment;
 - (b) mark the ballot paper in a way that indicates the registered party or candidate the voter wishes to vote for;
 - (c) fold the ballot paper to conceal the voter's vote; 50
 - (d) take the ballot paper to a ballot box for the election and show it to the presiding officer or a voting officer in a way that that officer can see the mark made in terms of subsection (5)(a);
 - (e) place the ballot paper in the ballot box; and
 - (f) without delay leave the area within the inner boundary of the voting station. 55
- (7) The voting compartment must comply with the provisions of section 69.

- (b) behoudens subartikel (7)(b), vir die uitbring van stemme oop bly tot die voorgeskrewe tyd, of die later tyd wat die Kommissie ingevolge artikel (7)(a) bepaal.
- (5) Geen persoon word in 'n stemlokaal vir die uitbring van 'n stem toegelaat nadat 5 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
- 10 (b) by daardie stemlokaal vir die doel om te stem teenwoordig was op die tyd vir daardie stemlokaal voorgeskryf of bepaal om vir die uitbring van stemme te sluit.
- (7) Ten einde 'n vrye en regverdige verkiesing te verseker, kan die Kommissie—
- (a) op stembdag, die stemure by 'n stemlokaal verleng tot so laat as middernag op daardie stembdag; of
- 15 (b) 'n stemlokaal tydelik vir 'n deel van stembdag sluit indien dit tydelik onmoontlik is om 'n vrye en regverdige verkiesing by daardie stemlokaal te hou.

Aanvanklike prosedures

35. Onmiddellik voordat 'n stemlokaal vir die uitbring van stemme oopmaak, moet 20 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.

25 Stemprosedure

36. (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) 'n Kieser is geregtig om by 'n stemlokaal te stem—
- 30 (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.
- (3) Wanneer 'n kieser 'n identiteitsdokument volgens voorskrif van subartikel 2(a) aan 'n voorsittende beampte of stembeampte voorlê, moet die voorsittende beampte of 35 stembeampte die identiteitsdokument ondersoek en vasstel of—
- (a) die kieser die persoon is wat in daardie identiteitsdokument beskryf word;
- (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.
- 40 (4) Die voorsittende beampte of stembeampte kan vir die doeleindes van subartikel (3)(a) vereis dat die kieser se vingerafdrukke geneem word.
- (5) Indien die voorsittende beampte of stembeampte tevrede is ten opsigte van al die aangeleenthede genoem in subartikel (3), moet daardie beampte—
- 45 (a) die agterkant van 'n stembrief vir die verkiesing merk;
- (b) die stembrief aan die kieser oorhandig; en
- (c) aanteken dat die kieser geag word in die verkiesing te gestem het.
- (6) Sodra die kieser 'n stembrief ontvang het wat ingevolge subartikel (5)(a) gemerk is, moet die kieser—
- 50 (a) 'n leë stemkompartement binnegaan;
- (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 55 merk kan sien wat ingevolge subartikel (5)(a) gemaak is;
- (e) die stembrief in die stembus plaas; en
- (f) onverwyld die gebied binne die binnegrens van die stemlokaal verlaat.
- (7) Die stemkompartement moet aan die bepalings van artikel 69 voldoen.

Assistance to certain voters

37. (1) The presiding officer or a voting officer, at the request of a voter who is unable to read or is blind, must assist that voter in voting.
- (2) A person may assist a voter in voting if—
- (a) the voter requires assistance due to a physical disability: 5
 - (b) the voter has requested that assistance; and
 - (c) the presiding officer or a voting officer has consented to that person assisting the voter.
- (3) The secrecy of voting contemplated in section 36 must be preserved in the application of this section. 10

Issue of new ballot papers

38. (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: 15
 - (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 36(5); and
 - (c) the voter may vote in accordance with section 36(6). 20
- (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 41.

Objections concerning voting

39. (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. 25
- (2) An agent, or the voter concerned, may object if the voter is refused a ballot paper.
- (3) An agent, or a voter, may object to any conduct, other than that mentioned in subsection (1) or (2), of an officer, an agent, or any other person present at a voting station. 30
- (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.
- (6) No appeal may be brought against the decision of the presiding officer, subject to section 20(2)(a) of the Electoral Commission Act. 35
- (7) The presiding officer must keep a written record in the prescribed manner of each objection and decision made in terms of this section.

Sealing of full ballot boxes

40. (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. 40
- (2) A sealed ballot box must remain sealed until opened for the counting of votes in terms of section 45(1).

Completion of form and sealing of voting materials 45

41. (1) As soon as practicable after the close of a voting station for voting, the presiding officer, in the presence of any agents present, must—
- (a) complete a form reflecting the number of—
 - (i) ballot boxes entrusted to that presiding officer;
 - (ii) used ballot boxes; 50

Hulpverlening aan sekere kiesers

37. (1) Die voorsittende beampte of 'n stembeampte moet, op versoek van 'n kieser wat nie kan lees nie of blind is, daardie kieser behulpsaam wees om te stem.
- (2) 'n Persoon kan 'n kieser behulpsaam wees om te stem indien—
- 5 (a) die kieser hulp nodig het as gevolg van 'n liggaamlike gestremdheid;
- (b) die kieser daardie hulp versoek het; en
- (c) die voorsittende beampte of 'n stembeampte toegestem het dat daardie persoon hulp aan die kieser verleen.
- (2) Die geheimhouding van stemming beoog in artikel 36 moet by die toepassing van
- 10 hierdie artikel eerbiedig word.

Uitreiking van nuwe stembriewe

38. (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—
- (a) kan die kieser die stembrief aan die voorsittende beampte of 'n stembeampte
- 15 terugbesorg;
- (b) moet daardie beampte met die stembrief ooreenkomstig subartikel (2) handel en aan die kieser 'n nuwe stembrief ooreenkomstig artikel 36(5) oorhandig; en
- (c) kan die kieser ooreenkomstig artikel 36(6) stem.
- 20 (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 41 mee gehandel te word.

Besware aangaande uitbring van stemme

- 25 39. (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.
- (2) 'n Agent, of die betrokke kieser, kan beswaar maak indien die kieser 'n stembrief geweier word.
- 30 (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.
- (4) 'n Beswaar ingevolge subartikel (1), (2) of (3) moet by die voorsittende beampte op die voorgeskrewe wyse aangeteken word.
- 35 (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.
- (6) Geen appèl kan teen 'n beslissing van die voorsittende beampte aangeteken word nie, behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie.
- 40 (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.

Verseëling van vol stembusse

40. (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
- 45 verseël en daardie agente toelaat om hul seëls daarop aan te bring.
- (2) 'n Verseëelde stembus moet verseël bly totdat dit oopgemaak word vir die tel van stemme ingevolge artikel 45(1).

Voltooiing van vorm en verseëling van stemmateriaal

- 50 41. 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 teenwoordig is—
- (a) 'n vorm voltooi wat 'n aanduiding gee van die getal—
- (i) stembusse aan daardie voorsittende beampte toevertrou;
- 55 (ii) gebruikte stembusse;

- (iii) unused ballot boxes;
 - (iv) ballot papers entrusted to that presiding officer;
 - (v) issued ballot papers;
 - (vi) unissued ballot papers; and
 - (vii) cancelled ballot papers; 5
- (b) seal each unused ballot box entrusted to that presiding officer;
- (c) seal in separate containers—
- (i) the certified segment of the voters' roll for that voting district;
 - (ii) the unused ballot papers entrusted to that presiding officer;
 - (iii) the cancelled ballot papers; and 10
 - (iv) the written record, as required by section 39(7), of any objections concerning voting; and
- (d) allow those agents to affix their seals to the items mentioned in paragraphs (b) and (c).
- (2) If the votes in an election are to be counted at the voting station at which those votes were cast and if the counting officer for that voting station is a person other than the presiding officer for that voting station, the presiding officer must deliver to the counting officer for that voting station the items mentioned in subsection (1). 15
- (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, in the presence of any agents present, must— 20
- (a) comply with subsection (1); and
 - (b) seal the used ballot boxes and allow those agents to affix their seals thereto.
- (4) In the circumstances contemplated in subsection (3), the presiding officer must deliver the following to the counting officer of a counting venue determined by the Commission in terms of section 44(1)(b): 25
- (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).
- (5) A sealed ballot box must remain sealed until opened for the counting of votes in terms of section 45(1). 30

Mobile voting stations

42. (1) If the Commission decides to use mobile voting stations in an election, the Commission must prescribe voting procedures, substantially in accordance with sections 33 to 41, for those voting stations. 35
- (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 41(3) to (5).

More than one election on same day

43. 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 33 to 41, for each of those elections. 40

Part 2: Counting of votes at voting station

Place and time of counting of votes

44. (1) Votes must be counted at the voting station at which those votes were cast, except when— 45
- (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.
- (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. 50

- (iii) ongebruikte stembusse;
 - (iv) stembriewe aan daardie voorsittende beampte toevertrou;
 - (v) uitgereikte stembriewe;
 - (vi) onuitgereikte stembriewe; en
 - 5 (vii) gekanselleerde stembriewe;
 - (b) elke ongebruikte stembus verseël wat aan daardie voorsittende beampte toevertrou is;
 - (c) in afsonderlike houers—
 - 10 (i) die gesertifiseerde segment van die kieserslys vir daardie stemdistrik verseël;
 - (ii) die ongebruikte stembriewe verseël wat aan daardie voorsittende beampte toevertrou is;
 - (iii) die gekanselleerde stembriewe verseël; en
 - 15 (iv) die geskrewe rekord, soos deur artikel 39(7) vereis, van enige besware aangaande die uitbring van stemme, verseël; en
 - (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 beampte die items genoem in subartikel (1) aan die telbeampte vir daardie stemlokaal oorhandig.
- (3) Indien die stemme in 'n verkiesing nie getel gaan word by die stemlokaal waar daardie stemme uitgebring is nie, moet die voorsittende beampte, in die teenwoordigheid van enige agente wat teenwoordig is—
- 25 (a) aan subartikel (1) voldoen; en
 - (b) die gebruikte stembusse verseël en daardie agente toelaat om hulle seëls daarop aan te bring.
- (4) In die omstandighede beoog in subartikel (3) moet die voorsittende beampte aan die telbeampte van 'n telpunt deur die Kommissie ingevolge artikel 44(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
 - 35 (d) die verseëelde houers in subartikel (1)(c) genoem.
- (5) 'n Verseëelde stembus moet verseël bly totdat dit ingevolge artikel 45(1) vir die tel van stemme oopgemaak word.

Mobiele stemlokale

42. (1) Indien die Kommissie besluit om mobiele stemlokale in 'n verkiesing te gebruik, moet die Kommissie stemprosedures, wesentlik ooreenkomstig artikels 33 tot 41, vir daardie stemlokale voorskryf.
- (2) Onmiddellik nadat 'n mobiele stemlokaal vir die uitbring van stemme gesluit word, moet die voorsittende beampte verantwoordelik vir daardie stemlokaal ooreenkomstig artikel 41(3) tot (5) optree.
- 45 Meer as een verkiesing op dieselfde dag
43. Indien meer as een verkiesing by 'n stemlokaal op dieselfde dag gehou word, moet die Kommissie stemprosedures, wesentlik ooreenkomstig artikels 33 tot 41, vir elk van daardie verkiesings voorskryf.

Deel 2: Tel van stemme by stemlokaal

50 Plek en tyd van tel van stemme

44. (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.
- 55 (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) 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.

Counting of votes and determination of provisional results

5

45. (1) The counting officer must open all the used ballot boxes that were sealed in terms of section 40(1) or 41(3)(b).

(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; 10
- (b) cause the ballot papers for each election to be sorted in the prescribed manner;
- (c) cause the votes cast in each election to be counted in the prescribed manner; and
- (d) determine the provisional result of the election or each election held at that voting station. 15

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

- (a) that indicates the identity of the voter;
- (b) on which a vote is cast for more than one registered party or for more than one candidate;
- (c) that is unmarked; 20
- (d) that is marked in such a way that it is not reasonably possible to determine the voter's choice;
- (e) that does not bear the mark required in terms of section 36(5)(a); 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. 25

(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 30
- (c) file separately the rejected ballot papers that are disputed.

Objections concerning sorting of ballot papers

46. (1) An agent may object to any alleged irregularity in the sorting of the ballot papers in terms of section 45(2)(a) or (b). 35

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

(3) Section 39(5) to (7), adjusted as may contextually be necessary, applies to the objection.

Objections concerning counting of votes and determination of provisional results

40

47. (1) An agent may object to an alleged inaccuracy in the counting of the votes or the determination of a provisional result in terms of section 45(2)(c) or (d).

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

(3) The counting officer must decide the objection in the prescribed manner and whether to order a recount. 45

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

(5) If the counting officer orders a recount, the counting officer must determine afresh the provisional result. 50

(6) No appeal may be brought against a decision of the counting officer in terms of subsection (3), subject to section 20(2)(a) of the Electoral Commission Act.

(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).

(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.

5 Tel van stemme en bepaling van voorlopige uitslae

45. (1) Die telbeampte moet al die gebruikte stembusse wat ingevolge artikel 40(1) of 41(3)(b) verseël is, oopmaak.

(2) Die telbeampte moet—

10 (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;

(c) die stemme in elke verkiesing uitbring op die voorgeskrewe wyse laat tel; en

15 (d) die voorlopige uitslag van die verkiesing of elke verkiesing by die stemlokaal gehou, bepaal.

(3) Die telbeampte moet 'n stembrief verwerp—

(a) wat die identiteit van die kieser aandui;

20 (b) waarop 'n stem uitbring 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;

25 (e) wat nie die merk dra wat ingevolge artikel 36(5)(a) vereis word nie; of

(f) wat nie 'n amptelike stembrief is nie.

