

# Electoral Commission

**2016**

# **Municipal Elections Handbook**



**SOUTH AFRICA**

# Contacts and resources

## Electoral Commission

### National Office

Election House  
Riverside Office Park  
1303 Heuwel Avenue  
Centurion

Private Bag X112  
Centurion  
0046

Tel: 012 622 5700  
Fax: 012 622 5784

Spokesperson: Ms Kate Bapela  
Cell: 082 600 6386  
[spokesperson@elections.org.za](mailto:spokesperson@elections.org.za)

**For enquiries relating to provincial matters, please contact the Electoral Commission's provincial offices. Provincial Electoral Officers act as the media spokespersons for the Electoral Commission in their province.**

### Eastern Cape

Provincial Electoral Officer: Mr Thami Mraji  
[MrajiT@elections.org.za](mailto:MrajiT@elections.org.za)  
Tel: 043 709 4200

### Free State

Provincial Electoral Officer: Mr Jabulani Tshabalala  
[tshabalalaj@elections.org.za](mailto:tshabalalaj@elections.org.za)  
Tel: 051 401 5000

### Gauteng

Provincial Electoral Officer: Mr Masego Sheburi  
[sheburim@elections.org.za](mailto:sheburim@elections.org.za)  
Tel: 011 644 7400

### KwaZulu-Natal

Provincial Electoral Officer: Mr Mawethu Mosery  
[MoseryM@elections.org.za](mailto:MoseryM@elections.org.za)  
Tel: 031 279 2200

## **Limpopo**

Provincial Electoral Officer: Ms Nkaro Mateta

[MatetaN@elections.org.za](mailto:MatetaN@elections.org.za)

Tel: 015 283 9100

## **Mpumalanga**

Provincial Electoral Officer: Mr Steve Ngwenya

[NgwenyaS@elections.org.za](mailto:NgwenyaS@elections.org.za)

Tel: 013 754 0200

## **Northern Cape**

Provincial Electoral Officer: Mr Bonolo Modise

[ModiseB@elections.org.za](mailto:ModiseB@elections.org.za)

Tel: 053 838 5000

## **North West**

Provincial Electoral Officer: Dr Tumi Thiba

[ThibaT@elections.org.za](mailto:ThibaT@elections.org.za)

Tel: 018 391 0800

## **Western Cape**

Provincial Electoral Officer: Rev. Courtney Sampson

[SampsonC@elections.org.za](mailto:SampsonC@elections.org.za)

Tel: 021 910 5700

**You can also find the Electoral Commission on:**

- **Website:** [www.elections.org.za](http://www.elections.org.za)
- **Call centre:** 0800 11 8000
- **Facebook:** [www.facebook.com/IECSouthAfrica](http://www.facebook.com/IECSouthAfrica)
- **Twitter:** @IECSouthAfrica
- **YouTube:** [www.youtube.com/user/IECSouthAfrica](http://www.youtube.com/user/IECSouthAfrica)

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# SECTION A – ABOUT THE ELECTORAL COMMISSION

## 1. Supporting electoral democracy

In 1996 the South African Constitution established six independent “State Institutions Supporting Constitutional Democracy”. One of these was the Electoral Commission.

Each of these “Chapter 9” institutions (named for the chapter of the Constitution where they appear) has a shared purpose: to ensure the accountability of government and to contribute to the formation of a society “*based on democratic values, social justice and fundamental human rights*”.

In terms of the Constitution Chapter 9 institutions are “*independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.*”

The sections of the Constitution dealing with the Electoral Commission are Sections 190 and 191, which state that the Electoral Commission must manage national, provincial and municipal elections and must ensure these elections are free and fair.

### The Electoral Commission Act

The powers, duties and functions of the Electoral Commission were established by the Electoral Commission Act 51 of 1996, which requires that the Electoral Commission must:

- Compile and maintain a voters’ roll
- Compile and maintain a register of political parties
- Undertake and promote research into electoral matters
- Develop and promote the development of electoral expertise and technology in all spheres of government
- Continuously review electoral laws and proposed electoral laws, and make recommendations
- Promote voter education
- Declare the results of elections for national, provincial and municipal legislative bodies within seven days.

The Act also regulates the composition, appointment and conduct of a five-member Electoral Commission and a Chairperson; outlines the administrative and accountability requirements for the Commission; legislates the registration of political parties; and provides for an Electoral Court.

## **2. Structure of the Electoral Commission**

### **The Commission**

At the head of the Electoral Commission is a five-member Commission. The Commissioners provide more than just oversight and adjudication of the Electoral Commission's operational and administrative functions. Each Commissioner has a mandate to support and promote constitutional democracy, and ensure that the broader Electoral Commission not only complies with the law but also keeps the spirit of the Constitution alive.

The appointment of Commissioners and the composition of the Commission are set out in the Electoral Commission Act. The Act states that Commission members must be South African citizens who do not, at that stage, hold a high party-political profile; and that one of the Commission members must be a judge.

Applicants for vacancies for the Commission are interviewed by a panel consisting of the Chief Justice (as chairperson), representatives of the Human Rights Commission and the Commission on Gender equality, and the Public Protector. This panel then recommends a set number of candidates to the National Assembly. A majority resolution from the National Assembly is required to confirm a candidate nomination, which is then submitted to the President of the Republic who makes the appointment.

Each member of the Commission is appointed for a seven-year term. This term may be extended by the President on the recommendation of the National Assembly.

Commissioners are not eligible for nomination or appointment to any political office, and may not serve as a Member of Parliament, provincial legislature or local government for a period of 18 months after their term has ended.

### **Commissioners**

- **Chairperson**

#### **Mr Glen Mashinini**

Commissioner Mashinini was appointed Chairperson of the Electoral Commission in October 2015. He joined the Electoral Commission in 1998 as Deputy Chief Electoral Officer: Corporate Services. After completing a three-year contract to establish, operate and transfer the organisation, he co-founded a specialist electoral management consulting company. Before re-joining the Electoral Commission as a Commissioner in May 2015, he served as Deputy Chairperson of the Presidential Review Committee of State-owned Entities, and subsequently as Special Project Advisor to the President of the Republic of South Africa.

- **Vice-chairperson**

**Mr Terry Tselane**

Mr Tselane was appointed Vice-Chairperson in 2011. He served as Provincial Electoral Officer for Gauteng from 1997 to 2001, and re-joined the Electoral Commission as a Commissioner in 2004. Terry was the CEO of the Gauteng Tourism Authority from 2002 to 2006, and currently serves on the boards of directors of the Gauteng Film Commission and the Johannesburg Fresh Produce Market.

- **Commissioner**

**Judge Thami Makhanya**

Judge Makhanya was appointed part-time Commissioner in 2011. Having practised as an advocate at the Johannesburg Bar for 10 years, he was appointed as a judge of the Transvaal Provincial Division in 1999. He is currently a judge of the South Gauteng High Court. He also held acting positions on the Venda High Court and the Namibian High Court.

- **Commissioner**

**Reverend Bongani Finca**

Reverend Finca is an ordained cleric and was appointed as a Commissioner in 2011. During the transition to democracy in 1994 Rev. Finca was appointed as the Interim Administrator of the former Ciskei, and oversaw its re-incorporation into the Republic of South Africa. He has served as a member of the Truth and Reconciliation Commission, and previously held the position of Provincial Electoral Officer for the Eastern Cape.

- **Commissioner**

*Position vacant*

## **Organisational Structure**

### **Administration**

The head of the administration of the Commission is the Chief Electoral Officer (CEO), who is appointed by the Commission and who also functions as the Electoral Commission's accounting officer. In consultation with the Commission, the CEO is responsible for appointing additional officers and employees of the Electoral Commission.

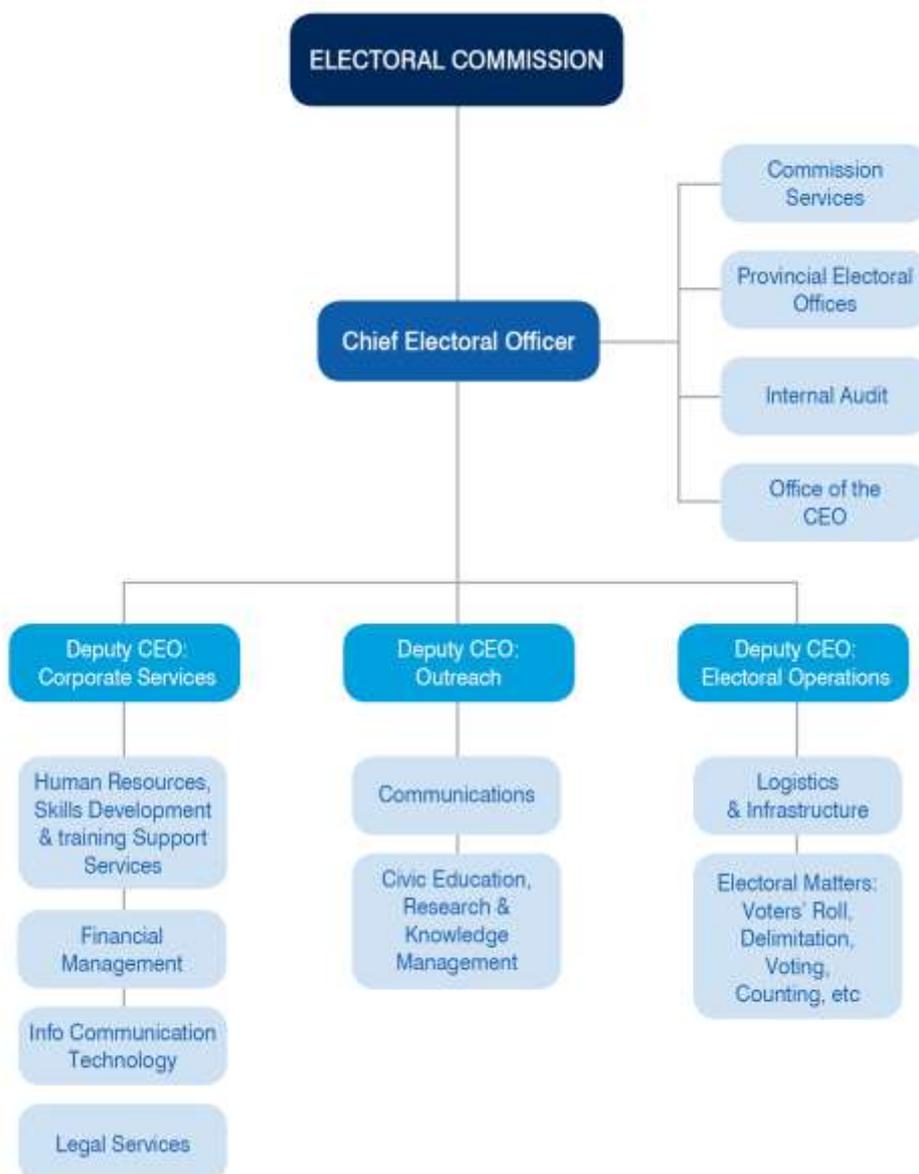
The Office of the CEO is responsible for managing commission services, internal audits, civic education and research, and the nine Provincial Electoral Offices.

