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## GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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ELECTORAL COMMISSION  
VERKIESINGSKOMMISSIE

No. R. 478

14 April 1999

### Election Regulations

The Electoral Commission has in terms of section 100 of the Electoral Act, 1998 (Act No. 73 of 1998), made the regulations set out in the Schedule.

**SCHEDULE****Chapter 1  
Definitions****Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have that meaning and, unless the context otherwise indicates –

- (i) **“local electoral officer”** means an officer appointed by the chief electoral officer as such;
- (ii) **“presiding officer for the voting district”** referred to in Chapters 3 or 4 of these regulations means the presiding officer appointed for a voting station in that voting district;
- (iii) **“the Act”** means the Electoral Act, 1998 (Act No. 73 of 1998);
- (iv) **“voting day”** means the voting day of the election concerned as determined in terms of section 17 or 18 of the Act; and
- (v) **“voting officer”** referred to in Chapters 3 or 4 of these regulations means the voting officer appointed for a voting station in that voting district;

## Chapter 2 Voting Stations

### Postponement of voting at voting station

2. The postponement of voting at a voting station in terms of section 22 of the Act before the voting at that voting station has commenced, the reason being that it is not reasonably possible to conduct a free and fair election at that voting station on the proclaimed voting day, must be effected by way of a Commission decision which is published in the manner prescribed in section 22 (2)(c) of the Act and a copy of which is, if reasonably possible, prominently displayed at the voting station for the duration of the voting day.

### Revote at voting station

3. A revote allowed at a voting station in terms of section 23 of the Act must be conducted in accordance with the same procedures that applied on the voting day.

### Demarcation of voting station

4. (1) The demarcation of the boundary of a voting station by the presiding officer as required by section 66(2) of the Act shall be done by the displaying of visible signs, markers or tape along the whole line of the boundary, or at sufficient points along that line, to allow the boundary to be clearly identified.

(2) When considering the alteration of a boundary of a voting station, a presiding officer must consult the available party agents and members of the security services.

### Chapter 3 Special Votes

#### Categories of persons

5. (1) In this chapter the procedure for applying for special votes and the procedures for the casting and counting of special votes are prescribed as required by section 33(2) of the Act, read with subregulation (2), in respect of persons who cannot vote at a voting station in the voting district in which they are registered as voters due to their -

- (a) physical infirmity or disability, or pregnancy;
- (b) absence from the Republic on Government service or membership of the household of the person so being absent;
- (c) absence from that voting district while serving as an officer in the election concerned, or while on duty as a member of the security services in connection with the election; or
- (d) absence from the Republic on voting day as a result of employment, business or study commitments.

(2) The following category of persons who may apply for special votes is hereby prescribed in terms of section 33(1)(b) of the Act:-

"Persons who cannot vote at a voting station in the voting district in which they are registered as voters due to their absence from the Republic on voting day as a result of employment, business or study commitments".

#### Physical infirmity or disability or pregnancy inside voting district

6. (1) A person referred to in regulation 5(1)(a) who wants to vote in the voting district where he or she is registered, may apply for a special vote -

- (i) by delivering or causing to be delivered to the local electoral officer of the voting district within whose area he or she is registered as a voter by not later than the relevant date or dates stated in the

election timetable, a written application in a form substantially similar to Appendix 1; or

- (ii) by delivering or causing such an application to be delivered to the presiding officer for the voting district in which he or she is registered as a voter, at the office of that officer which must be at or as near as possible to the voting station for that voting district, during the hours on the date or dates stated in the election timetable.

(2) An application received by a local electoral officer must be delivered to the presiding officer of the voting district in which the applicant is alleged to be registered as a voter, by not later than the date or dates contemplated in subregulation (1)(ii).

(3) The presiding officer, or a voting officer designated by him or her, must consider every application received and if he or she is satisfied that -

- (a) the applicant is registered as a voter in that voting district; and

- (b) cannot vote at that voting station due to physical infirmity or disability, or pregnancy,

approve the application and if not, reject the application.

(4) If the application is rejected, the applicant must be notified of the rejection in writing in a form substantially similar to Appendix 2 and handed to the applicant in person or sent to an address within the voting district, specified in the application, by not later than two days before the voting day.

(5) If the application is approved, the applicant must be visited by at least two voting officers at an address within the voting district, specified in the application, on the date or dates stated in the election timetable, and -

- (a) on production of the applicant's identity document; and

- (b) if the voting officers are satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper, marked on the back for that election.

(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name and identity number.

(7) The voting officers must take the marked envelope to the office of the presiding officer where -

- (a) the applicant's name on the voters' roll is marked with the letters SV to indicate that he or she has cast a special vote; and
- (b) the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer must keep a record of all such applications for special votes received in a form substantially similar to Appendix 3.

#### **Physical infirmity or disability or pregnancy outside voting district**

7. (1) An applicant referred to in regulation 5(1)(a) who wants to vote in a voting district where he or she is not registered as a voter, may apply for a special vote by delivering or causing to be delivered to any local electoral officer by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1.

(2) A local electoral officer who receives such an application, must consider it and if he or she is satisfied that -

- (a) the applicant is registered as a voter; and
- (b) cannot vote at the voting station where he or she is registered as a voter or by special vote in the voting district where he or she is registered as a voter due to physical infirmity or disability, or pregnancy,

approve the application and if not, reject it.

