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RIPHABLIKI YA AFRIKA TSHIPEMBE

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No. 39838

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:

Act No. 1 of 2016: Local Government: Municipal Electoral Amendment Act, 2016

VHUPRESIDENDE

Nom 337 18 March 2016

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:

Nom 1 ya 2016: Muvhuso Wapo: Mulayo wo Khwiniswaho wa Khetho dza Masipala wa 2016



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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— 5

- (a) by the insertion after the definition of “assignment” of the following definition: 5
- “ **‘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;” 10

- (b) by the substitution for the definition of “identity document” of the following definition:
- “ **‘identity document’** means[— 15
- (a) an identity document issued after 1 July 1986, in terms of section 8 of the repealed Identification Act, 1986 (Act No. 72 of 1986); or 20
- (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;”.

TĤALUTSHEDZONYANGAREDZI:

[] Maipfi o swifhadziwaho ngomu kha buraketse dza zwickwea a sumbedza zwo bviswaho kha mulayo.

_____ Maipfi o talelwaho nga fhasi nga mutalo u songo khauwaho a sumbedza zwo dzheniswaho kha mulayo.

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

MULAYO

U khwiṅisa kha Mulayo wa, Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, u itela u ṭalutshedza zwine zwa khou ambiwa na u khwiṅisa ṭalutshedzo; u khwiṅisa mbetshelo dzi kwamaho u nangwa ha vhonketheni; u ita mbetshelo ya nḡila dzo fhambano dza u badela dzidiphosithi lwa iḡekiṭhironiki; u ita mbetshelo kha zwa u isa maṅwalwa a u nanga nketheni nga nḡila ya iḡekiṭhironiki; u ita mbetshelo ya u ḡivhadza mahoro a re na dzangalelo hune nketheni a vha o ṅangiwa nga vhathu vhane vha fhira muthu muthihi; u ṭandavhudza uri zwi pfalesese nga ha nyimele ine khayi mabambiri a u khethela khao maswa a nga fhiwa vhakhethi; na u ṭalutshedza mbetshelo dzi kwamaho u lavhelesa na u ḡivhadza mvelelo dza khetho dza vhupo honoho; na u ita mbetshelo kha mafhungo a kwameaho.

U KHWATḤISWE nga Phalamennde ya Riphabuḡiki ya Afrika Tshipembe, sa zwi tevhelaho:—

U khwiṅiswa 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 vhidzwa upfi Mulayo muhulwane), u khou khwiṅiswa—

(a) Nga u dzhenisa nga murahu ha ṭalutshedzo ya “mushumo tshuṅwa” ya ṭalutshedzo i tevhelaho: 5

“**‘muimeleli o tendelwaho’**, malugana na ḡihoro, zwi amba muthu wa vhukuma ane o tendelwa nga ḡihoro u ya nga ndayotewa yaḡo uri a imele iḡo ḡihoro u itela ndivho dza u isa mutevhe wa ḡihoro kana nketheni wa wadi;” na 10

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

“**‘bugundaula’** zwi amba[—

(a) **bugundaula yo ṅetshedzwaho nga murahu ha dzi 1 Fulwana 1986, u ya nga khethekanyo ya 8 ya Mulayo wa Vhuṅe, wa 1986 (Mulayo wa nomboro ya. 72 wa 1986); kana** 15

(b) **ṭhanziela ya vhuṅe ya tshifhinganyana] khadi ya vhuṅe yo ṅetshedzwaho u ya nga Mulayo wa Vhuṅe, wa 1997 (Mulayo wa nomboro ya. 68 wa 1997), nahone, hu tshi tevhedzwa khethekanyo ya 25 ya uyo Mulayo, hu katelwa bugundaula dala i re na bakhoudu sa zwo sumbedzwaho kha iyo khethekanyo;”** 20

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: 5
 “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); 10
- (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.”; 15
- (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. 20
- (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 25
- (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.”. 30
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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: 40

- “(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.” 45

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: 50
 “(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

