
GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

ELECTORAL COMMISSION**NO. 452****18 APRIL 2016****PROPOSED AMENDMENTS TO THE MUNICIPAL ELECTORAL REGULATIONS, 2000**

The Electoral Commission intends, in terms of section 89 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), to amend the Municipal Electoral Regulations, 2000, published under GN R817 in Government Gazette No. 21498 of 22 August 2000, as amended by GN R848 published in GG 27957 of 23 August 2005 and GN R152 published in GG 34045 of 23 February 2011, to the extent set out in the Schedule below.

Interested persons are invited to submit their written comments on the proposed amendments to the Commission (for the attention of Granville Abrahams, Senior Manager: Electoral Matters) within 14 (fourteen) of the date of publication of this notice by-

- (a) posting it to P/Bag X112, Centurion, 0046;
- (b) delivering it by hand at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157; or
- (c) e-mailing it to: abrahamsg@elections.org.za.

Comments received after the closing date may not be considered.

GENERAL EXPLANATORY NOTE

[] Words or phrases in bold type square brackets indicate omissions or deletions from existing enactments; and

_____ Words or phrases underlined with a solid line indicate insertion in existing enactments

SCHEDULE

Contents

Definitions

1. In this Schedule, unless the context indicates otherwise:
 - 1.1. “the Act” means the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000);
 - 1.2. “the Regulations” means the Municipal Electoral Regulations, 2000, published under GN R817 in Government Gazette No. 21498 of 22 August 2000, as amended by GN R848 published in GG 27957 of 23 August 2005 and GN R152 published in GG 34045 of 23 February 2011; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

2. **Amendment of Regulation 1**

- 2.1. Regulation 1 is amended by:
 - 2.1.1. deleting the definition of ‘**chief electoral officer**’ and the substitution for that definition of the following definition:

*“‘**CNS system**’ means the candidate nominations system, a secure online business application located on the official website to be used for the electronic submission of the information and documents contemplated in sections 14(1A)(b) and 17(1A)(b) and accessed through a pin code allocated by the chief electoral officer on written request by a party or a person contemplated in section 16(1)(b) of the Act;”*

- 2.1.2. the substitution for the definition of ‘**local representative**’ of the following definition:

*“‘**local representative**’, in relation to the Commission, means a local representative of the Commission appointed in terms of section 12 of the Act for the area of jurisdiction of the municipality concerned[.]”*

- 2.1.3. the insertion of the following definitions after the definition of ‘**local representative**’:

*“‘**official website**’ means the website of the Commission accessible at <http://www.elections.org.za>;*

*‘**SMS**’ means a short message service provided through a telecommunication system, accessed through a number designated by the Commission, to be used for the electronic submission of applications for special votes at voting stations on the date prior to the voting day stated in the election timetable;*

*‘**special vote system**’ means the business application located on the official website to be used for the electronic submission of applications for special votes contemplated in section 55 of the Act; and*

*‘**website**’ has the meaning set out in section 1 of the Electronic Communications and Transactions Act, 2002 (Act 25 of 2002).”*

Amendment of Regulation 2

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

“(2) Only an original receipt issued to a person when he or she applied for registration as a voter [and affixed in that person’s identity document,] constitutes proof referred to in section 7(2)(b) of the Act, that that person has applied for registration as a voter in the voting district indicated on the receipt and on the date appearing on the receipt.”

Deletion of Regulation 3

4. Regulation 3 is hereby deleted.

Amendment of Regulation 4

5. Regulation 4 is amended by:

- 5.1. inserting the following subregulations after subregulation (2):

“(3) If a party elects to submit the information and documents contemplated in section 14(1)(a) electronically as contemplated in section 14(1A)(b), it must do so by:

(a) completing the electronic forms available for that purpose on the CNS system; and

(b) uploading the annexures referred to in the said electronic forms onto the CNS system.