Three departments – Corporate Services, Outreach and Electoral Operations – report to the CEO.

**Chief Electoral Officer: Mr Mosotho Moepya**

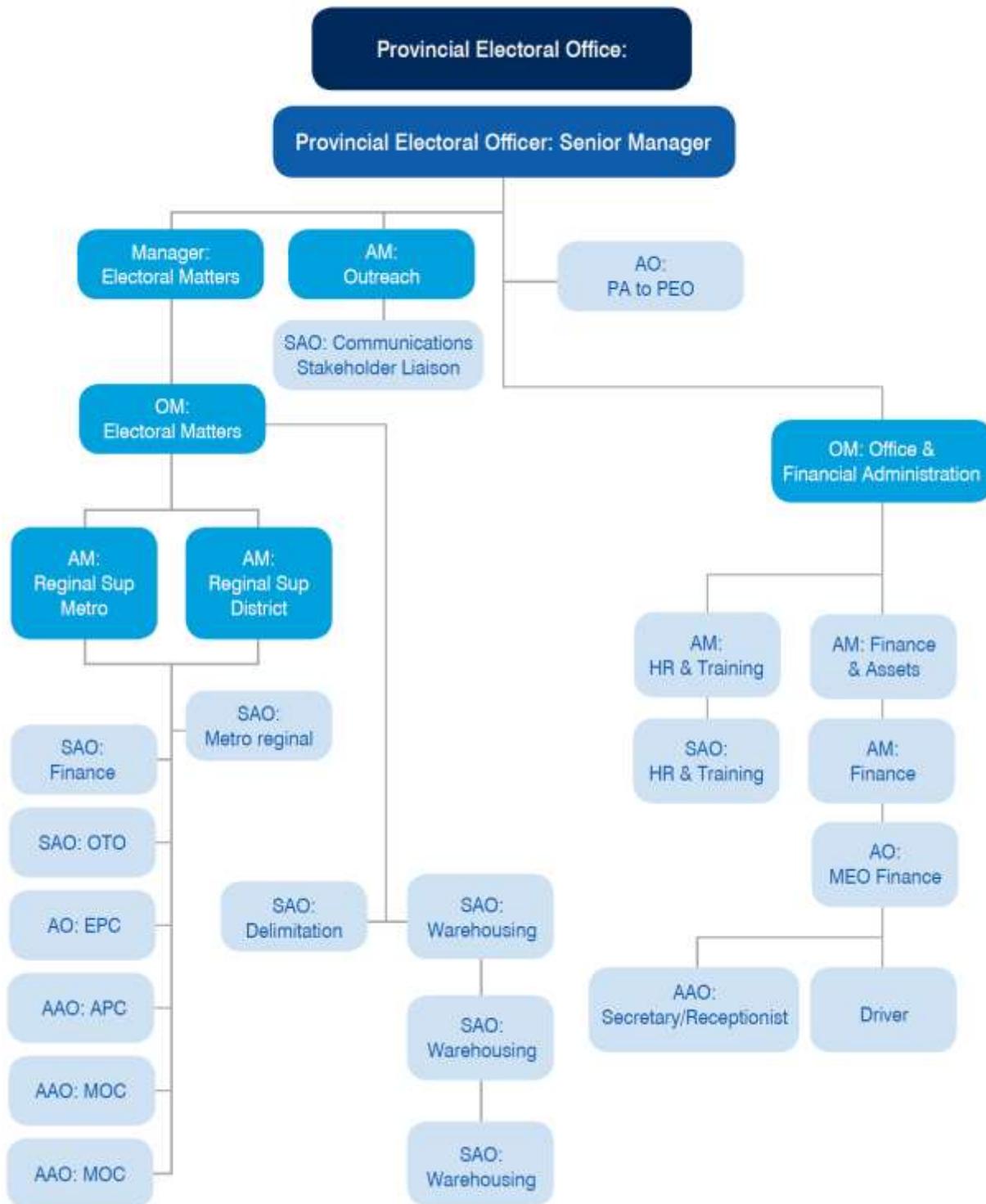
Mr Moepya was appointed Chief Electoral Officer in 2012. He has worked for the Electoral Commission since 1998, when he joined as Director of Electoral Logistics, and was the institution’s Deputy Chief Electoral Officer from 2001. He holds a B.Com and Higher Education Diploma from the University of the North, as well as an honours degree in Business Administration and an MBA, both from the University of Stellenbosch Business School.

*Organogram of Electoral Commission*



## Local structures

### Organogram of Provincial Electoral Offices



- The Provincial Electoral Officer (PEO) is the head of the provincial electoral office and is accountable for all provincial activities. The PEO is the Electoral

Commission's media spokesperson in their province for all municipal election queries.

- The Electoral Matters Manager is responsible for planning, implementing and managing election-related activities for their province.
- The Regional Supervisor (RS) is responsible for planning, implementing, monitoring and evaluating election-related activities at a regional level.
- The Electoral Project Coordinator (EPC) is responsible for implementing and coordinating election-related projects at a municipal or local level.
- An Area Project Coordinator (APC) assists the EPC in the implementation of election-related projects at a municipal level during an election period.
- In every municipal area, a Municipal Electoral Officer (MEO) is appointed by the Electoral Commission to liaise with the municipality, political parties and other stakeholders, and also to declare the election results. MEOs are not directly involved in day-to-day operational matters.
- An Area Manager ensures registration and election readiness, including the readiness of all electoral staff and materials for all stations within their assigned area.
- The Presiding Officer of a voting station is also known as Registration Supervisor and Counting Officer, depending on the stage in the election process – registration and counting respectively. The Presiding Officer is responsible for the efficient management of all electoral processes at a voting station.
- The Deputy Presiding Officer is also known as a Registration Officer and Deputy Counting Officer, depending on the stage in the election process – registration and counting respectively. The Deputy Presiding Officer is responsible for assisting with the efficient management of all electoral processes at a voting station.

## **Vision 2018**

In the 20 years since South Africa's first democratic elections, both the political environment and the electoral administration have changed significantly – maturing from interim or transitional structures to established, accountable parties and institutions. The administration and operation of elections has advanced in parallel, with the Electoral Commission distinguishing itself through constant improvements in the services and facilities it offers to all stakeholders.

With the appointment of the last Commission in 2011, a new set of strategic objectives have been developed for the Electoral Commission that reflect the institution's legal mandate and its obligation to strengthen and support constitutional democracy.

Vision 2018 was released in July 2012, and outlined the Commission's priority objectives for its next term. These are:

1. Achieving pre-eminence in the area of managing elections and referenda through increased innovation, the development of cutting-edge technology, improved voting facilities and processes, and increasing both voter participation and legal compliance.
2. Strengthening electoral democracy by encouraging citizen participation and providing strategic and thought leadership; broadening the Electoral Commission's research; providing continuous education; and increasing visibility through proactive consultation and effective communication.
3. Strengthening a cooperative relationship with political parties by deepening interactions with represented political parties, and convening consultative forums with registered political parties.
4. Strengthening institutional excellence and professionalism at all levels of the organisation, including voting stations and at local levels; building institutional capacity and expanding the development of human capital; and building institutional memory.
5. Strengthening institutional governance by refining arrangements including the structure and committees of the Commission; delineating the powers, roles and functions between the Commissioners and the Administration; and exercising oversight through monitoring, evaluation and support.

# SECTION B – DEMOCRACY, THE CONSTITUTION AND ELECTIONS

## 1. Democracy and elections

There are a number of definitions of democracy around the world. It is a word familiar to most, but it is a concept that is still misunderstood and misused at times.

The most popular definition of democracy is that of United States President Abraham Lincoln: *Democracy is the government of the people by the people for the people.*

### Key elements of a democratic system of government:

- A political system for choosing and replacing the government through free and fair elections
- The active participation of people, as citizens in politics and civil life
- Protection of human rights of all citizens
- The rule of law in which the laws and procedures apply equally.

