

WARD BY-ELECTIONS

FREQUENTLY ASKED QUESTIONS

1. What is a by-election?

- A by-election is an election that takes place in a ward in a municipality between general municipal elections which are held every five years.

- A by-election must be held if:
 - The Electoral Commission does not declare the results of the election of a municipal council or in ward within the specified period
 - A court sets aside the election of a council or a ward
 - The council is dissolved; or
 - A ward vacancy occurs

- A vacancy occurs on:
 - the death of a ward councillor
 - the resignation of a ward councillor from a party or municipal council
 - the expulsion of a ward councillor from a party or municipal council.

2. What is the process for calling a by-election?

- Once a vacancy occurs, the MEC for Local Government must, after consulting with the Electoral Commission, call and set aside a date for the by-election in a notice in the provincial *Government Gazette*.
- The by-election must take place within 90 days of the previous election, the date of the court decision, the date the council was dissolved or the date of the ward vacancy occurring.

3. Why should you vote in by-elections?

- Municipalities are responsible for a wide range of services to citizens – including water, electricity, roads, health care, refuse and waste removal and many others. Your participation allows you to choose the ward councillor who will represent your interests and those of your community in the municipality.

4. How do you participate?

- You must be a registered voter in municipality or ward in which the by-election is taking place.
- If you have already registered to vote, you do not need to register again to vote in a by-election, unless you have moved home, in which case you may need to re-

register in your new voting district, or unless your address details are incomplete or absent on the voters' roll.

- In terms of the Constitutional Court ruling of 14 June 2016, the Electoral Commission is required to implement Section 16 (3) of the Electoral Act, which requires that voters' rolls should contain the address of voters "where available", for all by-elections following the 2016 Municipal Elections.
- You can check your registration details by SMSing your identity number to 32810, dialling *120*432#, visiting www.elections.org.za, or visiting your local/municipal electoral office.
- You can register:
 - at the municipal electoral office in your municipality weekdays during office hours
 - during a special registration weekend at your voting station before the by-election.

5. What do you need to register?

- A green barcoded identity document, smartcard ID, or a temporary identity certificate (TIC)
- To be a South African citizen
- To be over the age of 16 to register, however, you can only vote when you are 18 years or older
- To live in the ward where the by-election is held.

6. Who can stand for election as a candidate in a by-election?

- Any registered voter may stand for election as a ward councillor in the municipality in which they are registered as a voter. You do not have to be registered or resident in the specific ward
- To stand as an independent candidate (i.e. not nominated by a registered political party) you must be nominated by a registered voter in the municipality and have the support of at least 50 registered voters in the ward (they must provide their signatures on the nomination form)
- Nominations may be submitted by hand at local IEC offices for the municipality where candidates will be contesting the elections
- Nominations may also be submitted online via the Electoral Commission's website (www.elections.org.za). Candidates are reminded that the Online Candidate Nomination System (OCNS) is a secure system for which users must first register in person with proof of identification. For this reason those who have not yet signed up to use the online system are advised at this stage to submit nominations manually.

- All independent candidates must submit the following documents:
 - A completed and signed nomination form including 50 signatures of supporters from the ward (the form is available on elections.org.za)
 - A copy of your identity document
 - An election deposit of R1000
 - An A5 colour photo (head & shoulders) of the candidate.

7. How do I vote in a by-election?

- By-elections usually take place on a Wednesday
- Voting stations are open between 7am – 9pm
- You need to vote **in person** with your green barcoded identity document, smartcard ID or a valid temporary identity certificate
- To find your voting station SMS your ID number to 32810 (cost R1), dial *120*432# or visit www.elections.org.za

8. What if I can't vote on election day?

- You may be eligible for a special vote at your voting station if you are unable to vote on Election Day
- You may be eligible for a home visit to cast your special vote if you are physically infirm, disabled or pregnant and as a result unable to visit your voting station on Election Day
- Special voting takes place on a date set in the Election Timetable, which is usually the day before the by-election day
- Special vote applications must be submitted during a set period as specified in the election timetable (usually about two weeks before the by-election date)
- You can apply at the local IEC office where the by-election is taking place, or online at www.elections.org.za, or by SMSing your ID number to 32249 (R1 per SMS)
- You will be notified of the progress of your application. Only voters whose applications are approved (successful) may cast a special vote.

9. What happens if the results of the by-election affect the formula originally used to calculate the proportional representation (PR) seats?

- The results of a by-election do not affect the original representation of parties by councillors elected from party lists

10. How can I find out the results of the by-elections?

- By-election results are published on the Electoral Commission website (www.elections.org.za) usually the day after by-elections. They are also shared with the media.

11. What is the term of office of councillors?

- A councillor is elected as a member of a municipal council for a period ending when the next council is declared elected

12. How many by-elections are usually held between general municipal elections?

- On average, some 150 by-elections are held each year in South Africa.

13. What electoral system is applied in municipal elections (including by-elections)?

- Municipal by-elections in South Africa follow a mixed system. This is a combination of the 'winner takes all' and proportional representation systems. When it comes to calculating the final number of seats that goes to different parties, the principle of proportionality decides this. For example, if there are 10 seats available in a municipality – 5 ward seats and 5 proportional representation (PR) seats:
 - Party A, with 50% of votes, has a right to 5 seats: if they win 4 wards, they will get 1 PR seat.
 - Party B, with 30% of votes, has 3 seats: if they win 1 ward, they will get 2 PR seats to end up with 3 seats.
 - Party C, with 20% of votes, earns 2 seats: if they did not win any wards, they still get 2 PR seats to make up their total.

14. What is the minimum voter turnout required in municipal elections?

- No minimum voter turnout is needed to validate any statutory election in South Africa, including by-elections.

Contact details

To find out where your local Municipal Electoral Office is, please visit the IEC website or call the IEC office in your province.

National Office

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