THE PRESIDENCY

No. 337 18 March 2016

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:


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GENERAL EXPLANATORY NOTE:

| [ ] | Words in bold type in square brackets indicate omissions from existing enactments. |
| [ ] | Words underlined with a solid line indicate insertions in existing enactments. |

(English text signed by the President)
(Assented to 11 March 2016)

ACT

To amend the Local Government: Municipal Electoral Act, 2000, so as to define an expression and to amend a definition; to amend provisions relating to the nomination of candidates; to provide for different modalities for payments of electoral deposits; to provide for the electronic submission of candidate nomination documents; to provide for the notification of interested parties where a candidate has been nominated by more than one person; to clarify the circumstances in which new ballot papers may be issued to voters; and to clarify the provisions relating to the determination and declaration of the results of by-elections; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 27 of 2000

1. Section 1 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000) (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of “assignment” of the following definition:

“‘authorised representative’, in relation to a party, means a natural person duly authorised by the party in accordance with its constitution to act on the party’s behalf for purposes of submitting a party list or nominating a ward candidate;”; and

(b) by the substitution for the definition of “identity document” of the following definition:

“‘identity document’ means[—

(a) an identity document issued after 1 July 1986, in terms of section 8 of the repealed Identification Act, 1986 (Act No. 72 of 1986); or

(b) a temporary identity certificate] an identity card issued in terms of the Identification Act, 1997 (Act No. 68 of 1997), and, subject to section 25 of that Act, includes the green, bar-coded identity document contemplated in that section.”.
MULAYO

U khwiqiswa kha Mulayo wa, Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, u itela u thalutshezo zwine zwa khou ambwi na u khwiqisa thalutshezo; u khwiqisa mbetshebo dizi kwamaho u nangwa ha vhonkhetheni; u ita mbetshebo ya ndila dzo fhambano dza u badela dzidiphosihi lwa ilekiihipironiki; u ita mbetshebo kwa zwa u isa manwilwa a u nanga nkheteni nga ndila ya ilekiihipironiki; u ita mbetshebo ya u dzvihadza mahoro a re na dzangalelo hune nkheteni a vha o manganwa nga vhathu vhane vha fhirha muthu muthihi; u tanda vhudza uzi zwi pfalesese nga ha nyimele ine khayo mabammbiri a u khethela khoa maswa a nga fhiwa vhakhe; na u u thalutshezo mbetshebo dizi kwamaho u lavhelesa na u dzvihadza mvelelo dza khetho dza vhupo honoho; na u ita mbetsheho kha mafulungo a kwamehlo.

(u Khwathiswe nga Phalamennde ya Riphabu liki ya Afrika Tshipembe, sa zwi tevhelaho:—

U khwiqiswa ha khethekanyo ya 1 ya Mulayo wa 27 wa 2000

1. Khethekanyo ya 1 ya Mulayo wa, Muvhuso Wapo: Mulayo wa Khetho dza Masipala, wa 2000 (Mulayo wa nomboro ya. 27 wa 2000) (afha u tshi khou vidzwa upfi Mulayo muhuwane), u khou khwiqiswa—

(a) Nga u dzenisa nga murahu ha thalutshezo ya “mushumo tsuluiwa” ya thalutshezo i tevhelaho:

“‘muimeleli o tendelwaho’, malugana na lihoro, zwi ambha muthu wa vhukuma ane o tendelwa nga lihoro u ya nga ndayotewa yafo uri a imele ilo lihoro u itela ndihiwo dza u isa mutevhe wa lihoro kana nkheteni wa wadi,”;

(b) nga u imelwa ha thalutshezo ya “bugundaula” ya thalutshezo i tevhelaho:

“‘bugundaula’ zwi ambal—

(a) bugundaula yo netszedzwoha nga murahu ha dzi 1 Fulwana 1986, u ya nga khethekanyo ya 8 ya Mulayo wa Vhune, wa 1986 (Mulayo wa nomboro ya. 72 wa 1986); kana

(b) thanziela ya vhune ya tsifhinganyana] khabi ya vhune yo netszedzwoha u ya nga Mulayo wa Vhune, wa 1997 (Mulayo wa nomboro ya. 68 wa 1997), nahone, hu tshi tevhedzwa khethekanyo ya 25 ya uyo Mulayo, hu katelewa bugundaula dala i re na bakhoudi sa zwo sumbedzwoha kha iyo khethekanyo;”.