Ukhwiniwaho ha khethekanyo ya 14 ya Mulayo wa 27 wa 2000, une wa khou khwiniwaho nga khethekanyo ya 2 ya Mulayo wa 14 wa 2010

2. Khethekanyo ya 14 ya Mulayo muhulwane i khou khwiniwaho—

- (a) nga u imelwa kha khethekanyo thukhu ya (1) kha maipfi a rangelaho phara ya (a) ya maipfi a tevhelaho: 5
 “Lihoro li nga dzhenela khetho u ya nga khethekanyo ya 13(1)(a) kana (c) fhedzi arali lihora hu si nga murahu ha datumu yo bulwaho kha tsumbatshifhinga ya khetho lo isa kha **[muimeleli wapo wa ofisi ya Khomishini] Khomishini—**”;
- (b) nga u thuthwa kha khethekanyo thukhu ya (1)(a) ya pharagirafu ya (i); 10
- (c) nga u imelwa kha khethekanyo thukhu ya (1) kha pharagirafu ya (b) ya phara i tevhelaho:
 “(b) diphosithi ine ya lingana na tshelede yo randelwaho, arali zwo tea u pfalo, i badelwaho **[nga tsheke yo garantiwaho kha Khomishini] nga ndila yo randelwaho nahone yo teaho.**”; 15
- (d) nga u dzhenisa nga murahu ha khethekanyo thukhu ya (1) ya khethekanyo i tevhelaho:
 “(1A) Lihoro li tea u isa manwalwa o ambiwaho kha khethekanyo thukhu ya (1)—
 (a) nga tshanda kha ofisi ya muimeleli wapo wa Khomishini; kana 20
 (b) nga ndila ya ilekithironiki kha muofisiri muhulwane wa khetho nga ndila yo randelwaho.”;
- (e) nga u imelwa kha khethekanyo thukhu ya (4) kha pharagirafu ya (b) ya pharagirafu i tevhelaho:
 “(b) u tendela lihora li tshi isa manwalwa o salelaho **[kha muimeleli wapo wa ofisi ya Khomishini] sa zwo vhetshelwaho kha khethekanyo thukhu ya (1A)** hu sa athu u fhira datumu na tshifhinga zwo bulwaho kha tsumbatshifhinga ya khetho.”; na 25
- (f) nga u dzhenisa nga murahu ha khethekanyo thukhu ya (4) ya khethekanyo thukhu i tevhelaho: 30
 “(4A) Arali nkheteni a kha mitevhe ya khetho ya mahoro ane a fhira lithihi—
 (a) muofisiri muhulwane wa khetho nga u tou n'wala, u tea u divhadza nkheteni na mahoro othe nga ha mitevhe yao na vhonkheteni vhane vha vha kha mitevhe hu sa athu fhira datumu na tshifhinga 35
 zwo teaho zwine zwo bulwa kha tsumbatshifhinga ya khetho; na
 (b) lihora linwe na linwe lo divhadziwaho u ya nga pharagirafu ya (a) li nga, hu sa athu u fhira datumu na tshifhinga zwo bulwaho kha tsumbatshifhinga ya khetho, imelisa uyo nkheteni nahone la dzudzanya madzina kha mitevhe wa lihora zwo itwa nga uho u 40
 imeliswa.”.

Ukhwiniwaho 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 khou khwiniwaho nga u imelwa kha khethekanyo thukhu ya (2) ya khethekanyo thukhu i tevhelaho: 45**
 “(2) Mbadelo dzi itwa **[nga tsheke yo garantiwaho ya banngani]** phanda ha tshifhinga tsha u vala u isa mitevhe ya lihora na uri **[tsheke inwe na inwe i tea u fhelekedzwa nga]** lihora li tea u isa kha Khomishini, phanda ha tshifhinga tsha u vala, ndivhadzo kha fomo yo randelwaho li taluse zwidodombedzwa zwa masipala muwe na muwe une wa khou diphosithelwa mbadelo.” 50