(4) Die telbeampte moet "verwerp" op die agterkant van elke verwerpe stembrief aanbring en die verwerpe stembriewe apart liasseer.

(5) Indien 'n telbeampte se aanvaarding of verwerping van 'n stembrief deur 'n agent betwis word, moet die telbeampte—

30 (a) "betwis" op die agterkant van die stembrief aanbring;

(b) die aanvaarde stembriewe wat betwis word apart liasseer, maar daardie stembriewe laat tel; en

(c) die verwerpe stembriewe wat betwis word apart liasseer.

Besware aangaande sortering van stembriewe

35 46. (1) 'n Agent kan beswaar teen enige beweerde onreëlmatigheid by die sortering van stembriewe ingevolge artikel 45(2)(a) of (b) 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 48 voltooi.

40 (3) Artikel 39(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

47. (1) 'n Agent kan beswaar teen 'n beweerde fout by die tel van stemme of die bepaling van 'n voorlopige uitslag ingevolge artikel 45(2)(c) of (d), aanteken.

45 (2) Die beswaar moet by die telbeampte op die voorgeskrewe wyse aangeteken word op enige tydstip voordat die telbeampte die vorm genoem in artikel 48 voltooi het.

(3) Die telbeampte moet die beswaar op die voorgeskrewe wyse beslis en besluit of 'n hertelling gelas moet word.

(4) Die telbeampte moet die beswaarmaker en enige ander partye betrokke by die beswaar van die beslissing ingevolge subartikel (3), in kennis stel.

50 (5) Indien die telbeampte 'n hertelling gelas, moet die telbeampte die voorlopige uitslag opnuut bepaal.

(6) Geen appèl kan teen 'n beslissing van die telbeampte ingevolge subartikel (3), aangeteken word nie, behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie.

55 (7) Die telbeampte moet 'n geskrewe rekord op die voorgeskrewe wyse hou van elke beswaar ingevolge subartikel (1) en elke beslissing ingevolge subartikel (3).

Procedure concerning provisional results and voting materials

48. (1) After determining the provisional result at a voting station, the counting officer must complete a form reflecting—
- (a) the provisional result at the voting station;
 - (b) the number of counted ballot papers that were not disputed; 5
 - (c) the number of counted ballot papers that were disputed;
 - (d) the number of rejected ballot papers that were not disputed;
 - (e) the number of rejected ballot papers that were disputed;
 - (f) the number of cancelled ballot papers; and
 - (g) the number of unused ballot papers. 10
- (2) Once the counting officer has complied with subsection (1), the counting officer must inform the Commission of the provisional result of the election at the voting station.
- (3) Once the counting officer has complied with subsection (2), the counting officer must announce the provisional result at the voting station to members of the public and agents present at the voting station. 15
- (4) Once the counting officer has complied with subsection (3), the counting officer must—
- (a) seal in separate containers each of the items mentioned in subsection (1) and the written record of any objections in terms of section 46 or 47; and 20
 - (b) deliver the form completed in terms of subsection (1) and the sealed containers to an officer designated by the chief electoral officer.

Part 3: Counting of votes at place other than voting station

Application of Part and procedures

49. (1) This Part applies to the counting of votes mentioned in section 44(1)(a) or (b). 25
- (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 41(4), 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

Verification procedure

50. (1) After receipt of the items mentioned in section 41(4), the counting officer must examine whether the seals are intact on those items. 35
- (2) The counting officer must allow any agents present to examine whether the seals are intact.
- (3) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must verify the form completed by the presiding officer in terms of section 41(1)(a) by comparing it with— 40
- (a) the number of used ballot boxes received;
 - (b) the number of unused ballot boxes received;
 - (c) the number of containers received; and
 - (d) the contents of those boxes and containers.
- (4) The counting officer must deal with any irregularities and discrepancies in the prescribed manner. 45
- (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.

Objections concerning verification procedure 50

51. (1) At any time before the counting of votes commences, an agent may object to any alleged irregularity or inaccuracy in the verification procedure performed by the counting officer.
- (2) The objection must be made to the counting officer in the prescribed manner.

Prosedure aangaande voorlopige uitslae en stemmateriaal

48. (1) Nadat die voorlopige uitslag by 'n stemlokaal bepaal is, moet die telbeampte 'n vorm voltooi wat aantoon—
- (a) die voorlopige uitslag by die stemlokaal;
 - 5 (b) die getal getelde stembriewe wat nie betwis is nie;
 - (c) die getal getelde stembriewe wat wel betwis is;
 - (d) die getal verwerpe stembriewe wat nie betwis is nie;
 - (e) die getal verwerpe stembriewe wat wel betwis is;
 - (f) die getal gekanselleerde stembriewe; en
 - 10 (g) die getal ongebruikte stembriewe.
- (2) Sodra die telbeampte aan subartikel (1) voldoen het, moet die telbeampte die Kommissie van die voorlopige uitslag van die verkiesing by die stemlokaal in kennis stel.
- (3) Sodra die telbeampte aan subartikel (2) voldoen het, moet die telbeampte die
- 15 voorlopige uitslag by die stemlokaal aan lede van die publiek en agente wat by die stemlokaal teenwoordig is, bekendmaak.
- (4) Sodra die telbeampte aan subartikel (3) voldoen het, moet die telbeampte—
- (a) elk van die items genoem in subartikel (1) en die geskrewe rekord van enige besware ingevolge artikel 46 of 47 in aparte houers verseël; en
 - 20 (b) die vorm ingevolge subartikel (1) voltooi en die verseëelde houers aflewer aan 'n beampte deur die hoofverkiesingsbeampte aangewys.

Deel 3: Tel van stemme by ander plek as stemlokaal

Toepassing van Deel en prosedures

49. (1) Hierdie Deel is van toepassing op die tel van stemme genoem in artikel
- 25 44(1)(a) of (b).
- (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 41(4) 'n aanvang neem, en sonder onderbreking voortgesit word totdat dit afgehandel is.
- 30 (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

- 35 50. (1) Na ontvangs van die items genoem in artikel 41(4) moet die telbeampte 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
- 40 houers oopmaak en die vorm wat deur die voorsittende beampte ingevolge artikel 41(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
 - 45 (d) die inhoud van daardie busse en houers.
- (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 onreël-
- 50 matighede en verskille gehandel is.

Besware aangaande bevestigingsprosedure

51. (1) Te eniger tyd voordat daar met dié 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.
- 55 (2) Die beswaar moet op die voorgeskrewe wyse by die telbeampte aangeteken word.

(3) Section 39(5) to (7), adjusted as may contextually be necessary, applies to the objection.

Application of certain sections in Part 2

52. Sections 45 to 48, adjusted as may contextually be necessary, apply to the counting of votes and the determination of the provisional result at a venue other than a voting station, objections and procedures concerning provisional results and voting materials. 5

Part 4: Objections material to final results of election

Objections material to final results of election

53. (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. 10

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

(3) The Commission, on good cause shown, may condone a late objection. 15

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

(5) An objector or other party involved in the objection and who feels aggrieved by the decision of the Commission, may appeal to the Electoral Court in the prescribed manner. 20

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

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

Powers of Commission and Electoral Court 25

54. If the Commission or the Electoral Court decides, whether as a result of an objection or appeal brought under section 53 or otherwise, that a serious irregularity has occurred concerning any aspect of an election, the Commission or the Electoral Court may order—

(a) that the votes cast at a particular voting station do not count in whole or in part; or 30

(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.

Part 5: Determination and declaration of final result of election 35

Determination and declaration of final result of election

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

(2) The determination and declaration of the result of an election must occur—

(a) after 21:00 of the second day after the voting day; 40

(b) after all objections made under section 53 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; and

(c) within seven days after the voting day.

(3) The Commission may determine and declare the result of an election without having received the results from all voting stations, if 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. 45

(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. 50

(3) Artikel 39(5) tot (7), aangepas soos in die samehang nodig mag wees, is op die beswaar van toepassing.

Toepassing van sekere artikels in Deel 2

52. Artikels 45 tot 48, aangepas soos in die samehang nodig mag wees, is van toepassing op die tel van stemme en die bepaling van die voorlopige uitslag by 'n ander punt as 'n stemlokaal, besware en prosedures aangaande voorlopige uitslae en stemmateriaal.

Deel 4: Wesentlike besware teen finale uitslae van verkiesing

Besware wat wesentlik vir finale uitslae van verkiesing is

10 53. (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 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 stembag aangeteken word.

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

(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) 'n Beswaarmaker of ander party wat by die beswaar betrokke is en wat deur die 20 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 25 Verkiesingshof nie.

Bevoegdheid van Kommissie en Verkiesingshof

54. Indien die Kommissie of die Verkiesingshof beslis, hetsy as gevolg van 'n beswaar of 'n appèl kragtens artikel 53 of andersins, dat 'n ernstige onreëlmatigheid plaasgevind het aangaande enige aspek van 'n verkiesing, kan die Kommissie of die 30 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 35 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

Bepaling en verklaring van finale uitslag van verkiesing

55. (1) Die Kommissie moet die uitslag van 'n verkiesing bepaal en verklaar deur die 40 uitslae ontvang van alle stemlokale saam te voeg.

(2) Die bepaling en verklaring van die uitslag van 'n verkiesing moet geskied—

(a) na 21:00 van die tweede dag na die stembag;

(b) nadat daar ingevolge artikel 53 met alle besware wat kragtens daardie artikel aangeteken is, gehandel is, behalwe 'n appèl na die Verkiesingshof ingevolge 45 subartikel (5) van daardie artikel; en

(c) binne sewe dae na die stembag.

(3) Die Kommissie kan die uitslag van 'n verkiesing bepaal en verklaar sonder dat die uitslae van alle stemlokale ontvang is, indien om te wag vir die ontvangs van die uitslag van elke stemlokaal die bepaling en vasstelling van die uitslag van die 50 verkiesing onnodig en onredelik sal vertraag.

(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) 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

AGENTS

Appointment of party agents 5

56. (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.

(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. 10

Appointment of candidate agents 15

57. (1) Every candidate contesting a municipal election or by-election (except a candidate who is on the list of a registered party) may appoint—

- (a) two candidate agents for each voting station; and
- (b) four candidate agents for each venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place. 20

(2) Section 56(2) and (3), adjusted as may contextually be necessary, applies to the appointment and the revocation of the appointment of a candidate agent.

Powers and duties of agents

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

- (a) Part 1 of Chapter 4 concerning voting; 25
- (b) Parts 2 and 3 of Chapter 4 concerning the counting of votes; and
- (c) Part 5 of Chapter 4 concerning the determination and declaration of the result of an election.

(2) The absence of an agent from a place where any electoral proceedings are being conducted does not invalidate those proceedings. 30

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

- (a) wear the prescribed identification indicating—
 - (i) that the person is an agent; and
 - (ii) the registered party or candidate represented by that agent; and 35

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

CHAPTER 6 40

ADMINISTRATION

Part 1: Voting districts

Establishment of voting districts

59. (1) The Commission must—

- (a) establish voting districts for the whole of the territory of the Republic; 45
- (b) determine the boundaries of each voting district in accordance with the factors mentioned in section 60; and

(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

5 Aanstelling van party-agente

56. (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.
- 10 (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.

15 Aanstelling van kandidaat-agente

57. (1) Elke kandidaat wat aan 'n munisipale verkiesing of tussenverkiesing deelneem (uitgesonderd 'n kandidaat op die lys van 'n geregistreerde party) kan—
- (a) twee kandidaat-agente vir elke stemlokaal aanstel; en
 - (b) vier kandidaat-agente aanstel vir elke punt waar die verrigtinge plaasvind waarvoor Deel 3 of 5 van Hoofstuk 4 voorsiening maak.
- 20 (2) Artikel 56(2) en (3), aangepas soos in die samehang nodig mag wees, is van toepassing op die aanstelling en die intrekking van die aanstelling van 'n kandidaat-agent.

Bevoegdhede en pligte van agente

- 25 58. (1) 'n Agent kan die verrigtinge waarnaar daar voorsiening gemaak word in—
- (a) Deel 1 van Hoofstuk 4 aangaande die uitbring van stemme;
 - (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.
- 30 (2) Die afwesigheid van 'n agent van die plek waar enige verkiesingsverrigtinge geskied, maak nie daardie verrigtinge ongeldig nie.
- (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—
- 35 (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 verteenwoordig word; en
- (b) voldoen aan 'n bevel uitgereik deur—
- 40 (i) 'n beampte; of
- (ii) 'n lid van die veiligheidsdienste handelende in opdrag van 'n beampte.

HOOFTUK 6

ADMINISTRASIE

45 Deel 1: Stemdistrikte

Bepaling van stemdistrikte

59. (1) Die Kommissie moet—
- (a) stemdistrikte vir die hele grondgebied van die Republiek bepaal;
 - (b) die grense van elke stemdistrik ooreenkomstig die faktore genoem in artikel
- 50 60 bepaal; en

- (c) keep a map of each voting district.
- (2) The voting districts for an election are those voting districts which on the date on which the election is called are within the area in which the election is called.

Factors for determining voting district boundaries

60. 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— 5
- (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— 10
 - (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 district; 15
 - (d) municipal and provincial boundaries; and
 - (e) tribal, traditional, historical and customary boundaries. 15

Consultation with party liaison committee

61. Before determining the boundaries of a voting district, the Commission may consult on the proposed boundaries of that voting district with— 20
- (a) the municipal party liaison committee for the municipality within which that voting district will fall; or
 - (b) if no municipal party liaison committee has been established in a municipality, the provincial party liaison committee for the province within which that voting district will fall. 25

Inspection and copies of maps of voting districts

62. (1) As soon as practicable after section 59(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— 30
- (a) published in the *Government Gazette*; and
 - (b) publicised in the public 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— 35
- (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. 40

Part 2: Voting stations

Establishment of voting stations

63. (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. 45
- (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; 50
 - (c) the distance to be travelled to reach those venues;
 - (d) access routes to those venues;

(c) 'n kaart van elke stembedstrik hou.