(English text signed by the President)
(Asssented to 11 March 2016)
Amendment of section 14 of Act 27 of 2000, as amended by section 2 of Act 14 of 2010

2. Section 14 of the principal Act is hereby amended—
   (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
      “A party may contest an election in terms of section 13(1)(a) or (c) only if the party by not later than a date stated in the timetable for the election has submitted to the office of the Commission’s local representative Commission—”;
   (b) by the deletion in subsection (1)(a) of subparagraph (i);
   (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph:
      “(b) a deposit equal to a prescribed amount, if any, payable by means of a bank guaranteed cheque in favour of the Commission in the prescribed manner and form.”;
   (d) by the insertion after subsection (1) of the following subsection:
      (1A) A party must submit the documents referred to in subsection (1)—
      (a) by hand to the office of the Commission’s local representatives; or
      (b) electronically to the chief electoral officer in the prescribed manner.
   (e) by the substitution in subsection (4) for paragraph (b) of the following paragraph:
      “(b) allow the party to submit the outstanding documents to the office of the Commission’s local representative as provided for in subsection (1A) by no later than the date and time stated in the election timetable.”; and
   (f) by the insertion after subsection (4) of the following subsection:
      “(4A) If a candidate appears on more than one party list for an election—
      (a) the chief electoral officer must, in writing, notify the candidate and all the parties on whose party lists such a candidate appears by no later than the relevant date and time stated in the election timetable; and
      (b) each of the parties to whom notice has been given in terms of paragraph (a) may, by no later than the relevant date and time stated in the election timetable, substitute such a candidate and re-order the names on its party list as a result of that substitution.”.

Amendment of section 14A of Act 27 of 2000, as inserted by section 3 of Act 14 of 2010

3. Section 14A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
   “(2) Payments must be made by bank guaranteed cheque before the cut-off time for the submission of party lists and every cheque must be accompanied by] the party must submit to the Commission, before such cut-off time, a notice in the prescribed form specifying the details of each municipality to which the deposits apply.”

Amendment of section 17 of Act 27 of 2000, as amended by section 4 of Act 14 of 2010

4. Section 17 of the principal Act is hereby amended—
   (a) by the substitution for subsection (1) of the following subsection:
      “(1) A person may contest an election as a ward candidate only if that person is nominated on a prescribed form and that form is submitted to
Ukhwiwiswa ha khethekanyo ya 14 ya Mulayo wa 27 wa 2000, une kwakhwiwiswa nga khethekanyo ya 2 ya Mulayo wa 14 wa 2010

