

NO. 202 OF 1993: ELECTORAL ACT, 1993.

- (b) save as authorized by or under this Act or the Commission Act, opens or breaks the seal of any packet, envelope or ballot box sealed in terms of this Act; or
- (c) interferes with a voter in contravention of section 33, shall be guilty of an offence.

Prohibition on interference with voting materials and election material

59. Any person who removes, destroys, conceals or mutilates or assists the removal, destruction, concealment or mutilation of any voting materials or election material, save on the authority of the Commission or under the provisions of this Act, shall be guilty of an offence.

Prohibition on unauthorized printing, manufacture and supply of voting materials and election material

60. Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of any voting materials or election material in connection with the election, save on the authority of the Commission, shall be guilty of an offence.

Prohibition on interference with free political canvassing and campaigning

61. Any person who

- (a) directly or indirectly, by the use or threat of force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting, march, demonstration or other event of a political nature, or any other person from attending or participating therein;
- (b) creates a material disruption with the intention of preventing a registered party from holding a public political meeting;
- (c) impedes or prevents or threatens to impede or prevent the right of any representative of any registered party to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting political canvassing and campaigning, and of soliciting membership and support; or
- (d) impedes or prevents or threatens to impede or prevent any member of the Commission, any representative of the Commission or any other person or organization engaged in voter education to gain access, in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting voter education, shall be guilty of an offence.

Prohibition on non-compliance with lawful directions, instructions and orders, and obstruction of electoral officers and party election or voting agents

62. Any person who

- (a) refuses or fails to give effect to any direction, instruction or order lawfully issued by or on behalf of the Commission, the Chief Director or any electoral officer;
- (b) refuses or fails to leave an election or counting centre or inner perimeter when so ordered in terms of section 10(1)(b), 12(1)(b) or 35(5);
- (c) enters or remains in an election centre or inner perimeter in contravention of section 10(2); or
- (d) obstructs or hinders any electoral officer or party election or voting agent in the execution of his other lawful duties, shall be guilty of an offence.

Prohibition on making intentional false statements or publishing false information

63. Any person who

- (a) makes a false statement or furnishes false particulars in any statement which is required in terms of this Act in the knowledge of such statement or particulars being false or without reasonable grounds for believing the same to be true; or
- (b) publishes, repeats or disseminates in any manner whatsoever false information with the intention of
 - (i) disrupting or preventing the election;
 - (ii) creating hostility or fear in order to influence the process or outcome of the election; or
 - (iii) otherwise influencing the process or outcome of the election, shall be guilty of an offence.

Miscellaneous offences

64. Any person who contravenes or fails to comply with any provision of section 71, 72 or 73, shall be guilty of an offence.

Penalties

65. Any person convicted of any of the offences referred to in this Chapter shall, if convicted of a contravention of any provision of

- (a) section 55(1), (3) or (4) or 57, 60, 61(a) or 63(b), be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
- (b) section 56, be liable to a fine not exceeding R80 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment;
- (c) section 55 (2), 58, 59 or 61 (b), (c) or (d), be liable to a fine not exceeding R60 000 or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment;
- (d) section 62(d) or 63(a), be liable to a fine not exceeding R40 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment; or
- (e) section 62(a), (b) or (c) or 64, be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.

CHAPTER XI

General Provisions Ownership of voting materials and election material

66. In any indictment, summons or charge sheet for any offence in relation to any voting materials or election material, the property in such voting materials or election material, as well as the property in the counterfoils thereof, if any, may be stated to be vested in the Commission or the Chief Director or any other electoral officer, as the case may be, in respect of such election.

Forfeiture of deposit paid by registered party

67. (1) The deposit paid in terms of section 19(2) shall be forfeited to the State by any registered party in respect of each election which it contested if it was unsuccessful in obtaining sufficient support for the allocation of at least one representative in such election.

(2) Save as is in this section and section 69(2) (a) (iii) expressly provided, the sum deposited in terms of section 19(2) shall be refunded to the depositor.

Destruction of election material

68. The Commission shall be responsible for the destruction of all election material, which shall be effected as soon as possible after 30 days of the date of the certification of the results of the election or the declaration that it was unable so to certify by the Commission in terms of section 18 of the Commission Act, save where the Special Electoral Court determines, on application by any interested party, that any part of such material may be relevant to a justiciable dispute relating to the election: Provided that in the latter case such destruction shall commence as soon as possible after the final determination of such dispute.