(2) Die stembedstrikte vir 'n verkiesing is daardie stembedstrikte wat op die datum waarop daardie verkiesing uitgeskryf word, binne die gebied is waarin die verkiesing uitgeskryf word.

5 Faktore vir bepaling van stembedstrikgrense

60. Die Kommissie moet die grense van 'n stembedstrik bepaal deur enige faktor in die voorgestelde stembedstrik in ag te neem wat die vrye, regverdige en ordelike voer van verkiesings kan raak, met inbegrip van—

- (a) die beskikbaarheid van 'n geskikte plek vir 'n stemlokaal;
- 10 (b) die getal en verspreiding van bevoegde kiesers;
- (c) die toeganklikheid van 'n stemlokaal vir kiesers gegewe—
 - (i) die radius van die voorgestelde stembedstrik;
 - (ii) die beskikbaarheid van vervoer;
 - (iii) telekommunikasiegeriewe; en
 - 15 (iv) enige geografiese of fisiese kenmerk wat toegang tot die stembedstrik mag bemoeilik;
- (d) munisipale en provinsiale grense; en
- (e) stam-, tradisionele, historiese en gebruiklike grense.

Oorlegpleging met party-skakelkomitee

20 61. Voordat die grense van 'n stembedstrik bepaal word, kan die Kommissie oor die voorgestelde grense van daardie stembedstrik oorleg pleeg met—

- (a) die munisipale party-skakelkomitee vir die munisipaliteit waarin daardie stembedstrik sal val; of
- 25 (b) indien geen munisipale party-skakelkomitee in 'n munisipaliteit ingestel is nie, die provinsiale party-skakelkomitee vir die provinsie waarin daardie stembedstrik sal val.

Insaë in en afskrifte van kaarte van stembedstrikte

62. (1) So gou prakties moontlik nadat daar aan artikel 59(1) voldoen is, moet die hoofverkiesingsbeampte kennis gee dat afskrifte van die kaart van elke stembedstrik vir

- 30 insaë beskikbaar sal wees.
- (2) Die kennisgewing moet—
 - (a) in die *Staatskoerant* gepubliseer word; en
 - (b) publisiteit in die openbare media wat die hoofverkiesingsbeampte as toepaslik beskou, gegee word ten einde wye bekendmaking van daardie kaarte te
 - 35 verseker;
- (3) Die kennisgewing moet bepaal, en die hoofverkiesingsbeampte moet toesien, dat afskrifte van—
 - (a) daardie kaart by die Kommissie se hoofkantoor vir insaë beskikbaar is; en
 - (b) die kaart van die stembedstrikte binne 'n munisipaliteit by die kantoor van die
 - 40 munisipaliteit vir insaë beskikbaar is.
- (4) Enige persoon het insaë in 'n afskrif van 'n kaart in subartikel (1) genoem.
- (5) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van 'n kaart van 'n stembedstrik aan enige persoon verskaf wat die voorgeskrewe bedrag betaal het.

Deel 2: Stemlokale

45 Instelling van stemlokale

63. (1) Die Kommissie moet vir 'n verkiesing óf een stemlokaal, óf een stemlokaal en 'n mobiele stemlokaal, óf slegs 'n mobiele stemlokaal, in elke stembedstrik 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

- 50 kan raak, met inbegrip van—
 - (a) die getal en verspreiding van bevoegde kiesers in daardie stembedstrik;
 - (b) die beskikbaarheid van geskikte plekke vir 'n stemlokaal;
 - (c) die reisafstand om daardie plekke te bereik;
 - (d) toegangsroetes na daardie plekke;

- (e) the availability of transport to those venues;
 - (f) traffic density at or near those venues;
 - (g) parking facilities at or near those venues; -
 - (h) telecommunications facilities at those venues;
 - (i) general facilities at those venues; 5
 - (j) the safety and convenience of voters;
 - (k) any geographical or physical feature that may impede access to or at those venues; and
 - (l) the ease with which those venues could be secured.
- (3) Before determining the location of a voting station, the Commission may consult 10
on the proposed location of that voting station with—
- (a) the municipal party liaison committee for the municipality within which that voting station will fall; or
 - (b) if no municipal party liaison committee has been established in the municipality, the provincial party liaison committee for the province within 15
which the voting station will fall.
- (4) By not later than the relevant date stated in the election timetable, the chief electoral officer must give notice that copies of a list containing the address of each voting station will be available for inspection.
- (5) Section 62(2) to (5), adjusted as may contextually be necessary, applies to the 20
inspection and copies of that list.

Relocation of voting stations in emergencies

64. (1) Despite section 63, the Commission may relocate a voting station if it is of the view that it is necessary to do so for the conduct of a free and fair election.
- (2) The chief electoral officer must take all reasonable steps to publicise the relocation 25
of a voting station among voters in the voting district concerned.

Organisation of voting stations

65. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must determine the inner and outer boundaries of every voting station.
- (2) The presiding officer of a voting station may alter the boundaries of that voting 30
station on voting day if the presiding officer considers it necessary to do so to ensure proper control and security at the voting station.

Mobile voting stations

66. (1) In order to ensure a free and fair election, the Commission may decide to use 35
mobile voting stations.
- (2) If the Commission decides to use mobile voting stations in an election, the chief electoral officer, by not later than the relevant date stated in the election timetable, must give notice of the route, including the locations and estimated times of stopping, of each mobile voting station.
- (3) The notice must be publicised by the chief electoral officer in the public media 40
considered appropriate so as to ensure wide publicity of the information referred to in subsection (2).

Part 3: Voting materials

Ballot papers

67. The Commission must determine— 45
- (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.

- (e) die beskikbaarheid van vervoer na daardie plekke;
 - (f) verkeersdigtheid by of naby daardie plekke;
 - (g) parkeergeriewe by of naby daardie plekke;
 - (h) telekommunikasiegeriewe by daardie plekke;
 - 5 (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 plekke mag bemoeilik; en
 - (l) die gemak waarmee daardie plekke beveilig kan word.
- 10 (3) Voordat die ligging van 'n stemlokaal bepaal word, kan die Kommissie oor die voorgestelde ligging van die stemlokaal oorleg pleeg met—
- (a) die munisipale party-skakelkomitee vir die munisipaliteit waarin daardie stemlokaal sal val; of
 - 15 (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, moet die hoofverkiesingsbeampte kennis gee dat afskrifte van 'n lys wat die adres van elke stemlokaal bevat, vir insae beskikbaar sal wees.
- 20 (5) Artikel 62(2) tot (5), aangepas soos in die samehang nodig mag wees, is op insae in en afskrifte van daardie lys van toepassing.

Verplasing van stemlokale in noodgevälle

64. (1) Ondanks artikel 63 kan die Kommissie 'n stemlokaal verplaas indien die Kommissie van mening is dat dit nodig is vir die hou van 'n vrye en regverdige
- 25 verkiesing.
- (2) Die hoofverkiesingsbeampte moet alle redelike stappe doen om publisiteit aan die verplasing van 'n stemlokaal onder kiesers in die betrokke stembedstrik te gee.

Organisering van stemlokale

65. (1) Teen nie later nie as die tersaaklike datum vermeld in die verkiesingstyd- rooster moet die hoofverkiesingsbeampte die binne- en buitengrense van elke stemlokaal
- 30 bepaal.
- (2) Die voorsittende beampte van 'n stemlokaal kan op stembedag die grense van daardie stemlokaal verander indien die voorsittende beampte dit nodig ag ten einde behoorlike beheer en veiligheid by die stemlokaal te verseker.

35 Mobiele stemlokale

66. (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
- 40 verkiesingstydrooster 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 openbare 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.

45

Deel 3: Stemateriaal

Stembriewe

67. Die Kommissie moet—
- (a) die ontwerp van die stembrief of -briewe bepaal wat in 'n verkiesing gebruik moet word;
 - 50 (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.

Ballot boxes

68. (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— 5
- (a) numbered and labelled; and
 - (b) closed, secured, opened, sealed and unsealed.

Voting compartments

69. (1) The Commission must determine the design and material of voting compartments to be used in an election. 10
- (2) A voting compartment must screen a voter from observation by other persons while marking a ballot paper.

Voting materials

70. (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— 15
- (a) ballot papers;
 - (b) ballot boxes;
 - (c) voting compartments;
 - (d) a certified voters' roll for the voting district concerned; and 20
 - (e) a receipt to be signed by the presiding officer detailing the voting materials entrusted to that presiding officer.
- (2) A presiding officer is responsible for the safe-keeping of all the voting materials supplied to that officer.

Part 4: Appointment of officers, additional persons and institutions, and their powers and duties 25**Appointment of presiding officers**

71. 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. 30

Powers and duties of presiding officers

72. (1) The presiding officer of a voting station must co-ordinate and supervise the voting at that voting station so as to ensure that the election at the voting station is free and fair.
- (2) The presiding officer— 35
- (a) may exercise the powers and must perform the duties assigned to a presiding officer by or under this Act;
 - (b) must take all reasonable steps to ensure orderly conduct at that voting station; and
 - (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. 40
- (3) The presiding officer may exclude from the area within the inner boundary of a voting station any person other than—
- (a) a member, employee or officer of the Commission, or the chief electoral officer; 45
 - (b) an agent who is entitled in terms of section 58 to be present at a voting station;

Stembusse

68. (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.
- 5 (3) Die Kommissie moet die wyse bepaal waarop—
- (a) stembusse genommer en geëtiketteer moet word; en
- (b) stembusse toegemaak, beveiling, oopgemaak en geseël en die seëls verwyder moet word.

Stemkompartemente

- 10 69. (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

- 15 70. (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;
- 20 (b) stembusse;
- (c) stemkompartemente;
- (d) 'n gesertifiseerde kieserslys vir die betrokke stemdistrik; en
- (e) 'n ontvangsbewys wat geteken moet word deur die voorsittende beampte en wat die stemmateriaal spesifiseer wat aan daardie voorsittende beampte
- 25 toevertrou is.
- (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

30 Aanstelling van voorsittende beamptes

71. 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.

35 Bevoegdhede en pligte van voorsittende beamptes

72. (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—
- 40 (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
- 45 (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 binnegrens van 'n stemlokaal uitsluit, uitgesonderd—
- 50 (a) 'n lid, werknemer of beampte van die Kommissie, of die hoofverkiesingsbeampte;
- (b) 'n agent wat ingevolge artikel 58 geregtig is om by 'n stemlokaal teenwoordig te wees;

- (c) the prescribed number of candidates as the presiding officer may allow;
- (d) a person appointed by an accredited observer;
- (e) a voter present for the purpose of casting a vote; and
- (f) any other person or category of persons authorised by the chief electoral officer to be present at the voting station.

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

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

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

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

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

Appointment of voting officers

73. 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.

Powers and duties of voting officers

74. A voting officer—

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

Appointment of counting officers

75. (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.

Powers and duties of counting officers

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

(2) Section 72(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—

- (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.

- (c) die voorgeskrewe getal kandidate soos die voorsittende beampte mag toelaat;
 - (d) 'n persoon aangestel deur 'n geakkrediteerde waarnemer;
 - (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 hoofverkiesings-
5 beampte 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 binnegrens van die stemlokaal te verlaat indien daardie persoon se optrede nie bevorderlik is vir 'n vrye en regverdige verkiesing by die stemlokaal nie.
- 10 (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 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.
- 15 (6) Die adjunk- voorsittende beampte van 'n stemlokaal moet as voorsittende beampte waarneem wanneer—
- (a) die voorsittende beampte van diens afwesig is, of om enige rede tydelik nie in staat is om die bevoegdhe en pligte van die voorsittende beampte uit te oefen en te verrig nie; of
 - 20 (b) die amp van voorsittende beampte van daardie stemlokaal vakant is.

Aanstelling van stembeamptes

73. 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.

25 Bevoegdhe en pligte van stembeamptes

74. 'n Stembeampte—
- (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
 - 30 (b) kan die bevoegdhe uitoefen en moet die pligte verrig wat by of kragtens hierdie Wet aan 'n stembeampte opgedra is.

Aanstelling van telbeamptes

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

Bevoegdhe en pligte van telbeamptes

- 40 76. (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 72(2) tot (5), aangepas soos in die samehang nodig mag wees, is op die
45 bevoegdhe en pligte van 'n telbeampte van toepassing.
- (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
 - 50 (b) die amp van telbeampte vir daardie stemlokaal of punt vakant is.

Appointment of counters

77. (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. 5

(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

78. A counter— 10

- (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

79. (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. 15

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

- (a) a natural person; or 20
- (b) an institution, including a juristic person or an organ of state.

Powers and duties of additional persons

80. A person appointed by the chief electoral officer in terms of section 79 may exercise any power and must perform any duty assigned to such a person by or under this Act. 25

General provisions concerning appointment of officers

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

- (a) is a candidate contesting that election;
- (b) is an agent in that election; or 30
- (c) holds political office in a registered party.

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

(b) The chief electoral officer must determine in writing the terms and conditions of appointment of an officer, including— 35

- (i) the powers and duties assigned to that officer; and
- (ii) any remuneration payable to that officer.

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

(4) A person may not be appointed as an officer unless that person has signed the prescribed undertaking, which must include an undertaking to be bound by— 40

- (a) the Code; and
- (b) a declaration of secrecy.

(5) All officers must be impartial and exercise their powers and perform their duties independently and without fear, favour or prejudice. 45

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

(7) An officer may not place in jeopardy that officer's perceived independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct. 50

(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.