2. Khethekanyo ya 14 ya Mulayo muhulwane i khwiwiswa—
   (a) nga u imelwa kha khethekanyo tshuku ya (1) kha mapiyi a rangelaha phara ya
   (a) ya mapiyi a tevhelaho:
      "Lihoro li nga dzhenela khetho u ya nga khethekanyo ya 13(1)(a) kana
      (c) fhedzi arali Lihoro hu si nga murahu ha damtu no bulwaho kha
      tsumbatshifhinga ya khetho jo isa kha[muimeleli wapo wa ofisi ya
      Khomishini] Khomishini——";
   (b) nga u thuthwa kha khethekanyo tshuku ya (1)(a) ya pharagirafa ya (i);
   (c) nga u imelwa kha khethekanyo tshuku ya (1) kha pharagirafa ya (b) ya phara
      i tevhelaho:
      "(b) diphosithi ine ya lingana na tshelede yo randelwaho, arali zwo tea u
      pfalo, i baldelwaho [nga tshekwe yo garantiwoha kha Khomishini]
      nga ndila yo randelwaho nahone yo teaho.;"
   (d) nga u dzhenisa nga murahu ha khethekanyo tshuku ya (1) (1) ya khethekanyo
      i tevhelaho:
      "(1A) Lihoro li tea u isa man ˙ walwa o ambiwaho kha khethekanyo
      tshuku ya (1)—
      (a) nga tshandha kha ofisi ya muimeleli wapo wa Khomishini; kana
      (b) nga ndila ya ilekhitironiki kha muofoisiri muhulwane wa khetho nga
      ndila yo randelwaho.;"
   (e) nga u imelwa kha khethekanyo tshuku ya (4) kha pharagirafa ya (b) ya
      pharagirafa i tevhelaho:
      "(b) u tendela Lihoro li tshi isa manwilwa o salelaha [kha muimeleli
      wapo wa ofisi ya Khomishini] sa zwo vhetselwaho kha
      khethekanyo tshuku ya (1A) hu sa aľhu u fhira damtu na
      tshifhinga zwo bulwaho kha tsumbatshifhinga ya khetho.; na
      (f) nga u dzhenisa nga murahu ha khethekanyo tshuku ya (4) ya khethekanyo
      tshuku i tevhelaho:
      "(4A) Arali nkheteni a kha mitevhe ya khetho ya mahoro ane a fhira
      lithi—
      (a) muofoisiri muhulwane wa khetho nga u tou ńwala, u tea u divhazda
      nkheteni na mahoro ońhe nga ha mitevhe yao na vhonkhetheni
      vhane vha vha kha mitevhe hu sa aľhu fhira damtu na tshifhinga
      zwo teało zwine zwo bulwaho kha tsumbatshifhinga ya khetho; na
      (b) Lihoro lńwe na lńwe ń Johannesburg u ya nga pharagirafa ya (a) li
      nga, hu sa aľhu u fhira damtu na tshifhinga zwo bulwaho kha
      tsumbatshifhinga ya khetho, imelisa uyo nkheteni nahone, la
      dzudzanya madzina kha mitevhe wa Lihoro zwo tńwa nga uho u
      imeliswa.;".

Ukhwiwiswa ha khethekanyo ya 14A ya Mulayo wa 27 wa 2000, i dzheniswaho nga
khethekanyo ya 3 ya Mulayo wa 14 wa 2010

3. Khethekanyo ya 14A ya Mulayo Muhulwane i khwiwiswa nga u imelwa kha
khethekanyo tshuku ya (2) ya khethekanyo tshuku i tevhelaho:
   "(2) Mbadelo dzi itwa [nga tshekwe yo garantiwoha ya bankani] phanda ha
   tshifhinga tsha u vala u isa mitevhe ya Lihoro na uri [tshekwe inwe na inwe i tea u
   fhelekedzwaho nga] Lihoro li tea u isa kha Khomishini, phanda ha tshifhinga tsha u
   vala, njivhazdo kha fomo yo randelwaho li ṭaluse zwidodombedzwa zwa masipala
   muńwe na muńwe une wa khou diphosithelwa mbadelo.”

Ukhwiwiswa ha khethekanyo ya 17 ya Mulayo wa 27 wa 2000, wo khwiwiswa nga
khethekanyo ya 3 ya Mulayo wa 14 wa 2010

4. Khethekanyo ya 17 ya Mulayo Muhulwane i khwiwiswa—
   (a) nga u imelwa kha khethekanyo tshuku ya (1) ya khethekanyo i tevhelaho:
      "(1) Muthu a nga dzhenela khetho sa nkheteni wa wadi fhedzi arali
      uyo muthu o nangwa nga fomo yo randelwaho nahone iyo fomo yo iswa
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the [office of the Commission’s local representative] Commission by
not later than a date stated in the timetable for the election.”;