Electoral Code of Conduct and implementation thereof

69. (1) The Electoral Code of Conduct (hereinafter in this section and in section 70 referred to as "the Code") set out in Schedule-2

(a) shall be subscribed to by

- (i) every party registered in terms of section 19; and
 - (ii) every candidate nominated in terms of section 22, as a condition of their respective rights to be so registered or nominated;
- and

(b) shall, in so far as it is applicable, be binding on any party or on the leader

or any officebearer, member or supporter of such party or candidate. (2) Subject to section 70, any party referred to in subsection (1) which, or the leader or any officebearer, member or supporter of such party or candidate so referred to who, infringes any provision of the Code shall, upon a finding that any such provision has been so infringed, be liable

(a) in the case of any party which has infringed the provisions of the Code,

to one or more of the following penalties or sanctions of which any or all may be suspended on specified conditions:

- (i) A formal warning;
- (ii) a fine not exceeding R100 000;
- (iii) the forfeiture of any deposit paid by such party in terms of section 19 or any part thereof;
- (iv) an order prohibiting such party, whether permanently or for a specified period, from utilizing any media time, including any such television or broadcasting services as have been or may be made available to such party for electoral purposes by the Independent Media Commission established by section 2 of the Independent Media Commission Act 1993 (Act No. 148 of 1993);

(v) an order prohibiting such party

(aa) from holding particular public meetings, demonstrations or

marches, or any kind of such meetings, demonstrations or marches;

(bb) from entering any specified electoral district or area for purposes of canvassing for membership, or for any other electoral purpose;

(cc) from erecting placards or banners, or from publishing and distributing campaign literature;

(dd) from publishing or distributing campaign literature and electoral advertising,

or limiting such party's rights to do so;

(vi) an order prohibiting such party from receiving, whether wholly or partly, State or foreign funding contemplated in section 74, including an order requiring the repayment, within a specified period, of any such funding or any part of such funding already received;

- (b) in the case of a party which has infringed the provisions of the Code-
 - (i) by any act or omission involving violence or intimidation or a gross or systematic violation of the rights of any registered party, candidate or voter, an order cancelling the registration of a party in terms of section 19, and consequently its right to participate in the election concerned;
 - (ii) by any fraudulent act by virtue of which votes have been obtained, an order reducing the number of votes counted in favour of that party by a specified number of votes;
 - (iii) by any act by virtue of which free and safe access by any other registered party has been prevented, an order excluding such party from any voting station situated in the area where such other registered party has been prevented from free and safe access;
- (c) in the case of the leader or any office bearer, member or supporter of such party or of any candidate
 - (i) who has infringed the provisions of the Code, to one or more of the penalties or sanctions referred to in paragraph (a)(i), (ii) or (iii);
 - (ii) who has infringed the provisions of the Code by any act or omission involving violence or intimidation or a gross or systematic violation of the rights of any registered party, candidate or voter, an order disqualifying, in the case of a person who is a candidate, such person from being a candidate or deleting the name of such candidate from the list or lists of candidates concerned.

Institution of proceedings by Chief Director: Monitoring in Electoral or Appeal Tribunal

70. (1) The Chief Director: Monitoring may, either on his or her own motion or in consequence of any report made to him or her at any time, institute proceedings in

- (a) in the case of an alleged infringement of the Code which in his or her opinion is of such a serious nature that it may be subject to a penalty or sanction referred to in paragraph (a)(iv), (v) or (vi), (b) or (c)(ii) of subsection (2) of section 69, the Appeal Tribunal in whose area of jurisdiction such infringement has allegedly been committed;
 - (b) in the case of any other alleged infringement of the Code or any alleged prescribed electoral irregularity or contravention of, or failure to comply with, any provision of this Act the Electoral Tribunal in whose area of jurisdiction such infringement, irregularity contravention or failure has allegedly occurred.
- (2) An Electoral Tribunal adjudicating an alleged infringement of the Code in terms of subsection (1)(b) may only impose a penalty or sanction contemplated in section 69(2) (a) (i), (ii) or (iii): Provided that such Tribunal may in the prescribed manner refer a matter which in its opinion may warrant a penalty or sanction in excess of its jurisdiction, to an Appeal Tribunal for consideration and a recommendation of the appropriate penalty or sanction to be imposed by the Commission.
- (3) An Appeal Tribunal adjudicating an alleged infringement of the Code in terms of subsection (1)(a) or (2) may only impose a penalty or sanction contemplated in section 69(2) (a) (i), (ii) or (iii) in respect thereof, or recommend to the Commission in the prescribed manner the imposition of any other penalty or sanction contemplated in section 69(2).
- (4) (a) Upon the recommendation of the Appeal Tribunal in accordance with subsection (3), the Commission may impose the recommended penalty or sanction or impose any other penalty or sanction contemplated in section 69(2) which