### How does voting in elections fit into democracy?

- By voting, all citizens have the right to choose government at all levels, for example, local, provincial and national government.
- Regular elections give citizens the chance to vote out a government that does not satisfy the needs and interests of our people. In local elections, in particular, citizens can support parties and candidates they feel will most effectively take up the issues that are close to the citizens and their community.

## 2. Electoral systems

There are three main types of electoral systems:

- **The ‘winner takes all’ or constituency system**  
In this system, the country is divided into constituencies or wards. You vote in a constituency or ward. The party with the highest number of votes in a constituency or ward wins the election and gets the seat (place) in Parliament for that ward. The votes of the parties that lose in that ward do not count. This was the system used in the elections before 1994.
- **The proportional representation system**

The proportional representation (PR) system is also called the party list system. Here every vote counts. The total number of votes a party gets decides the number of seats it gets. Parties draw up lists of candidates, and the number of people that get in will be decided by the number of seats the party wins. This is the system used in South Africa's 1994, 1999, 2004, 2009 and 2014 National and Provincial Elections.

- **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.

### **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.

The mixed system was used in the 2000, 2006 and 2011 Municipal Elections, where some councillors were elected by winning ward elections and others got in by being on their party lists for the area. The mixed system will again be used in the 2016 Municipal Elections.

## **3. Constitutional framework**

### **The Constitution**

The Constitution of the Republic of South Africa is the supreme law of the country. It enshrines the rights of voters, establishes the Electoral Commission as one of the pillars of democracy, requires the establishment of a national common voters' roll, prescribes the use of an electoral system based on proportional representation in all spheres of government, and provides the foundation for the elections of members of the National Assembly, provincial legislatures and municipal councils.

The government must follow the Constitution in running the country and cannot make any new laws that go against the Constitution. Old or new laws or parts of laws can be challenged in court if they go against the Constitution.

The Constitution creates the framework for running free, fair and regular elections as part of its Founding Provisions.

Chapter 1, Section 1:

1. Republic of South Africa

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms
- (b) Non-racialism and non-sexism
- (c) Supremacy of the constitution and the rule of law
- (d) Universal adult suffrage, a national common voters' roll, regular elections and a multi-party system of democratic government to ensure accountability, responsiveness and openness.

It also includes all the civil and political rights relating to elections such as the freedom of the media and the right to vote.

### **The Bill of Rights**

Part of the Constitution is the Bill of Rights which is a list of rights of all people in our country. The rights in the Bill of Rights speak about our democratic values of equality, human dignity and freedom.

The Bill of Rights includes civil rights and freedoms that directly affect your rights around elections, for example:

- Freedom of conscience, religion, thought, belief and opinion (Section 15)
- Freedom of expression (Section 16), including:
  - freedom of the press and other media
  - freedom to receive or give out information or ideas.
- Freedom of assembly, demonstration, picket and protest (Section 17)
- Freedom of association (Section 18).

### **Political Rights**

Section 19 of the Constitution sets out the political rights of citizens around elections. This includes:

- The right to form a political party
- The right to participate in political party activities and to recruit members for a political party
- The right to campaign for a political party or cause

- The right to free, fair and regular elections for every legislative body established by the Constitution (National Assembly and National Council of Provinces, Provincial legislatures and municipal legislatures)
- The right to a secret vote in elections
- The right to stand for public office and, if elected, to hold office.

### Can these rights be limited in any way?

Some of the rights in the Bill of Rights may not be limited in any way, for example:

- The right to human dignity
- The right to life.

Some of the rights can be limited by other laws, but only if:

- The limitation is “reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom”, and
- The limitation carefully considers factors like the extent of the limitation and if less restrictive ways are possible to achieve the aim of the limitation.

### Example

The Electoral Act includes an Electoral Code of Conduct that places some limitations on behaviour during elections, for example, you are not allowed to carry weapons during election rallies.

## 4. Legislative framework

The Electoral Commission is defined as being “independent, and subject only to the Constitution and the law”. In addition to the Constitution, there are several Acts that define the structure, powers and duties of the Commission, and provide regulations for the administration and all other issues related to national, provincial and municipal elections.

Since its establishment in 1997, the Electoral Commission has refined the framework of election laws in keeping with various regional guidelines, including the Southern African Development Community Principles and Guidelines Governing Democratic Elections and the African Charter on Democracy, Elections and Governance.

### Electoral Commission Act

The Electoral Commission Act, 51 of 1996, expands on the establishment of an Electoral Commission to manage national, provincial and municipal elections. It details the composition of the Commission, the creation of an administrative structure, and the powers, duties and functions of the Commission.

## **The Electoral Act**

The Electoral Act 73 of 1998 provides further regulations regarding the operation of national, provincial and municipal elections. It is often described as the instruction manual for elections. The Electoral Commission is responsible for administering the terms of this Act, which include the registration of voters and the voters' roll; the proclamation of and preparation for elections; the delineation of voting districts, voting stations and forms of voting material; the appointment of voting and counting officers and additional persons; the accreditation of observers; and the determination and declaration of final results. Several regulations and amendments have been published in terms of the Electoral Act.

## **Local Government: Municipal Structures Act**

The Local Government: Municipal Structures Act 117 of 1998 deals with the establishment, management and functions of the various municipalities, as well as the seat calculation formulas (conversion of votes into council seats).

## **Local Government: Municipal Electoral Act and Regulations**

In addition to the Municipal Structures Act, the Local Government: Municipal Electoral Act 27 of 2000 regulates the specific nature of municipal elections. The Act provides for the administration of parties and candidates and all other related voting and counting issues. Municipal Electoral Regulations have also been published to support this Act.

## **Recent legislative amendments**

The Local Government: Municipal Electoral Amendment Bill, 2015, gazetted in August 2015, seeks to amend the Local Government: Municipal Electoral Act, 2000 so as to:

- Define the phrase “authorised representative” and amend the definition of “identity document” to include smart-card identification documents
- Amend provisions relating to nomination of candidates
- Provide for the electronic submission of candidate nomination documents
- Provide for different modalities for payments of electoral deposits (other than a bank guaranteed cheque)
- Provide for the notification of interested parties where a candidate has been nominated by more than one person
- Clarify the circumstances under which new ballot papers may be issued to voters
- Clarify the provisions relating to the determination and declaration of the results of by-elections.

## **5. Electoral Code of Conduct**

The Electoral Act contains an Electoral Code of Conduct aimed at promoting “conditions that are conducive to free and fair elections” and that create a climate of tolerance, free political campaigning, and open public debate.

As soon as the election date is proclaimed, parties, their agents and candidates commit to adhering to the provisions of the Electoral Code of Conduct until the election results are officially announced. Failure to do so creates the risk of a party’s candidates or independent candidates being disqualified.

### **What are the rules of the Electoral Code of Conduct?**

Parties and candidates must:

- Speak out against political violence and threats against other parties, the Electoral Commission, members of the public and the media
- Let the authorities know about planned marches or rallies
- Communicate with other political parties about planned political events
- Recognise the authority of the Electoral Commission
- Work with the Electoral Commission structures and allow them to perform their duties
- Work with the police in their investigation of election crime and violence
- Accept the results of the election or challenge the result in court.

### **How does the Electoral Code of Conduct work?**

- The Electoral Code of Conduct must be agreed to by:
  - every registered party before the party takes part in an election
  - every candidate before he/she is placed on the list of candidates.
- Parties and candidates must stick to the code and must:
  - let the public know about the Code
  - promote the purpose of the Code
  - support efforts to educate voters.
- Parties and candidates must also inform the public that all people have the right:
  - to be free to express their political beliefs and to be part of any political party
  - to join in any political campaigns, marches or public meetings.

### **What conduct is prohibited in terms of the Electoral Code of Conduct?**

The Electoral Code of Conduct, contained in the Electoral Act, also details a list of prohibited conduct including:

- Using language which provokes violence
- Intimidation of candidates or voters

- Publishing false information about other candidates or parties
- Plagiarising any other party's symbols, name or acronyms
- Offering any inducement or reward to a person to vote for a party
- Destroying, removing or defacing posters of other parties
- Carrying arms or weapons at political meetings, marches or rallies
- Bribing voters to vote or not vote
- Generally abusing a position of power, privilege or influence to influence the outcome of an election.

### **What happens when you breach the Code of Conduct?**

Any person who breaches the Code is guilty of a criminal offence and can be fined or sent to prison for up to 10 years.

Political parties that breach the Code can:

- be fined up to R200 000
- have to give up the party's election deposit
- be stopped from working in an area
- have their votes in an area cancelled
- can have their party registration cancelled.

### **What should you do if you suspect a party or a candidate has breached the Electoral Code of Conduct?**

In terms of section 78 of the Municipal Electoral Act the Electoral Court has jurisdiction in respect of all electoral disputes and complaints about infringements of the Code, subject to section 20(4) of the Electoral Commission Act.

If you suspect that a party or a candidate has breached the Electoral Code of Conduct, you need to report the incident to Electoral Court. The Secretary of the Court can be contacted on the following telephone number: 051 412-7400.

For the Electoral Court's rules regulating electoral disputes and complaints about infringements of the Electoral Code of Conduct, and rules regulating the conduct of the proceedings of the Electoral Court, please refer to:

- <http://www.elections.org.za/content/Documents/Laws-and-regulations/Electoral-Court/Electoral-Court-Rules--Proceedings/>
- <http://www.elections.org.za/content/Documents/Laws-and-regulations/Electoral-Court/Electoral-Court-Rules--Disputes-and-Complaints/>

# SECTION C – MUNICIPAL ELECTIONS

## 1. Local government

Local government in South Africa is made up of municipalities. The object of local government is to encourage the involvement of communities and community organisations in the matters of local government.