Ukhwiniwaho ha khethekanyo ya 17 ya Mulayo wa 27 wa 2000, wo khwiniwaho nga khethekanyo ya 3 ya Mulayo wa 14 wa 2010

4. Khethekanyo ya 17 ya Mulayo Muhulwane i khou khwiniwaho—

- (a) nga u imelwa kha khethekanyo thukhu 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 55

- 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 5
- (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 10
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 15
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 20
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]**— 25
- (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 30
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 35
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: 40
- “(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 45
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 tsumbatshifhinga ya khetho.”;

- (b) nga u dzhenisa nga murahu ha khethekanyo thukhu ya (1) ya khethekanyo thukhu i tevhelaho: 5

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

- (a) nga tshanda kha ofisi ya muimeleli wapo wa Khomishini; kana
(b) nga ndila ya ilekithroniki kha muofisiri muhulwane wa khetho nga ndila yo randelwaho.”;

- (c) nga u thutha kha khethekanyo thukhu ya (2) ipfi “na” mafheloni a phara ya (e), u dzhenisa ipfi “na” mafheloni a pharagirafu ya (f) na u engedza kha iyo khethekanyo thukhu hu tshi engedzwa pharagirafu i tevhelaho: 10

“(g) kha nyimele ya musu nkheteni wa wadi o diimisa nga ethe, tshinepe tsha zwino-zwino tsha nkheteni tshi vhe kha yenyayo fomo sa zwo randelwaho.”; na 15

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

“(2B) Arali nkheteni wa wadi o nangiwa nga mahoro ane a fhira lithihi kana vhatu vthane vha fhira muthihi kha khetho—

- (a) muofisiri muhulwane wa khetho nga u tou n'wala, u tea u vhudza nkheteni uyo na ayo mahoro kana avho vhatu vhe vha nanga uyo nkheteni hu sa athu u fhira datumu na tshifhinga zwo bulwaho kha tsumbatshifhinga ya khetho; na 20

- (b) lihora liinwe na liinwe kana vhatu vhanwe na vhanwe vthane vho divhadziwa u ya nga pharagirafu ya (a) hu sa athu u fhira tshifhinga tsho bulwaho kha tsumbatshifhinga ya khetho, imelisa uyo nkheteni.”. 25

U khwiniswa ha khethekanyo ya 49 ya Mulayo 27 wa 2000

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

- (a) nga u imelwa kha khethekanyo thukhu ya (1) ya khethekanyo thukhu i tevhelaho: 30

“(1) Arali mukhethi [a khakha]—

- (a) a n'wala bammberi la u khethela khalo nga ndila i sa sumbedzi uri u khou khetha nnyi; kana

- (b) nga murahu ha musu o n'wala kana u khetha kha bammberi la u khethela khalo, a shandukisa muhumbulo wawe wa kukhethete, nahone bammberi la u khethela khalo li sa athu u dzheniswa kha bogisi la mabammberi a u khethela, mukhethi a nga humisela bammberi ilo kha muofisiri wa khetho.”; na 35

- (b) nga u engedzwa ha khethekanyo thukhu i tevhelaho: 40

“(4) Khomishini i fanela u randela uri bammberi la u khethela khalo li tea u fhiwa muthu lungana u ya nga khethekanyo thukhu ya (3), hu tshi dzhielwa ntha khethekanyo ya 19 ya Ndayotewa.”

Ukhwiniswa ha khethekanyo ya 64 ya Mulayo wa 27 wa 2000, u khwiniswaho nga khethekanyo ya 9 ya Mulayo wa 14 wa 2010 45

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

“(1) Musu ho tangedzwa mvelelo dzothe dzo vhalwaho malugana na mabammberi a u khethela khao o shunwaho kha zwiitshi zwa vkhukhethelo kha masipala kana wadi, sa zwine zwithu zwa vha, Khomishini u tea u— 50

- (a) lavhelesa mvelelo dza khetho kha masipala kana wadi, sa zwine zwithu zwa vha;

- (b) rekhoda mvelelo kha fomo yo randelwaho; na

- (c) divhadza mvelelo tshitshavha.”.