(3) If the application is rejected, the applicant must be notified of the rejection as soon as possible by the most convenient method available.

(4) If the application is approved, a copy of the application is transmitted to the presiding officer of the voting district where the applicant wants to vote, either directly or via the local electoral officer of that area.

(5) That presiding officer causes the applicant to be visited by at least two voting officers, at an address within that voting district, specified in the application, on the date or dates stated in the election timetable, and -

(a) on production of the applicant's identity document; and

(b) if the voting officers are satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper for an election of the National Assembly, and one for an election of a Provincial Legislature only if the voting district in which he or she is registered as a voter falls within the same province as the voting station where he or she wants to vote.

(6) The applicant is allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name and identity number.

(7) The voting officers must take the marked envelope to the office of the presiding officer in whose area the vote was cast, where the envelope is placed and securely kept in a sealed ballot box for special votes.

(8) The presiding officer referred to in subregulation (7) must immediately inform the presiding officer of the voting station where the applicant is registered on the voters' roll, either directly or via the local electoral officer of that area, that the applicant has cast a special vote and that presiding officer must mark his or her name on the voters' roll with the letters SV and the number of the voting district where the applicant has voted.

(9) Both presiding officers must keep a record of all special votes cast in a form substantially similar to Appendix 3.



### Absence from Republic on Government Service

8. (1) A person referred to in regulation 5(1)(b) may apply for a special vote by handing a written application in a form substantially similar to Appendix 1 to a special voting officer at a South African embassy, high commission, consulate or mission abroad during the hours on the date or dates stated in the election timetable.

(2) The special voting officer must in the presence of the applicant and another special voting officer consider the application and if he or she finds that -

- (a) the applicant is registered as a voter in a voting district in the Republic where the applicant's head office is situated as determined in terms of section 7(2) of the Act; and
- (b) cannot vote at a voting station in that voting district due to the applicant's absence from the Republic on Government service or membership of the household of the person so absent,

approve the application and if not, reject the application.

(3) If the application is rejected, the applicant must be handed a notification of rejection in writing in a form substantially similar to Appendix 2.

(4) If the application is approved and -

- (a) the applicant produces an identity document to the special voting officer; and
- (b) the special voting officer is satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper, marked on the back for that election.

(5) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and voting district number.

(6) The special voting officer in charge must as soon as the last applicant has voted, package and securely seal all the marked envelopes together with a record of all applications received in a form substantially similar to Appendix 3, as well as all the application forms, and send the package as promptly and securely as possible to the chief electoral officer who must in turn, distribute the sealed envelopes to the presiding officers of the voting districts to which they belong.

(7) The chief electoral officer must ensure that all envelopes and applications received before 12:00 on voting day are delivered to the respective presiding officers before the closing of the voting stations concerned on voting day and all envelopes and application forms received by the chief electoral officer after 12:00 on voting day must be listed and kept by him or her in safe custody and are not counted, except upon the order of a competent authority.

(8) Every presiding officer must keep a record of all applications and envelopes received from the chief electoral officer in a form substantially similar to Appendix 3 and must place the envelopes in a sealed ballot box for special votes after the applicant's name on the voter's roll has been marked with the letters SV to indicate that he or she has cast a special vote.

(9) The head of each South African embassy, high commission, consulate or mission abroad or an employee designated by him or her in writing, shall be a special voting officer.

#### **Election officers and security services members**

9. (1) A person referred to in regulation 5(1)(c) may apply for a special vote by handing a written application in a form substantially similar to Appendix 1 to the presiding officer for the voting district in which that person is registered as a voter, at the office of that officer which must be at or as near as possible to the voting station for that voting district, during the hours on the date or dates stated in the election timetable.

(2) The presiding officer or a voting officer must in the presence of the applicant consider the application and if he or she finds that -

- (a) the applicant is registered as a voter in that voting district; and
- (b) cannot vote at a voting station in that voting district due to the applicant's absence from that voting district while serving as an officer in the election,

or while on duty as a member of the security services in connection with the election,

approve the application and if not, reject the application.

(3) If the application is rejected, the applicant must be handed a notification of rejection in writing in a form substantially similar to Appendix 2.

(4) If the application is approved and –

- (a) the applicant produces an identity document to the presiding officer or voting officer; and
- (b) the presiding officer or voting officer is satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper marked on the back for that election.

(5) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name and identity number.

(6) The envelope is placed in a sealed ballot box for special votes after the applicant's name on the voter's roll has been marked with the letters SV to indicate that he or she has cast a special vote.

(7) The presiding officer must keep a record of such applications for special votes in a form substantially similar to Appendix 3.

#### **Absence from the Republic: Employment, business or study commitments and voting inside Republic**

10. (1) A person referred to in regulation 5(1)(d) who wants to cast a special vote in the Republic before proceeding abroad as a result of employment, business or study commitments, where he or she will be on voting day, may apply for a special vote by handing a written application in a form substantially similar to Appendix 1 to the presiding officer for the

voting district in which that person is registered as a voter, at the office of that officer during the hours on the date or dates stated in the election timetable.

(2) The presiding officer or a voting officer must in the presence of the applicant consider the application and if he or she finds that -

- (a) the applicant is registered as a voter in that voting district; and
- (b) cannot vote at the voting station in that voting district due to his or her absence from the Republic on the election day as a result of employment, business or study commitments and that the applicant has submitted documentary proof of this fact,

approve the application and if not, reject it.