it may consider appropriate.

(b) There shall be no appeal from an order of the Commission imposing a penalty or sanction under paragraph (a), save for a power of review of such order, which shall lie with the Special Electoral Court.

(5) In making its decision regarding appropriate penalties or sanctions, the relevant Tribunal or the Commission, as the case may be, shall have regard to any other legal consequence that may result from civil or criminal proceedings instituted by reason of the same occurrence.

Bills, placards, etc., to bear publisher's name

71. During the election period

(a) every bill, placard, poster, pamphlet, circular or other printed matter having reference to the election shall bear upon the face thereof the name and address of the printer and publisher thereof;

(b) no person shall print, publish or post or cause to be printed, published or posted or in any other manner disseminate any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher;

(c) the proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his or her newspaper which originated from a registered party or its agents or supporters, the insertion of which is, or is to be, paid for, or for which any reward or compensation, or promise of reward or compensation, is or is to be made;

(d) the articles or paragraphs referred to in paragraph (c) shall include all such text as may prima facie appear to be intended or calculated to affect the result of the election, and shall include any paid advertisement or report of the speech of a candidate, if the insertion thereof is, or is to be, paid for;

(e) every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this section referred to as an "election article") which, prima facie, is intended or calculated to affect the result of the election, is inserted in any newspaper or otherwise produced and published in the Republic, shall bear at the foot thereof the full name and address of the person or persons by whom such election article was written or produced: Provided that

(i) any such election article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, shall also bear the full name of the editor;

(ii) in the case of any such election article which is written jointly by two or more persons, it shall be sufficient for the purposes of this paragraph if the report as a whole bears the full names and addresses of the persons by whom it was written; and

(iii) in the case of headlines to any election article which is inserted in any newspaper as aforesaid, and of bills, placards or posters having reference thereto and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this paragraph if the full names and addresses of the persons by whom such headlines, bills, placards and posters were written, are published in the issue of the newspaper in which such election article is inserted; and

(f) subject to the provisions of subparagraph (iii) of the proviso to paragraph (e), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any

election article which fails to comply with the provisions of paragraph (e).

Prohibition on publication of opinion polls

72.(1) No person shall during the period commencing 21 days prior to the voting period until the end of the election period publish in the electronic or printed media the results of any opinion poll purporting to reflect the level of support enjoyed by registered parties or candidates or the policies they advocate.

(2) The provisions of subsection (1) shall not prohibit the conduct of opinion polls by registered parties for the purposes of their election campaign, the obtaining of opinions in the course of canvassing for votes on behalf of such registered parties or candidates or the publishing in the electronic or printed media of the results so obtained after the election period.

Prohibition on certain political activities during 'certain period prior to and during voting period

73. No person shall

- (a) during the period 48 hours prior to until the end of the voting period hold or take part in any public demonstration or march; or
- (b) during the period 12 hours prior to until the end of the voting period hold or take part in any public meeting or rally of a political nature.