(b) by the insertion after subsection (1) of the following subsection:
  (1A) The prescribed nomination form must be submitted—
  (a) by hand to the office of the Commission’s local representatives; or
  (b) electronically to the chief electoral officer in the prescribed manner;

(c) by the deletion in subsection (2) of the word “and” at the end of paragraph (e),
the insertion of the word “and” at the end of paragraph (f) and the addition to
that subsection of the following paragraph:
  “(g) in the case of an independent ward candidate, a recent photograph
  of the candidate in such form as may be prescribed.”; and

(d) by the insertion after subsection (2) of the following subsection:
  “(2B) If a ward candidate has been nominated by more than one party
  or person for an election—
  (a) the chief electoral officer must, in writing, notify the candidate and
      such parties or persons who have nominated such a candidate by no
      later than the relevant date and time stated in the election timetable; and
  (b) each of the parties or persons to whom notice has been given in
      terms of paragraph (a) may, by no later than the relevant date and
      time stated in the election timetable, substitute such a candidate.”.

Amendment of section 49 of Act 27 of 2000

5. Section 49 of the principal Act is hereby amended—
  (a) by the substitution for subsection (1) of the following subsection:
      “(1) If a voter [accidentally]—
      (a) marks a ballot paper in a way that does not indicate for whom the
          voter wishes to vote; or
      (b) after having marked the ballot paper, changes his or her mind as to
          how he or she wishes to vote,
      and the ballot paper has not yet been placed in the ballot box, the voter
      may return that ballot paper to the presiding officer or a voting officer.”;
      and
  (b) by the addition of the following subsection:
      “(4) The Commission must prescribe the number of times a new ballot
      paper may be issued in terms of subsection (3), with due regard to section
      19 of the Constitution.”

Amendment of section 64 of Act 27 of 2000, as amended by section 9 of Act 14 of 2010

6. Section 64 of the principal Act is hereby amended by the substitution for subsection
  (1) of the following subsection:
  “(1) On receipt of all the results of the count in respect of all ballots conducted
  at the voting stations within the municipality or ward, as the case may be, the
  Commission must—
  (a) determine the result of the election in the municipality or ward, as the case
      may be;
  (b) record the result on a prescribed form; and
  (c) declare the result in public.”.
kha [muimeleli wapo wa ofisi ya Khomishini] Khomishini hu sa athu fhira datumu na tshifhinga zwo bulwaho kha tsambatshifhinga ya khetho.”

(b) nga u dzhenisa nga murahu ha khethekanyo ũthukhu ya (1) ya khethekanyo ũthukhu i tevhelaho:

“(1A) Fomo yo randelwaho ya u nanga i tea u iswa—

(a) nga tshangâ qa ofisi ya muimeleli wapo wa Khomishini; kana
(b) nga ndâla ya ilekîthironiki kha muofisiri muhulwane wa khetho nga ndâla yo randelwaho.”

(c) nga u thutha kha khethekanyo ũthukhu ya (2) ipfi “na” mafheloni a phara ya 

(e), u dzhenisa ipfi “na” mafheloni a pharagirafu ya (f) na u engedza kha iyo khethekanyo ũthukhu hu tshi engedzwa pharagirafu i tevhelaho:

“(g) kha nyimele ya musi nkheteni wa wadi o ñiïmisa nga ethe, tshinepe tsha zwino-zwino tsha nkheteni tshi vhe kha yenyeyo fomo sa zwo randelwaho.”; na

(d) nga u dzhenisa nga murahu ha khethekanyo ũthukhu ya (2) ya khethekanyo ũthukhu i tevhelaho:

“(2B) Arali nkheteni wa wadi o nangwi nga mahoro ane a fhira lîthihi kana vhathu vhanhe vhe fhira muthihi kha khetho—

(a) muofisiri muhulwane wa khetho nga u tou ñâla, u tea u vhudza nkheteni uyo na aoy mahoro kana avho vhathu vhe vhe vha nga uyo nkheteni hu sa athu u fhira datumu na tshifhinga zwo bulwaho kha tsambatshifhinga ya khetho; na
(b) lîhoro lîwine na liwine kana vhathu vhanhe vhe vhanhe vho ñivhediwa u ya nga pharagirafu ya (a) hu sa athu u fhira tshifhinga tsho bulwaho kha tsambatshifhinga ya khetho, imelisa uyo nkheteni.”.