Aanstelling van tellers

77. (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.
- 5 (2) Die hoofverkiesingsbeampte kan die voorsittende beampte, adjunk-voorsittende beampte of 'n stembeampte vir 'n stemlokaal as 'n teller by daardie stemlokaal of by 'n punt aanstel.

Bevoegdhe en pligte van tellers

78. 'n Teller—
- 10 (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

79. (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.
- 15 (2) 'n Persoon deur die hoofverkiesingsbeampte ingevolge subartikel (1) aangestel, kan—
- (a) 'n natuurlike persoon wees; of
- 20 (b) 'n instelling, met inbegrip van 'n regspersoon of 'n staatsorgaan, wees.

Bevoegdhe en pligte van bykomende persone

80. 'n Persoon deur die hoofverkiesingsbeampte ingevolge artikel 79 aangestel, kan enige bevoegdhe uitoefen en moet enige plig verrig by of kragtens hierdie Wet aan so 'n persoon opgedra.

25 Algemene bepalinge aangaande aanstelling van beamptes

81. (1) 'n Persoon word nie aangestel as 'n beampte in 'n verkiesing, of bly nie aan in daardie amp, indien daardie persoon—
- (a) 'n kandidaat is wat aan daardie verkiesing deelneem nie;
- (b) 'n agent in daardie verkiesing is nie; of
- 30 (c) 'n politieke amp in 'n geregistreerde party beklee nie.
- (2) (a) 'n Beampte oefen die bevoegdhe uit en verrig die pligte wat aan daardie beampte opgedra is behoudens die voorskrifte, beheer en dissipline van die hoofverkiesingsbeampte.
- (b) Die hoofverkiesingsbeampte moet die bedinge en voorwaardes van aanstelling van 'n beampte skriftelik bepaal, met inbegrip van—
- 35 (i) die bevoegdhe en pligte aan daardie beampte opgedra; en
- (ii) enige vergoeding aan daardie beampte betaalbaar.
- (3) Die opdra van 'n bevoegdhe of plig aan 'n beampte, belet nie die hoofverkiesingsbeampte om self daardie bevoegdhe uit te oefen of daardie plig te verrig
- 40 nie.
- (4) 'n Persoon word nie as 'n beampte aangestel nie tensy daardie persoon die voorgeskrewe onderneming onderteken het, wat moet insluit 'n onderneming om gebind te wees deur—
- (a) die Kode; en
- 45 (b) 'n verklaring van geheimhouding.
- (5) Alle beamptes moet onpartydig wees en hul bevoegdhe en pligte onafhanklik en sonder vrees, begunstiging of vooroordeel uitoefen en verrig.
- (6) 'n Beampte 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 opponer nie.
- 50 (7) 'n Beampte mag nie daardie beampte se oënskynlike onafhanklikheid in gevaar stel of die geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van die Kommissie benadeel deur enige lidmaatskap, assosiasie, verklaring of gedrag nie.
- (8) 'n Beampte 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 bevoegdhe of die verrigting van 'n plig ingevolge hierdie Wet nie.
- 55

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

- (a) misconduct, incompetence or incapacity;
- (b) absence from duty without leave of the chief electoral officer;
- (c) bias;
- (d) a material contravention of this section;
- (e) a material contravention of the declaration of secrecy; or
- (f) any other consideration related to free and fair elections.

5

(10) Subject to section 20(2)(a) of the Electoral Commission Act, no appeal may be brought against a decision by the chief electoral officer to appoint a person as an officer, or to remove an officer from office.

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

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

15

General provisions concerning appointment of institutions

82. (1) In this section, "institution" means an institution appointed by the chief electoral officer in terms of section 79.

(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.

20

(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;
- (ii) the powers and duties assigned to that institution; and
- (iii) any remuneration payable to that institution.

25

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

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

30

- (a) a candidate contesting that election;
- (b) an agent in that election; or
- (c) holds political office in a registered party.

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

35

(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.

40

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

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

45

(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.

50

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

- (a) incapacity or incompetence;
- (b) bias; or
- (c) failure to adequately discipline and control its employees exercising any powers or performing any duties in terms of this Act.

55

(9) 'n Beampte kan van die amp onthef word deur die hoofverkiesingsbeampte op grond van—

- (a) wangedrag, onbekwaamheid of onvermoë;
 - (b) afwesigheid van diens sonder verlof van die hoofverkiesingsbeampte;
 - 5 (c) partydigheid;
 - (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) Behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie, kan geen
10 appèl aangeteken word teen 'n besluit van die hoofverkiesingsbeampte om 'n persoon as 'n beampte aan te stel, of 'n beampte uit die amp te verwyder nie.
- (11) 'n Beampte kan uit die amp bedank deur een kalendermaand skriftelike kennis aan die hoofverkiesingsbeampte te gee.
- (12) Die hoofverkiesingsbeampte kan ooreenkomstig hierdie Deel 'n persoon aanstel
15 om 'n vakature wat deur die afsterwe of die verwydering of bedanking uit die amp van 'n beampte, te vul.

Algemene bepalings aangaande aanstelling van instellings

82. (1) In hierdie artikel beteken "instelling" 'n instelling deur die hoof-
verkiesingsbeampte ingevolge artikel 79 aangestel.
- 20 (2) (a) 'n Instelling en sy werknemers oefen die bevoegdhede uit en verrig die pligte wat aan die instelling opgedra is, behoudens die voorskrifte, beheer en dissipline van die hoofverkiesingsbeampte.
- (b) Die hoofverkiesingsbeampte moet die bedinge en voorwaardes van aanstelling van 'n instelling skriftelik bepaal, met inbegrip van—
- 25 (i) die dienste, geriewe en werknemers wat deur daardie instelling aan die Kommissie beskikbaar gestel moet word;
- (ii) die bevoegdhede en pligte aan daardie instelling opgedra; en
- (iii) enige vergoeding betaalbaar aan daardie instelling.
- (3) Die opdra van 'n bevoegdheid of plig aan 'n instelling belet nie die hoofver-
30 kiesingsbeampte om self daardie bevoegdheid uit te oefen of daardie plig te verrig nie.
- (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;
- 35 (b) 'n agent in daardie verkiesing is nie; of
- (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
40 deur 'n verklaring van geheimhouding gebind te wees.
- (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
45 uitoefen en pligte verrig, mag nie, hetsy regstreeks of onregstreeks, op enige wyse 'n geregistreerde party of kandidaat wat aan 'n verkiesing deelneem, of enige geskilpunte tussen partye of kandidate, ondersteun of opponer 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
50 geloofwaardigheid, onpartydigheid, onafhanklikheid of integriteit van die Kommissie 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.
- 55 (10) Die hoofverkiesingsbeampte kan die aanstelling van 'n instelling intrek op grond van daardie instelling se—
- (a) onvermoë of onbekwaamheid;
- (b) partydigheid; of
- 60 (c) versuim om sy werknemers wat ingevolge hierdie Wet bevoegdhede uitoefen of pligte verrig, in 'n voldoende mate te dissiplineer en te beheer.

- (11) An institution must immediately terminate an employee's exercise of any power or performance of any duty in terms of this Act on account of that employee's—
- (a) misconduct, incompetence or incapacity;
 - (b) absence from duty without leave of the chief electoral officer;
 - (c) bias; 5
 - (d) material contravention of this section;
 - (e) material contravention of the declaration of secrecy; or
 - (f) conduct which is not conducive to free and fair elections.
- (12) Subject to section 20(2)(a) of the Electoral Commission Act, an appeal may not be brought against a decision by the chief electoral officer to appoint an institution, or to revoke the appointment of an institution. 10
- (13) An institution may terminate its appointment by giving two calendar months' notice in writing to the chief electoral officer.
- (14) The chief electoral officer may appoint, in accordance with this Part, another institution in the place of an institution whose appointment has been revoked or terminated. 15

Part 5: Accreditation of observers and persons providing voter education

Accreditation of observers

83. (1) Any juristic person may apply to the Commission in the prescribed manner for accreditation to observe an election. 20
- (2) The Commission may require further information in support of an application.
- (3) The Commission may accredit an applicant to observe an election after considering the application, any further information provided by the applicant, and whether—
- (a) the accreditation of the applicant will promote conditions conducive to a free and fair election; and 25
 - (b) the persons appointed by the applicant will—
 - (i) observe that election impartially and independently of any registered party or candidate contesting that election;
 - (ii) be competent and professional in observing that election; and 30
 - (iii) subscribe to a Code governing observers issued by the Commission in terms of section 98.
- (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; 35
 - (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. 40
- (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. 45
- (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 50

84. (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—

- (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;
 - 5 (b) afwesigheid van diens sonder die hoofverkiegingsbeampte se toestemming;
 - (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.
- 10 (12) Behoudens artikel 20(2)(a) van die Wet op die Verkiesingskommissie, kan geen appèl aangeteken word teen 'n besluit van die hoofverkiegingsbeampte 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 hoofverkiegingsbeampte te gee.
- 15 (14) Die hoofverkiegingsbeampte kan ooreenkomstig hierdie Deel 'n ander instelling aanstel in die plek van 'n instelling wie se aanstelling ingetrek of beëindig is.

Deel 5: Akkreditering van waarnemers en persone wat kiesersopleiding verskaf

Akkreditering van waarnemers

83. (1) Enige regspersoon kan op die voorgeskrewe wyse by die Kommissie aansoek
20 doen om akkreditering om 'n verkiesing waar te neem.
- (2) Die Kommissie kan verdere inligting ter ondersteuning van 'n aansoek vereis.
- (3) Die Kommissie kan 'n aansoeker akkrediteer om 'n verkiesing waar te neem na oorweging van die aansoek, enige verdere inligting deur die aansoeker verstrek, en
of—
- 25 (a) die akkreditering van die aansoeker die omstandighede bevorderlik vir 'n vrye en regverdige verkiesing sal bevorder; en
 - (b) die persone deur die aansoeker aangestel—
 - 30 (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
 - (iii) hul sal onderwerp aan 'n Kode ter regulering van waarnemers deur die Kommissie ingevolge artikel 98 uitgereik.
- 35 (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;
 - 40 (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.
- 45 (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
50 wat as waarnemers geakkrediteer is. Die register en afskrifte van die sertifikate moet by die Kommissie se hoofkantoor gehou word.
- (7) Die hoofverkiegingsbeampte moet 'n gewaarmerkte afskrif van, of uittreksel uit, daardie register of 'n sertifikaat aan 'n persoon verskaf wat die voorgeskrewe bedrag betaal het.

55 Bevoegdhede en pligte van geakkrediteerde waarnemers

84. (1) 'n Persoon deur 'n geakkrediteerde waarnemer aangestel, kan met betrekking tot die verkiesing waarvoor daardie waarnemer geakkrediteer is die verrigtinge waarneem waarvoor daar voorsiening gemaak is 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. 5
- (3) A person appointed by an accredited observer must comply with any order issued by—
- (a) an officer; or 10
 - (b) a member of the security services acting on the instructions of an officer.

Accreditation of persons providing voter education

85. (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. 15
- (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; 20
 - (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 25
 - (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 83(4) to (7), adjusted as may contextually be necessary, applies to the accreditation of persons providing voter education. 30

CHAPTER 7

GENERAL PROVISIONS

Part 1: Prohibited conduct

- Undue influence 35
86. (1) No person may—
- (a) compel or unlawfully persuade any person—
 - (i) to register or not to register as a voter;
 - (ii) to vote or not to vote;
 - (iii) to vote or not to vote for any registered party or candidate; 40
 - (iv) to support or not to support any registered party or candidate; or
 - (v) to attend and participate in, or not to attend and participate in, any political meeting, march, demonstration or other political event;
 - (b) interfere with the independence or impartiality of the Commission, any member, employee or officer of the Commission, or the chief electoral officer; 45
 - (c) prejudice any person because of any past, present or anticipated performance of a function in terms of this Act;

- (a) Deel 1 van Hoofstuk 4 aangaande die uitbring van stemme;
 - (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.
- 5 (2) Terwyl 'n persoon deur 'n geakkrediteerde waarnemer aangestel, 'n verkiesing waarneem, moet daardie persoon die voorgeskrewe identifikasie dra wat aandui dat die persoon 'n geakkrediteerde waarnemer verteenwoordig.
- (3) 'n Persoon deur 'n geakkrediteerde waarnemer aangestel, moet voldoen aan 'n bevel uitgereik deur—
- 10 (a) 'n beampte; of
- (b) 'n lid van die veiligheidsdienste handelende in opdrag van 'n beampte.

Akkreditering van persone wat kiesersopleiding verskaf

85. (1) Enige natuurlike persoon of regspersoon kan op die voorgeskrewe wyse by die Kommissie om akkreditering aansoek doen om kiesersopleiding vir 'n verkiesing
- 15 te verskaf.
- (2) Die Kommissie kan verdere inligting ter ondersteuning van 'n aansoek vereis.
- (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—
- 20 (a) die dienste deur die aansoeker verskaf aan die Kommissie se standarde voldoen;
- (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—
- 25 (i) dit sal doen op 'n wyse wat onpartydig is en onafhanklik is van enige geregistreerde party of kandidaat wat aan daardie verkiesing deelneem;
- (ii) bekwaam sal wees om dit te doen; en
- (iii) hul sal onderwerp aan 'n Kode deur die Kommissie kragtens artikel
- 30 98 uitgereik ter regulering van persone geakkrediteer om kiesersopleiding te verskaf; en
- (d) die akkreditering van die aansoeker, kiesersopleiding en omstandighede bevorderlik vir vrye en regverdige verkiesings sal bevorder.
- (3) Artikel 83(4) tot (7), aangepas soos in die samehang nodig mag wees, is van
- 35 toepassing op die akkreditering van persone wat kiesersopleiding verskaf.