(4) If a party elects to submit the information and documents contemplated in section 14(1)(a) electronically as contemplated in section 14(1A)(b), the deposit referred to in section 14(1)(b) shall be paid into the Commission’s nominated bank account by not later than the date stated in the timetable for the election for the submission of the documents contemplated in section 14(1)(a):

- (a) using a deposit slip containing a payment reference number generated for that purpose by the CNS system; or*
- (b) by way of electronic funds transfer using the functionality available for that purpose on the CNS system.*
- (5) if a party elects to submit the information and documents contemplated in section 14(1)(a) in the manner contemplated in section 14(1A)(a), the deposit referred to in section 14(1)(b) shall be paid:*
- (a) by means of a bank guaranteed cheque in favour of the Commission, submitted to the office of the local representative simultaneously with the documents contemplated in section 14(1)(a); or*
- (b) into the Commission's nominated bank account using a deposit slip containing a payment reference number generated for that purpose by the local representative upon submission of the documents contemplated in section 14(1)(a).*
- (6) If a party pays the deposit referred to in section 14(1)(b) in the manner contemplated in subregulation 4(a), such party must electronically submit written proof of such payment to the Commission by uploading it onto the online candidate nomination system by not later than the date stated in the timetable for the election for the submission of the documents contemplated in section 14(1)(a)."*

Amendment of Regulation 5

6. Regulation 5 is amended by the substitution thereof the following regulation:

"5 *Acceptance of nomination by party list candidates and ward candidates nominated by a party*

An acceptance of nomination by a party candidate referred to in section 14(3)(a) of the Act and of a ward candidate nominated by a party referred to in section 17(2)(b) must be in a form substantially similar to Appendix 4."

Amendment of Regulation 8

7. Regulation 8 is amended by the substitution thereof the following regulation:

“(1) The nomination of a ward candidate referred to in section 17(1) of the Act must be submitted in a form substantially similar to Appendix 6 in the case of an independent ward candidate and in a form substantially similar to Appendix 7 in the case of a ward candidate nominated by a party.

“(2) Should the person contemplated in section 16(1)(b) wish that a photograph of the nominated independent ward candidate concerned should appear on the ballot paper for the election, the nomination form contemplated in sub-regulation (1) shall be accompanied by an A5 size colour photograph depicting the head and shoulders picture of the nominated candidate.”

Amendment of Regulation 9

8. Regulation 9 is amended by the substitution thereof of the following regulation:

“The form containing the signatures of at least 50 voters referred to in section 17(2)(a) of the Act must be in a form substantially similar to Appendix [8] 6.”

Amendment of Regulation 10

9. Regulation 10 is amended by the substitution thereof of the following regulation:

“The acceptance of nomination to be signed by a ward candidate as required in terms of section 17(2)(b) of the Act must be in a form substantially similar to Appendix [9] 4 in the case of a ward candidate nominated by a party and in a form substantially similar to Appendix 6 in the case of an independent ward candidate.”

Amendment of Regulation 11

10. Regulation 11 is amended by the substitution thereof of the following regulation:

“(1) The amount of the deposit referred to in section 17(2)(d) of the Act, is R1 000.00 (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.

- (2) If a party or a person contemplated in section 16(1)(b) elects to submit the information and documents contemplated in section 17(1) and (2) electronically as contemplated in section 17(1A)(b), such party or person must do so by:*
- (a) completing the electronic forms available for that purpose on the CNS system; and*
 - (b) uploading the annexures referred to in the electronic forms onto the CNS system.*
- (4) If a party or a person contemplated in section 16(1)(b) submits the information and documents contemplated in section 17(1) and (2) electronically, the deposit referred to in section 17(2)(d) shall be paid into the Commission's nominated bank account:*
- (a) using a deposit slip containing a payment reference number generated for that purpose by the CNS system; or*
 - (b) by way of electronic funds transfer using the functionality available for that purpose on the online elections portal.*
- (i) _____*
 - (ii) _____*
- (5) If a party or a person contemplated in section 16(1)(b) elects to pay the deposit in the manner contemplated in section 17(1A)(a), the deposit referred to in section 17(2)(d) shall be paid:*
- (a) by means of a bank guaranteed cheque in favour of the Commission, submitted to the office of the local representative simultaneously with the documents contemplated in section 17(1) and (2); or*
 - (b) into the Commission's nominated bank account using a deposit slip containing a payment reference number generated for that purpose by the local representative upon submission of the documents contemplated in section 14(1)(a).*