U khwinêswa ha khethekanyo ya 49 ya Mulayo 27 wa 2000

5. Khethekanyo ya 49 ya Mulayo muhulwane i khou khwinêswa—

(a) nga u imelwa kha khethekanyo ũthukhu ya (1) ya khethekanyo ũthukhu i tevhelaho:

“(1) Arali mukhethi [a khakha]—

(a) a ñâla bambiliri ja u khethela khâlo nga ndâla i sa sumbedzi uri u khou khetha nnyi; kana
(b) nga murahu ha musi o ñâla kana u khetha kha bambiliri ja u khethela khâlo, a shandukisa muhumbulo wawe wa kukhelele, nabone bambiliri ja u khethela khâlo ji sa athu u dzheniswa kha bogisi ja mabambiliri a u khethela, mukhethi a nga humisela bambiliri ilo kha muofisiri wa khetho.”; na

(b) nga u engedzwa ha khethekanyo ũthukhu i tevhelaho:

“(4) Khomishini i fanela u randela uri bambiliri ja u khethela khâlo ji tea u fhîwa muhu lungana u ya nga khethekanyo ũthukhu ya (3), hu tshi dźhwelwa ndha khethekanyo ya 19 ya Ndayotewa.”

Ukhwinêswa ha khethekanyo ya 64 ya Mulayo wa 27 wa 2000, u khwinêswa nga khethekanyo ya 9 ya Mulayo wa 14 wa 2010

6. Khethekanyo ya 64 ya Mulayo Muhulwane i khou khwinêswa nga u imelwa kha khethekanyo ũthukhu ya (1) ya khethekanyo ũthukhu i tevhelaho:

“(1) Musi ho ñanganedzwa mvelelo dzothâ dzo valwaho malugana na mabambiliri a u khethela khâo o shuniwaho kha zwîtîshi zwa vhuikhethelo kha masipala kana wadi, sa zwîne zwitho zwa vha, Khomishina u tea u—

(a) lavhelesa mvelelo dzâa khetlo kha masipala kana wadi, sa zwîne zwitho zwa vha;
(b) ñivheda mvelelo kha fomo yo randelwaho; na
(c) ñivheda mvelelo tshîthshavha.”.
Amendment of Schedule 3 to Act 27 of 2000, as inserted by section 11 of Act 14 of 2010

7. Schedule 3 to the principal Act is hereby amended—
   (a) by the substitution in Item 5 for subitems (1) and (2) of the following subitems, respectively:
      “(1) Registered parties that intend to contest this election in terms of section 14 must nominate and submit [a notice of intention to contest,] a party list of their candidates and the prescribed deposit with the supporting documents for the election [to the office of the Commission’s local representative] in the manner provided for in section 14(1A)(a) or (b) in the prescribed form [and manner] by ........ (date).
      (2) Registered parties and nominators of independent candidates that intend to contest a ward in this election in terms of section 17, must submit their nominations and the prescribed deposits with the supporting documentation for the said ward election [to the office of the Commission’s local representative] in the manner provided for in section 14(1A)(a) or (b) in the prescribed form [and manner] by .......... (date).”; and
   (b) by the insertion after Item 6 of the following Item:

   “Multiple nominations

   6A. (1) The Commission must notify a candidate whose name appears on more than one party list for an election submitted in terms of section 14 and all the parties on whose party lists such a candidate appears by .... (date). (2) If the notified party decides to act in terms of section 14(4A)(b), that party must do so by ............ (date).
   (3) The Commission must notify a ward candidate that has been nominated by more than one party or person for an election, and each party or person who has nominated such candidate, by ............. (date).
   (4) If the notified nominating party or person decides to act in terms of section 17(2B)(b), that party or person must do so by ............ (date).”.