(3) If the application is rejected, the applicant must be handed a notification of rejection in writing in a form substantially similar to Appendix 2.

(4) If the application is approved and -

- (a) the applicant produces an identity document to the presiding officer or voting officer; and
- (b) the presiding officer or voting officer is satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper marked on the back for that election.

(5) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name and identity number.

(6) The envelope is placed in a sealed ballot box for special votes after the applicant's name on the voter's roll has been marked with the letters SV to indicate that he or she has cast a special vote.

(7) The presiding officer must keep a record of such applications for special votes in a form substantially similar to Appendix 3.

**Absence from the Republic: Employment, business or study commitments and voting outside Republic**

11. (1) A person referred to in regulation 5(1)(d) who wants to cast a special vote outside the Republic where he or she will be on the day of the election as a result of employment, business or study commitments, may apply for a special vote by handing a written application in a form substantially similar to Appendix 1 to a special voting officer at a South African embassy, high commission, consulate or mission abroad during the hours on the date or dates stated in the election timetable.

(2) The special voting officer must in the presence of the applicant and another special voting officer consider the application and if he or she finds that -

- (a) the applicant has convinced him or her that the applicant is registered as a voter in a voting district in the Republic; and
- (b) cannot vote at a voting station in that voting district due to his or her absence from the Republic as a result of employment, business or study commitments,

approve the application and if not, reject it.

(3) If the application is rejected, the applicant must be handed a notification of rejection in writing in a form substantially similar to Appendix 2.

(4) If the application is approved and -

- (a) the applicant produces an identity document to the special voting officer; and
- (b) the special voting officer is satisfied that the applicant is the person described in that identity document,

the applicant's hand is marked in the manner prescribed in regulation 25 and he or she is handed a ballot paper only for an election for the National Assembly, marked on the back for that election.

(5) The applicant must be allowed to mark the ballot paper in secret and to place and seal it in an unmarked envelope which is in turn placed and sealed in another envelope which is marked on the outside with the applicant's name, identity number and voting district number.

(6) The special voting officer must, as soon as the last applicant has voted -

(a) immediately inform the chief electoral officer of the names, identity numbers and voting districts of all the applicants that have cast special votes with him or her; and

(b) package and securely seal all the marked envelopes together with a record of all applications received, as well as all the application forms, and send the package as promptly and securely as possible to the chief electoral officer.

(7) The chief electoral officer must -

(a) immediately upon receipt of the information of the persons who have so cast special votes, inform the presiding officer of the voting district where each of the voters is registered about the fact that the voter has voted and the presiding officer must before the voting station opens on the day of the election, mark the name of the voter on that segment of the voters' roll with the letters SVF; and

(b) upon receipt of the packages, keep them in safe custody until after the close of voting on the day of the election when the packages are opened in the presence of party agents being present, the written applications scrutinised in conjunction with the voters' roll and those votes that are accepted and regularly cast, counted and the results added to the results of the voting stations where the voters are registered.

(8) Votes in packages received after the counting has been completed, are listed and kept in safe custody but are not counted, except upon the order of a competent authority.

### **Counting of Special Votes**

12. (1) During the course of voting day, the ballot box for special votes is opened and each marked envelope is scrutinised and compared with the marked voters roll, the applications for special votes and the records of applications for special votes.

(2) If no irregularity is detected that renders the special vote unacceptable, the marked envelope is opened, the unmarked envelope inside is removed and is placed unopened in the ordinary ballot box then in use in the voting station.

(3) Once that ballot box is opened for counting, the unmarked envelopes are opened, the ballot papers removed, mixed with the ballot papers from the ballot box and counted together.

### **Provisions of the Act and regulations thereunder**

13. Whenever appropriate and within the context of the regulations in this Chapter, the provisions of the Act relating to voting, the counting of votes, party agents, observers, voting stations, voting materials, officers and their powers and duties, objections and appeals, prohibited conduct, enforcement and offences and penalties apply, unless clearly inconsistent with these regulations, to all special vote procedures.

## **Chapter 4**

### **Declaration Votes**

#### **Category of persons**

14. In this chapter the circumstances, conditions and procedures mentioned in section 34 of the Act which relate to persons who are unavoidably and unforeseeably unable to vote in the voting district in which they are registered as voters and who desire to vote elsewhere within the Republic by way of a declaration vote, are being dealt with.

#### **Application for declaration vote**

15. (1) A person who finds that he or she will, as a result of employment, business or study commitments or a close family or personal trauma, be unavoidably and unforeseeably absent from the voting district in which he or she is registered as a voter, may apply to vote elsewhere by submitting an application in a form substantially similar to Appendix 4 to the presiding officer for the voting district in which that person is registered as a voter, at the office of that officer which must be at or as near as possible to the voting station for that voting district, during the hours on the date or dates stated in the election timetable.

(2) In the case of a unit of the South African National Defence Force deployed on special duty in a remote area, and identified specifically by the Commission for this purpose, the application for a declaration vote by a member of a unit so deployed, may be submitted to the presiding officer for the voting district in which that member is registered as a voter, by an officer of the unit recognised for this purpose by the chief electoral officer and in such a case that officer is deemed to be the applicant for the purposes of regulation 16.