- (6) If a party or a person contemplated in section 16(1)(b) pays the deposit referred to in section 17(1)(d) in the manner contemplated in subregulation 4(a), such party must electronically submit written proof of such payment to the Commission by uploading it onto the CNS system by not later than the date stated in the timetable for the submission of the documents contemplated in section 17(1) and (2)."

Insertion of Regulation 13A

11. Part IV is amended by inserting the following regulation after regulation 13:

"13A Notice of disqualification

- (1) If the Commission declines to accept a nomination of a ward candidate submitted to it, the Commission must notify the party or person who submitted the nomination of its decision."

Deletion of Regulation 18B

12. Regulation 18B is hereby deleted.

Insertion of Regulation 23A

13. Part VI is amended by inserting the following regulation immediately before the existing regulation 24:

"23A Number of times that a voter may be issued a new ballot paper

- The presiding officer may in terms of section 49(3) issue a new ballot paper to a voter contemplated in section 49(1) no more than two times after the issue of the initial ballot paper in terms of section 47(5)(d)."

Amendment of Regulation 28

14. Regulation 28 is amended by the substitution thereof of the following regulation:

- "(1) The result of an election must be recorded in terms of section 64(1)(b) of the Act in a form:

- (a) substantially similar to Appendix 22A in the case of an election for a metropolitan council or a local council;

(b) in a form substantially similar to Appendix 22B in the case of an election of a district council; and

(c) in a form substantially similar to Appendix 22C in the case of a by election.”

Amendment of Regulation 28B

15. Regulation 28B is amended by:

15.1. the substitution for sub-regulation (1) of the following sub-regulation:

“(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 no later than the date stated in the election timetable, a written application:

(a) in a form substantially similar to Appendix 25, 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;

(b) electronically to the chief electoral officer through the special vote system; or

(c) by sending an SMS containing the voter’s identity number to the chief electoral officer: Provided that an application may only be submitted by SMS for purposes of a special vote at the voting station on the date prior to the voting day stated in the election timetable as contemplated in sub-regulation (2)(b).

15.2. the substitution for sub-regulation (4) of the following sub-regulation:

“(4) The chief electoral officer, Municipal Electoral Officer or an officer designated by him or her, as the case may be, 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.”*

15.3. the substitution for sub-regulation (5) of the following sub-regulation:

- “(5) *The officer who considered the application must **[hand to]** provide the person who submitted it, a written notice of the outcome in the same manner in which the application was submitted.”*

Amendment of Regulation 29

16. Regulation 29 is amended by the substitution thereof for the following regulation:

- “(1) ~~[Any]~~ No person **[who]** may make[s] a false statement or furnish[es] false particulars in any application or other document prescribed by these Regulations **[shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both such fine or imprisonment].**
- (2) No person may make a photographic or any other form of image of a ballot paper which has been marked by a voter on election day or on a day on which special votes are cast.
- (3) Any person who contravenes subregulations (1) or (2) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both such fine or imprisonment.”

17. **Appendixes**

18. Appendixes 2, 8 and 9 of the Regulations are hereby deleted.
19. Appendixes 3, 4, 6, and 7 of the Regulations are hereby substituted by the corresponding appendixes in Annexures A, B, C and D.
20. Appendix 22C as contained in Annexure E is hereby inserted after Appendix 22B.