Municipal Elections are held every five years to elect councillors who will be responsible for governing a municipality for the next five years. They will serve on the town, city, metropolitan and/or district councils that ensure services for the people in their areas including providing water, electricity, sewerage and sanitation services, waste removal and other services that directly impact the daily lives of citizens.

The largest metropolitan areas of the country are governed by metropolitan municipalities, while the rest of the country is divided into district municipalities, each of which, in turn, consists of several local municipalities. South Africa's local government is currently made up of eight metropolitan municipalities, 44 district municipalities, and 207 local municipalities.

### What are the categories of municipalities?

The Municipal Structures Act divides South Africa up into three kinds of municipalities:

- **Category A or metropolitan municipalities**

Metropolitan municipalities are normally big cities with a complex and diverse economy. Integrated development planning is desirable for this single area, as is having strong interdependent social and economic linkages between its constituent units. Such municipalities have exclusive legislative and executive authority within their boundaries.

There are currently eight metropolitan municipalities (with registration figures as at January 2016):

- Buffalo City (East London): 389,929 registered voters
- City of Cape Town: 1,881,063 registered voters
- City of Johannesburg: 2,142,517 registered voters

- City of Tshwane (Pretoria): 1,427,769 registered voters
- Ekurhuleni (East Rand): 1,513,525 registered voters
- Ethekewini (Durban): 1,796,585 registered voters
- Mangaung (Bloemfontein): 392,196 registered voters
- Nelson Mandela Bay (Port Elizabeth): 577,900 registered voters.

- **Category B or local municipalities**

These are local municipalities for towns and their surrounding rural areas. Most of the country falls under local municipalities – there are 207 local municipalities nationally. Local municipalities share legislative and executive authority with a category C municipality.

Worth noting is that all rural villages and farms are now under local municipalities – there is no longer a difference between urban and rural local government.

- **Category C or district municipalities**

District municipalities are responsible for the co-ordination of a number of local municipalities within a region. They are responsible for the provision of bulk public services and share legislative and executive authority with the category B municipalities within their jurisdiction.

In the eight big metropolitan areas, co-ordination will happen through the metropolitan councils. In the rest of the country, there will be regional co-ordination through a total of 44 district municipalities. District Councils are therefore made up of a number of local councils.

It is important to note that voting takes place in each of these different types of municipalities, which is why some voters will get two ballots, while others will get three. Find out more in Section G – For Voters.

### **How local government works**

All municipalities are governed by municipal councils which are elected every five years. The councils of metropolitan and local municipalities are elected by a system of proportional representation, while the councils of district municipalities are partly elected by proportional representation and partly appointed by the councils of the constituent local municipalities.

Constitutional provisions (see Chapter 7 of the Constitution) at the provincial level of government allow for municipal council meetings, and those of its committees, which must be open to the public.

The Municipal Systems Act gives local communities the right to contribute to the decision making process of the municipality and to submit oral or written recommendations, representations and complaints to the council.

Municipalities must encourage and create conditions for community participation and must establish appropriate mechanisms, processes and procedures, to enable the local communities to participate in the affairs of the municipality and must provide for: Public meetings and hearings by the municipal council, conduct consultative sessions with locally recognised community organisations, and when establishing these mechanisms, processes and procedures, the municipality must take into account the special needs of people with disabilities.

Municipal councils must also establish ward committees whose objective is to enhance participatory democracy in local government. Municipal councils must provide for procedures to elect members of the ward committee taking into account the diversity of interest within the ward.

The law also provides for representation of communities by their traditional leadership in the local council meetings where a system of customary law is observed and living within a rural area that is inside the municipal boundaries.

### **Ward Committees**

Metropolitan and local council municipalities in the country are divided into wards. Ward committees are a system of participation for citizens in matters of local government. This is the right of all citizens as legislation recognises the role that communities must play to improve democratic local governance.

#### **What is the role of ward committees?**

The Municipal Structures Act provides for ward committees whose tasks, among other things, are to:

- prepare, implement and review industrial development programmes
- establish, implement and review the municipality's performance-management systems
- monitor and review the municipality's performances
- prepare the municipality's budgets
- participate in decisions about the provision of municipal services
- communicate and disseminate information on governance matters.

#### **Who serves on ward committees?**

By law a ward committee must consist of a ward councillor who will serve as the chairperson and no more than 10 persons who must represent specific interests, including:

- Women, youth, the aged and the disabled
- Health and social development
- Education, sports, arts and culture
- Local economic development
- Community-based and non-governmental organisations
- Environment and community safety
- Religion

To be elected as a member of a ward committee, a person must be 18 years or older, be a South African citizen, and must be registered on the municipal voters' roll. Persons that are not resident in the ward but registered in the municipality could also be ward committee members on condition that they are able to demonstrate in writing that they have an interest in the ward.

## **2. Changing face of local government: Municipal demarcation and delimitation**

The process of electoral management is quite a complex one, and there is perhaps nothing more complex than the process of redrawing ward and voting district boundaries before a municipal election.

In South Africa different agencies have different roles to play in this process, including the Minister of Cooperative Governance and Traditional Affairs (COGTA), the Members of the Executive Council (MECs), the Municipal Demarcation Board (MDB), and the Electoral Commission. The process is effectively a relay in which every agency has defined legal functions which are true to that office only.

The first step in determining municipal boundaries for municipal elections is in the hands of the Minister for COGTA, who has to define the formulas for determining the number of councillors for the various municipal councils. The Minister can opt to maintain the current formulas or to publish new formulas for determining the number of councillors in the three types of municipal councils.

After consultations with various stakeholders, Minister Gordhan published new formulas on 9 September 2015, effectively reducing the number of councillors by about 2% when compared with the previous formula and ever-growing voting population figures.

The number of councillors determines the numbers and the configuration of each municipal ward. These factors may lead to the splitting of current boundaries of voting districts which in turn may necessitate the re-delimitation of at least some voting districts.

Once the Minister for COGTA has determined the formulas, the provincial MECs have to apply the formulas and determine the number of municipal council seats (or councillors) for each municipality in their province. They must then publish this information in the provincial *Government Gazette*.

After the MECs have determined the number of councillors for each municipality in their province and published these numbers, the ball is then in the MDB's court.

### **The MDB and ward delimitation**

The Municipal Demarcation Board (MDB) as an independent body, set up by the Constitution and the Municipal Demarcation Act, with the task of drawing up municipal boundaries for the purposes of local government and the election of municipal councils. This process is known as demarcation.

After the MDB has demarcated outer municipal boundaries, it draws up ward boundaries and divides all metropolitan and local municipalities (district municipalities do not have wards) into areas called wards: this is known as delimitation.

The MDB uses the councillor numbers to determine the number of wards in each municipality (usually half the number of councillors), which involves a lengthy public participation programme, for the drawing of ward boundaries, which is its ultimate legal responsibility.

Public participation takes the form of comments and objections to the MDB's decisions. For example, people and communities might challenge the inclusion of some townships and smaller towns into larger municipalities.

By law, the MDB then hands over the final wards to the Electoral Commission, a development which took place in stages from August to December 2015.

As a result of the MDB's delimitation process, the number of council seats and wards to be contested will be finalised once the MECs determine the number of municipal council seats for the re-determined outer municipal boundaries.

### **Voting districts and voting stations**

One of the key activities in general municipal council elections is aligning the voting district boundaries with the ward boundaries. Voting districts can change shape between elections due to various population and geopolitical changes that take place. Voting districts are principally determined on the basis of geographical size and the number of registered voters.

Voting districts are generally delimited to minimise voter inconvenience and to assist in logistical planning. Urban voting districts typically contain some 3 000 voters located within a radius of some 6,5 km from the voting station. Rural voting districts accommodate some 1 200 voters located within a radius of some 12.5 km of the voting station. There are, however, anomalies which do not conform to the norm, a case in point being Joubert Park in central Johannesburg.

Once the Electoral Commission receives the final set of wards from the MDB it then assesses the impact of these new ward boundaries on its current voting district

boundaries and the ever-growing network of voting stations. When a new ward boundary 'splits' a voting district, this means that maps will need to be prepared showing the splits; and these need to be discussed with the relevant municipal electoral office and the political parties to determine whether new voting districts need to be created.

The Electoral Commission's Geographic Information System (GIS) department then updates the voting district data set with proposals from municipalities, and targeted registration activities are undertaken to update the registration details of all the affected voters in time for the first registration weekend.

It is worth noting that this voting district re-delimitation exercise can take up to 18 weeks, from having received the final wards from the MDB to updating the voting district delimitation database after getting input from the Municipal Party Liaison Committees, and provincial and local offices.

Ultimately, the Electoral Commission never loses sight of the fact that there are over 31 million citizens who are eligible to vote, and it is the Commission's responsibility to ensure that as many first-time and new voters have sufficient opportunity to register on the voters' roll.

### **Factors affecting demarcation**

In deciding on boundaries, the MDB considers factors like:

- Existing municipal and provincial boundaries
- Existing functional boundaries, for example, voting districts, magisterial districts, census boundaries and police districts
- The movement of people, and the existence of employment and services in the area
- The financial and administrative ability of a municipality to carry out municipal functions
- The need for co-ordinated municipal, provincial and national programmes, for example, around health care
- The need to combine neighbouring areas into integrated municipalities
- Geographical and environmental factors.

### **3. Municipal demarcation process for the 2016 Municipal Elections**

December 2013: MDB declares all outer municipal boundaries fixed in preparation for 2016 Municipal Elections.

September 2014: Minister of CoGTA gazettes formula to determine the number of municipal councillors for the 2016 Municipal Elections.