(3) The presiding officer must keep a record of such applications in a form substantially similar to Appendix 5.

#### **Approval or rejection of application**

16. (1) The presiding officer or a voting officer must in the presence of the applicant consider the application and if he or she finds that –

- (a) the applicant is registered as voter in that voting district; and



- (b) the applicant will indeed be unavoidably and unforeseeably absent from that voting district due to circumstances mentioned in regulation 15,

approve the application and if not, reject the application.

(2) If the application is rejected the applicant must be handed a notification of rejection in writing in a form substantially similar to Appendix 6.

(3) If the application is approved and –

- (a) the applicant produces an identity document; and
- (b) the presiding officer or voting officer is satisfied that the applicant is the person described in that identity document,

the applicant must be handed a certificate on a form substantially similar to Appendix 7 after the applicant's name on the voters' roll has been marked with the letters DV to indicate that a certificate for a declaration vote has been issued to him or her.

(4) No further certificate, or copy of a certificate or substitute for a certificate must be issued to the same person.

### **Voting on declaration**

17. (1) On voting day, a person to whom a certificate referred to in regulation 16(3) has been issued, may present himself or herself at any voting station in the Republic and there produce to the presiding officer the certificate as well as his or her identity document.

(2) If the presiding officer is satisfied that –

- (a) the person is the person described in the identity document;
- (b) the certificate has been issued to him or her;
- (c) the person has not previously voted in the election; and

(d) that the person is entitled to vote in the election,

the presiding officer must allow him or her to vote at that voting station for an election of the National Assembly, and for an election of a Provincial Legislature only if the voting district in which he or she is registered as a voter falls within the same province as the voting station where he or she wants to vote, and –

- (i) mark his or her hand in the manner prescribed in regulation 25;
- (ii) retain the certificate and mark it with the word "voted"; and
- (iii) enter his or her name and identity number on a list substantially similar to Appendix 5.

## **Chapter 5**

### **Tendered Ballots**

#### **Application for tendered ballot paper**

18. (1) Whenever a person reports at a voting station to vote in the belief that his or her name is on that segment of the voters' roll and the presiding officer decides that he or she is not entitled to vote because his or her name is not on a certified segment of the voters' roll for the voting district concerned, as required by section 38(2) of the Act, the presiding officer must allow that person, if that person so wish, to apply to be issued with a tendered ballot paper.

(2) An application for a tendered ballot paper must –

- (a) be made in writing in a form substantially similar to Appendix 8; and
- (b) be signed by the applicant in the presence of party agents available at that voting station at that time.

#### **Tendered ballot paper**

19. Tendered ballot papers must in all respects, except in colour, be similar to the ballot paper used in the election.

#### **Deciding on the application**

20. (1) If the presiding officer is satisfied that the applicant has applied for registration as a voter and believes that his or her name should have been on that segment of the voters' roll and that he or she would then have been entitled to vote at that voting station and that circumstances justify the issue of a tendered ballot paper, the application must be approved, and if not, the application is rejected.

(2) If the application is rejected, the applicant must be informed of the rejection in writing in a form substantially similar to Appendix 9.

### **Marking of a tendered ballot paper**

21. If the application for a tendered ballot paper is approved, the presiding officer must -

- (a) allocate a serial number to that application;
- (b) hand to the applicant a tendered ballot paper together with a tendered ballot paper envelope on which that serial number is marked;
- (c) mark the applicant's hand in the manner prescribed in regulation 25; and
- (d) allow the applicant to -
  - (i) enter an empty voting compartment;
  - (ii) mark the ballot paper;
  - (iii) place the ballot paper in the tendered ballot paper envelope and seal it;
  - (iv) hand the sealed envelope to the presiding officer; and
  - (v) leave the voting station without delay.

### **Record of applications for tendered ballot papers**

22. The presiding officer must record the particulars of all applications for tendered ballot papers received in a list substantially similar to Appendix 10.

### **Custody and disposal of tendered ballot papers and applications**

23. (1) The list, applications and envelopes with the marked tendered ballot papers must be placed in a container used for that purpose until the closing of the voting at the voting station, whereafter the container is sealed and delivered to the chief electoral officer for safe custody until disposed of in terms of section 105 of the Act.

(2) A presiding officer or the chief electoral officer must on demand make available the lists, applications and envelopes to any competent authority entitled thereto for the purpose of any review, appeal or objection procedure provided for in the Act.

(3) An envelope containing a tendered ballot paper is not opened and such a ballot paper not counted except upon the order of such a competent authority.

## Chapter 6

### Voting

#### Closing and securing of ballot boxes before voting

24. (1) Immediately after all party agents present at the voting station have assured themselves that a ballot box is empty as required by section 37(a) of the Act, the presiding officer must seal that box by means of a seal designed and supplied to the presiding officer for that purpose and which bears a unique number.

(2) The closing and securing of a ballot box in terms of section 37 (b) of the Act must be done by closing all openings, except for the opening through which the ballot papers must be deposited into the ballot box, and securing the openings tightly enough by means of a seal supplied to the presiding officer for that purpose, so that ballot papers cannot be inserted into or removed from the ballot box through those openings.

#### Marking of hand of voter

25. (1) A voter's hand must be marked in terms of section 38(5)(b) of the Act by drawing a short line on the voter's left thumb and left thumb nail with visible indelible ink.