State Electoral Fund

74.(1) There is hereby established a fund to be known as the "State Electoral Fund", which shall be under the administration of the Commission and which shall comply with the following requirements:

- (a) The capital of the said Fund shall be constituted by
 - (i) money appropriated by Parliament for that purpose, the amount of which is to be determined by the Transitional Council in consultation with the Minister of State Expenditure; and
 - (ii) such further amounts, if any, as may be contributed by donors, including foreign governments, inter governmental and nongovernmental organizations.
- (b) The object of the said Fund shall be to provide registered parties with financial assistance for the purposes of conducting their electoral campaigns: Provided that no such assistance shall be utilized for the purposes of entertainment or for the purchasing of any immovable property.
- (c) The Chief Executive Officer of the Commission shall be the accounting officer charged with the responsibility of accounting for all money received by the said Fund and the utilization thereof.
- (d) The said accounting officer shall cause such records of account to be kept as are necessary to present fairly the state of affairs of the said Fund and to explain the transactions and financial position thereof.
- (e) The Auditor-General shall audit the books of account, accounting statements and annual financial statements of the said Fund.
- (f) Subject to the provisions of the Exchequer Act, 1975 (Act No. 66 of 1975), the Commission may invest any unexpended portion of the money in the said Fund.
- (g) The Commission may utilize the interest on investments referred to in paragraph (f) in pursuance of the object mentioned in paragraph (b).
- (h) If a person who is or was in the employment of the Commission caused the said Fund any loss or damage, the said accounting officer

shall determine the amount of such loss or damage and order the recovery thereof in accordance mutatis mutandis with section 34 of the Exchequer Act, 1975.

(i) In the event of the Commission or the said Fund being dissolved all remaining assets of the said Fund shall be utilized in accordance with the recommendation of the Commission for the purposes of the encouragement and promotion of democratic values.

(2) The Commission shall at regular intervals report to the Transitional Council on all income and expenditure in respect of the State Electoral Fund.

(3) The Commission shall make the following forms of financial assistance available to any registered party which qualifies therefor:

(a) An initial grant payable to all registered parties on an equal basis and without discrimination, on the basis provided in subsection (4); and

(b) a grant payable to such registered parties after the results of the election

have been determined, on the basis provided in subsection (5). (4) (a) The initial grant referred to in subsection (3) (a) shall only be payable to a registered party if an independent opinion poll recognized and accepted by the Commission for that purpose shows that such a party has

(i) in respect of an application for financial assistance to contest the election for the National Assembly, the potential support of at least two per cent of the voters for that legislature; or

(ii) in respect of an application for financial assistance to contest the election for any provincial legislature or legislatures, the potential support of at least two per cent of the voters for the legislature or legislatures concerned.

(b) The requirements for the acceptance of an opinion poll contemplated in paragraph (a), shall be prescribed by the Commission: Provided that no such poll may have been conducted earlier than six months before the final date on which parties have to submit their lists of candidates in terms of section 22: Provided further that the Commission may have an opinion poll conducted for the purposes of this section.

(c) (i) A party may, when applying for registration as a participant in the election in terms of section 19, furnish the prescribed information in respect of the opinion poll on which that party intends to base its application for a grant.

(ii) The Commission shall not later than seven days after the application has been submitted to it notify the party concerned whether the poll is accepted by the Commission or not.

(d) If the opinion poll referred to in paragraph (c) is rejected by the Commission, or if a registered party so decides of its own accord, such a party may prove its potential support by voters by submitting a list containing-

(i) 10 000 signatures of voters, of which at least 1 000 signatures shall be by voters from each of at least five provinces, if that party applies for a grant to contest the election for the National Assembly; or

(ii) 3 000 signatures by voters from each such province in respect of which such party applies for a grant with a view to contesting the election in such province or provinces.

(e) (i) Subject to subparagraph (ii), the procedures for the collection of signatures referred to in paragraph (d) and the circumstances under which a party may be disqualified from receiving a grant, shall be prescribed by the Commission.

(ii) A voter-

(aa) may only sign the support list of one party;

(bb) may sign both the lists referred to in paragraph (d) of a party;

(cc) shall state his full names, home address and identity number on the list or lists; and

(dd) shall, if he or she cannot sign or write his or her name, place his

or he mark on the said list or lists, which ~~mark~~ shall be witnessed by a voter by placing his or her signature next to that mark. (i) The initial grant referred to in subsection (3) (a) shall be payable from the money referred to in subsection (1) (a) (i): Provided that only 50 per cent of that ~~money~~ shall be utilized for that purpose.

(ii) A registered party who is contesting an election for one provincial legislature only, may, not with standing the provisions of subparagraph (i), only receive one quarter of the amount of the grant payable to a registered party contesting the election for the National Assembly.