HOOFSTUK 7

ALGEMENE BEPALINGS

Deel 1: Verbode gedrag

Onbehoorlike beïnvloeding

- 40 86. (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;
- 45 (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
- 50 daaraan deel te neem nie;
- (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
- 55 verrigting van 'n werksaamheid ingevolge hierdie Wet nie;

- (d) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of this Act;
- (e) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place:
 - (i) Any representative of a registered party or of a candidate; 5
 - (ii) any candidate in an election;
 - (iii) any member, employee or officer of the Commission;
 - (iv) the chief electoral officer;
 - (v) any person appointed by an accredited observer; or
 - (vi) any person accredited to provide voter education; or 10
- (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.
- (3) No person, knowing that another person is not entitled to be registered as a voter, 15 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. 20
- (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

- 87. No person— 25
 - (a) may apply to be registered as a voter in the name of any other person, whether living, dead or fictitious;
 - (b) may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious;
 - (c) who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station; 30
 - (d) may cast more votes than that person is entitled to; or
 - (e) may impersonate—
 - (i) a representative of a registered party or of a candidate;
 - (ii) a candidate in an election; 35
 - (iii) a member, employee or officer of the Commission;
 - (iv) the chief electoral officer;
 - (v) a person appointed by an accredited observer; or
 - (vi) a person accredited to provide voter education.

Intentional false statements

- 88. (1) No person, when required in terms of this Act to make a statement, may make the statement— 40
 - (a) knowing that it is false; or
 - (b) without believing on reasonable grounds that the statement is true.
- (2) No person may publish any false information with the intention of— 45
 - (a) disrupting or preventing an election;
 - (b) creating hostility or fear in order to influence the conduct or outcome of an election; or
 - (c) influencing the conduct or outcome of an election.

- (d) enige persoon bevoordeel of beloop 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:
- 5 (i) Enige verteenwoordiger van 'n geregistreerde party of van 'n kandidaat;
- (ii) enige kandidaat in 'n verkiesing;
- (iii) enige lid, werknemer of beampte van die Kommissie;
- (iv) die hoofverkiesingsbeampte;
- 10 (v) enige persoon deur 'n geakkrediteerde waarnemer aangestel; of
- (vi) enige persoon geakkrediteer om kiesersopleiding te verskaf; of
- (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
- 15 hierdie Wet verleen, uit te oefen nie.
- (3) Geen persoon wat weet dat 'n ander persoon nie geregtig is om as 'n kieser 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
- 20 (b) aan iemand anders voorgee dat daardie ander persoon geregtig is om as 'n kieser geregistreer te word nie.
- (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
- 25 (b) aan iemand anders voorgee dat daardie ander persoon geregtig is om te stem nie.

Identiteitsbedrog

87. Geen persoon—
- (a) mag om registrasie as kieser in die naam van enige ander persoon, hetsy
- 30 lewend, oorlede of fiktief, aansoek doen nie;
- (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;
- 35 (d) mag meer stemme uitbring as waarop daardie persoon geregtig is nie; of
- (e) mag valslik voorgee om—
- (i) 'n verteenwoordiger van 'n geregistreerde party of van 'n kandidaat te wees nie;
- (ii) 'n kandidaat in 'n verkiesing te wees nie;
- 40 (iii) 'n lid, werknemer of beampte van die Kommissie te wees nie;
- (iv) die hoofverkiesingsbeampte te wees nie;
- (v) 'n persoon te wees wat deur 'n geakkrediteerde waarnemer aangestel is nie; of
- 45 (vi) 'n persoon te wees wat geakkrediteer is om kiesersopleiding te verskaf nie.

Opsetlike valse verkларings

88. (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
- 50 (b) sonder om op redelike gronde te glo dat die verklaring waar is nie.
- (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
- 55 (c) die voer of uitslag van 'n verkiesing te beïnvloed nie.

Infringement of secrecy

89. (1) No person may interfere with a voter's right to secrecy while casting a vote.
 (2) Except as permitted in terms of this Act, no person may—
 (a) disclose any information about voting or the counting of votes; or
 (b) open any ballot box or container sealed in terms of this Act, or break its seal. 5

Prohibitions concerning voting and election materials

90. (1) Except as permitted in terms of this Act, no person may—
 (a) print, manufacture or supply any voting or election material;
 (b) remove or conceal any voting or election material;
 (c) damage or destroy any voting or election material; or 10
 (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.
 (2) The chief electoral officer may authorise—
 (a) the printing, manufacture or supply of any voting or election material;
 (b) the use of the voters' roll or any voting or election material for a purpose other 15
 than an election purpose; and
 (c) the removal or destruction of any voting or election material.

Prohibitions concerning placards and billboards during election

91. 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 55, no person may deface or unlawfully 20
 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

92. (1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the Commission, or a member, employee or officer of the Commission, or the 25
 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.

Contravention of Code 30

93. 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**

94. (1) Subject to this Act and any other law, the chief electoral officer may institute 35
 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.

Jurisdiction and powers of Electoral Court 40

95. (1) The Electoral Court has exclusive jurisdiction in respect of all electoral disputes and complaints about infringements of the Code.
 (2) If the Electoral Court finds that a person or registered party has contravened a

Skending van geheimhouding

89. (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—

- 5 (a) enige inligting aangaande die uitbring of tel van stemme openbaar maak nie; of
 (b) 'n stembus of houer wat ingevolge hierdie Wet verseël is, oopmaak of die seël daarvan breek nie.

Verbodsbepalings aangaande stem- en verkiesingsmateriaal

- 10 90. (1) Behalwe soos ingevolge hierdie Wet veroorloof, mag geen persoon—
 (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
 15 (d) die kieserslys of enige stem- of verkiesingsmateriaal vir 'n ander doel as verkiesingsdoeleindes gebruik nie.
 (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
 20 ander doel as verkiesingsdoeleindes, magtig; en
 (c) die verwydering of vernietiging van stem- of verkiesingsmateriaal magtig.

Verbodsbepalings aangaande plakkate en reklameborde tydens verkiesing

91. Vanaf die datum waarop 'n verkiesing uitgeskryf word tot die datum waarop die uitslag van die verkiesing ingevolge artikel 55 bepaal en verklaar word, mag geen
 25 persoon enige reklamebord, plakkaat of biljet deur 'n geregistreerde party of kandidaat gepubliseer, ontsier of wederregtelik verwyder nie.

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

92. (1) Geen persoon mag weier of versuim om uitvoering te gee aan 'n wettige
 30 voorskrif, opdrag of bevel van die Kommissie, of 'n lid, werknemer of beampte van die 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.

35 Oortreding van Kode

93. 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

Instelling van en toetreding tot siviele verrigtinge deur hoofverkiesingsbeampte

- 40 94. (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 Kommissie 'n regsbelang by die uitslag van daardie verrigtinge het.

45 Regsbevoegdheid en bevoegdhede van Verkiesingshof

95. (1) Die Verkiesingshof het eksklusiewe regsbevoegdheid met betrekking tot alle verkiesingsdispute en klagtes in verband met skendings van die Kode.

(2) Indien die Verkiesingshof 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

provision of Part 1 of this Chapter it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person or party, including—

- (a) a formal warning;
 - (b) a fine not exceeding R200 000;
 - (c) the forfeiture of any deposit paid by that person or party in terms of section 26(2)(e); 5
 - (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; 10
 - (iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;
 - (iv) erecting or publishing billboards, placards or posters at or in any place;
 - (v) publishing or distributing any campaign literature;
 - (vi) electoral advertising; or 15
 - (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; 20
 - (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 .
- (3) Any penalty or sanction provided for in this section will be in addition to any 25 penalty provided for in Part 3 of this Chapter.

Part 3: Offences and penalties

Offences

96. Any person who contravenes a provision of Part 1 of this Chapter or a provision of section 106, 107 or 108, is guilty of an offence. 30

Penalties

97. Any person convicted of any offence in terms of—
- (a) section 86(1)(b), (c) or (d), 88(2), 89, 90, 92 or 93, is liable to a fine or to imprisonment for a period not exceeding 10 years;
 - (b) section 86(1)(a), (e) or (f), (2), (3) or (4), 87, 88(1), 91, 106(4), 107 or 108, is 35 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

98. (1) The Electoral Code of Conduct must be subscribed to—
- (a) by every registered party before that party is allowed to contest an election; 40 and
 - (b) by every candidate before that candidate may be placed on a list of candidates in terms of section 30.
- (2) In order to promote free, fair and orderly elections, the Commission may compile and issue any other Code. 45
- (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*.

regverdige verkiesing daardie persoon of party enige toepaslike straf of sanksie opleë. met inbegrip van—

- (a) 'n formele waarskuwing;
- (b) 'n boete van hoogstens R200 000;
- 5 (c) die verbeuring van enige deposito wat deur daardie persoon of party ingevolge artikel 26(2)(e) betaal is;
- (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
 - 10 geleentheid te hou;
 - (iii) enige stemdistrik binne te gaan met die oog op die werf van kiesers of 'n ander verkiesingsoogmerk;
 - (iv) reklameborde, plakkaat of biljette by of op enige plek aan te bring of te publiseer;
 - 15 (v) werwingsliteratuur te publiseer of te versprei;
 - (vi) verkiesingsreklame te maak; of
 - (vii) fondse van die Staat of van buitelandse bronne te ontvang;
- (e) 'n bevel wat beperkings plaas op daardie persoon of party se reg om enige van die bedrywighede genoem in paragraaf (d) te verrig;
- 20 (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;
- (h) 'n bevel wat die kandidatuur van daardie persoon of enige kandidaat van
- 25 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 die strawwe waarvoor Deel 3 van hierdie Hoofstuk voorsiening maak.

Deel 3: Misdrywe en strawwe

30 Misdrywe

96. 'n Persoon wat 'n bepaling van Deel 1 van hierdie Hoofstuk of 'n bepaling van artikel 106, 107 of 108 oortree, is aan 'n misdryf skuldig.

Strawwe

97. 'n Persoon wat skuldig bevind word aan 'n misdryf ingevolge—
- 35 (a) artikel 86(1)(b), (c) of (d), 88(2), 89, 90, 92 of 93, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar;
 - (b) artikel 86(1)(a), (e) of (f), (2), (3) of (4), 87, 88(1), 91, 106(4), 107 of 108, is strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

40 *Deel 4: Bykomende bevoegdhede en pligte van Kommissie*

Verkiesingsgedragskode en ander Kodes

98. (1) Die Verkiesingsgedragskode moet onderskryf word deur—
- (a) elke geregistreerde party voordat daardie party toegelaat word om aan die
 - 45 (b) elke kandidaat voordat daardie kandidaat ingevolge artikel 30 op 'n kandidaatlys geplaas kan word.
- (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
- 50 vervang.
- (4) 'n Kode ingevolge subartikel (2) uitgereik, of 'n verandering aan, of vervanging van so 'n Kode, moet in die *Staatskoerant* gepubliseer word.

Regulations

99. (1) The Commission must make regulations regarding any matter that must be prescribed in terms of this Act.
- (2) The Commission may make regulations regarding any matter—
- (a) that may be prescribed in terms of this Act; or 5
 - (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. 10
- (4) The Commission must publish any regulations made in terms of this section in the *Government Gazette*.

Assignment of powers and duties by Commission

100. (1) The Commission may—
- (a) delegate any of the Commission's powers in terms of this Act, excluding the powers referred to in section 31, 98(2) or 99 or this section, or any other law, to a member, employee or officer of the Commission; or 15
 - (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)— 20
- (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

101. (1) The chief electoral officer may— 25
- (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 100(2), adjusted as may contextually be necessary, applies to a delegation or instruction of the chief electoral officer in terms of subsection (1). 30

Powers of Commission, etc., when deciding objections and appeals

102. (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. 35
- (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 40

103. 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.

Ownership of voting and election materials

104. For the purposes of any criminal proceedings in terms of this Act, the Commission is regarded to own all voting and election materials used or provided by it in an election. 45

Regulasies

99. (1) Die Kommissie moet regulasies uitvaardig betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet word.

- (2) Die Kommissie kan regulasies betreffende enige aangeleentheid maak—
- 5 (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.

(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.

10 (4) Die Kommissie moet regulasies ingevolge hierdie artikel uitgevaardig in die *Staatskoerant* publiseer.

Opdra van bevoegdhede en pligte deur Kommissie

100. (1) Die Kommissie kan—
- 15 (a) enige van die Kommissie se bevoegdhede ingevolge hierdie Wet, uitgesonderd die bevoegdhede bedoel in artikel 31, 98(2) of 99 of hierdie artikel, of enige ander wet, aan 'n lid, werknemer of beampte van die Kommissie delegeer; of
- 20 (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 opleë; en
- 25 (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

101. (1) Die hoofverkiesingsbeampte kan—
- 30 (a) enige van die hoofverkiesingsbeampte se bevoegdhede ingevolge hierdie Wet of enige ander wet, aan 'n werknemer of beampte van die Kommissie delegeer; 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.
- (2) Artikel 100(2), aangepas soos in die samehang nodig mag wees, is van toepassing op 'n delegering of opdrag van die hoofverkiesingsbeampte ingevolge subartikel (1).

Bevoegdhede van Kommissie, ens., wanneer besware en appëlle beslis word

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

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

Toegang tot private plekke

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

Eiendomsreg van stem- en verkiesingsmateriaal

50 104. Vir die doeleindes van enige strafregtelike verrigtinge ingevolge hierdie Wet, word die Kommissie geag die eienaar te wees van alle stem- en verkiesingsmateriaal deur hom in 'n verkiesing gebruik of verskaf.

Return or forfeiture of deposit

105. (1) Subject to section 95(2)(c), the Commission must refund to a registered party any deposit paid by it in terms of section 26(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. 5

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

106. (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 55.