December 2014: MECs apply formula and announce final number of municipal councillors to be appointed in the 2016 Municipal Elections.

(Note: The number of councillors is critical as this determines the final number of wards in each municipality as 50% of councillors must represent a ward).

- December 2014: MDB begins work on determining final ward boundaries in line with the number of councillors – following the legislation that each ward should represent a similar number of voters.
- Mid-December 2014: Minister of CoGTA writes to chairperson of the MDB and asks that the MDB consider changes to some 90 municipalities which are not financially viable. From this original number, the Minister later withdrew several proposals and the MDB indicated that it would not consider several of the Minister proposals.
- July 2015: Original date for the handover to the Electoral Commission of the final ward boundaries. This would start the process of finalising voting districts and voting stations for the 2016 Municipal Elections.
- July 2015: The MDB indicates that it would publish Section 21 notices (allowing for public comment and objections to the re-determination) for 33 municipalities.
- Mid-August 2015: The 30 day objection period closes and the MDB will decide on these 33 municipalities. The MDB may confirm, withdraw or alter the municipal demarcations shown in the Section 21 notices. (Should the MDB confirm all the Section 21 proposals, this is expected to result in a reduction of the 33 existing municipalities to just 17 municipalities.)
- From Mid-Aug 2015: Once the MDB has determined what is to happen to the 33 municipalities, the MECs for local government will be in a position to determine the number of councillors for the new municipalities based on the number of registered voters in these new municipalities as determined by the Electoral Commission. Thereafter, the MDB will calculate the number and geography of wards for the new municipalities
- End August 2015: The Electoral Commission provided the Minister of CoGTA with the number of registered voters for the re-determined municipalities in order for the relevant MECs for local government to calculate the number of municipal council seats in the re-determined municipalities.
- 25 August 2015: The MDB published its Section 21(5) notices in terms of the Municipal Demarcation Act in which it re-determined the municipal boundaries of the 33 municipalities.

27 August 2015: MDB hands over final boundaries for 2 951 wards – approximately 68% of the total municipalities – to the Electoral Commission.

The Electoral Commission publishes its Section 23 notices (Municipal Demarcation Act) in which it expressed a view that all of the re-determined municipal boundaries had materially impacted on voter representation in the municipal councils concerned.

October 2015: MDB hands over the rest of the final ward boundaries for the remaining unaffected municipalities.

November/December 2015: MDB hands over the final ward boundaries for the 33 affected municipalities to the Electoral Commission.

#### **4. Election timetable**

In terms of section 20 of the Electoral Act, the Electoral Commission must publish an election timetable which clearly outlines all the electoral activities that need to take place by specific dates and times to ensure the smooth running of an election. For all elections the timetables are published in the *Government Gazette*.

##### **The key events on the election timetable**

- Gazetting of election date
- Closing of voters' roll
- Release of proposed voting station addresses for inspection
- Certifying and publishing of voters' roll
- Deadline for submission of lists of candidates and deposits for all candidates
- Notifying parties and candidates about any noncompliance around documents or deposits
- Final compliance deadline for parties and candidates
- Publishing of parties contesting elections, party lists and lists of ward candidates
- Applications for special votes at municipal electoral office
- Publishing of voting stations and mobile voting station routes
- Issuing of participation certificates to parties and ward candidates
- Special votes at voting stations from 8am to 5pm
- Special votes visits to voters' homes
- Election Day: voting from 7am to 7pm.

#### **5. Past municipal elections**

## **1995/6 Municipal Elections**

South Africa's first democratic municipal elections were held in different parts of the country on different dates in 1995 and 1996. The elections were held on 1 November 1995 in most of the country, but delayed to 29 May 1996 in the Western Cape and 26 June 1996 in KwaZulu-Natal due to boundary demarcation disputes.

In these elections, South Africans voted for local ward candidates and for the party of their choice (proportional representation, as in national and provincial elections).

Over 11 000 seats were contested of which the African National Congress won 6 032 (or 58% of the vote), the National Party 1 814 (18%), and the Inkatha Freedom Party 754 (just under 9%).

After changes to the Constitution at this time, elections for municipal councils were extended from every four years to every five years, and it was decided that the 2000 municipal elections and all future elections had to be held on the same day in all parts of the country.

## **2000 Municipal Elections**

The constitutional transition in the sphere of local government followed a more complex route than had been the case in the national and provincial spheres. Although councils for integrated municipalities were elected in 1995/96, ward representation in those councils was based on segregated areas and not on voter numbers.

It was only with the passing of the Municipal Structures Act of 1998 that an electoral system resulting in overall proportionality with all votes of equal value became a reality.

The 5 December 2000 elections were therefore the founding elections for South Africa's first truly democratic and fully representative municipal councils. These elections had the same historical significance for local government as did the 1994 elections for national and provincial government.

The 2000 Municipal Elections took place under a battery of new municipal electoral laws, such as the Municipal Electoral Act of 2000, on 5 December 2000.

Depending on where voters lived, they had two or three party or ward candidate votes in metropolitan, local or district councils newly demarcated under the Municipal Structures Act and Municipal Demarcation Act.

Despite the complex local government electoral system, voters seemed comfortable with the marking of their multiple ballot papers, and this election witnessed a record number of registered voters at 18,4m registered voters.

In the 2006 Municipal Elections, the ANC received 64.8% of the vote, the DA 16% and the IFP 7.6%.

### **2006 Municipal Elections**

The 2006 Municipal Elections took place on 1 March 2006 during the year in which South Africa celebrated the 10th anniversary of its new Constitution.

Once again, the ANC won the majority of seats nationwide, with 66.3% of the vote. The official opposition, the DA took 14.8% of votes nationwide, while the IFP took 8.1% of the vote. 97 political parties and 45,189 candidates participated in the elections.

The number of registered voters increased from 18,47-million to just over 21-million voters as a result of ongoing registration, including targeting specific sectors and having two general registration weekends.

An interesting development is that the proportion of women as candidates increased from 28,5% in 2000 to 34,8% in 2006 to move closer to the demographics of registered voters, with women making up almost 55% of registered voters.

### **2011 Municipal Elections**

The 2011 Municipal Elections took place on 18 May 2011 and were contested by 121 parties and 53 757 candidates. The final results, collated from a total of 58 152 results slips, were available within 56 hours of the elections.

Voter turnout was close to 57.64% turnout – the highest voter turnout since the first municipal election in 2000.

Some 200 000 election officials were employed in 20 859 voting districts, each serviced by a voting station, across the country. This was a 10% increase on the number of voting stations in the 2006 Municipal Elections, and a hefty 40% increase on the number in 2000.

Innovations in the 2011 Municipal Elections included:

- printing of ballot papers with security features similar to those in national and provincial elections
- introduction of special voting, previously only offered in national and provincial elections.

The ANC won just under 62% of the vote and the DA won just under 24% of the vote. There was a decline in ANC support and an increase in support for the DA as the ANC lost voters in every province with the exception of KwaZulu-Natal where it captured votes from former IFP voters.

The full election reports for the 2000, 2006 and 2011 Municipal Elections are available at [www.elections.org.za](http://www.elections.org.za)

**Table 1: Vital statistics from the 2000, 2006 and 2011 Municipal Elections\***

	2000 ME	2006 ME	2011 ME	2014 NPE4
Number of council seats contested 2000 to 2011	8,951	9,297	1,055	n/a
Voting districts/stations between 2000 and 2011	14,988	18,873	22,263	n/a
Voters' roll between 2000 and 2011 (2014)	18,476,516	21,054,957	23,655,046	25,390,150
Voter turnout between 1995/6 and 2011 (2014)	48.07%	48.40%	57.64%	73.48%
Male vs female voters by turnout 1999 and 2011 (2014)	N/A	N/A	41% vs 59%	43% vs 57%
Number of political parties contesting 1995/6 to 2011	81	97	121	n/a
Number candidates 1995/6 to 2011	30,081	45,189	44,152	n/a
Number of independent vs. party ward candidates 1995/6 to 2011	689 vs 13,236	663 vs 23,028	744 vs 20,436	n/a

*\*The Electoral Commission did not manage the 1995/1996 Municipal Elections as it was only established in 1997, and it therefore does not have reliable data for these elections. These elections were managed by the temporary Independent Electoral Commission.*

**Table 2: Comparison of the categories of municipalities for the 2011 and 2016 Municipal Elections**

PROVINCE	2011 MUNICIPALITIES					2016 MUNICIPALITIES				
	CATEGORY A	CATEGORY B	TOTAL (A+B)	CATEGORY C	TOTAL (A+B+C)	CATEGORY A	CATEGORY B	TOTAL (A+B)	CATEGORY C	TOTAL (A+B+C)
Eastern Cape	2	37	39	6	45	2	33	35	6	41
Free State	1	19	20	4	24	1	18	19	4	23
Gauteng	3	7	10	2	12	3	6	9	2	11
KwaZulu-Natal	1	50	51	10	61	1	43	44	10	54
Mpumalanga	0	18	18	3	21	0	17	17	3	20
Northern Cape	0	27	27	5	32	0	26	26	5	31
Limpopo	0	25	25	5	30	0	22	22	5	27
North West	0	19	19	4	23	0	18	18	4	22
Western Cape	1	24	25	5	30	1	24	25	5	30
<b>Total</b>	<b>8</b>	<b>226</b>	<b>234</b>	<b>44</b>	<b>278</b>	<b>8</b>	<b>207</b>	<b>215</b>	<b>44</b>	<b>259</b>

## SECTION C – POLITICAL PARTIES

The following section is aimed at informing political parties of the process of contesting the 2016 Municipal Elections.