(g) A registered party making use of the method provided for in paragraph (d) in its application, may only receive 50 per cent of the amount of a grant payable to a registered party referred to in paragraph (a) of this subsection.

(h) No party shall be allowed to apply for assistance under this subsection unless it has submitted the list or lists of candidates referred to in section 22, and no registered party shall be eligible for a grant if its qualifying application has not been received by the Commission before the expiry of the period of 30 days referred to in section 22(2).

(5) The grant referred to in subsection (3)(b) shall be payable from the remainder of the said Fund referred to in subsection (1)(a) in the following manner:

(a) 50 per cent shall be distributed equally among those registered parties which in terms of the total number of votes cast, are entitled to at least one seat in the National Assembly or any provincial legislature: Provided that a party which contested the election for one provincial legislature only, may only receive one quarter of the amount of the grant payable to a party which contested the election for the National Assembly; and

(b) the other 50 per cent shall be payable to each such registered party proportional to the number of votes cast nationally and provincially in favour of such party.

(6) With a view to ensuring that the object as set out in subsection (1)(b) is pursued by registered parties, it shall be a precondition for the payment of the grants that

(a) registered parties which are recipients of the grant shall be obliged to deposit such funds in an account specially opened for that purpose, and to keep separate books, accounts, financial statements and vouchers of all financial assistance received and so deposited and expenditure incurred from that account;

(b) the Commission shall prescribe a requirement for audit in respect of the said account, and may further require that the books, accounts, financial statements and vouchers relating to that account be submitted for scrutiny and audit by the Auditor General, who shall have full and unrestricted access to such documentation as may be considered relevant by him or her.

Application of Act in event of conflict with other laws

75. This Act, including the regulations and the orders, directions and decisions of the Commission in terms thereof, shall prevail in the event of any conflict with the provisions of any other law, including statute law, common law, subordinate legislation and customary or indigenous law, in so far as the conduct and supervision of the election within the Republic are concerned.

Regulations

76.(1) The Commission shall make regulations regarding

(a) voting and counting stations, including access and activities permitted

(i) a voting or counting centre;

(ii) an inner perimeter; and

(iii) a controlled area,

which regulations may differ according to the part of the voting or

counting station involved;

- (b) foreign voting stations, including
 - (i) the hours during and day or days during the voting period on which votes may be cast;
 - (ii) the procedures regulating the casting of votes;
 - (iii) the issuing of a ballot paper envelope to a voter on which the name of the province referred to in section 25(3) shall be indicated; and
 - (iv) the counting of votes cast; in respect of foreign voting stations;
- (c) special votes and voters, including the counting of votes cast by special voters;
- (d) voting stations for and the procedures regulating the casting of votes by prisoners and persons awaiting trial being detained, and who are not excluded from voting in terms of section 16(d), and the counting of such votes;
- (e) the manner in which and conditions under which the canvassing of votes of persons referred to in paragraph (d) by registered parties may be permitted;
State and foreign funding of registered parties as contemplated in section 74;
- (g) the application mutatis mutandis of the provisions of section 71 to the electronic media, including any television or radio broadcasting service;
- (h) the safe-keeping and transportation of voting materials and election material, including
 - (i) security during the production of voting materials;
 - (ii) safe-keeping of voting materials after printing or manufacturing and during distribution thereof to voting stations;
 - (iii) distribution of voting materials prior to and during the voting period;
 - (iv) safe-keeping of voting materials after distribution to voting stations;
 - (v) safe-keeping during the course of the voting period, including the safe-keeping of election material pending the counting of votes;
 - (vi) safe-keeping of voting materials and election material after the voting period including the transportation to counting stations and the provision of security during the counting period;
 - (vii) security of voting stations and staff employed therein;
 - (viii) security of voting materials and election material at foreign voting stations; and
 - (ix) security of voting materials and election material in respect of special votes and special voters;
- (i) the rights and duties of party voting and election agents;
- (j) the demarcation of the Republic in electoral districts for the purposes of the election with due regard to the requirement to have separate counts of votes in respect of provincial legislatures and provisionally defined areas;
- (k) the procedures to be followed and manner in which a voter shall be marked if the provisions of section 35(4)(a)(ii) apply;
- (l) the procedures to be followed and manner in which a voter's eligibility document shall be marked in terms of section 35(4)(b);

