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## GOVERNMENT NOTICE

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### INDEPENDENT ELECTORAL COMMISSION

No. R. 152

23 February 2011

#### LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT 27 OF 2000

#### AMENDMENT TO THE MUNICIPAL ELECTORAL REGULATIONS (2000)

The Electoral Commission has, in terms of section 89 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), made the regulations set out in the Schedule.

#### SCHEDULE

##### Definitions

1. In this Schedule, unless the context indicates otherwise-

“**the Act**” means the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000); and

“**the Regulations**” means the Municipal Electoral Regulations, 2000, published in GN R817 in *Government Gazette* No. 21498 of 22 August 2000 as amended by GN R848 in *Government Gazette* No. 27957 of 23 August 2005.

##### Amendment of Regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

“The amount of the deposit referred to in section 14(1)(b) of the Act is, in respect of each separate list submitted by a party-

(a) R4 000-00 (four thousand rand) in an election in a metropolitan municipality;

(b) R2 500-00 (two thousand and five hundred rand) in an election in a local municipality with wards; and

- (c) R1 500-00 (one thousand and five hundred rand) in an election in a local municipality without wards and in an election in a district municipality.

**Insertion of Regulation 7A in the Regulations**

3. The Regulations are hereby amended by the insertion after Regulation 7 of the Regulations of the following regulation:

**"7A Central Payment of Deposits**

Payments of deposits in terms of section 14A of the Act must be accompanied by a notice substantially similar to Appendix 24."

**Substitution of Regulation 11 of the Regulations**

4. The following regulation is hereby substituted for regulation 11 of the Regulations:

**"11 Deposit**

The amount of the deposit referred to in section 17(2)(d) of the Act, is R1000-00 (one thousand rand) in respect of an independent ward candidate and for a ward candidate nominated by a party who is not contesting the election of the relevant municipal council by way of a party list."

**Substitution of Regulation 16 of the Regulations**

5. The following regulation is hereby substituted for Regulation 16 of the Regulations:

**"16 Written proof and notice of appointment of agents**

The written proof of, and notice of appointment to be issued to a person appointed as an agent by a party or an independent ward candidate in terms of section 39(4)(a) of the Act must be in a form substantially similar to Appendix 12."

**Substitution of Regulation 17 of the Regulations**

6. The following regulation is hereby substituted for Regulation 17 of the Regulations:

**"17 Revocation of appointment of agents**

The revocation of appointment of a person as an agent by a party or an independent ward candidate in terms of section 39(4)(b) of the Act, and the notice thereof, must be in a form substantially similar to Appendix 14.”.

### **Substitution of Regulation 28 of the Regulations**

7. The following regulation is hereby substituted for regulation 28 of the Regulations:

#### **“28 Recording of result of an election**

The result of an election must be recorded in terms of section 64(1)(b) of the Act in a form substantially similar to Appendix 22A in the case of an election for a metropolitan council or a local council, and in a form substantially similar to Appendix 22B in the case of an election of a district council.”.

### **Insertion of PART VI-A in the Regulations**

8. The Regulations are hereby amended by the insertion after Regulation 28A of the following Part:

“

#### **Part VI-A**

#### **SPECIAL VOTES**

#### **Application for a Special Vote**

28B(1) A voter who is unable to cast his or her vote on voting day at the voting station in the voting district where he or she is registered, may apply in terms of section 55 of the Act to cast a special vote within that voting district prior to voting day by submitting or causing to be submitted by hand during normal office hours at the office or sub-office of the Municipal Electoral Officer for the metropolitan or local municipality within which that voting district falls, by no later than the date stated in the election timetable, a written application in a form substantially similar to Appendix 25.

(2)(a) A voter who cannot travel to the voting station due to physical infirmity or disability must apply to be afforded the opportunity to cast a special vote at the place where he or she resides.

- (b) A voter who can visit the voting station but cannot do so on voting day, must apply to be allowed to cast a special vote at the voting station on the date prior to the voting day stated in the election timetable.
- (3) The person submitting the application must wait to be informed about the outcome of the application.
- (4) The Municipal Electoral Officer or an officer designated by him or her, must approve the application if—
  - (a) the applicant is registered as a voter in that voting district; and
  - (b) (i) where relevant, the applicant is unable to visit the voting station due to physical infirmity or disability and that his or her place of residence is in that voting district; or
  - (ii) where relevant, the applicant is unable to vote at the voting station on voting day.
- (5) The officer who considered the application must hand to the person who submitted it, a written notice of the outcome.