(2) If the voter does not have a left thumb or thumb nail or if it is impractical due to injury, disease or any other cause to mark the left thumb and left thumb nail, any of the left hand fingers and nails must be so marked and, if for similar reasons a left hand finger and nail cannot be marked, a finger and nail of the right hand must be so marked.

(3) If for any of the reasons mentioned in subregulation (2), no finger and nail of a voter can be so marked, the presiding officer must record the voter's name, address, identity number and the reasons why the voter's hand could not be marked, on a list kept for that purpose.

(4) After the closing of voting at the voting station, the list is packaged and sealed, together with the other election material, delivered to the chief electoral officer and kept in safe custody until disposed of in terms of section 105 of the Act.

### Objections concerning voting

26. (1) An agent or a voter wishing to object in terms of section 41(1), (2) or (3) of the Act –

- (a) to a voter being entitled to vote;
- (b) to a voter being refused a ballot paper; or
- (c) to any other conduct of an officer, an agent, or any other persons present at a voting station,

must do so by handing to the presiding officer a written objection in a form substantially similar to Appendix 11.

(2) The presiding officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to anyone that may be able to assist.

(3) The presiding officer must thereafter decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved in the objection of his or her decision.

### Appeals concerning voting

27. A person wishing to appeal to the Commission against the decision of the presiding officer, must do so by way of a written notice, served on the Commission at its offices in Pretoria not later than 21:00 on the second day after the voting day, giving full particulars of the parties involved, the conduct objected to, the decision of the presiding officer and the reasons for the appeal.

### Sealing of full ballot boxes

28. The sealing of a full ballot box and the remaining ballot boxes after the last vote has been cast as required by section 42(1) of the Act, must be done by closing the opening of the ballot box through which the ballot papers were cast and sealing the opening with a seal supplied to the presiding officer for that purpose.

## Chapter 7

### Mobile Voting Stations: Voting Procedures

#### Use of mobile voting stations only

29. Where, in terms of section 64 of the Act, only a mobile voting station is established in a voting district, the following voting procedures are hereby prescribed in terms of section 44(1) of the Act:

- (a) The voting procedures set out in sections 35 to 43 of the Act must be applied, except as otherwise indicated hereunder, concerning the route, locations, stopping times and counting venue of a mobile voting station mentioned in sections 43(3) and 67(2) of the Act.
- (b) Voting at a mobile station must continue at that location until every voter has voted, who -
  - (i) is entitled to vote at that mobile voting station; and
  - (ii) had reported for voting at that mobile voting station before the published estimated time of stopping at that voting station had passed.
- (c) Relative to section 37 of the Act, the presiding officer of a mobile voting station must immediately before opening that mobile station for voting at the first location where it stopped, show agents present that each ballot box to be used is empty and close and secure each such ballot box in the presence of those agents in the same manner as prescribed in regulation 24.

#### Voting station and a mobile voting station

30. Where in terms of section 64 of the Act, a fixed voting station and a mobile voting station are established in a voting district, voting procedures prescribed in regulation 29, adjusted as follows, must be applied:



- (a) The mobile voting station is managed as if it were a satellite station of, and therefore an integral part of the voting station.
- (b) Relative to section 71 of the Act, the voting material necessary for the election at the mobile voting station, including a certified voters' roll for the voting district concerned, must be supplied by the chief electoral officer to the presiding officer of the voting station as an integral part of that voting station's material and that presiding officer in turn, must supply the presiding officer of the mobile voting station with the voting material necessary for the mobile voting station, and obtain from him or her a receipt.
- (c) Relative to section 43(2) of the Act, the presiding officer of the mobile voting station must deliver to the counting officer of the voting station the items mentioned in section 43(1) of the Act.
- (d) Relative to sections 46, 47 and 50 of the Act, the counting officer of the voting station must open all the ballot boxes used in that station and in the mobile voting station, mix the ballot papers from all the boxes and then proceed with the counting of the votes and the determination of the results of that count as the provisional results for that voting station.

## **Chapter 8 Counting of votes**

### **Part 1: Counting of votes at voting station**

#### **Comparing of ballot papers with number issued**

31. The comparing of the ballot papers for each election with the number of ballot papers issued in terms of section 47(2)(b) of the Act, must be done by counting all the ballot papers for each election and comparing the resulting total number with the total number of ballot papers issued at that voting station as reflected on the form completed by the presiding officer in terms of section 43(1)(a) of the Act.

#### **Counting of votes**

32. (1) The counting of the votes cast in each election in terms of section 47(2)(c) of the Act must be done by way of the following sequential steps:

- (a) All the ballot papers must be scrutinised to ascertain whether any of them must be rejected for a reason mentioned in section 47(3) of the Act.
- (b) The rejected ballot papers, if any, are filed separately.
- (c) The remaining ballot papers for each election are sorted face up according to the party in whose favour the vote was cast.
- (d) The ballot papers for each party in each election are bound in packages of 10 and thereafter 10 packets of 10 are bound together with elastic bands.
- (e) The ballot papers for each party in each election are counted, the totals recorded and the result of each election thus determined.