- (m) voting and counting of votes in respect of provisionally defined areas, including, subject to the Constitution
- (i) the counting procedure in order to have separate counts of votes in respect of provincial legislatures and provisionally defined areas,
 - (ii) the manner in which the votes cast within each such provisionally defined area may be required to be deducted from the votes cast for the legislature of the province in which such area is situated and may require to be added to the votes cast for the legislature of the province in which such area may be incorporated;
 - (iii) if necessary, the manner in which the seats and representatives for each provisionally defined area shall be determined; and
 - (iv) such matters as may be necessary to implement the provisions of the Constitution in respect of any provisionally defined area;
- (n) any matter required or permitted to be prescribed in terms of this Act; and
- (o) generally, all matters which in its opinion are necessary or expedient to be prescribed to achieve the objects of this Act.

(2) A regulation in terms of subsection (1) may prescribe penalties for any contravention of the provisions thereof, or any failure to comply therewith, of a fine not exceeding R40 000 or imprisonment for a period not exceeding two years.

(3) Regulations in terms of subsection (1) affecting State expenditure shall be made only after consultation with the Minister of State Expenditure.

(4) The Commission shall make such provision as it may consider necessary in order to ensure the widest possible publicity of the regulations.

Repeal or amendment of laws, and savings

77.(1) The laws specified in Schedule 3 are hereby repealed or amended to the extent set out in the third column thereof.

(2) Notwithstanding the repeal of the Filling of Casual Vacancies in Parliament Act, 1992 (Act No. 148 of 1992), by subsection (1), the said Act shall, for the purposes of the filling of casual vacancies in Parliament, be applicable as if it had not been so repealed until the first National Assembly has been validly constituted in terms of the Constitution.

Short title and commencement

78. This Act shall be called the Electoral Act, 1993, and shall come into operation on a date fixed by the State President, on the advice of the Transitional Council, by proclamation in the Gazette.

SCHEDULE 1

(Section 29)

MAKE YOUR MARK NEXT TO THE PARTY YOU CHOOSE

PARTY NAME	PARTY SYMBOL	PARTY ACRONYM	PHOTO OF LEADER(S)
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OPQ PARTY	
RST PARTY	
UVW PARTY	
XYZ PARTY	
ABC PARTY	
DEF PARTY	
GHI PARTY	
JKL PARTY	
MNO PARTY	
POR PARTY	
STU PARTY	

SCHEDULE 2

(Sections 69 and 70)

ELECTORAL CODE OF CONDUCT

1. The object of this Code shall be to promote conditions conducive to the conduct of a free and fair election, and a climate of democratic tolerance, in which political activity may take place without fear of coercion, intimidation or reprisals.

2. All registered parties and other persons bound by this Code shall endeavour to promote its object in order to enable free political campaigning and open public debate to take place in all parts of the Republic throughout the election period.

3. Registered parties and candidates further commit themselves-

- (a) to give wide publicity to this Code;
- (b) to promote voter education campaigns;
- (c) to condemn violence and intimidation;
- (d) to instruct their candidates, office bearers, members and supporters accordingly; and
- (e) generally, to affirm the rights of all participants in the election
 - (i) to express divergent political opinions;
 - (ii) to debate and contest the policies and programmes of other parties;
 - (iii) to canvass freely for membership and support from voters;
 - (iv) to hold public meetings;
 - (v) to attend public meetings convened by others;
 - (vi) to distribute electoral literature and campaign materials;
 - (vii) to publish and distribute notices and advertisements;
 - (viii) to erect banners, placards and posters; and
 - (ix) to promote free electoral campaigns by all lawful means.

4. All those bound by this Code in terms of subsection 69(1)(b), shall throughout the election period give effect to the following undertakings and stipulations:

- (a) To publicly and repeatedly condemn violence and intimidation, and to avoid the use of language or any kind of action which may lead to violence or intimidation, whether to demonstrate party strength, gain any kind of political advantage, or for any other reason;
- (b) to refrain from any action involving violence or intimidation;
- (c) to ensure that no arms or weapons of any kind are carried or displayed at political meetings or in the course of any march, demonstration or other event of a political nature;
- (d) to refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person or party in connection with the election;
- (e) to co-operate and liaise in good faith with other parties to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political events organized by other parties; to do nothing to impede the democratic right of any party, through its candidates, canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, canvassing membership and soliciting support;
- (g) to avoid plagiarizing the symbols, colours or acronyms of other parties; and to discourage and, if possible, prevent the removal, disfigurement or destruction of political campaign materials of any party;
- (h) to refrain from offering any inducement or reward to any person in consideration of such person either joining or not joining any party; attending or not attending any political event; voting or not voting (either at all, or in any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) to refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political purposes, including any offer of reward or threat of penalty; to avoid any discrimination based on race, sex, ethnicity, class, gender or religion, in connection with the election and political activity;
- (k) in relation to the role of women
 - (i) to facilitate full participation by women in political activities on the basis of equality;
 - (ii) to ensure free access by women to all public political meetings, facilities and venues;
 - (iii) to respect the right of women to communicate freely with

- political parties and organizations; and
- (iv) generally, to refrain from forcing women to adopt a particular political position or to engage in, or to refrain from engaging in, any political activity otherwise than in accordance with their free choice:

(1) in relation to the Commission

- (i) to acknowledge its authority in the conduct of the election;
- (ii) to ensure the attendance and participation of representatives at meetings of any party liaison committee and other forums convened by or on behalf of the Commission;
- (iii) to implement its orders and directions;
- (iv) to facilitate its right of access through official monitors or other representatives to all public political meetings or other electoral activities;
- (v) to co-operate in the official investigation of issues and allegations arising during the election period; and
- (vi) to take all reasonable steps to ensure the safety of monitors and other representatives of the Commission from exposure to insult, hazard or threat in the course of their official duties;

(m) to reassure voters with regard to the impartiality of the Commission, the secrecy and integrity of the ballot, and furthermore, that no one will know how any other person has voted;

(n) to take reasonable steps to discipline and restrain their party office bearers, employees, candidates, members and supporters from

- (i) infringing this Code;
- (ii) committing any offence in terms of this Act or any other law;
- (iii) committing any prescribed electoral irregularity; and
- (iv) contravening or failing to comply with any provision of this Act;

(o) to establish and maintain effective lines of communication with the Commission, and with other registered parties, at national, provincial and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of party election agents and of other relevant office-bearers and representatives; and

(p) to accept the final outcome of the election, and the Commission's declaration and certification of the results thereof.

SCHEDULE 3

(Section 77)

LAWS REPEALED OR AMENDED

NO. AND YEAR OF LAW	TITLE	EXTENT OF REPEAL

Act No. 45 of 1979	Electoral Act, 1979	Repeal of the whole.
Act No. 89 of 1980	Electoral Amendment Act, 1980	Repeal of the whole.
Act No. 35 of 1981	Electoral Amendment Act, 1981	Repeal of the whole.
Act No. 104 of 1982	Elections Amendment Act, 1982	Repeal of so much as has not been repealed.
Act No. 41 of 1983	Electoral Amendment Act, 1983	Repeal of the whole.

Act No. 103 of 1984 not	Population Registration and Elections Amendment Act, 1984	Repeal of so much as has been repealed.
Act No. 36 of 1985	Electoral and Related Affairs Amendment Act, 1985	Repeal of section 1.
Act No. 92 of 1989 115,	Elections and Identification Amendment Act, 1989	Repeal of sections 1 to inclusive.
Act No. 112 of 1990 (Act	Application of Certain Laws to Namibia Abolition Act, 1990	Repeal of the amendment of the Electoral Act, 1979 No.45 of 1979), in the Schedule to the Act.
Act No. 129 of 1992	Electoral Amendment Act, 1992	Repeal of the whole.
Act No. 148 of 1992	Filling of Casual Vacancies in Parliament Act, 1992	Repeal of the whole.
Act No. 150 of 1993	Independent Electoral Commis sion Act, 1993	Amendment of section 1 by substitution for the definition of

"international

observer" of the following
definition:

" 'international observer'
means any person appointed
as a representative of the
United Nations, the
Organization of African
Unity, the European
Community, the Commonwealth
or any other
[intergovernmental]
organization or foreign
government accredited for
that purpose by the
Subcouncil on Foreign
Affairs of the Transitional
Council in consultation
with the Department of
Foreign Affairs, in order
to observe and report on
the electoral process; ".