### 1. How to register a party

Any party that wants to participate in an election must register with the Electoral Commission.

You may choose to register at national level, which will allow your party to contest elections of the National Assembly, provincial legislatures and all municipal councils.

However, you may choose to register only at municipal level for a particular municipality or municipalities, and your party will then only be allowed to contest municipal elections for those particular municipal councils stated in your registration application.

#### National registration

To register to contest all elections (National level), you must submit:

- An application for registration (Annexure 1 of the Regulations), fully completed
- The name (not more than 60 letters) and abbreviated name (not more than eight letters) of the party
- A copy of the party's constitution
- A Deed of Foundation signed by 500 registered voters who support the founding of the party (see Annexure 6 of the Regulations)
- Two sets of the party logo or symbol designs in colour
- R500 registration fee
- A hard copy of the *Government Gazette* in which your notice appears (see Annexure 2 of the Regulations)

For more information, see Section 15 of the Electoral Commission Act of 1996 and Regulation 2, 3 and 4 of the Regulations for the Registration of Political Parties of April 1998 (download the Act and Regulations in PDF format at <http://www.elections.org.za/content/Parties/How-to-register-a-party/>).

#### Municipal registration

To register to contest elections in only a specific municipality or municipalities, you must submit:

- A completed application for registration (Annexure 1 of the Regulations)

- A copy of the party's constitution
- A Deed of Foundation signed by 100\* registered voters who support the founding of the party (Annexure 6 of the Regulations)
- Two sets of the party logo or symbol design in colour
- R200 registration fee per municipality
- A party applying for registration at Municipal level must place a Notice in a local newspaper (Annexure 2 of the Regulations) and must submit proof of such publication (hard copy of the newspaper page).

\* Please note that Annexure 6 indicates that only 50 signatures are required, but a subsequent amendment (General Notice R151 in Government Gazette 34044 of 23 February 2011) changed this amount to 100 signatures.

For more info, see section 15A of the Act and Regulation 2, 3 and 4 of the Regulations (download the Act and Regulations in PDF format at <http://www.elections.org.za/content/Parties/How-to-register-a-party/>).

Note: Registration at Local Council level does not automatically register the party for the District Council (DC) in which that Local Council falls. Parties wishing to contest a DC election must indicate such DC in its application.

### **When you can't register a party**

The Chief Electoral Officer may prohibit the registration of a political party if the proposed name, abbreviated name distinguishing mark or symbol mentioned in the application –

- resembles the name, abbreviated name, distinguishing mark or symbol, as the case may be of any other registered party to such extent that it may deceive or confuse voters; or
- contains anything which portrays the propagation or incitement of violence or hatred or which may cause serious offence to any section of the population on the grounds of race, gender, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language

### **Change of party name**

A registered party wanting to change its existing registered name, abbreviated name or distinguishing mark/symbol must comply with the requirements of this section. Complete and submit Annexure 4 (Application by party to change name, abbreviated name or distinguishing mark/symbol) together with a certified copy of party resolution as well as proof of publication of Notice Annexure 5 (Notice of Application to change name, abbreviated name or distinguishing mark/symbol) as it appeared in Government Gazette (National level) or local newspapers (Municipal Level).

## **2. Funding of political parties**

The funding of political parties has been a topic of much debate since the advent of democracy. The public funding of political parties is governed by the Public Funding of Represented Political Parties Act of 1997 and the Public Funding of Represented Political Parties Regulations of 1998.

### **What sort of political party funding is allowed in South Africa?**

Parties can get public government funding and private funding from other sources, for example, members' contributions and donations from local or foreign companies. Financial contributions are called direct funding, while contributions in kind like office space, equipment or advertising are known as indirect funding.

While the public funding of political parties is regulated, private funding is not regulated and parties do not need to disclose private sources of funding in terms of the current legislation. This raises concerns about the potential of private funding 'buying' influence and undermining the electoral process.

Most recently the Constitutional Court dismissed the application from a non-governmental organisation (NGO) for political parties to be legally compelled to disclose information on their private funders and the sums of money donated. While the Court agreed that citizens needed information about who funded political parties to exercise their right to vote fully, the dispute centred on whether or not Parliament had passed sufficient legislation to enable citizens to access information about party funding. A majority of the Constitutional Court dismissed the NGO's application on this technicality.

### **How does a political party get public funding?**

A political party has a right to get funds from the Represented Political Parties' Fund (the Fund) for any financial year that it is represented in:

- The National Assembly, or
- Any provincial legislature, or
- Both the National Assembly and in any provincial legislature.

Funds are awarded in proportion to the number of seats held by each party meaning that parties with bigger representation get more funds. The Fund does not fund political parties represented in municipal councils only.

### **What restrictions and checks are there on public party funding?**

The Act says that parties can use the funds "for any purpose compatible with functioning as a political party in a modern democracy", such as influencing public opinion and carrying out political and voter education. Parties may not use the money for things like paying its representatives or starting a business.

Parties have to account in detail for how the money was used, appoint an official to administer the funds and keep them in a separate bank account.

The Electoral Commission receives reports on how funding is spent, monitors party spending, and passes rules and regulations on funding when this is needed.

### **3. How to contest municipal elections**

During the election period, registered political parties are invited to submit candidate lists to the Electoral Commission. Parties draw up their lists of candidates after party list conferences or discussions within the party.

#### **Rules and timelines for candidates and parties**

The Municipal Electoral Act sets rules for candidates and parties, including:

- PR candidates must be nominated by a registered party
- Ward candidates must be nominated by a party registered in the municipality
- If a party candidate is both a PR and a ward candidate, and wins in the ward, they must take up the ward seat.
- Parties and ward candidates must pay an amount of money as a deposit to stand – they lose this if they do not get 10% of votes in a ward.
- Political parties and candidates must meet the deadlines set in the election timetable when this is announced by the Electoral Commission. This happens when the election date is published in the *Government Gazette*.

#### **How do parties nominate party ward candidates?**

All candidates must submit to the local office of the Electoral Commission in the municipality where they are contesting elections:

- Nomination form for ward candidates on a party list signed by an authorised party representative combined with a notice of intention to contest an election (Appendix 3)
- An undertaking to be bound by the Code of Conduct
- A declaration that candidates are not disqualified from standing
- A completed and signed acceptance of nomination form signed by each party candidate (Appendix 4)
- A copy of their identity document
- An election deposit payable by bank guaranteed cheque or any other legislated method or proof of payment. \*See below for more information on deposits

Please note all forms are available on the website [www.elections.org.za](http://www.elections.org.za). The deadline for the submission of these documents is published in the election timetable (only available after the election date has been proclaimed).

## **What prevents you from becoming a councillor?**

The Constitution says you cannot become a municipal councillor if:

- You are not a South African citizen.
- You do not live in and you are not a registered voter in the municipal area.
- You do paid work for the council (unless a national law excludes you from this rule).
- You do paid work for another government department and a national law says that you cannot stand
- You have been declared as an “unrehabilitated insolvent” or “of unsound mind”
- You have been sentenced to more than 12 months in prison after the end of 1996 without the option of a fine.
- You are a Member of Parliament, a Member of a Provincial Legislature or a member of another municipal council (unless you are representing a municipal council in the other body).

Note: A ward candidate does not have to live in the ward where they stand as long as they live in the municipality.

## **How do parties nominate a proportional representation/party list councillor?**

Only political parties can submit candidate lists for proportional representation elections for either metropolitan municipalities, local and district municipalities. All candidates submitted for nomination must meet the requirements to stand as a councillor.

To nominate PR or party list councillors, a party must submit:

- Nomination form combined with a notice of intention to contest an election; an undertaking to be bound by the Code of Conduct; and a declaration that candidates are not disqualified from standing; and a party list in a fixed order of preference (Appendix 2)
- Acceptance of nomination form signed by each party candidate (Appendix 4)
- A copy of their identity document.

The deadline for the submission of these documents is published in the election timetable (only available after the election date has been proclaimed).

**PLEASE NOTE:** The duly authorised party representative to nominate candidates must furnish proof signed by the person registered with the Electoral Commission as party national signatory that he or she is authorised to nominate candidates.

#### **4. Election Deposits\***

An election deposit is a sum of money that a candidate must pay in return for the right to stand for election to certain political offices, particularly a seat in legislatures. Typically the deposit collected is repaid to the candidate after the election, if that candidate obtains the specified proportion of the votes cast. The purpose of this system is to reduce the prevalence of so-called fringe candidates or parties with no realistic chance of winning a seat. The payment of election deposits is common in democracies the world over, at various levels of government, including in Australia, Canada, India, Malaysia, New Zealand, Singapore, and the United Kingdom.

In South Africa election deposits must be paid to stand for election in national, provincial and municipal elections. Payment must be made to the Electoral Commission either by bank guaranteed cheque or other legislated method of payment. The current election deposit amounts for municipal elections are:

- R4000 in respect of an election in a metropolitan municipality, which amount covers all ward and proportional representation elections in that metropolitan council;
- R2500 for a local council election, which amount covers all ward and proportional representation elections in that local council;
- R1500 for a local council without wards and in a district council election, which covers all ward and proportional representation elections in that local or district council; and
- R1000 per ward election in respect of a ward candidate nominated by a party who is not contesting an election of a relevant municipal council by way of a party list.

*\*Please note that these election deposits are subject to possible change with the enactment of the Municipal Electoral Amendment Bill and ensuing regulations.*

#### **5. Campaigning**

Political party campaigning can take place anytime and anywhere prior to an election and ceases one day prior to the elections day. No political events such as marches, public meetings, rallies and demonstrations are allowed anywhere in the country on voting day.