Short title and commencement

8. This Act is called the Local Government: Municipal Electoral Amendment Act, 2016, and comes into operation on a date determined by the President by proclamation in the Gazette.
Ukhwiqiswa ha Shedulu ya 3 kha Mulayo wa 27 wa 2000, sa zwine zwa khou dzeniswana nga khethekanayo ya 11 ya Mulayo wa 14 wa 2010

7. Shedulu ya 3 kha Mulayo mahuwane i khou khwiqiswa—

(a) nga u imelwa kha tshiteiwa tsaha 5 kha zwiteiwa zwituku zwisa (1) na (2) zwa zwitwenwa zwituku zwi tevehela, zwotho:

"(1) Mahoro o ñwaliha o a tọda u dzenelana khetho u ya nga khethekanayo ya 14 a tea u nanga na u isa [ndįjįhadjə ya u dzenelana,] muiteve wa lihorow wa vhonkhetheni vha o nangore a diphosi theyo randelwana khathihla na mainwana a u kwaghisidza kha idzo khetho [kha muimeli wapo wa ofisi ya Khomishini] nga ndila vo vhetshelwana kha khethokanyo ya 14(1A)(a) kana (b) kha fomo yu randelwana [na ndila] nga ............ (datumu).

(2) Mahoro o ñwaliha o vhaqangani vha vhonkhetheni vho qimisahlo nga vhotho vha vho tọda u dzenelana khetho kha wadi kha idzi khetho u ya nga khethekanayo ya 17, vha tea u isa uho u nangwa na diphositho dzo randelwana khathihla na mainwana a u kwaghisidza lwa idzo khetho dzo bulwana [kha muimeli wapo wa ofisi ya Khomishini] nga ndila vo vhetshelwana kha khethekanayo ya 14(1A) (a) kana (b) kha fomo yu randelwana [na ndila] nga ............ (datumu)."; na

(b) nga u dzenisahlo nga muramu ha tshiteiwa tsaha 6 tsha tshiteiwa tsho tevehela:

"U nangiwa nga mahoro manzhi kana vhathu vhanzhi

6A. (1) Khomishini i tea u dįivhadza nkhetheni ane dzina je awe la khou vhona la i kha miteve va mahoro ane a fhira jįithi kha khetho o iswaha u ya nga khethekanayo ya 14 na mahoro oţhe ane miteve yao ya uyo nkhetheni ya khou vhonala nga .................... (datumu).

(2) Arali lihorow la tseu a zwa iti u ya nga khethekanayo ya 14(4A)(b), iţo lihorow li tea a ita izwo nga .................... (datumu).

(3) Khomishini i tea u dįivhadza nkhetheni wa wadi o ńangiwo nga mahoro ane a fhira jįithi kana nga vhathu vhanzhi kha idzo khetho, na lihorow liwe na liwe o ńangalo kana mutho o ńangalo uyo nkhetheni, nga .................... (datumu).

(4) Arali lihorow liwe la khou nga ńo dįivhadza kana muthu ane a khou nanga o dįivhadza a humbula u zwi itwa u ya nga khethekanayo ya 17(2B)(b), iţo lihorow kana uyo mutho vi tea a pfalo nga .................... (datumu).".

Dzina lipufihla na dувha la u thoma u shumisa mulayo

8. Uno Mulayo u vhiuda upfi, Muvhuso Wapo: Mulayo wo Khwiqiswo ha Khetho dza Masipala, wa 2016, nahone u do thoma u shumiswa nga dувha lo tiwaha nga Phresidennde nga kha mulevho kha Gazete.