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: 5

“(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). 10

(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 15

(b) by the insertion after Item 6 of the following Item: 20

“Multiple nominations 20

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). 25

(2) If the notified party decides to act in terms of section 14(4A)(b), that party must do so by (date). 25

(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). 25

(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).” 30

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*.

Ukhwiniwaho ha Sheduju ya 3 kha Mulayo wa 27 wa 2000, sa zwine zwa khou dzheniswa nga khethekanyo ya 11 ya Mulayo wa 14 wa 2010

7. Sheduju ya 3 kha Mulayo muhulwane i khou khwiniwaho—

- (a) nga u imelwa kha tshitenwa tsha 5 kha zwithenwa zwiŋtuku zwa (1) na (2) zwa zwithenwa zwiŋtuku zwi tevhelaho, zwothe: 5

“(1) Mahoro o nwalisaho ane a ŋoda u dzhenela khetho u ya nga khethekanyo ya 14 a tea u nanga na u isa **[nŋivhadzo ya u dzhenela,]** mutevhe wa lihora wa vhonketheni vha one mahoro na diphosithi yo randelwaho khathihhi na manwalwa a u khwaŋhisedza kha idzo khetho **[kha muimeli wapo wa ofisi ya Khomishini]** nga ndila yo vhetshelwaho kha khethekanyo ya 14(1A)(a) kana (b) kha fomo yo randelwaho **[na ndila]** nga (datumu). 10

(2) Mahoro o nwalisaho na vhaŋangi vha vhonketheni vho ŋiimisaho nga vhothe vhane vha ŋoda u dzhenela khetho kha wadi kha idzi khetho u ya nga khethekanyo ya 17, vha tea u isa uho u nangwa na diphosithi dzo randelwaho khathihhi na manwalwa a u khwaŋhisedza lwa idzo khetho dzo bulwaho **[kha muimeli wapo wa ofisi ya Khomishini]** nga ndila yo vhetshelwaho kha khethekanyo ya 14(1A) (a) kana (b) kha fomo yo randelwaho **[na ndila]** nga (datumu).” 15

- (b) nga u dzheniswa nga murahu ha tshitenwa tsha 6 tsha tshitenwa tshi tevhelaho: 20

“U nangiwa nga mahoro manzhi kana vathu vhanzhi

6A. (1) Khomishini i tea u ŋivhadza nketheni ane dzina jawe ja khou vhonala li kha mitevhe ya mahoro ane a fhira liithihi kha khetho yo iswaho u ya nga khethekanyo ya 14 na mahoro othe ane mitevhe yao ya uyo nketheni ya khou vhonala nga (datumu). 25

(2) Arali lihora ja tshea u zwi ita u ya nga khethekanyo ya 14(4A)(b), ilo lihora li tea u ita izwo nga (datumu).

(3) Khomishini i tea u ŋivhadza nketheni wa wadi o nangiwaho nga mahoro ane a fhira liithihi kana nga vathu vhanzhi kha idzo khetho, na lihora liinwe na liinwe lo nangaho kana muthu o nangaho uyo nketheni, nga (datumu). 30

(4) Arali lihora line ja khou nanga lo ŋivhadzwa kana muthu ane a khou nanga o ŋivhadzwa a humbula u zwi itwa u ya nga khethekanyo ya 17(2B)(b), ilo lihora kana uyo muthu vha tea u pfalo nga (datumu).” 35

Dzina lipfufhi na ŋuvha ja u thoma u shumisa mulayo

8. Uno Mulayo u vhidzwa upfi, Muvhuso Wapo: Mulayo wo Khwiniwaho wa Khetho dza Masipala, wa 2016, nahone u ŋo thoma u shumiswa nga ŋuvha lo tiwaho nga Phresidennde nga kha mulevho kha *Gazete*.

