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GOVERNMENT NOTICE

INDEPENDENT ELECTORAL COMMISSION

No. R. 152

23 February 2011

LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT 27 OF 2000

AMENDMENT TO THE MUNICIPAL ELECTORAL REGULATIONS (2000)

The Electoral Commission has, in terms of section 89 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), made the regulations set out in the Schedule.

SCHEDULE

Definitions

1. In this Schedule, unless the context indicates otherwise-

“**the Act**” means the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000); and

“**the Regulations**” means the Municipal Electoral Regulations, 2000, published in GN R817 in *Government Gazette* No. 21498 of 22 August 2000 as amended by GN R848 in *Government Gazette* No. 27957 of 23 August 2005.

Amendment of Regulation 4 of the Regulations

2. Regulation 4 of the Regulations is hereby amended by the substitution for sub-regulation (2) of the following sub-regulation:

“The amount of the deposit referred to in section 14(1)(b) of the Act is, in respect of each separate list submitted by a party-

(a) R4 000-00 (four thousand rand) in an election in a metropolitan municipality;

(b) R2 500-00 (two thousand and five hundred rand) in an election in a local municipality with wards; and

(c) R1 500-00 (one thousand and five hundred rand) in an election in a local municipality without wards and in an election in a district municipality.

Insertion of Regulation 7A in the Regulations

3. The Regulations are hereby amended by the insertion after Regulation 7 of the Regulations of the following regulation:

“7A Central Payment of Deposits

Payments of deposits in terms of section 14A of the Act must be accompanied by a notice substantially similar to Appendix 24.”.

Substitution of Regulation 11 of the Regulations

4. The following regulation is hereby substituted for regulation 11 of the Regulations:

“11 Deposit

The amount of the deposit referred to in section 17(2)(d) of the Act, is R1000-00 (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.”.

Substitution of Regulation 16 of the Regulations

5. The following regulation is hereby substituted for Regulation 16 of the Regulations:

“16 Written proof and notice of appointment of agents

The written proof of, and notice of appointment to be issued to a person appointed as an agent by a party or an independent ward candidate in terms of section 39(4)(a) of the Act must be in a form substantially similar to Appendix 12.”.

Substitution of Regulation 17 of the Regulations

6. The following regulation is hereby substituted for Regulation 17 of the Regulations:

“17 Revocation of appointment of agents

The revocation of appointment of a person as an agent by a party or an independent ward candidate in terms of section 39(4)(b) of the Act, and the notice thereof, must be in a form substantially similar to Appendix 14.”.

Substitution of Regulation 28 of the Regulations

7. The following regulation is hereby substituted for regulation 28 of the Regulations:

“28 Recording of result of an election

The result of an election must be recorded in terms of section 64(1)(b) of the Act in a form substantially similar to Appendix 22A in the case of an election for a metropolitan council or a local council, and in a form substantially similar to Appendix 22B in the case of an election of a district council.”.

Insertion of PART VI-A in the Regulations

8. The Regulations are hereby amended by the insertion after Regulation 28A of the following Part:

“

Part VI-A SPECIAL VOTES

Application for a Special Vote

28B(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 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, by no later than the date stated in the election timetable, a written application in a form substantially similar to Appendix 25.

(2)(a) A voter who cannot travel to the voting station due to physical infirmity or disability must apply to be afforded the opportunity to cast a special vote at the place where he or she resides.

- (b) A voter who can visit the voting station but cannot do so on voting day, must apply to be allowed to cast a special vote at the voting station on the date prior to the voting day stated in the election timetable.
- (3) The person submitting the application must wait to be informed about the outcome of the application.
- (4) The Municipal Electoral Officer or an officer designated by him or her, 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.
- (5) The officer who considered the application must hand to the person who submitted it, a written notice of the outcome.

Special Voting

- 28C(1) On the day stated in the election timetable, at least two voting officers must visit voters who had successfully applied to cast their special votes at their places of residence, to afford them the opportunity to cast their votes there.
- (2) On the day stated in the election timetable, voters who had successfully applied to cast their special votes at the voting station may visit the station between 08h00 and 17h00 to cast their special votes.
- (3) On production of the voter's identity document and if the voting or presiding officer is satisfied that the voter is the person described in the identity document and that the voter's application for a special vote had been approved—
- (a) the voter's identity document and hand are marked in the manner prescribed in section 50 of the Act and regulation 18B respectively;
 - (b) the voter is handed a ballot paper or papers marked on the back for the elections in that voting district;

(c) the voter is allowed to mark the ballot paper or papers in secret and to place and seal them in an unmarked envelope which is in turn placed and sealed in another envelope marked on the outside with the voter's name and identity number; and

(d) the envelope is placed and securely kept in a sealed ballot box for special votes after the voter's name on the voters' roll has been marked with the letters SV.