At the voting station, the boundary of a voting station is demarcated by the Electoral Commission's demarcation tape and may include the perimeter fence around the voting station. Within the boundaries of the voting station, no political activity whatsoever is approved except casting a vote.

A voter can wear any party clothes/apparel including political party paraphernalia but cannot canvass or influence any other voter while inside the boundary of the voting station. Party agents and candidates cannot wear any party political

apparel within the voting station boundaries and no distribution of any party material is allowed within the boundaries of the voting station boundary.

### **Can political parties set up tables outside of voting stations?**

Each political party contesting an election receives a copy of the certified voters' roll from the Electoral Commission to be used only for election-related matters. Political party stations, tables and/or tents outside the voting station are allowed but must not impede direct and free access to the voting station entrance.

A Presiding Officer can ask a party to move its table and tent if it impedes direct and free access to the voting station. If a party fails to comply with the instruction, the Presiding Officer can ask the South African Police Service to ensure that the party complies. Failure to comply with the Presiding Officer's instruction is a criminal offence.

## **6. Party Liaison Committees**

At national, provincial and local level, the Electoral Commission co-ordinates Party Liaison Committees (PLCs):

- To inform political parties on election arrangements, including procedures for attending at election results centres
- To consult and advise the Electoral Commission on election arrangements
- To deal with conflicts between parties, or between a party and the Electoral Commission.

At national and provincial level, all registered political parties can have two representatives on each PLC.

At a local level, all registered political parties in that area can have two representatives on the local PLC.

## **7. Party Agents**

Each political party participating in an election can appoint two agents to be present at a voting or counting venue. For more information on the roles and responsibilities of agents, please turn to Section H – Election Day.

## **8. Electoral Code of Conduct**

The Electoral Act contains an Electoral Code of Conduct aimed at promoting “conditions that are conducive to free and fair elections” and that create a climate of tolerance, free political campaigning, and open public debate.

As soon as the election date is proclaimed, parties and candidates commit to adhering to the provisions of the Electoral Code of Conduct. Failure to do so creates the risk of a party's candidates or independent candidates being disqualified.

Find the rules of the Electoral Code of Conduct in Section B.

# SECTION E – INDEPENDENT CANDIDATES

The following section is aimed at informing independent candidates of the process to stand for election in the 2016 Municipal Elections.

## 1. Contesting elections

### Who qualifies as an independent candidate?

Any registered voter in a municipality may stand for election as a ward councillor in that municipality.

### How does the independent candidate nomination process work?

All candidates must submit to the local office of the Electoral Commission in the municipality where they are contesting elections:

- Nomination of the independent candidate form combined with acceptance of nomination and 50 signatures of supporters for the candidate (Appendix 5)
- A copy of their identity document
- An election deposit of R1000 payable by bank guaranteed cheque or any legislated method or proof of payment
- An A5 colour photo (head and shoulders) of the candidate

Please note all forms are available on the website [www.elections.org.za](http://www.elections.org.za).

### When to submit nominations?

Nomination of candidates for the 2016 Municipal Election will open as soon as the elections are officially proclaimed and will close about two weeks later.

See press for details confirming the exact deadlines and make sure you submit your nomination as early as possible.

### How to submit a candidate nomination?

You can deliver the completed nomination forms and material to the local Electoral Commission office in the municipality where you are contesting the elections between 8am and 5pm weekdays. Please keep an eye out on the press for details of when the submission period opens and closes.

This year, for the first time ever, candidates for the 2016 Municipal Elections will be able to submit their nominations online using a new application on the Electoral Commission website. Check out [www.elections.org.za](http://www.elections.org.za) for more information and help on how to submit electronically, or call 0800 11 8000 for help.

## 2. Funding of independent candidates

Independent candidates rely on private funding from sources such as members' contributions and donations from local or foreign companies. By law, only political parties have a right to get funds from the Represented Political Parties' Fund (the Fund) for any financial year that they are represented in:

- The National Assembly, or
- Any provincial legislature, or
- Both the National Assembly and in any provincial legislature.

It is worth noting that the Fund does not fund political parties represented in municipal councils only either.

### **3. Agents**

Each independent candidate participating in an election can appoint two agents to be present at a voting or counting venue. For more information on the roles and responsibilities of agents, please turn to Section G – Voting Day.

### **4. Electoral Code of Conduct**

The Electoral Act contains an Electoral Code of Conduct aimed at promoting “conditions that are conducive to free and fair elections” and that create a climate of tolerance, free political campaigning, and open public debate.

As soon as the election date is proclaimed, parties and candidates commit to adhering to the provisions of the Electoral Code of Conduct. Failure to do so creates the risk of a party's candidates or independent candidates being disqualified.

Find the rules of the Electoral Code of Conduct in Section B.

# SECTION F – VOTERS

## 1. About voting districts and stations

### What is a voting district?

A voting district is a geographical area that we draw to minimise fraud (by ensuring that registered voters only vote once in an election), and to make administration more efficient.

Each voting district is serviced by one voting station only. You may only register and vote in the voting district in which you live. Once registered, your name will appear on the voters' roll for the voting district at which you registered. This minimises the possibility of a voter voting more than once in an election.

### How are voting districts determined?

Voting districts are delimited to minimise voter inconvenience (voters having to stand in long queues at voting stations), and to assist us, the Electoral Commission, in logistical planning.

Voting districts are mainly determined on the basis of geographical size and number of eligible voters. Urban voting districts contain some 3 000 voters located within a radius of some 7,5 km of the voting station. Rural voting districts accommodate some 1 200 voters located within a radius of some 12,5 km of the voting station.

When delimiting voting districts, we access various data sources (topographic, cadastral, census information), including the Surveyor-General, the Department of Land Affairs and Statistics South Africa.

### What is demarcation and delimitation?

The drawing of outer municipal boundaries is called demarcation and is the legal responsibility of the Municipal Demarcation Board (MDB). The MDB also draws municipal ward boundaries and this is referred to as delimitation.

Using its electronic mapping system, the Electoral Commission then takes delimitation a step further by dividing wards into voting districts.

The Electoral Commission's voting districts do not have political significance (as do wards), but have been created for electoral efficiency and planning purposes.

### Why do voting districts change?

Many voting districts change shape due to various geographical, population and political changes that take place between elections.

## **How do I know if my voting district has changed?**

Check your voter registration status online at [www.elections.org.za](http://www.elections.org.za) or call our contact centre on 0800 11 8000 and get one of our agents to check your district details. All of your registration details will be displayed, including your voting district and station.

If you have moved to a new home, you're most likely in a different voting district. To find out, go to our online voting station finder (<http://maps.elections.org.za/vsfinder/>) and search for your street name or suburb. The map will display your voting district boundaries and the location of your voting station. If your voting district has indeed changed, you need to re-register in your new district before the voters' roll closes for the election on the date that the election is proclaimed.

## **2. About the voters' roll**

### **What is the voters' roll?**

South Africa's 1996 Constitution said that a national common voters' roll had to be set up for all future elections.

A voters' roll is simply a list of voters who are allowed to vote in upcoming elections. Once you register as a voter on the voters' roll, you stay on the voters' roll for all future elections – you will not have to register again unless you move to another voting district or the boundary of your voting district changes.

The voters' roll helps the Electoral Commission to plan an election and minimise electoral fraud as it tells us how many voters to expect in each voting district.

### **Can a person be removed from the voters' roll?**

Yes; generally only people who have died are removed from the voters' roll. Once a month we compare our voters' roll with the National Population Register, managed by the Department of Home Affairs, and we remove the names of citizens who have died during this period. Having registered as a voter you can, however, ask to be removed from the roll if you so wish.

### **How to register as a voter on the voters' roll, or update and inspect it**

You can inspect the voters' roll, register or update your registration details either at your local Electoral Commission office (Municipal Electoral Office) during office hours, or at your voting station on special registration days.

After registration finishes, the voters' roll is finalised and the Electoral Commission must publish the voters' roll by a date fixed in the Election Timetable. The voters' roll

will then be available for inspection at times published in the *Government Gazette* and in the Election Timetable.

### **When does the voters' roll close for the 2016 Municipal Elections?**

By law, the voters' roll closes at 5pm on the day that the date of the election is proclaimed (published) in the *Government Gazette*. Thereafter, it is not possible to vote in this election if you have not applied for registration by this time.

Remember that the proclamation of the election date is not only the closing date for registration, but also for objections and appeals to the registration of voters for that election. Objections and appeals may occur in relation to the exclusion or inclusion of a person's name on the roll, or the correctness of a person's registration details in a segment of the voters' roll. All such objections should be directed to the Commission at its national office in Centurion.

With proclamation, no changes or additions to the voters' roll are implemented until after the elections have taken place.

### **What personal information is on the voters' roll, and who gets to see it?**

The voters' roll contains the identification numbers, names and surnames of eligible voters, and their addresses. The roll is open for inspection by all eligible voters and political parties during an election period. No contact details are included in the voters' roll, and we don't share this information with anyone other than for the purpose of managing an election. To do so would be in breach of the legislation.

## **3. Registration as a voter**

### **Who can register?**

A person can register to vote in South Africa if they:

- Are a South African citizen
- Are at least 16 years old (you can only vote from age 18 though)
- Have a green, bar-coded identification (ID) book; smartcard ID; or valid temporary identity certificate (TIC).

### **When and where can you register?**

You can make an appointment to apply for registration during office hours at the local Electoral Commission office responsible for your voting district, or you can register to vote on special registration days. We will be holding a Registration Weekend on 5 and 6 March 2016. Voting stations will be open nationwide on both days from 8am to 5pm. To find your correct voting station, go to

<http://maps.elections.org.za/vsfinder/>.