#### **Objections and appeals concerning sorting of ballot papers**

33. (1) An objection to the counting officer in terms of section 48(1) and (2) of the Act to any alleged irregularity in the sorting of ballot papers must be made in writing in a form

substantially similar to Appendix 12 and it must be made before the counting officer has completed a form referred to in section 50(1) of the Act.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct enquiries to any person that may be able to assist.

(3) The counting officer must thereafter decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and other parties involved in the objection of his or her decision.

(4) A person wishing to appeal to the Commission against the decision of the presiding officer in terms of section 48(3) of the Act, must do so by way of a written notice, served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, giving full particulars of the parties involved, the alleged irregularity objected to, the decision of the presiding officer and the reasons for the appeal.

#### **Objections and appeals concerning counting of votes and determination of provisional results**

34. (1) An objection to the counting officer in terms of section 49(1) and (2) of the Act to an alleged inaccuracy in the counting of the votes or the determination of the result, must be made in writing on a form substantially similar to Appendix 13.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to any person that may be able to assist.

(3) The counting officer must decide the objection and decide whether to order a re-count, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved of his or her decision.

(4) A person wishing to appeal against the decision of the counting officer must do so by way of a written notice served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, giving full particulars of the parties involved, the alleged inaccuracy in the counting of the votes, the decision of the counting officer and the reasons for the appeal.

## Part 2: Counting of votes at place other than voting station

### Verification: Irregularities and discrepancies

35. (1) The counting officer must deal with irregularities and discrepancies found when complying with section 52(3) of the Act in the following manner:

- (a) The counting officer must immediately call for an explanation by the presiding officer who delivered the material to him or her.
- (b) The counting officer must together with the presiding officer attempt to resolve the irregularities and discrepancies.
- (c) The agents present in the counting station must immediately be informed about the irregularities and discrepancies, must as far as possible be present at all discussions between the counting officer and the presiding officer and must be invited to contribute to the discussion and the search for solutions.
- (d) If any of the material appears to have been unlawfully tampered with or are missing, the counting officer must call in the assistance of a member of the security forces to investigate the matter and to assist in the search for missing material.

(2) The written record to be kept by the counting officer in terms of section 52(5) of the Act in respect of irregularities and discrepancies and the manner in which they were dealt with, must be in the form of a full report to the chief electoral officer on the nature of each irregularity and discrepancy, the manner in which they were dealt with and the explanations offered by the presiding officer and any of the agents.

(3) The report must be transmitted to the chief electoral officer as soon as possible.

### Objections and appeals concerning verification

36. (1) An agent wishing to object to the counting officer in terms of section 53(1) of the Act to any alleged irregularity or inaccuracy in the verification procedure must do so in writing in a form substantially similar to Appendix 14.

(2) The counting officer must summarily investigate the factual circumstances underlying the objection, and may for this purpose also direct verbal enquiries to any person that may be able to assist.

(3) The counting officer must decide the objection, endorse his or her decision on the written objection and thereafter verbally inform the objector and any other parties involved in the objection of his or her decision.

#### **Appeal to Commission concerning verification**

37. A person wishing to appeal to the Commission in terms of section 53(3) of the Act against the decision of the counting officer, must do so by way of a written notice served on the Commission at its offices in Pretoria by not later than 21:00 on the second day after the voting day, giving full particulars of the parties involved, the alleged irregularity or inaccuracy in the verification procedure objected to, the decision of the counting officer and the reasons for the appeal.

#### **Objections material to final results**

38. (1) Any interested party wishing to make an objection concerning any aspect of an election that is material to the final result of the election in terms of section 55 of the Act, must do so by serving on the Commission at its offices in Pretoria, by not later than 21:00 on the second day after the voting day, a written notice of objection containing –

- (a) a reference to the election concerned;
- (b) the full name and physical address of the objecting party;
- (c) the postal address and telephone number where the party can be contacted;
- (d) the interest of the party in the matter;
- (e) details of the objection and the aspect of the election concerned;
- (f) detailed reasons for the objection;

- (g) the relief sought;
  - (h) a list of any supporting documents accompanying the notice of objection; and
  - (i) proof of service of copies of the notice and annexures on all other interested parties.
- (2) In considering and deciding the objection, the Commission may –
- (a) investigate the factual basis of the objection;
  - (b) afford other interested parties an opportunity to make written or oral submissions;
  - (c) call for written or oral submissions from other persons or parties;
  - (d) call upon the objecting party to submit further information or arguments in writing or orally; and
  - (e) conduct a hearing on the objection.

#### **Appeal to Electoral Court against decision of Commission**

39. Any appeal against the decision of the Commission to the Electoral Court must be made in terms of the Rules of the Electoral Court.

## Chapter 9 Party Agents and Candidates

### Appointment and revocation of appointment of party agents

40. (1) The appointment of a party agent for a voting station in terms of section 58 of the Act must be effected in writing in a form substantially similar to Appendix 15.

(2) The revocation of the appointment of a party agent must be effected by way of a written notice addressed to the person involved in which the person is also instructed to immediately return or destroy any written appointment referred to in subregulation (1) that may be in his or her possession.

### Identification of party agents

41. The identification that section 59(3)(a) of the Act requires a party agent to wear is a tag displayed on the left breast of his or her outer clothing bearing the words "Agent" and the abbreviated name of the party represented in black letters, of at least 1 cm high, on a white background.