(b) For the purposes of this section, "printed matter" means any billboard, placard, poster or pamphlet. 10

(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— 15

(a) originates from—

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

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

(b) is inserted in the publication on the promise of payment to the publication. 20

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

Prohibition on certain political activities

107. On voting day no person may—

(a) hold or take part in any political meeting, march, demonstration or other political event; or 25

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

Prohibition on publication of exit polls

108. During the prescribed hours for an election, no person may print, publish or distribute the result of any exit poll taken in that election. 30

Effect of certain irregularities

109. (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 30 does not invalidate that voters' roll or that list of candidates. 35

(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.

Inspection and copying of documents

110. 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. 40

Teruggawe of verbeuring van deposito

105. (1) Behoudens artikel 95(2)(c) moet die Kommissie enige deposito deur 'n geregistreerde party ingevolge artikel 26(2)(e) betaal, aan die party terugbetaal, indien minstens een setel in die wetgewer aan wie se verkiesing daardie party deelgeneem het.
5 aan die party toegewys word.

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

Deel 5: Ander algemene bepalings

Tydlike verpligtings

10 106. (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 55 bepaal en verklaar word.

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

15 (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—

20 (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.

25 (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

107. Op stembag mag geen persoon—

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

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

Verbod op publikasie van meningspeilings

108. Niemand mag gedurende die voorgeskrewe ure vir 'n verkiesing die resultaat
35 van enige meningspeiling in daardie verkiesing gedoen, druk, publiseer of versprei nie;

Uitwerking van sekere onreëlmatighede

109. (1) Enige fout in die gesertifiseerde segment van die kieserslys waarna in artikel 24 verwys word, of op die finale kandidaatlys waarna in artikel 30 verwys word, maak nie daardie kieserslys of kandidaatlys ongeldig nie.

40 (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 die uitslag van die verkiesing wesentlik beïnvloed het.

Insae in en kopiëring van dokumente

110. Waar hierdie Wet vereis dat daar aan dokumente publisiteit gegee moet word of
45 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 gee of beskikbaar te stel.

Prohibition on certain strikes and lockouts

111. (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. 5

Limitation of liability

112. The Commission, a member, employee and officer of the Commission, the chief electoral officer, an institution appointed in terms of section 79, 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. 10

Repeal of laws

113. (1) Subject to subsection (2), the laws mentioned in Schedule 3 are hereby repealed. 15

(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.

Act binds State

114. This Act binds the State except in so far as criminal liability is concerned. 20

Application of Act when in conflict with other laws

115. 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.

Short title and commencement 25

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

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

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

Verbod op sekere stakings en uitsluitings

111. (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 stermdag deur werknemers en werkgewers in die 5 openbare vervoer- of telekommunikasiesektor is verbode en word nie ingevolge Hoofstuk IV van die Wet op Arbeidsverhoudinge, 1995, beskerm nie.

Beperking van aanspreeklikheid

112. Die Kommissie, 'n lid, werknemer en beamppte van die Kommissie, die hoofverkiesingsbeamppte, 'n instelling ingevolge artikel 79 aangestel, en 'n persoon met 10 wie die Kommissie gekontrakteer 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.

Herroeping van wette

15 113. (1) Behoudens subartikel (2) word die wette in Bylae 3 vermeld hierby herroep.

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

Wet bind Staat

20 114. Hierdie Wet bind die Staat behalwe wat strafregtelike aanspreeklikheid betref.

Toepassing van Wet wanneer bots met ander wette

115. 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.

25 Kort titel en inwerkingtreding

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

(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 die res van hierdie Wet in werking tree.

SCHEDULE 1
ELECTION TIMETABLE

(Section 17)

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 registration as voter in election

2. (1) By ... [day/month/year], any person who wants to vote in this election must—
- (a) be registered as a voter;
 - (b) have applied for registration as a voter in terms of section 7; or
 - (c) if required by section 9, have applied for change of registration details in terms of that section.
- (2) The chief electoral officer must process every application contemplated in subitem (1)(b) or (c) by ... [day/month/year].
- (3) The chief electoral officer must notify a person as required by section 12 by ... [day/month/year].
- (4) An appellant must serve an appeal contemplated in section 13 by ... [day/month/year].
- (5) The Commission must consider and decide the appeal and notify the appellant and the chief electoral officer of the decision in the prescribed manner by ... [day/month/year].
- (6) The chief electoral officer must compile, in accordance with section 21(2)(e), the segment of the voters' roll to be used in this election by ... [day/month/year].

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.

Notice that voters' roll is available for inspection

4. 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 segment of the voters' roll to be used in this election will be available for inspection.

Cut-off date for objections to voters' roll

5. Any objection contemplated in section 23(1) or (2) must be made to the Commission in the prescribed manner by ... [day/month/year].

Decision of objections concerning voters' roll

6. The Commission must decide an objection made in terms of section 23, and in the prescribed manner and by ... [day/month/year] must notify—

- (a) the objector and the chief electoral officer of the decision; and

BYLAE 1

VERKIESINGSTYDROOSTER

(Artikel 17)

Die Verkiesingskommissie gee hierby kennis dat hy die verkiesingstydrooster hieronder uiteengesit ingevolge artikel 17 van die Kieswet, 1998, vir die (besonderhede van toepaslike verkiesing) 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 registrasie as kieser in verkiesing

2. (1) Teen ... [dag/maand/jaar] moet 'n persoon wat in hierdie verkiesing wil stem—
- (a) as kieser geregistreer wees;
 - (b) aansoek gedoen het om registrasie as kieser kragtens artikel 7; of
 - (c) indien dit deur artikel 9 vereis word, aansoek gedoen het om die verandering van registrasiebesonderhede ingevolge daardie artikel.
- (2) Die hoofverkiesingsbeampte moet elke aansoek beoog in subitem (1)(b) of (c) teen ... [dag/maand/jaar] verwerk.
- (3) Die hoofverkiesingsbeampte moet enige persoon, soos deur artikel 12 vereis, teen ... [dag/maand/jaar] in kennis stel.
- (4) 'n Appellant moet enige appèl in artikel 13 beoog, teen ... [dag/maand/jaar] aanteken.
- (5) Die Kommissie moet die appèl oorweeg en beslis en die appellant asook die hoofverkiesingsbeampte op die voorgeskrewe wyse teen ... [dag/maand/jaar] van die beslissing in kennis stel.
- (6) Die hoofverkiesingsbeampte moet die segment van die kieserslys wat in hierdie verkiesing gebruik gaan word, ooreenkomstig artikel 21(2)(e) teen ... [dag/maand/jaar] opstel.

Kennisgewing dat adreslys van stemlokale ter insae beskikbaar is

3. Die hoofverkiesingsbeampte 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.

Kennisgewing dat kieserslys ter insae beskikbaar is

4. Die hoofverkiesingsbeampte moet teen ... [dag/maand/jaar] kennis gee dat afskrifte van die segment van die kieserslys wat in hierdie verkiesing gebruik sal word, vanaf die datum van die kennisgewing tot ... [dag/maand/jaar] ter insae beskikbaar sal wees.

Sperdatum vir besware teen kieserslys

5. Enige beswaar beoog in artikel 23(1) of (2) moet op die voorgeskrewe wyse teen ... [dag/maand/jaar] by die Kommissie aangeteken word.

Beslissing van besware aangaande kieserslys

6. Die Kommissie moet 'n beswaar ingevolge artikel 23 aangeteken, beslis en op die voorgeskrewe wyse teen ... [dag/maand/jaar] die volgende persone van die beslissing in kennis stel—

- (a) die beswaarmaker en die hoofverkiesingsbeampte; en

- (b) in an objection involving the name or registration details of a person other than the objector, that other person of the decision.

Certification of voters' roll

7. By ... [day/month/year], the chief electoral officer—
- (a) must give effect to any decision of the Commission in terms of section 23(4); and
 - (b) once the procedures contemplated in the preceding sections of Part 2 of Chapter 3 have been exhausted, must certify the segment of the voters' roll to be used in the election.

Cut-off date for submission of list of candidates

8. 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

9. (1) The chief electoral officer must notify a registered party that has submitted a list of candidates in terms of section 26 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 26, that party must do so by ... [day/month/year].

Inspection of lists of candidates and accompanying documents

10. 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 26, as amended and supplemented in terms of section 27.

Cut-off date for objections

11. 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

12. The Commission must decide an objection under section 29, and must notify the objector and the registered party that nominated the candidate of the decision in the prescribed manner by ... [day/month/year].

Cut-off date for appeals against decisions

13. The objector or the registered party who nominated the candidate may appeal against a decision of the Commission in terms of section 29(3) to the Electoral Court in the prescribed manner by ... [day/month/year].

Deciding appeals

14. The Electoral Court must consider and decide an appeal brought under section 29(4) and notify the parties to the appeal, and the chief electoral officer, of the decision in the prescribed manner by ... [day/month/year].

- (b) in die geval van 'n beswaar met betrekking tot die naam of registrasiebesonderhede van 'n ander persoon as die beswaarmaker, ook daardie ander persoon.

Sertifisering van kieserslys

7. Die hoofverkiesingsbeampte moet teen ... [dag/maand/jaar]—
- (a) aan enige beslissing van die Kommissie ingevolge artikel 23(4), uitvoering gee; en
- (b) wanneer die prosedures in die voorafgaande artikels van Deel 2 van Hoofstuk 3 uitgeput is, die segment van die kieserslys wat in die verkiesing gebruik gaan word, sertifiseer.

Sperdatum vir voorlegging van kandidaatlys

8. Geregistreeerde partye wat aan hierdie verkiesing wil deelneem, moet teen ... [dag/maand/jaar] hul kandidate vir die verkiesing benoem en 'n lys van dié kandidate op die voorgeskrewe wyse aan die hoofverkiesingsbeampte voorlê.

Kennisgewing van nie-voldoening

9. (1) Die hoofverkiesingsbeampte moet teen ... [dag/maand/jaar] aan 'n geregistreeerde party wat ingevolge artikel 26 '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 26 te voldoen, moet daardie party dit doen teen ... [dag/maand/jaar].

Insae in kandidaatlyste en bygaande dokumente

10. Die hoofverkiesingsbeampte 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 26 deur geregistreeerde partye voorgelê is, soos ingevolge artikel 27 gewysig en aangevul.

Sperdatum vir besware

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

Beslissing van besware

12. Die Kommissie moet 'n beswaar kragtens artikel 29 beslis, en moet die beswaarmaker asook die geregistreeerde party wat die kandidaat benoem het, teen ... [dag/maand/jaar] op die voorgeskrewe wyse van die beslissing in kennis stel.

Sperdatum vir appèlle teen beslissings

13. Die beswaarmaker of die geregistreeerde party wat die kandidaat benoem het, kan teen ... [dag/maand/jaar] op die voorgeskrewe wyse teen 'n beslissing van die Kommissie ingevolge artikel 29(3), na die Verkiesingshof appelleer.

Beslissing van appèlle

14. Die Verkiesingshof moet 'n appèl wat kragtens artikel 29(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.

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

15. By ... [day/month/year], the chief electoral officer—
- (a) must give effect to a decision of the Commission in terms of section 29(3) or a decision of the Electoral Court in terms of section 29(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

16. 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

17. By ... [day/month/year], the chief electoral officer must determine the inner and outer boundaries of every voting station.

Prescribing of voting hours

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

Notice of route of mobile voting stations

19. 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.

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

15. Die hoofverkiesingsbeampte moet teen ... [dag/maand/jaar]—

(a) aan 'n beslissing van die Kommissie ingevolge artikel 29(3) of 'n beslissing van die Verkiesingshof ingevolge artikel 29(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

16. 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.

Vasstelling van grense van stemlokale

17. Teen ... [dag/maand/jaar] moet die hoofverkiesingsbeampte die binne- en buitegrense van elke stemlokaal vasstel.

Voorskryf van stemure

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

Kennisgewing van roete van mobiele stemlokale

19. 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 98)

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 98)

Oogmerk van Kode

1. Die oogmerk van hierdie Kode is om omstandighede wat bevorderlik is vir 'n vrye en regverdigte 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, plakstate 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 regverdigte 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.

Prohibited conduct

8. (1) No registered party or candidate may—

- (a) use language or act in a way that may provoke—
 - (i) violence during an election; or
 - (ii) the intimidation of candidates, members of parties, representatives or supporters of parties or candidates, or voters;
- (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;
- (d) discriminate on race, ethnicity, sex, gender, class or religion in connection with an election or political activity; or

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.

Verbode gedrag

8. (1) Geen geregistreerde party of kandidaat mag—
- (a) taal gebruik of optree op 'n wyse wat aanleiding kan gee tot—
 - (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;
 - (d) op grond van ras, etnisiteit, geslag, geslagentelikheid, klas of geloof diskrimineer met betrekking tot 'n verkiesing of politieke bedrywighede nie; of

- (e) force a woman to adopt a political position or participate in a political activity other than one that she chooses.
- (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

9. The Commission may by regulations made in terms of section 99 add provisions to this Code.

- (e) 'n vrou dwing om 'n politieke posisie te aanvaar of om aan 'n politieke bedrywigheid behalwe as uit vrye keuse deel te neem 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, händtekeninge te versamel, lede te werf, fondse in te samel of ondersteuning vir 'n party of kandidaat te werf nie;
- (d) die reklameborde, plakkaate 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

9. Die Kommissie kan by wyse van regulasies ingevolge artikel 99 bepalings by hierdie Kode voeg.

SCHEDULE 3
REPEAL OF LAWS
(Section 113)

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	

BYLAE 3

HERROEPING VAN WETTE

(Artikel 113)

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	

MEMORANDUM ON THE OBJECTS OF THE ELECTORAL BILL, 1998

PART 1

1. The Constitution of the Republic of South Africa, 1996, charges the Electoral Commission ("EC") with the management of all elections in all spheres of government. The Electoral Commission Act, 1996 (Act No. 51 of 1996), obliges the EC continuously to review and make recommendations regarding electoral legislation.