(4) The presiding officer must keep a record of all approved applications for special votes and special votes cast.

Counting of Special Votes

28D(1) During the course of voting day, the ballot box for special votes is opened and each marked envelope is scrutinised and compared with the marked voters' roll and the record of approved applications for special votes.

(2) If no irregularity is detected that renders the special vote unacceptable, the marked envelope is opened, the unmarked envelope inside is removed and is placed unopened in the ordinary ballot box then in use in the voting station.

(3) Once that ballot box is opened for counting, the unmarked envelopes are opened, the ballot papers removed, mixed with the ballot papers from the ballot box and counted together.

Application of the Provisions of the Act and the Regulations

28E. Whenever appropriate and within the context of the regulations in this Part, the provisions of the Act and of the Regulations relating to voting, the counting of votes, party agents, observers, voting stations, voting materials, officers and their powers and duties, objections, prohibited conduct, enforcement, offences and penalties apply, unless clearly inconsistent with these regulations, to all special voting procedures.”.

Insertion of Regulation 29A in the Regulations

9. The following regulation is hereby inserted after Regulation 29:

“29A Address of the Commission's national office

The prescribed address of the Commission's national office referred to in sections 14A and 65 of the Act is Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, Tshwane.”.

Appendixes

10.(1) Appendixes 13 and 15 of the Regulations are hereby deleted.

(2) Appendixes 24 and 25 as contained in Annexures A and B are hereby inserted after Appendix 23.

(3) Appendixes 2, 6, 7, 9, 12, 14, 20B, 22A and 22B of the Regulations are hereby substituted by the corresponding appendixes in Annexures C, D, E, F, G, H, I, J and K.

Annexure A

**APPENDIX 24
Electoral Commission**

**CENTRAL PAYMENT OF DEPOSITS: NOTICE IN TERMS OF SECTION
14A OF THE LOCAL GOVERNMENT : MUNICIPAL ELECTORAL ACT,
2000 (ACT NO. 27 OF 2000)**



SOUTH AFRICA

Election Date:

Name of Party:

	NAME OF MUNICIPALITY	MUNICIPAL CODE	CATEGORY	AMOUNT
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
				TOTAL

Name of Duly Authorized Party Representative

Date: _____

Tel: Office Number: _____ Mobile Number: _____

Fax Number: _____ E-mail Address: _____

APPENDIX 25

Electoral Commission

APPLICATION FOR SPECIAL VOTE IN TERMS OF SECTION 55 OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)



SOUTH AFRICA

Election Date:
Municipality Name:

Voting District No.

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

Particulars of applicant

Identity number:

Surname:

Names:

Residential address:

Mobile number:

Landline number:

E- Mail address

- I declare that I am unable to cast my vote at my voting station on voting day in the voting district where I am registered as a voter and hereby apply to cast a special vote at my voting station prior to voting day on the day stated in the election timetable.
- OR**
- I declare that I cannot travel to my voting station due to my physical infirmity or disability and hereby apply to be afforded the opportunity to cast a special vote at the place where I reside within my voting district.

Signature of Applicant

Date

OFFICIAL USE ONLY

Application for special vote at voting station:

Application for home visit:

Applicant is registered in VD	YES	NO	Applicant is registered in VD	YES	NO
VD No.			VD No.		
Application approved	YES	NO	Resides in VD	YES	NO
			Application Approved	YES	NO

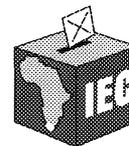
Signature of Official

Date

Annexure C

APPENDIX 2
Electoral Commission

**NOTICE OF INTENTION TO CONTEST AN ELECTION,
UNDERTAKING AND DECLARATION IN TERMS OF SECTION
14(1)(a) OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT,
2000 (ACT NO. 27 OF 2000)**



SOUTH AFRICA

Election Date:

Municipality:

Registered Party _____

1. I, _____ the undersigned,
having been duly authorized by the party, hereby:
 - a) give notice that the party intends to contest the election in the abovementioned municipality;
 - b) give an undertaking binding the party, its candidates, persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct; and
 - c) declare that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution of South Africa or any applicable legislation.

2. A party list is attached together with -
 - a) an acceptance of nomination signed by each candidate on the list; and
 - b) a copy of the page of the candidate's identity document on which the candidate's photo, name and Identity number appear
 - (c) written proof that I have been duly authorised to make the nomination, undertaking and declaration on behalf of the party and to deal with matters in connection therewith.

3. Submitted herewith is a bank guaranteed cheque in favour of the Electoral Commission for the amount of R _____ being the party's deposit.