### Candidates allowed within voting station

42. The number of candidates to be allowed within the voting station referred to in section 73(3)(c) of the Act, are those which the presiding officer, in his or her discretion, can comfortably accommodate within the voting station concerned at any specific time having due regard to the conduct of a free and fair election.

### Prohibited conduct at voting station

43. No agent or candidate may within the boundaries of a voting station--
- (a) display or distribute any party bill-board, poster, placard or pamphlet;
  - (b) attempt to induce, influence or persuade a person to vote for a particular party; or
  - (c) attempt to induce, influence or persuade a person not to vote.

**Powers and duties of agents**

44. Whilst observing proceedings in terms of section 59(1) of the Act, an agent may not interfere with the proceedings but may lodge objections with or bring any alleged irregularities to the attention of the presiding officer.



## Chapter 10

### General provisions

#### Offences and penalties

45. (1) No person, except for a member of the security services on duty at that voting station, may without the permission of the presiding officer, enter into the boundaries of a voting station while in possession of a fire-arm or of any other weapon identified as a weapon by a member of the security services.

(2) Any person who contravenes subregulation (1) or any other provisions of these regulations, is guilty of an offence and on conviction is liable to the payment of a fine or a period of imprisonment not exceeding one year.

#### Short title

46. These regulations are called the *Election Regulations, 1999*.

Appendix 1

VEC1

Electoral Commission  
APPLICATION FOR A SPECIAL VOTE



Election Date:..... Voting District Number: .....

I, .....(full name) holder of identity document number ..... hereby apply for a special vote.

Mark the relevant block with an X

Physically infirm		Disabled	
Pregnant		Rendering Government service abroad or member of such person's household	
An officer serving in the election		Member of the security services on duty in connection with the election	
Absence from Republic: Employment, business or study		Other (specify)	

My reason for applying for a special vote is as follows (please mark the applicable block):

I declare that I am as a result of my physical infirmity, disability or pregnancy unable to travel to a voting station and wish to be furnished with a ballot paper at the following address:

Street name and number / House number and Zone / Room number and Hostel

[Empty box for street name and number]

Suburb / Township

[Empty box for suburb / township]

City or town

[Empty box for city or town]

I declare that I am an officer serving in the election or a member of the security services on duty in connection with the election and will be absent from the voting station in the voting district where I am registered as a voter on voting day.

I declare that I am absent from the Republic on Government service or am a member of the household of a person so absent.

I declare that I will be absent from the Republic on voting day as a result of employment, business or study commitments.

.....  
Signature of applicant

.....  
Date

The applicant is registered as a voter in Voting District No. ....

Application Approved / Rejected because:

.....  
.....  
.....  
.....

Presiding Officer / Voting Officer / Special Voting Officer

Date

Appendix 2

VEC2

**Electoral Commission**  
NOTIFICATION IN RESPECT OF APPLICATION FOR  
A SPECIAL VOTE



Election Date: .....

Voting District Number: .....

You are hereby notified that your application for a special vote has been:

*(Mark the appropriate block):*

Approved and you will be visited by a voting officer on *(state date)*.....  
at *(state time)*.....

Rejected for one or more of the following reasons:

Mark the relevant block with an X

You do not qualify to apply for a special vote	
You are not registered as a voter on the voters' roll	
You have not produced an identity document as required by the Act	

State other reasons for rejection:

.....

.....

.....

.....

.....

.....

.....

.....  
**Signature of Presiding Officer /  
Voting Officer / Special Voting  
Officer**

.....  
**Date**

## Appendix 3

VEC3

**Electoral Commission**  
RECORD OF APPLICATIONS FOR SPECIAL VOTESElection Date: Voting District Number: Date: 

Identity number of applicant	Initials and Surname of applicant	Where registered	Application Accepted/Rejected

.....  
*Signature of Presiding  
Officer / Special  
Voting Officer*

.....  
*Date*

Appendix 4

VEC4

**Electoral Commission**  
APPLICATION FOR A DECLARATION VOTE



Election Date: .....

Voting District Number: .....

I ..... (*full name*) holder of identity document number  
..... am registered as a voter in Voting District Number  
.....

I declare that I will be unavoidably and unforeseeably unable to vote in the voting district in which I am registered as a voter due to the following reason and hereby apply to vote elsewhere:

*(State full particulars)*

.....  
.....  
.....  
.....  
.....  
.....  
.....

.....  
*Applicant*

.....  
*Date*

*Application rejected because:*

.....  
.....  
.....  
.....  
.....

I declare that I have issued the applicant with a certificate to enable the applicant to cast a declaration vote elsewhere.

*[Delete that which is not applicable]*

.....  
*Presiding Officer / Voting Officer*

.....  
*Date*

Appendix 5

VEC5

**Electoral Commission**  
 RECORD OF APPLICATIONS FOR DECLARATION VOTES



Election Date:

Voting District Number:

Date:

Identity number of applicant	Name of applicant	Voting District	Approved / Rejected

.....  
 Presiding Officer / Voting Officer

.....  
 Date

Appendix 6

VEC6

**Electoral Commission**  
NOTIFICATION OF REJECTION OF APPLICATION FOR A  
DECLARATION VOTE



Election Date: .....

Voting District Number: .....

You are hereby notified that your application for a declaration vote has been:

Rejected for one or more of the following reasons:

Mark the relevant block with an X

Name does not appear on the voters' roll	
Other	

If other was marked state full particulars:

.....