### **Special Voting**

28C(1) On the day stated in the election timetable, at least two voting officers must visit voters who had successfully applied to cast their special votes at their places of residence, to afford them the opportunity to cast their votes there.

(2) On the day stated in the election timetable, voters who had successfully applied to cast their special votes at the voting station may visit the station between 08h00 and 17h00 to cast their special votes.

(3) On production of the voter's identity document and if the voting or presiding officer is satisfied that the voter is the person described in the identity document and that the voter's application for a special vote had been approved—

- (a) the voter's identity document and hand are marked in the manner prescribed in section 50 of the Act and regulation 18B respectively;
- (b) the voter is handed a ballot paper or papers marked on the back for the elections in that voting district;

(c) the voter is allowed to mark the ballot paper or papers in secret and to place and seal them in an unmarked envelope which is in turn placed and sealed in another envelope marked on the outside with the voter's name and identity number; and

(d) the envelope is placed and securely kept in a sealed ballot box for special votes after the voter's name on the voters' roll has been marked with the letters SV.

(4) The presiding officer must keep a record of all approved applications for special votes and special votes cast.

### **Counting of Special Votes**

28D(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 and the record of approved 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.

### **Application of the Provisions of the Act and the Regulations**

28E. Whenever appropriate and within the context of the regulations in this Part, the provisions of the Act and of the Regulations relating to voting, the counting of votes, party agents, observers, voting stations, voting materials, officers and their powers and duties, objections, prohibited conduct, enforcement, offences and penalties apply, unless clearly inconsistent with these regulations, to all special voting procedures.”.

### **Insertion of Regulation 29A in the Regulations**

9. The following regulation is hereby inserted after Regulation 29:

**“29A Address of the Commission's national office**

The prescribed address of the Commission's national office referred to in sections 14A and 65 of the Act is Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, Tshwane.”.

**Appendixes**

10.(1) Appendixes 13 and 15 of the Regulations are hereby deleted.

(2) Appendixes 24 and 25 as contained in Annexures A and B are hereby inserted after Appendix 23.

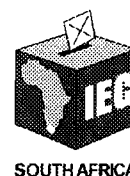
(3) Appendixes 2, 6, 7, 9, 12, 14, 20B, 22A and 22B of the Regulations are hereby substituted by the corresponding appendixes in Annexures C, D, E, F, G, H, I, J and K.

## Annexure A

## APPENDIX 24

**Electoral Commission**

**CENTRAL PAYMENT OF DEPOSITS: NOTICE IN TERMS OF SECTION  
14A OF THE LOCAL GOVERNMENT : MUNICIPAL ELECTORAL ACT,  
2000 (ACT NO. 27 OF 2000)**



Election Date:

Name of Party:

	NAME OF MUNICIPALITY	MUNICIPAL CODE	CATEGORY	AMOUNT
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
				<b>TOTAL</b>

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**Name of Duly Authorized Party Representative**

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

Tel: Office Number: \_\_\_\_\_ Mobile Number: \_\_\_\_\_

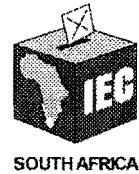
Fax Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

## Annexure B

## APPENDIX 25

**Electoral Commission**

**APPLICATION FOR SPECIAL VOTE IN TERMS OF SECTION 55 OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)**



Election Date:

Municipality Name:

Voting District No.

**Particulars of applicant**

Identity number:

Surname:

Names:

Residential address:

Mobile number:

Landline number:

E- Mail address

- ☐ I declare that I am unable to cast my vote at my voting station on voting day in the voting district where I am registered as a voter and hereby apply to cast a special vote at my voting station prior to voting day on the day stated in the election timetable.

**OR**

- ☐ I declare that I cannot travel to my voting station due to my physical infirmity or disability and hereby apply to be afforded the opportunity to cast a special vote at the place where I reside within my voting district.

Signature of Applicant

Date

**OFFICIAL USE ONLY****Application for special vote at voting station:**

Applicant is registered in VD	YES	NO
VD No.		
Application approved	YES	NO

**Application for home visit:**

Applicant is registered in VD	YES	NO
VD No.		
Resides in VD	YES	NO
Application Approved	YES	NO

Signature of Official

Date



## Annexure C

## APPENDIX 2

# Electoral Commission

### NOTICE OF INTENTION TO CONTEST AN ELECTION, UNDERTAKING AND DECLARATION IN TERMS OF SECTION 14(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)


**Election Date:**
**Municipality:**

Registered Party \_\_\_\_\_

1. I, \_\_\_\_\_ the undersigned,  
having been duly authorized by the party, hereby:
  - a) give notice that the party intends to contest the election in the abovementioned municipality;
  - b) give an undertaking binding the party, its candidates, persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct; and
  - c) declare that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution of South Africa or any applicable legislation.
  