2. The current Electoral Act, 1993 (Act No. 202 of 1993), was designed for the unique purpose of governing the first democratic elections for the national and provincial legislatures. Even as amended last year, it does not cater adequately for the country's next national, provincial and municipal elections. For instance, it does not make suitable provision for a general registration of voters and the preparation of a common voters' roll, as required by the Constitution.

3. The EC has prepared a draft Electoral Bill in terms of which elections in all spheres of government can be conducted. That draft Bill was accepted by the Minister of Home Affairs with minor adaptations and is being introduced as the Bill.

4. The individual chapters of the Bill are summarised in Part 2 below and only a few issues of principle proposed in the Bill are highlighted:

4.1 Registration

Possession of an identity document or identity card issued in terms of the Identification Act, 1986 (Act No. 72 of 1986), or the Identification Act, 1997 (Act No. 68 of 1997), will, if approved, henceforth be a prerequisite for registration as a voter. In terms of the Bill, a national voters' roll must be prepared and permanently maintained. In order to avoid last minute registrations and consequent amendments to the national voters' roll, everybody in possession of an identity document, including sixteen year olds, will be allowed to apply for registration. The names of only those persons who will have turned 18 on election day will appear on that roll. In all future elections, voters whose names are not on the national voters' roll will be unable to vote. A voter's name will appear on the national roll only once and voters will be registered in the voting district where they are ordinarily resident, a flexible concept making allowance for migrant workers, students and holiday home owners. A voter's name will only appear in one voting district segment of the national voters' roll and as such will be allowed to vote only in that voting district.

4.2 Special voting

The Bill makes no provision for any absentee, postal, foreign or other special voting but permits the introduction of such provisions by regulations. The EC doubts the constitutionality of a regime that does not provide appropriate voting facilities for voters unable to attend a voting station due to pregnancy, age or physical disability. A case can also be made out for other voters involuntarily unable to attend a voting station on voting day, e.g. members of the security forces and the EC who have to serve outside their residential districts. However, at this stage budgetary constraint renders allowance for such categories of voters barely affordable and ways of meeting the most pressing needs will have to be found.

4.3 Voting/counting

The whole procedure is to be simplified. It is proposed that there will be one voting station per voting district; a voter's name will appear on one segment of the national roll only; each voter's identity document (or temporary certificate issued under the

MEMORANDUM OOR DIE OOGMERKE VAN DIE KIESWETSONTWERP, 1998

DEEL 1

1. Die Grondwet van die Republiek van Suid-Afrika, 1996, dra die administrasie van alle verkiesings in alle regeringsfere aan die Verkiesingskommissie ("VK") op. Die Wet op die Verkiesingskommissie, 1996 (Wet No. 51 van 1996), verplig die VK om verkiesingswetgewing deurlopend te hersien en om aanbevelings in verband daarmee te doen.

2. Die huidige Kieswet, 1993 (Wet No. 202 van 1993), is opgestel met die uitsluitlike doel om die eerste demokratiese verkiesing van die nasionale en provinsiale wetgewers te reël. Selfs soos verlede jaar gewysig, maak die huidige Kieswet nie voldoende voorsiening vir die land se volgende nasionale, provinsiale en munisipale verkiesings nie. Dit maak byvoorbeeld nie na behore vir 'n algemene registrasie van kiesers en opstel van 'n gemeenskaplike kieserslys, soos deur die Grondwet vereis, voorsiening nie.

3. Die VK het 'n konsep Kieswetsontwerp opgestel ingevolge waarvan verkiesings in al die regeringsfere gehou kan word. Die konsepwetsontwerp is met geringe aanpassings deur die Minister van Binnelandse Sake aanvaar, en word as die Wetsontwerp ingedien.

4. Die afsonderlike hoofstukke van die Wetsontwerp word in Deel 2 hieronder opgesom en slegs 'n paar beginselpunte wat deur die Wetsontwerp voorgestel word, word uitgelig:

4.1 Registrasie

Die besit van 'n identiteitsdokument of -kaart, uitgereik ingevolge die Wet op Identifikasie, 1986 (Wet No. 72 van 1986), of die Wet op Identifikasie (Wet No. 68 van 1997), mits goedgekeur, sal voortaan 'n voorvereiste vir registrasie as 'n kieser wees. Ingevolge die Wetsontwerp moet 'n nasionale kieserslys opgestel en in stand gehou word. Ten einde registrasie op die laaste oomblik, en die gevolglike wysigings van die nasionale gemeenskaplike kieserslys, te vermy, sal almal wat in besit van 'n identiteitsdokument is, met inbegrip van 16-jariges, toegelaat word om om registrasie aansoek te doen. Slegs diegene wat op stembag reeds 18 jaar oud is, se name sal egter op die lys verskyn. In alle toekomstige verkiesings sal slegs kiesers wie se name op die nasionale kieserslys verskyn, kan stem. 'n Kieser se naam sal slegs een keer op die nasionale lys verskyn en sal geregistreer word in die stembdistrik waar daardie persoon gewoonlik woonagtig is. Hierdie is 'n buigsame konsep wat trekarbeiders, studente en vakansiehuisseienaars tegemoet kom. 'n Kieser se naam sal slegs in een stembdistrik-segment van die nasionale gemeenskaplike kieserslys verskyn en sal as sodanig toegelaat word om slegs in daardie stembdistrik te stem.

4.2 Spesiale stemme

Die Wetsontwerp maak nie voorsiening vir enige afwesige, pos-, buitelandse of ander spesiale stemme nie, maar veroorloof wel die uitvaardiging van reëlins van hierdie verband by wyse van regulasie. Die VK betwyfel die grondwetlikheid van 'n bedeling wat nie toepaslike voorsiening maak vir die uitbring van stemme deur kiesers wat as gevolg van swangerskap, ouderdom of liggaamlike gestremdheid nie 'n stemlokaal kan besoek nie. 'n Saak kan ook uitgemaak word vir ander kiesers wat nie in staat is om op stembag 'n stemlokaal te besoek nie, byvoorbeeld lede van die veiligheidsdienste en die VK wat diens moet doen buite die distrikte waar hulle woonagtig is. In hierdie stadium maak begrotingsbeperkings 'n akkommodering van sulke kategorieë kiesers nouliks bekostigbaar en sal oplossings vir die dringendste behoeftes gevind moet word.

4.3 Stemming/tel van stemme

Die hele prosedure word vereenvoudig. Daar word voorgestel dat daar een stemlokaal per stembdistrik sal wees: 'n kieser se naam sal op slegs een segment van die nasionale kieserslys verskyn; elke kieser se identiteitsdokument (of tydelike sertifikaat uitgereik ingevolge die betrokke Wet op Identifikasie) sal nagegaan word; 'n stembrief

appropriate Identification Act) is checked; a ballot paper is then stamped and handed to the voter for marking in the voting compartment while the voter's name is marked off on the roll. There will ordinarily be only one day for voting and counting will ordinarily take place at the same station as the voting. Many complexities and loopholes, perceived and real, of the 1994 procedure will be eliminated and expenditure can be significantly reduced.

4.4 Code of Conduct

The Bill envisages all participating parties committing themselves, their officers, members and supporters to a Code and states the Electoral Court has exclusive jurisdiction in respect of complaints thereunder. Unlike the 1993 Act, the Bill does not establish a special hierarchy of electoral tribunals. This is largely for financial reasons but the Minister of Justice and the chairperson of the Electoral Court should be consulted about possible back-up support of the Court.

PART 2

The Bill consists of seven chapters and three schedules:

Chapter 1

This Chapter seeks to provide for the application of the Act to elections for national, provincial and municipal legislatures and charges the EC with the administration of the Act.

Chapter 2

A major difference between the 1994 national and provincial elections and those to be held in 1999, is that the Constitution now requires the establishment and use of a national voters' roll.

The existing municipal voters' rolls, used for the 1995/96 municipal elections were consolidated and evaluated to ascertain whether they could be used as a basis for the national voters' roll. It was found that the inaccuracy percentage of the rolls in general made them unsuitable and their consolidation presented major technical problems. It would also not have been possible to rearrange the voters on those rolls into the newly demarcated voting districts. A new general registration of voters is therefore unavoidable. This holds the advantage that voters will register at the designated voting stations where they will eventually cast their votes. In effect, the registration process will serve as trial run for the elections, giving the electorate, the political parties and the EC invaluable experience.

Chapter 2 seeks to provide for the registration of voters and for the continuous updating of the new voters' roll when a voter's place of ordinary residence changes.

A voter will be registered in the voting district where that voter is ordinarily resident. "Ordinarily resident" is not defined. A voter who lives in one district and works and lives in another for long continuous periods will probably have a choice of registration in either of those districts.

The Chief Electoral Officer is to be authorised in clause 11, in certain circumstances, to place the name of a person who has not applied for registration on the voters' roll and to move a person's name from one voting district to another.

Clause 8 seeks to provide, *inter alia*, for the disqualification of voters who are of unsound mind.

Chapter 3

Part 1 of this Chapter seeks to provide that the President or a Premier must, when proclaiming an election, give at least 60 days' notice of the voting day. In certain circumstances the voting day can be postponed, either in general or in respect of a

word dan gestempel en aan die kieser oorhandig om 'n stem uit te bring in die stemkompartement terwyl die kieser se naam op die kieserslys afgemerkt word. Daar sal normaalweg slegs een dag vir die uitbring van stemme wees en die tel van stemme sal normaalweg by dieselfde stemlokaal plaasvind. Baie van die oënskynlike en werklike probleme en skuiwergate van die 1994-prosedure, sal uitgeskakel word en uitgawes sal ook aansienlik verminder kan word.

4.4 Gedragskode

Die Wetsontwerp beoog dat alle partye wat aan 'n verkiesing deelneem, hulself, hul beamptes, lede en ondersteuners tot 'n Kode sal verbind en bepaal dat die Verkiesingshof uitsluitlike regsbevoegdheid sal besit om klagtes daarkragtens te besleg. Anders as die 1993-wet, sal die Wetsontwerp nie 'n spesiale hiërargie van verkiesingstribunale hê nie. Finansiële oorwegings het grootliks daartoe aanleiding gegee, maar die Minister van Justisie en die voorsitter van die Verkiesingshof moet nietemin oor moontlike ondersteuning van die Hof geraadpleeg word.

DEEL 2

Die Wetsontwerp bestaan uit sewe hoofstukke en drie bylaes:

Hoofstuk 1

Hierdie Hoofstuk beoog, onder andere, om voorsiening te maak vir die toepassing van die voorgestelde Wet op verkiesings van die nasionale, provinsiale en munisipale wetgewers en belas die VK met die administrasie van die Wet.

Hoofstuk 2

'n Groot verskil tussen die 1994 nasionale en provinsiale verkiesings en dié wat in 1999 gehou gaan word, is dat die Grondwet nou die opstel en gebruik van 'n nasionale kieserslys verpligtend maak.

Die bestaande munisipale kieserslyste wat in die 1995/96 munisipale verkiesings gebruik is, is saamgevoeg en geëvalueer om vas te stel of dit as grondslag vir die nasionale kieserslys gebruik kan word. Daar is gevind dat die lyste, teens die onnoukeurigheidspersentasie daarvan oor die algemeen onbruikbaar is en dat die samevoeging daarvan tot wesentlike tegniese probleme aanleiding sou gee. Dit sou ook nie moontlik wees om die kiesers op daardie lyste in nuut afgebakende stemdistrikte te herrangskik nie. Gevolglik is 'n nuwe algemene registrasie van kiesers onvermydelik. Dit hou egter dié voordeel in dat kiesers by die aangewese stemlokale sal registreer waar hulle uiteindelik hulle stemme sal uitbring. Die registrasieproses sal dus eintlik as 'n proeflopie vir die verkiesing dien, wat kiesers, politieke partye en die VK waardevolle ondervinding sal kan bied.

Hoofstuk 2 beoog om voorsiening te maak vir die registrasie van kiesers en die deurlopende opdatering van die nuwe kieserslys wanneer 'n kieser van gewone verblyfplek verander.

'n Kieser sal geregistreer word in die stemdistrik waar daardie kieser gewoonlik woonagtig is. "Gewoonlik woonagtig" is nie omskryf nie. 'n Kieser wat in een distrik woon en vir lang aaneenlopende tydperke in 'n ander distrik werk en woon, sal waarskynlik 'n keuse van registrasie in enige van daardie distrikte hê. Die hoofverkiesingsbeampte word ingeвоelge klousule 11 gemagtig om in sekere omstandighede die naam van 'n persoon wat nie om registrasie aansoek gedoen het nie, op die kieserslys te plaas, en om 'n persoon se naam van een stemdistrik na 'n ander te verskuif.

Artikel 8 beoog onder andere, om voorsiening te maak vir die diskwalifisering van kiesers wat geestesongesteld is.

Hoofstuk 3

Deel 1 van hierdie Hoofstuk maak voorsiening dat die President of 'n Premier, wanneer hulle 'n verkiesing afkondig, ten minste 60 dae kennis van die stembag moet gee. Die stembag kan in sekere omstandighede, hetsy in die algemeen of met betrekking tot 'n spesifieke stemlokaal, uitgestel word. 'n Enkele stembag word

particular voting station. A single voting day is proposed because it is much cheaper and susceptible to less manipulation, perceived or real.

Clause 17 contains an innovation. Previously time periods, calculated back from voting day, were prescribed to determine cut-off dates for various actions to be taken, for example submission of lists of candidates or objections. In clause 17 it is now proposed that the Commission must determine and publish an election timetable in respect of each election, mentioning the exact cut-off dates. This is much simpler for electoral role-players.

Part 2 of Chapter 3 seeks to provide for the finalisation and certification of the voters' roll to be used for a particular election.

