
GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

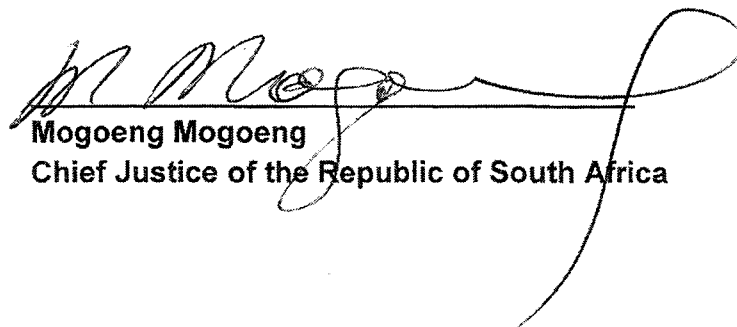
No. 182

14 March 2014

OFFICE OF THE CHIEF JUSTICE

RULES FOR THE FIRST SITTING OF THE NATIONAL ASSEMBLY, NATIONAL COUNCIL OF PROVINCES AND PROVINCIAL LEGISLATURES

By virtue of the powers vested in me in terms of Item 9 of Part A of Schedule 3 to the Constitution of the Republic of South Africa, 1996, I, **Mogoeng Mogoeng**, the Chief Justice of the Republic of South Africa, have made the attached rules prescribing the procedure for the election of the President of the Republic of South Africa, Speaker and Deputy Speaker of the National Assembly, Chairperson and Deputy Chairpersons of the National Council of Provinces, Premier of a Province, and Speaker and Deputy Speaker of a Provincial Legislature.



Mogoeng Mogoeng
Chief Justice of the Republic of South Africa

Republic of South Africa

Rules for the election of the

President of the Republic

Speaker and Deputy Speaker of the National Assembly

Chairperson and Deputy Chairpersons of the NCOP

Premier of a Province

Speaker and Deputy Speaker of a Provincial Legislature

As approved by Chief Justice Mogoeng Mogoeng

March 2014

Rules, in terms of item 9 of Part A of Schedule 3 to the Constitution of the Republic of South Africa, 1996, for the election of President of the Republic of South Africa; Speaker and Deputy Speaker of the National Assembly; Chairperson and Deputy Chairpersons of the National Council of Provinces; Premier of a Province; Speaker and Deputy Speaker of a provincial legislature.

1. PRESIDING OFFICER

In these Rules the "presiding officer" means the Chief Justice or a Judge designated by the Chief Justice presiding at a meeting to which these Rules apply.

2. RETURNING OFFICER AND ASSISTANT RETURNING OFFICERS

- (1) In the event of an election referred to in item 1(a) or (b) of Part A of Schedule 3 to the Constitution, the Secretary to Parliament or a member of the staff of Parliament designated by the presiding officer, and in the event of an election referred to in item 1(c) of Part A of that schedule, the Secretary to the relevant provincial legislature or a member of the staff of the provincial legislature designated by the presiding officer, must act as the returning officer at the election and will, in accordance with these Rules, do all things necessary for the due conduct of the election.
- (2) The returning officer must appoint assistant returning officers from among the staff of Parliament or the provincial legislature concerned to assist him or her in connection with the performance of his or her duties.
- (3) The returning officer and every assistant returning officer must, before assuming their duties, take an oath or make an affirmation before the presiding officer in accordance with Annexure A.

3. NOMINATION OF CANDIDATES

- (1) Nominations must be submitted substantially in the form of Annexure B.
- (2) The returning officer must satisfy himself or herself as to the identity of every signatory to a nomination paper and report the result to the presiding officer.

4. MEETING

- (1) Immediately before the appointed time for any meeting to which these Rules apply, the bells of the Chamber in which the meeting is to be held must be rung for 5 minutes.
- (2) If more than one candidate has been nominated, the presiding officer must announce the names of the candidates nominated and may thereafter suspend proceedings for such period as he or she may deem necessary.

- (3) If at any stage, in the election procedure before the announcement of the result, a candidate for whatever reason becomes ineligible for election, the presiding officer must declare the nomination null and void, and he or she may take such steps to proceed with the election or to commence *de novo* as he or she may think fit.

5. BALLOT

- (1) Ballot papers substantially in the form of Annexure C must be prepared as directed by the returning officer.
- (2) The ballot papers must have printed thereon, in alphabetical order according to their surnames and the full names of all the duly nominated candidates.
- (3) One ballot paper marked on the reverse side thereof with the official mark provided for the purpose must be issued by an assistant returning officer, in the event of an election under these Rules in the National Assembly and provincial legislature, to every member present and eligible to vote at the meeting and, in the event of an election under these Rules in the National Council of Provinces, to every head of a provincial delegation, in the following manner:
 - (a) The returning officer must call out the names of persons eligible to vote from the official members' list, or from a list of the names of heads of provincial delegations, as the case may be.
 - (b) When the name of a member or a head of a provincial delegation is called, he or she must, if present at the meeting, be issued with a ballot paper and record his or her vote in accordance with Rule 5(5).
- (4) The name of the member or head of a provincial delegation to whom a ballot paper is issued must be marked off by an assistant returning officer on the list referred to in Rule 5(3)(a).
- (5) A member or a head of a provincial delegation must record his or her vote by placing a cross against the name of the candidate for whom he or she desires to vote in the space provided on the ballot paper for recording a vote.
- (6) A member or a head of a provincial delegation to whom a ballot paper has been issued must, after having recorded his or her vote thereon, fold it in such a manner that the official mark thereon is visible to an assistant returning

officer, and place it in the ballot box provided for the purpose, after the assistant returning officer has noted the official mark.

