

No. R. 14

7 January 2004

REGULATIONS CONCERNING THE SUBMISSION OF LISTS OF CANDIDATES

The Electoral Commission has, under the powers vested in it by section 100 of the Electoral Act, 1998 (Act No.73 of 1998), read with part 3 of Chapter 3 of the Act, made the regulations set out in the Schedule.

SCHEDULE

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, "the Act" means the Electoral Act, 1998 (Act No. 73 of 1998).

List of candidates

2. (1) Every registered party that intends to contest an election, must submit its list or list of candidates as required by section 27(1) of the Act-

- (a) in the case of the national list for the National Assembly, in a form similar to Appendix 1;
- (b) in the case of the regional list for the National Assembly, in a form similar to Appendix 2; or
- (c) in the case of a list for a provincial legislature, in a form similar to Appendix 3.

(2) The undertaking and declaration to be signed by the duly authorized representative of a party in terms of section 27(2) of the Act, must be in a form similar to Appendix 4.

(3) The acceptance of nomination and the undertaking to be signed by each candidate in terms of section 27(2) of the Act must be in a form similar to Appendix 5.

(4) A copy of that page of every candidate's identity document on which the candidate's photo, name and identity number appears, must accompany every party list submitted.

Deposit

3. (1) The amount to be deposited in terms of section 27(2) of the Act is-

- (a) one hundred and fifty thousand rand (R150 000-00) in respect of an election of the National Assembly; and
- (b) thirty thousand rand (R 30 000-00) in respect of an election of a provincial legislature.

(2) The deposit must be paid by bank guaranteed cheque in favour of the Electoral Commission.

Notification of non-compliance by chief electoral officer

4. The notification by the chief electoral officer to a party that it has not fully complied with section 27 of the Act when submitting a list of candidates, must be served on that party and must be in a form similar to Appendix 6.

Fees for certified copy of lists and accompanying documents

5. (1) The fee to be paid in terms of section 29(5) of the Act for a certified copy of, or extract from, a list of candidates or accompanying documents is One Rand (R1-00) per page.

(2) The fee to be paid in terms of section 31(2) of the Act for a certified copy of, or extract from, a list of registered parties entitled to contest an election or the final list of candidates for any party contesting an election, is One Rand (R1-00) per page.

Objection to nomination of a candidate

6. (1) A person wishing to object in terms of section 30(1) of the Act to the nomination of a candidate, must do so by serving on the Commission at its office in Pretoria a notice of objection containing the following information –

- (a) the objector's full names, postal address, home or office address, telephone or cellphone number and telefax number;
- (b) full particulars of the candidates whose nomination is objected to;
- (c) the reasons for making the objection;
- (d) details of supporting documentation accompanying the notice of objection (if any); and
- (e) proof of service of the objection on the registered party that nominated the candidate.

(2) The Commission must notify the objector and the registered party that nominated the candidate of its decision by serving on them a notice in a form similar to Appendix 7.

Appeal to Electoral Court against decisions of Commission

7. (1) An objector or registered party wishing to appeal against a decision of the Commission in terms of section 30(4) of the Act, must do so in accordance with the rules of the Electoral Court.

(2) The Electoral Court must notify the parties to an appeal and the chief electoral officer of its decision in terms of section 30(5) of the Act by transmitting the contents of the decision to them by telefax or E-mail or by hand.

Repeal of Regulations

8. The regulations concerning the submission of lists of candidates, 1999, published in Government Notice No. R 363 of 17 March, 1999, are hereby repealed.

Short Title

9. These regulations are called the **Regulations concerning the submission of List of Candidates, 2004**.

APPENDIX 1
Electoral Commission
LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY
(NATIONAL LIST)



Date of election in respect of which this list is submitted: _____

Registered Party: _____

Undertaking and declaration signed by duly authorised representative of the registered party (Appendix 4) is attached.

Acceptance of nomination and undertaking by each candidate (Appendix 5) is attached.

| Full names of candidates in fixed order of preference | Identity Number | Address and telephone number or other means of contact |
|---|-----------------|--|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |

NB: Foolsap paper on which the necessary columns have been drawn may be used if the space provided is inadequate.

APPENDIX 2
Electoral Commission
LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY
(REGIONAL LIST)



Date of election in respect of which this list is submitted: _____

Registered Party: _____

Undertaking and declaration signed by duly authorised representative of the registered party (Appendix 4) is attached.

Acceptance of nomination and undertaking by each candidate (Appendix 5) is attached.

| Full names of candidates in fixed order of preference | Identity Number | Address and telephone number or other means of contact |
|---|-----------------|--|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |

NB: Foolscap paper on which the necessary columns have been drawn may be used if the space provided is inadequate.

APPENDIX 3
Electoral Commission
LIST OF CANDIDATES FOR PROVINCIAL LEGISLATURE
(PROVINCIAL LISTS)



Province _____

Date of election in respect of which this list is submitted _____

Registered Party: _____

Undertaking and declaration signed by duly authorised representative of the registered party (Appendix 4) is attached.

Acceptance of nomination and undertaking by each candidate (Appendix 5) is attached.

| Full names of candidates in fixed order of preference | Identity Number | Address and telephone number or other means of contact |
|---|-----------------|--|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |

NB: Foolscape paper on which the necessary columns have been drawn may be used if the space provided is inadequate.

APPENDIX 4
Electoral Commission
UNDERTAKING AND DECLARATION BY AUTHORISED
REPRESENTATIVE OF REGISTERED PARTY – SECTION 27
(2) OF THE ELECTORAL ACT, 1998 (ACT No 73 OF 1998)



Registered party

I,
the undersigned, on behalf of the abovementioned party, hereby-

- (1) subscribe and bind the part, persons holding political office in the party, and representatives and members of the party, to the Electoral Code of Conduct; and
- (2) declare that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation in terms thereof.

Place.....

.....
Signature of duly authorised
representative of abovementioned
registered party

Date.....

.....
Designation

Telephone number.....

Fax number.....

Address

.....

.....

APPENDIX 5
Electoral Commission
ACCEPTANCE OF NOMINATION AND UNDERTAKING BY
CANDIDATE – SECTION 27 (2) OF THE ELECTORAL ACT,
1998 (ACT No 73 OF 1998)



Registered party.....
I,

Identity number.....hereby accept my
nomination as candidate and subscribe to and undertake that I will be bound by the Electoral
Code of Conduct.

Place.....

Date.....

.....
Signature of candidate

APPENDIX 6
Electoral Commission
NOTIFICATION OF NON-COMPLIANCE



TO:
(Name of party)

You are hereby notified that you have submitted a list/lists of candidates for the election of the National Assembly.....(name of province) provincial legislature to be held on (date of election) but that you have not complied with the provisions of section 27 of the Electoral Act, 1998 (Act No.73 of 1998) in the following respect:

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

Please note that you have the opportunity to comply with section 27 of the Act by no later than (date in election time-table)

Chief Electoral Officer

Date

APPENDIX 7
Electoral Commission
NOTICE OF COMMISSION'S DECISION WITH REGARD TO
AN OBJECTION TO THE NOMINATION OF A CANDIDATE



OBJECTION

Objection logged by
 against candidate
 nominated by the(name of party)
 in respect of the election of
 to be held on
 served on the Commission on(date)

DECISION

.....

 Designation

 Date