.....

.....

.....

.....

.....

.....  
*Presiding Officer / Voting Officer*

.....  
*Date*

Appendix 7

VEC7

**Electoral Commission**  
CERTIFICATE FOR DECLARATION VOTE



Election Date: .....

Voting District Number: .....

It is hereby certified that

\_\_\_\_\_ (Full Names)

with identity number

registered on the voters' roll for

Voting District number

in the \_\_\_\_\_ Province,

has applied in terms of section 34 of the  
Electoral Act to vote elsewhere by way  
of a declaration vote and that application  
has been approved.

\_\_\_\_\_  
Presiding Officer /  
Voting Officer

\_\_\_\_\_  
Date:

*No photocopy or reproduction of this certificate must be accepted for  
purpose of casting a declaration vote.*



Appendix 8

VEC8

**Electoral Commission**  
APPLICATION FOR A TENDERED BALLOT PAPER



Election Date: .....

Voting District Number: .....

I, .....(full name) holder of identity number  
..... hereby apply for a tendered ballot paper.

I declare that:-

- a) I came to this voting station in the belief that my name was on the voters' roll for this voting district;
- b) I have applied for registration as a voter and believe that my name should have been on the voters' roll for this voting district; and
- c) I believe that I would have been entitled to vote at this voting station.

.....  
**Signature of applicant**

.....  
**Date**

Application is (mark applicable block):

Approved:

Rejected:

Reason:

.....  
.....  
.....  
.....  
.....

.....  
**Presiding Officer**

.....  
**Date**

Appendix 9

VEC9

**Electoral Commission**  
NOTIFICATION OF REJECTION OF APPLICATION FOR A  
TENDERED BALLOT PAPER



Election Date: .....

Voting District Number: .....

You are hereby notified that your application for a tendered ballot paper has been rejected for one or more of the following reasons:

.....  
.....  
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.....  
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.....  
.....  
.....  
.....  
.....

.....  
*Signature of Presiding Officer*

.....  
*Date*

Appendix 10

VEC10

**Electoral Commission**  
 RECORD OF APPLICATIONS FOR TENDERED BALLOT PAPERS



Election Date: .....

Voting District Number: .....

Identity number of applicant	Name of applicant	Approved / Rejected	Reason if rejected

.....  
*Signature of Presiding Officer*

.....  
*Date*

Appendix 11

VEC11

# Electoral Commission

OBJECTION CONCERNING VOTING



Election Date: .....

Voting District Number:.....

**Objector**

Identity number:

Full Names:

Agent or Voter:

Party of Agent:

**My objection concerns:**

- A voter not being entitled to vote
- A voter not being entitled to vote at that voting station
- A voter being refused a ballot paper
- The conduct of an officer, an agent or other person present at the voting station

**Reasons for objection (giving full particulars of voter, officer, agent or other person involved):**

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.....  
**Objector's Signature**

.....  
**Date**

**Presiding Officer's decision**

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.....  
**Signature of Presiding Officer**

.....  
**Date**

Appendix 12

VEC12

# Electoral Commission

## OBJECTION CONCERNING ALLEGED IRREGULARITY IN THE SORTING OF BALLOT PAPERS



Election Date: .....

Voting District Number:.....

**Objector**

Identity number:

Full Names:

Party of Agent:

***Details of alleged irregularity in respect of which the objection is lodged***

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.....  
**Objector's Signature**

.....  
**Date**

***Counting Officer's decision***

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.....  
**Signature of Counting Officer**

.....  
**Date**

Appendix 13

VEC13

# Electoral Commission

## OBJECTION CONCERNING AN ALLEGED INACCURACY IN THE COUNTING OF VOTES OR THE DETERMINATION OF RESULT



Election Date: .....

Voting District Number: .....

**Objector**

Identity number:

Full Names:

Party of Agent:

*Details of alleged inaccuracy in the counting of the votes or the determination of the result in respect of which the objection is lodged*

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.....  
**Objector's Signature**

.....  
**Date**

**Counting Officer's decision**

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.....  
**Signature of Counting Officer**

.....  
**Date**

Appendix 14

VEC14

# Electoral Commission

## OBJECTION CONCERNING ANY ALLEGED IRREGULARITY OR INACCURACY IN THE VERIFICATION PROCEDURE



Election Date: .....

Voting District Number:.....

**Objector**

Identity number:

Full Names:

Party of Agent:

*Full details of alleged irregularity or inaccuracy in the verification procedure in respect of which the objection is lodged*

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.....  
**Objector's Signature**

.....  
**Date**

**Counting Officer's decision**

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.....  
**Signature of Counting Officer**

.....  
**Date**

Appendix 15

VEC15

**Electoral Commission**  
APPOINTMENT OF PARTY AGENT



Election Date: .....

Voting District Number: .....

I, ....., the undersigned, in my capacity as  
.....on behalf of and duly authorised by the  
..... (Party) hereby appoint the following person as an agent

for the abovementioned party:

Identitynumber:

Full Names: \_\_\_\_\_

Voting Station Locality: \_\_\_\_\_

Voting District Number: \_\_\_\_\_

Counting Venue: \_\_\_\_\_

Date:          
date month year

Signature of Party Agent

Copy of Party symbol to be inserted in block

Postal Address of Party: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Signed by a designated person  
duly authorised by the party*