Annexure A

APPENDIX 3

Electoral Commission**NOMINATION OF PARTY LIST CANDIDATES IN TERMS OF s14(1)(a)(i)-(iv) OF
THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000****Election Date:**

Municipality:

Name of Registered Party:

I, _____ (Name of Authorised Party Representative)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hereby:

1. Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;
2. Declare that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution or any applicable legislation;
3. Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

Place**Signature****Date****Contact # (1)****Contact # (2)****Fax # (Optional)****Email Address:****Address:**

PARTY LIST OF CANDIDATES s14(1)(A)(ii) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)

Name of Party		Municipality									
Order #	Identity Number	Full Name(s)	Surname								
1.											
2.											
3.											
4.											
5.											
6.											
7.											
8.											
9.											
10.											
11.											
12.											
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14.											
15.											
16.											
17.											
18.											
19.											
20.											

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Annexure B
APPENDIX 4
Electoral Commission



**ACCEPTANCE OF NOMINATION BY CANDIDATE ON A PARTY/ WARD LIST –SECTION 14(3)(a)/
 17(1)(B) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000**

Election Date:

Municipality

Ward No. (in case of ward candidate)

Registered party _____

I, _____ (Full names and
Surname of Candidate)

Identity Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

- hereby, accept my nomination as a candidate and subscribe to and undertake that I will be bound by the Electoral Code of Conduct; and
- declare that I am not disqualified from standing from the elections in terms of the Constitution or any applicable legislation.

Place: _____

Date: _____

Signature of Candidate

Annexure C

APPENDIX 6

Electoral Commission

**NOMINATION OF INDEPENDENT WARD CANDIDATE IN TERMS OF s17 (1) AND
ACCEPTANCE OF NOMINATION IN TERMS OF s17 (2) OF THE LOCAL
GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)**



Election Date: _____

Municipality: _____

Ward #: _____

I, _____ (Nominator in case of Independent Candidate)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

hereby nominate:

Independent Candidate :

Signature: _____

ID Number.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

E-mail address

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

The candidate:

1. Has accepted his/her nomination as independent ward candidate by signature appended above;
2. Undertakes to be bound by the Electoral Code of Conduct,
3. Declares that he/she is not disqualified from standing for election in terms of the Constitution or any applicable legislations,
4. Submits the following:
 - a. a copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appears;
 - b. An A5 sized head and shoulders picture of candidate
 - c. Signatures of voters supporting the nomination of an Independent Candidate (50 signatures);
 - d. Proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election

Place

Signature

Date

Contact # (1)

Contact # (2)

Fax (Optional)

Email Address:

Address:

**SIGNATURES OF VOTERS CONCERNING THE NOMINATION OF AN INDEPENDENT WARD CANDIDATE IN TERMS OF s17(2)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL
ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)**

Election Date		Municipality	
Name of Candidate		Ward #	

Identity Number	Full Name(s)										Surname	Signature
1.												
2.												
3.												
4.												
5.												
6.												
7.												
8.												
9.												
10.												
11.												
12.												
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15.												
16.												
17.												
18.												
19.												
20.												

Page.....of.....

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Annexure D

APPENDIX 7

Electoral Commission**NOMINATION OF WARD CANDIDATE REPRESENTING A PARTY IN TERMS OF
s17(1) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000****Election Date:** _____**Municipality:** _____**Name of Registered Party:** _____

I, _____ (Name of Authorised Party Representative)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hereby:

1. Undertake to bind the party, its candidates persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;
2. Declare that none of the ward candidates on the list is disqualified from standing for election in terms of the Constitution or any applicable legislation;
3. Submit proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

Place**Signature****Date****Contact # (1)****Contact # (2)****Fax # (Optional)****Email Address:****Address:**

PARTY LIST OF WARD CANDIDATES - s17 (1) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)

Name of Party		Municipality	
Ward #	Identity Number	Full Name(s)	Surname
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
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Pageof

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Siraj Rizvi (012) 748-6380 (Siraj.Rizvi@gpw.gov.za)

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