In Part 3 of Chapter 3 it is proposed that only registered parties may contest elections. The submission of lists of candidates and the finalisation of those lists are also regulated.

Part 4 of Chapter 3 deals with additional arrangements for municipal elections. National and provincial legislation on municipal structures and representation in municipal councils, are still to come, and when in place, it will probably be necessary to further regulate specifically for municipal elections.

Part 5 of Chapter 3 seeks to provide that the Commission may by regulation allow special votes to specific categories of persons. The rationale behind this proposal is that a wide variety of options ranging from no special votes to special votes for everyone who happens to be away from their ordinary residence, are available. Each option has a price tag and the variation between price tags may run into hundreds of millions of rands. The option used will therefore depend on what the country can afford, and can reasonably be required to spend on special voting at any particular time. The EC will make a decision on special voting only after consultation with the political parties and the fiscus.

Chapter 4

Chapter 4 deals with voting, the counting of votes and the announcement of the result of an election. Notable features of the proposals include the following:

1. The EC must prescribe the voting hours and may prescribe different voting hours for different voting stations. It may, on voting day, extend voting hours at a particular voting station until midnight and may temporarily close a voting station for part of a day. [Clause 34]
2. Voters must produce their identity documents and may only vote at the voting station of the voting district where they are registered. [Clause 36]
3. The voter must mark the ballot paper in a way that indicates the party or candidate that that voter wishes to vote for; a cross is not required. [Clause 36]
4. The EC may decide to use mobile voting stations to cater for isolated pockets of voters in rural areas and, possibly, for concentration of physically handicapped voters, e.g. in hospitals. [Clause 42]
5. Votes are counted at the voting station immediately after the close of voting unless the EC determines otherwise in respect of a particular voting station. [Clause 44] The result of the count is publicly announced at the voting station. [Clause 48] Those arrangements will eliminate many problems associated with the transport of ballot boxes over long distances at night and their storage in large assembly points for counting.
6. The EC will announce the final results of an election after having entertained material objections. An appeal against the EC's decision on an objection lies to the Electoral Court. [Clause 53]
7. The EC must declare the results of an election within seven days but may apply to the Electoral Court for a limited extension of that period. [Clause 55]

Chapter 5

As proposed in this Chapter every party may have two agents at each voting station and four where the votes are counted and where the EC is determining the final results of the election. The powers and duties of agents are described.

voorgestel omdat dit baie goedkoper is en ook minder vatbaar is vir oënskynlike of werklike manipulasie.

Klousule 17 bevat 'n nuwe reëling. Voorheen is tydperke, terug bereken vanaf stembdag, voorgeskryf om sperdatums vir die onderskeie prosesse wat uitgevoer moes word, te bepaal, byvoorbeeld die indiening van kandidaatlyste of die aantekening van besware. Daar word nou in klousule 17 voorgestel dat die Kommissie 'n verkiesings-tydrooster vir elke verkiesing opstel en publiseer waarin die presiese sperdatums verstrekk word. Hierdie prosedure is minder gekompliseerd vir betrokkenes.

Deel 2 van Hoofstuk 3 beoog voorsiening te maak vir die finalisering en sertifisering van die kieserslys wat vir 'n spesifieke verkiesing gebruik gaan word.

Daar word in Deel 3 van Hoofstuk 3 voorgestel dat slegs geregistreeerde partye aan verkiesings mag deelneem. Die indiening van kandidaatlyste en die finalisering van daardie lyste word ook gereuleer.

Deel 4 van Hoofstuk 3 handel oor bykomstige reëlings vir munisipale verkiesings. Nasionale wergewing oor munisipale strukture en verteenwoordiging in munisipale rade is nog in die proses van opstel, en sodra dit in werking is, sal dit waarskynlik nodig wees om spesifiek vir munisipale verkiesings te reguleer.

Deel 5 van Hoofstuk 3 maak voorsiening dat die Kommissie by regulasie die uitbring van spesiale stemme deur spesifieke kategorieë persone kan magtig. Die rede vir hierdie voorstel is die verskeidenheid opsies wat beskikbaar is, wat strek vanaf geen spesiale stemme tot spesiale stemme vir enigeen wat op stembdag nie by hulle gewone verblyfplek is nie. Daar is 'n onkoste aan elke opsie verbonde en die verskil in onkoste tussen die verskillende opsies kan honderde miljoene rand beloop. Om hierdie rede sal die opsie wat gebruik word, afhang van wat die land kan bekostig en die bedrag wat redelikerwys aan 'n stelsel van spesiale stemme spandeer kan word. Die VK sal 'n besluit oor spesiale stemme neem slegs na raadpleging van die politieke partye en die fiskus.

Hoofstuk 4

Hoofstuk 4 handel oor stemming, die tel van stemme en die aankondiging van die uitslag van 'n verkiesing. Die belangrikste aspekte van die voorstelle sluit die volgende in:

1. Die VK moet die stemure voorskryf en kan verskillende stemure vir verskillende stemlokale voorskryf. Die VK kan die stemure by 'n spesifieke stemlokaal op stembdag tot middernag verleng en kan 'n stemlokaal vir 'n deel van 'n dag tydelik sluit. [Klousule 34]
2. Kiesers moet hulle identiteitsdokumente vertoon en kan slegs stem by die stemlokaal van die stembdistrik waar hulle geregistreeer is. [Klousule 36]
3. 'n Kieser moet 'n stembrief merk op 'n wyse wat die party of kandidaat aandui vir wie gestem word; 'n kruis word nie veris nie. [Klousule 36]
4. Die VK kan besluit om mobiele stemlokale te gebruik ten einde vir afgesonderde groepe kiesers in plattelandse gebiede, asook moontlik om vir liggaamlik gestremde kiesers, byvoorbeeld in hospitale, voorsiening te maak. [Klousule 42]
5. Stemme word onmiddellik na die sluiting van stemming by die stemlokaal getel, tensy die VK met betrekking tot 'n spesifieke stemlokaal anders bepaal. [Klousule 44] Die uitslag van die stemming word in die openbaar by die stemlokaal aangekondig. [Klousule 48] Daardie bepalings sal baie probleme, verbonde aan die vervoer van stembusse oor lang afstande in die nag en die byeenbring daarvan by massa-telpunte, uitkakel.
6. Die VK sal die finale uitslae van 'n verkiesing aankondig nadat enige wesentlike besware deur die Kommissie oorweeg is. Daar kan teen die VK se beslissing van 'n beswaar, na die Verkiesingshof geappelleer word. [Klousule 53]
7. Die VK moet die uitslag van 'n verkiesing binne sewe dae aankondig maar kan by die Verkiesingshof om 'n beperkte verlenging van daardie tydperk aansoek doen. [Klousule 55]

Hoofstuk 5

Soos voorgestel, bepaal hierdie Hoofstuk dat 'n party twee agente by elke stemlokaal kan hê en vier waar die stemme getel word en waar die VK die finale uitslag van die verkiesing bepaal. Die bevoegdhede en pligte van agente word omskryf.

Chapter 6

In Part 1 of this Chapter the EC is to be charged with dividing the country into voting districts and the factors it must take into account in doing so are laid down. Each voting district should have between about one thousand (rural) and three thousand (urban) voters.

According to Part 2 of Chapter 6 there must be one voting station for each voting district. In emergencies voting stations can be relocated and mobile voting stations may be used where necessary.

Part 3 of Chapter 6 seeks to require the EC to determine the design of the ballot paper to be used in an election and the language to be used thereon. The EC must also determine the design and material of ballot boxes and voting compartments. Cheaper and lighter material for ballot boxes and voting compartments are under consideration as well as collapsible models that are easy to convey and store.

Part 4 of Chapter 6 deals with the appointment, powers and duties of electoral officers like presiding officers and voting officers. The appointment of institutions for the performance of certain functions, the exercise of certain powers and carrying out of duties on behalf of the EC are also proposed.

Part 5 of Chapter 6 seeks to regulate the accreditation of observers and persons providing voter education. It may become possible to obtain outside funding for the performance of some of those functions.

Chapter 7

Part 1 of this Chapter describes conduct which is generally prohibited. Most of those prohibited acts amount to election fraud. Part 2 seeks to deal with civil enforcement of provisions of the Act and of the Electoral Code of Conduct, giving the Electoral Court exclusive jurisdiction over contraventions of the Code and prescribing the penalties it may impose. Those range from a mere warning to disqualification of a political party.

Part 3 of Chapter 7 deals with penalties for offences in terms of Part 1, i.e. general electoral crimes.

In Part 4 of Chapter 7 the EC is given additional powers relating to the Electoral Code of Conduct, the preparation of other Codes, the making of regulations, the delegation of powers and assignment of duties, the determination of objections and appeals and the return or forfeiting of deposits.

Part 5 of Chapter 7 contains general provisions touching on, amongst others, printed matter during election time, the limitation of political activities on voting days, the publication of exit polls, the prohibition of strikes and lockouts on voting days and limitation of liability on the part of the EC and its officials for their acts or omissions in good faith.

Clause 116(3) seeks to provide that clause 3(c) (which makes the Bill applicable to municipal elections) must take effect from a later date than the remainder of the Bill. It is still unclear until when municipal elections will be governed by the Local Government Transition Act, 1993 (Act No. 209 of 1993).

Schedule 1

This Schedule prescribes the form of the election timetable provided for in clause 17.

Schedule 2

Schedule 2 contains the Electoral Code of Conduct binding parties and candidates participating in an election. The Code is essentially the same as the one used in the 1994 election.

Schedule 3

Schedule 3 contains the laws to be repealed by the Bill.

Hoofstuk 6

Ingevolge Deel 1 van hierdie Hoofstuk moet die VK die land in stembedistrikte indeel ooreenkomstig faktore wat die VK in verband met die verkiesing in aanmerking moet neem. Elke stembedistrikt sal tussen eenduisend (*plattelandse*) en drieduisend (*stedelike*) kiesers hê.

Ingevolge Deel 2 van Hoofstuk 6 moet daar een stemlokaal vir elke stembedistrikt wees. In noodgevalle kan stemlokale verskuif word en mobiele stemlokale kan, waar nodig, gebruik word.

Deel 3 van Hoofstuk 6 beoog dat die VK die ontwerp moet bepaal van die stembedrief wat in 'n verkiesing gebruik moet word, asook die taal wat daarop gebruik moet word. Die VK moet ook die ontwerp en materiaal van stembedbusse en stembedkompartemente bepaal. Goedkoper en ligter materiaal vir stembedbusse en stembedkompartemente asook opvoubare modelle wat maklik vervoer en geberg kan word, word oorweeg.

Deel 4 van Hoofstuk 6 handel oor die aanstelling, bevoegdhede en pligte van verkiesingsbeamptes soos voorsittende beamptes en stembeamptes. Daar word ook voorgestel dat instellings aangestel word om namens die VK sekere werksaamhede te verrig, sekere bevoegdhede uit te oefen en pligte uit te voer.

Deel 5 van Hoofstuk 6 reguleer die akkreditering van waarnemers en persone wat kiesersopleiding verskaf. Buitelandse befondsing kan moontlik vir die verrigting van sommige van hierdie werksaamhede bekom word.

Hoofstuk 7

Deel 1 van hierdie Hoofstuk beskryf optrede wat algemeen verbied word. Die meerderheid van daardie verbode handeling behels verkiesingsbedrog. Deel 2 handel met siviele afdwinging van bepalings van die Wet en die Verkiesingsgedragskode, en beklee die Verkiesingshof met uitsluitlike regsbevoegdheid in verband met oortredings van die Kode en skryf strawwe voor wat die Hof mag ople. Die strawwe wissel van 'n blote waarskuwing tot die diskwalifisering van 'n politieke party.

Deel 3 van Hoofstuk 7 handel oor strawwe vir oortredings ingevolge Deel 1, d.i. algemene verkiesingsmisdrywe.

In Deel 4 van Hoofstuk 7 word daar aan die VK bykomende bevoegdhede gegee met betrekking tot die Verkiesingsgedragskode, die opstel van ander Kodes, die uitvaardiging van regulasies, die opdra van bevoegdhede en pligte, die beslissing van besware en appelle en die teruggawe of verbeuring van deposito's.

Deel 5 van Hoofstuk 7 bevat algemene bepalings in verband met, onder andere, gedrukte materiaal gedurende verkiesingstyd, die beperking van politieke bedrywighede op stemdae, die publikasie van meningspeilings, die verbod op srakings en uitsluitings op stemdae en die beperking van aanspreeklikheid van die VK en sy beamptes vir dade en versuime wat te goeder trou begaan is.

Klousule 116(3) beoog te bepaal dat klousule 3(c) (wat die Wetsontwerp op munisipale verkiesings van toepassing maak) op 'n later datum as die res van die Wetsontwerp in werking moet tree. Dit is nog onduidelik tot wanneer die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), munisipale verkiesings sal beheer.

Bylae 1

Hierdie Bylae beskryf die vorm van die verkiesingstydrooster waarvoor artikel 17 voorsiening maak.

Bylae 2

Bylae 2 bevat die Verkiesingsgedragskode wat partye en kandidate wat aan 'n verkiesing deelneem, bind. Die Kode is wesentlik dieselfde as die een wat in die 1994-verkiesing gebruik is.

Bylae 3

Bylae 3 bevat die wette wat deur die Wetsontwerp herroep word.

PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Home Affairs are of the opinion that this Bill must be dealt with in accordance with section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

PARLEMENTÊRE PROSEDURE

Die Staatsregsadviseurs en die Departement van Binnelandse Sake is van mening dat hierdie Wetsontwerp ooreenkomstig artikel 75 van die Grondwet behandel moet word aangesien dit geen bepaling bevat waarop die prosedure vervat in artikel 74 of 76 van die Grondwet van toepassing is nie.