2. A party list is attached together with -
  - a) an acceptance of nomination signed by each candidate on the list; and
  - b) a copy of the page of the candidate's identity document on which the candidate's photo, name and Identity number appear
  - (c) written proof that I have been duly authorised to make the nomination, undertaking and declaration on behalf of the party and to deal with matters in connection therewith.
  
3. Submitted herewith is a bank guaranteed cheque in favour of the Electoral Commission for the amount of R \_\_\_\_\_ being the party's deposit.

 \_\_\_\_\_  
Place

 \_\_\_\_\_  
Signature of duly authorised representative of the party

 \_\_\_\_\_  
Date

 \_\_\_\_\_  
Designation

Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Address: \_\_\_\_\_

## Annexure D

**APPENDIX 6**  
**Electoral Commission**  
 Independent Ward Candidates



**NOMINATION OF WARD CANDIDATE IN TERMS OF SECTION 17(1) OF  
 THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000  
 (ACT NO. 27 OF 2000)**

<b>Election Date:</b>			
<b>Municipality:</b>		<b>Ward</b>	

I hereby nominate \_\_\_\_\_  
 (FULL NAMES OF CANDIDATE)

**Identity number:**

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to contest the election in the above-mentioned ward as an independent candidate.

- (1) Attached is –
- (a) the prescribed form with the signatures of fifty or more voters whose names appear on the municipality's segment of the voters' roll for a voting district in contested ward;
  - (b) copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appear
  - (c) an acceptance of nomination undertaking and declaration by the candidate;
- (2) Submitted herewith is a bank guaranteed cheque in favour of the Electoral Commission for the amount of R \_\_\_\_\_ being the candidates' deposit.

**CONTACT DETAILS OF CANDIDATE:**

Telephone Number/s: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Address: \_\_\_\_\_

**FULL NAMES AND CONTACT DETAILS OF NOMINATOR**

**NAME** \_\_\_\_\_ **SIGNATURE** \_\_\_\_\_

**Identity number:**

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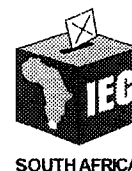
**Place:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**CONTACT DETAILS OF NOMINATOR**

Telephone Number/s: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
 Fax Number: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Address: \_\_\_\_\_

## APPENDIX 7

## Annexure E

**Electoral Commission****NOMINATION OF WARD CANDIDATE REPRESENTING A PARTY IN  
TERMS OF SECTION 17(1) OF THE LOCAL GOVERNMENT:  
MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)****Party Ward Candidate**

<b>Election Date:</b>			
<b>Municipality:</b>		<b>Ward</b>	

Registered party \_\_\_\_\_

I, having been duly authorised by the party, hereby nominate

\_\_\_\_\_ (FULL NAME OF CANDIDATE)

with Identity Number

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to contest the above-mentioned election as a ward candidate representing that party.

Attached is:

- (1) written proof that I have been duly authorised to make the nomination on behalf of the party and to deal with matters in connection therewith;
- (2) the prescribed acceptance of the nomination, undertaking and declaration by the candidate;
- (3) a copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appears; and
- (4) a bank guaranteed cheque for the prescribed amount, as a deposit.

Place \_\_\_\_\_

Signature of duly authorised representative of  
abovementioned registered party

Date \_\_\_\_\_

Designation \_\_\_\_\_

Tel number: \_\_\_\_\_

Fax number: \_\_\_\_\_

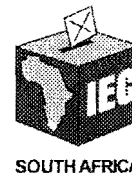
Email: \_\_\_\_\_

Address: \_\_\_\_\_

Annexure F

## APPENDIX 9 Electoral Commission

### ACCEPTANCE OF NOMINATION BY A WARD CANDIDATE – SECTION 17(2) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)



Election Date:

Municipality:

	<b>Ward</b>
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I, \_\_\_\_\_

**(FULL NAME OF CANDIDATE)**

Identity number:

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- hereby undertake to be bound by the Electoral Code of Conduct,
- declare that I am not disqualified from standing for election in terms of the Constitution or any applicable legislation, and
- accept my nomination as an independent ward candidate/ party ward candidate (delete which is not applicable) in the abovementioned election by