Place_____
Signature of duly authorised representative of the party_____
Date_____
Designation

Telephone number: _____ Fax number: _____

Email address: _____

Address: _____

Annexure D

APPENDIX 6
Electoral Commission
 Independent Ward Candidates



SOUTH AFRICA

**NOMINATION OF WARD CANDIDATE IN TERMS OF SECTION 17(1) OF
 THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT, 2000
 (ACT NO. 27 OF 2000)**

Election Date:			
Municipality:		Ward	

I hereby nominate _____
(FULL NAMES OF CANDIDATE)

Identity number:

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

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

- (1) Attached is –
- (a) the prescribed form with the signatures of fifty or more voters whose names appear on the municipality's segment of the voters' roll for a voting district in contested ward;
 - (b) copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appear
 - (c) an acceptance of nomination undertaking and declaration by the candidate;
- (2) Submitted herewith is a bank guaranteed cheque in favour of the Electoral Commission for the amount of R _____ being the candidates' deposit.

CONTACT DETAILS OF CANDIDATE:

Telephone Number/s: (1) _____ (2) _____

Fax Number: _____

Email: _____

Address: _____

FULL NAMES AND CONTACT DETAILS OF NOMINATOR

NAME _____ **SIGNATURE** _____

Identity number:

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

Place: _____ Date: _____

CONTACT DETAILS OF NOMINATOR

Telephone Number/s: (1) _____ (2) _____

Fax Number: _____

Email: _____

Address: _____

APPENDIX 7

Annexure E

Electoral Commission

**NOMINATION OF WARD CANDIDATE REPRESENTING A PARTY IN
TERMS OF SECTION 17(1) OF THE LOCAL GOVERNMENT:
MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)**



Party Ward Candidate

Election Date:			
Municipality:		Ward	

Registered party _____

I, having been duly authorised by the party, hereby nominate
_____ **(FULL NAME OF CANDIDATE)**

with Identity Number

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

to contest the above-mentioned election as a ward candidate representing that party.

Attached is:

- (1) written proof that I have been duly authorised to make the nomination on behalf of the party and to deal with matters in connection therewith;
- (2) the prescribed acceptance of the nomination, undertaking and declaration by the candidate;
- (3) a copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appears; and
- (4) a bank guaranteed cheque for the prescribed amount, as a deposit.

Place

Signature of duly authorised representative of
abovementioned registered party

Date

Designation

Tel number: _____

Fax number: _____

Email: _____

Address: _____

Annexure G

**APPENDIX 12
Electoral Commission**

**APPOINTMENT AND NOTICE OF APPOINTMENT OF AN AGENT IN
TERMS OF SECTION 39(4)(a) OF THE LOCAL GOVERNMENT:
MUNICIPAL ELECTORAL ACT, 2000 (ACT NO. 27 OF 2000)**



Election Date:			
Municipality:		Ward:	

I, _____ (Full names),
 the undersigned, in my capacity as _____ (Designation)
 on behalf of and duly authorised by the _____ (Party)
 hereby appoint and give notice that the party has appointed the following person as an agent:

OR

I, _____ (Full names), an independent ward
 candidate, hereby appoint and give notice that I have appointed the following person as my
 agent:

DETAILS OF AGENT

Identity Number:

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

Full names: _____

Voting station/s: _____

Counting venue/s: _____

Signature of agent: _____

Date	Signature of Party Representative / Independent Candidate
_____	_____

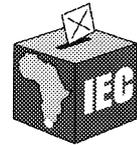
Contact particulars of Party Representative/ Independent Candidate

Mobile number: _____ Office number: _____

Annexure H

APPENDIX 14
Electoral Commission

**REVOCATION AND NOTICE OF REVOCATION OF APPOINTMENT OF AN
AGENT IN TERMS OF SECTION 39(4)(b) OF THE LOCAL GOVERNMENT:
MUNICIPAL ELECTORAL ACT, 2000
(ACT NO. 27 OF 2000)**



SOUTH AFRICA

Election Date:

--

Municipality:

	Ward:	
--	--------------	--

I, _____ (Full names), the undersigned, in my capacity as _____ (Designation) on behalf of and duly authorised by the _____ (Party) hereby revoke the appointment of and give notice that the appointment of the following person as an agent has been revoked:

OR

I, _____ (Full names), an independent ward candidate, hereby revoke the appointment of and give notice that the appointment of the following person as my agent has been revoked:

DETAILS OF AGENT

Identity Number:

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

Full names: _____

Voting station/s: _____

Counting venue/s: _____

Signature of Party Representative/
Independent Candidate

Date

Contact particulars of Party Representative/Independent Candidate

Mobile number: _____ Office number: _____

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