- (7) If, during the ballot, the presiding officer is satisfied that a ballot paper has been inadvertently spoiled, he or she must instruct the returning officer to cancel that ballot paper, endorse the counterfoil thereof accordingly and issue a new ballot paper to the member or the leader of the provincial delegation concerned.

6. INVALID BALLOT PAPERS

A ballot paper is invalid —

- (a) if it does not bear the official mark required to be placed thereon in terms of Rule 5(3); or
- (b) if it is unmarked; or
- (c) if a member or a head of a provincial delegation has signed his or her name or written any word or made any mark other than the one required to be made by him or her in recording his or her vote.

7. COUNTING OF VOTES

- (1) As soon as the voting has been completed, the presiding officer must suspend proceedings and the returning officer and the assistant returning officers must remove the ballot box and all their papers to a room where the counting is to take place.
- (2) The ballot box must be opened by the returning officer in the presence of the presiding officer and the counting of the votes must then be proceeded with.
- (3) No person other than the presiding officer, the returning officer and the assistant returning officers may be present in the room while the votes are being counted.
- (4) After the votes have been counted, the returning officer must report to the presiding officer, informing him or her of the result of the counting of the votes.
- (5) On receipt of the report, the presiding officer must return to the place of the meeting and announce the result of the election.

- (6) (a) The returning officer must retain the nomination papers, the used ballot papers and the counterfoils thereof in a sealed packet for a period of at least one year.
- (b) The sealed packet may not be opened except by order of a court.

8. UNFORESEEN PROCEDURAL MATTERS

- (1) The presiding officer may submit to the meeting, for decision, any question of procedure which may arise and is not provided for in the preceding Rules and should, in his or her opinion, be decided by the meeting.
- (2) A question of procedure may be raised, with the presiding officer's leave, by way of a motion proposed by a member or, in the event of an election under these Rules in the National Council of Provinces, a head of a provincial delegation on behalf of a delegation, and seconded by another member or by a head of another delegation on behalf of such other delegation, as the case may be.
- (3) If he or she considers it necessary or desirable in a particular case, the presiding officer may permit a discussion of the question and may limit participation in, and the duration of, the discussion in such manner as he or she thinks fit.
- (4) If two or more members or, in the event of an election under these Rules in the National Council of Provinces, two or more heads of provincial delegations on behalf of their delegations, request that the question be put to a vote, a poll by a show of hands by members or leaders of delegations, as the case may be, must be taken.

ANNEXURE A

OATH/SOLEMN AFFIRMATION BY RETURNING OFFICER AND ASSISTANT RETURNING OFFICERS

OATH

I, **full names**, swear that I will faithfully and impartially discharge my duties in terms of the Rules for the election of -

President of the Republic; Speaker/Deputy speaker of the National Assembly;
Chairperson/Deputy Chairpersons of the National Council of Provinces; Premier of a
province; Speaker/Deputy speaker of a provincial legislature,

and will not divulge any information which may be disclosed to me, except for the purposes
of the said Rules or when it is required of me to do so as a witness in a court of law.

So help me God.

SOLEMN AFFIRMATION

I, **full names**, solemnly affirm that I will faithfully and impartially discharge my duties in
terms of the Rules for the election of -

President of the Republic; Speaker/Deputy Speaker of the National Assembly;
Chairperson/Deputy Chairpersons of the National Council of Provinces; Premier of a
province; Speaker/Deputy Speaker of a provincial legislature,

and will not divulge any information which may be disclosed to me, except for the purposes
of the said Rules or when it is required of me to do so as a witness in a court of law.

ANNEXURE B

Nomination paper for election of -

* President

*Premier

*Speaker

* Deputy Speaker

* Chairperson of NCOP

* Deputy Chairperson of NCOP

(Under item 9, Part A, Schedule 3 to the Constitution of the Republic of South Africa, 1996)

We, the undersigned members of the National Assembly/ the provincial legislature of/delegates to the National Council of Provinces, hereby nominate the following person as a candidate for election as President/Premier/Speaker/Deputy Speaker/Chairperson/Deputy Chairperson #:

.....
(Full name of person nominated in block letters)

.....
(Address)

.....
(Occupation)

First Proposer _____

(Name in block letters and signature)

Second Proposer_____

(Name in block letters and signature)

I, the abovementioned nominee, do hereby accept the nomination #.

(Signature)

* Delete whichever is inapplicable.

#Willingness to accept nomination may also be signified separately in writing.

ANNEXURE C**Form of front of ballot paper**

Counterfoil

No

NAME	
NAME	

Election of President/Speaker/

Deputy Speaker/Premier/

Chairperson of NCOP/ Deputy

Chairperson of NCOP

Date

Form of back of ballot paper**OFFICIAL MARK**

No

Election of President/Speaker/

Deputy Speaker/Premier/

Chairperson of NCOP/ Deputy

Chairperson of NCOP

Date