\_\_\_\_\_

**(Note):** In the case of an Independent, insert name of Nominator  
In the case of a Party, insert name of the Party)

Signature of Candidate: \_\_\_\_\_

Place: \_\_\_\_\_

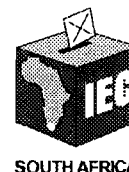
Date: \_\_\_\_\_

## Annexure G

## APPENDIX 12

# Electoral Commission

### APPOINTMENT AND NOTICE OF APPOINTMENT OF AN AGENT IN TERMS OF SECTION 39(4)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)



Election Date:

Municipality:

	<b>Ward:</b>	
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I, \_\_\_\_\_ (Full names),  
 the undersigned, in my capacity as \_\_\_\_\_ (Designation)  
 on behalf of and duly authorised by the \_\_\_\_\_ (Party)  
 hereby appoint and give notice that the party has appointed the following person as an agent:

**OR**

I, \_\_\_\_\_ (Full names), an independent ward  
 candidate, hereby appoint and give notice that I have appointed the following person as my  
 agent:

**DETAILS OF AGENT**

Identity Number:

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Full names: \_\_\_\_\_

Voting station/s: \_\_\_\_\_

Counting venue/s: \_\_\_\_\_

Signature of agent: \_\_\_\_\_

Date

Signature of Party Representative / Independent Candidate

Contact particulars of Party Representative/ Independent Candidate

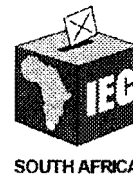
Mobile number: \_\_\_\_\_ Office number: \_\_\_\_\_

## Annexure H

## APPENDIX 14

# Electoral Commission

**REVOCATION AND NOTICE OF REVOCATION OF APPOINTMENT OF AN  
AGENT IN TERMS OF SECTION 39(4)(b) OF THE LOCAL GOVERNMENT:  
MUNICIPAL ELECTORAL ACT, 2000  
(ACT NO. 27 OF 2000)**

**Election Date:**

\_\_\_\_\_

**Municipality:**

	<b>Ward:</b>	
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I, \_\_\_\_\_ (Full names), the undersigned, in my capacity as \_\_\_\_\_ (Designation) on behalf of and duly authorised by the \_\_\_\_\_ (Party) hereby revoke the appointment of and give notice that the appointment of the following person as an agent has been revoked:

OR

I, \_\_\_\_\_ (Full names),  
an independent ward candidate, hereby revoke the appointment of and give notice that the  
appointment of the following person as my agent has been revoked:

## DETAILS OF AGENT

**Identity Number:**

[illegible]

Full names: \_\_\_\_\_

**Voting station/s:** \_\_\_\_\_

Counting venue/s: \_\_\_\_\_

Signature of Party Representative/  
Independent Candidate

Date \_\_\_\_\_

**Contact particulars of Party Representative/Independent Candidate**

Mobile number: \_\_\_\_\_ Office number: \_\_\_\_\_

## Annexure I



## APPENDIX 20B

### Electoral Commission

**RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN RESPECT OF  
VOTES CAST FOR CANDIDATES IN WARD BALLOT IN TERMS OF 63(1)(b) OF  
THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000  
(ACT 27 OF 2000)**

**Election Date:**

Municipality Name:

**Voting district number:**

**Ward:**

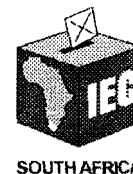
## VOTING DISTRICT COUNTS

[illegible]

## APPENDIX 22A

## Electoral Commission

**RECORDING OF THE DETERMINATION OF THE RESULTS OF AN ELECTION IN  
TERMS OF SECTION 64 (1) (b) OF THE LOCAL GOVERNMENT: MUNICIPAL  
ELECTORAL ACT, 2000 (ACT 27 OF 2000)**



**(Metropolitan Councils and Local Councils)**

**Election Date:**

Municipality Name:

**Total number of Seats:**[illegible]

Signature of local representative of  
Commission determining, recording  
and declaring the results of the election

Telephone Contact Number

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

Name \_\_\_\_\_

**Identity number**

After Hours Contact Number



**RECORDING OF THE DETERMINATION OF THE RESULTS OF AN  
ELECTION IN TERMS OF SECTION 64 (1) (b) OF THE LOCAL  
GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000  
(ACT 27 OF 2000)**



Municipality Name:

[illegible][illegible]

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