If you would still like to register at your local Electoral Commission office, please always call first to make an appointment, as nearer to an election electoral staff are often out of office to conduct voter education in their communities.

### **What documents do you need to apply for registration?**

By law, you must apply in person (no online or email registrations are permitted) and you must bring your valid:

- green, bar-coded ID book, or
- smartcard ID, or
- temporary identity certificate (TIC).

By law, no other forms of identification can be accepted (not even passports or driving licences). Only original documents – no copies – are accepted. Please note that no proof of residence is required.

### **What happens when you apply to register as a voter?**

- You will fill in a paper application form
- Your ID document will be scanned
- A barcoded sticker will be pasted in your ID book or on your temporary identity certificate. If you are registering with a smartcard ID, then you will be provided with a separate form on which to paste the barcoded sticker which serves as proof of your application to register. Please take this form with you when voting.

Please note that completing the form and receiving a barcoded sticker or receipt doesn't mean that you are registered, it only means that you have applied for registration. Your application must still be processed, which may take up to seven working days.

### **How long will it take to register as a voter?**

This will depend on how busy the registration point is, but it should not take more than about 15 minutes to register.

### **How to know if or where you are registered?**

To check your registration details, you can:

- Send an SMS with your ID number to 32810 (cost is R1.00 per SMS sent and received)
- Download our mobile app and enter your ID number
- Check your registration details online at [www.elections.org.za](http://www.elections.org.za)
- Check at your voting station during a registration weekend
- Check at your local Electoral Commission office during office hours.

- Call the Electoral Commission's contact centre on 0800 11 8000

Remember, it can take up to seven working days for your registration application to be processed.

### **Do you have to re-register with every general election?**

No, you only have to register as a voter once, unless you move within South Africa or your voting district boundaries change.

During municipal elections and by-elections, you must vote at the voting station where you are registered, so it is important to re-register whenever you move or your voting district boundaries change.

To find out where your correct voting station is, please go to <http://maps.elections.org.za/vsfinder/>.

If you have already registered as a voter, and you realise that you will be living in another place on Election Day (for example, if you are a student), you must go back to a registration point and fill in a form to change your registration details. You will then be moved to another voting district and your name will be put on the voters' roll for that district.

### **Why can't you register online or via mobile phone or by post?**

The legislation doesn't allow for electronic or postal registration or voting. Currently you have to apply for registration and vote in person with the required proof of identification. However, rest assured this is a development that we are looking into for the convenience of voters.

### **What if you are 17 years old now, but will turn 18 around the time when the elections will be held. Will you be able to vote?**

You must have applied for registration and turned 18 on or before the day that the election date was proclaimed (published) to be able to vote, so please do go ahead and register to vote.

### **What if your ID book has your maiden name, but you have since got married. Do you need to re-register?**

No, we only use your ID number and not your name on the voters' roll. We check your ID number against the National Population Register to ensure that you are listed (alive, of voting age and a South African citizen) and therefore eligible to vote. We get your name as it is reflected on the National Population Register (the Department of Home Affairs automatically changes your name when you get married), and that is the name that appears on the voters' roll. However, your name on the voters' roll does not have to match the name on your ID document.

## **Can prisoners vote in the 2016 Municipal Elections?**

Prisoners were given the right to vote in the national and provincial elections by a Constitutional Court ruling in March 2004. However, in terms of the current legislation, prisoners cannot vote in municipal elections.

## **Will a registered voter who no longer lives in South Africa be able to vote in the 2016 Municipal Elections?**

South Africans can only vote abroad in national elections, and not in provincial or municipal elections.

### **4. Voting**

#### **What are the days and hours of voting?**

Voting day will be determined by the Minister of CoGTA in consultation with the Electoral Commission. In addition, there will be two days of special (or early) voting, which will be indicated on the election timetable once it has been published by the Electoral Commission after the proclamation of the date of the election. The hours of voting in the elections are from 7am to 7pm. No one may be admitted to a voting station after it has closed its doors, but voters who are already in the queue to vote by 7pm must be allowed to cast their vote.

The Electoral Commission may close a voting station, even temporarily, if it is impossible to conduct a free and fair election. It may also extend voting hours of a busy voting station until midnight on voting day.

#### **Where do you vote?**

You must vote at the voting station serving the voting district where you registered.

In all probability, the voting station will be the same place that was used on the voter registration days. In most cases, this will be the same place where you voted in previous elections unless you have moved.

If you go to the wrong voting station (one not in your voting district), you will be directed to the correct voting station by the election staff.

#### **How long will it take to vote?**

The time you spend waiting in queues should not be too long as there are a fixed number of voters registered to vote at each voting station.

As Election Day will be a public holiday, it will be easier for you to vote at any time during the day between 7am and 7pm. To avoid queues at the end of the day, it is better to vote earlier in the day and not leave voting to the last minute.

However, if you are in the queue by 7pm at the end of Election Day, you must be allowed to vote before the voting station can close.

### **What is the voting process?**

- In the queue: An election official will check your valid ID document to make sure that you are registered
- At the door: An election official will scan your ID document with a bar-code scanner (zip-zip) machine, which contains an electronic copy of the entire voters' roll. You will receive a slip confirming that you are a registered voter.
- At the voters' roll table: You will give your slip of paper to the voters' roll official, who checks to see if your name is on the printed section of the voters' roll for your voting district. Your name will then be crossed off the voters' roll - this is a manual mechanism for ensuring that voters only vote once.
- At the inking table: An election official will make a small mark on the nail of your left thumb with indelible ink to show that you have voted.
- At the ballot paper table: You will be given two or three ballots, depending on the area in which you live, and an official stamp will be put on the back of all of them to show that they were issued on Election Day. Your green ID book, if that was your identification document, will then be stamped by an election official to show that you participated in the election.
- At the voting booth: You will then be directed to an empty voting booth. Here you will place your X in the box next to the political party and/or candidate of your choice. To avoid a spoilt ballot, ensure that you make only one mark on each ballot paper and that your mark is clear. If you make a mistake call an election official and they will cancel your ballot paper and then provide you with a new ballot paper. When you are finished, fold your ballot papers in half and leave the voting booth.
- At the ballot box: An election official stationed at the ballot box will check to see that the ballot papers have the official stamps on the back, and direct you to put them into the correct ballot box.

### **How to distinguish between the three ballot papers?**

At the top of each ballot paper you will see the name of the election which is being contested – 2016 Municipal Elections. You will also see

- The name of the metropolitan council (e.g. eThikwini) or the provincial code and name of the local municipality (e.g. WC025: Breede Valley Municipality) and
- The ward number (in the case of a ward ballot paper); or
- Metropolitan Council Party Vote or Local Council Party Vote (in the case of PR ballot paper); or
- District Council Party Vote (in the case of a District Council PR ballot paper)

Below that you will see the full name of each ward candidate and each political party followed by the logo of each party (this will be blank in the case of independent candidates) followed by the abbreviation of the party, followed by a blank square in which you make your mark (an X) for the candidate or party you choose.

### How to make your mark?

- Make your mark in the box next to the party of your choice
- Be careful not to let your mark touch any of the walls of the box
- Make only one mark on the ballot paper. It is best to make a cross like this: X
- Any mark is fine as long as it shows who you are voting for. This helps the voting officials when they count the votes
- If you have made a mistake, tell the election official. He or she will then cancel your ballot paper, and you will be given a new one.

### What are you voting for?

The number and type of votes you have depends on where you live. See the different types of municipalities in Section B.

- Metropolitan council voters (big cities): 2 votes
  - Ballot 1: one party vote for the metropolitan council
  - Ballot 2: one ward candidate vote
- Local Council (towns & surrounding rural areas): 3 votes
  - Ballot 1: one party vote for the local council
  - Ballot 2: one ward candidate vote
  - Ballot 3: one party vote for the district council.

Remember that the district council elections are only finalised after the elections by adding together:

- Councillors directly elected by ballot 3 – the party vote by local council voters, and
- Councillors appointed by the elected local councils to represent the local council on the district council.

### How to get help with problems around voting?

- For people with physical disabilities
  - You can bring along someone to help you as long as the person is at least 18 years old, and not an agent or a candidate, or
  - Ask the Presiding Officer or a voting officer for help.
- For people who are sight impaired or who have difficulty reading
  - Ask the Presiding Officer or a voting officer for help and/or a voting aid called a universal ballot template: they will ask an accredited observer

and two party agents (representing different parties) to watch while they help you.

- If you make a mistake on your ballot paper  
You can get a new ballot paper from a voting officer if:
  - You make a mistake when you mark a ballot paper, and
  - You notice this mistake before putting the ballot paper into the ballot box.

If you get a new ballot paper, your old ballot paper will be cancelled.

If you need help with anything else to do with voting, or want to make a complaint about any harassment or intimidation, please ask the Presiding Officer for help.

### **What happens if there is a serious problem at a voting station?**

If the Electoral Commission decides there has not been a free and fair election at a particular voting station because of issues such as violence, intimidation, loss of voting materials, or a natural disaster such as flooding, then one of three things can happen:

- Interrupt and postpone voting to another day within 7 days of the election date
- Cancel all voting and re-hold voting on another day within 7 days
- Relocate the voting station to another venue to continue voting on Election Day.

### **5. Special votes**

A special vote allows a registered voter, who can't vote at their voting station on Election Day, to apply to vote on a predetermined day before Election Day.

By law, you can apply for a special vote if you:

- Can't travel to your voting station for health reasons, for example because you are physically infirm, disabled, or pregnant; or
- You are unable to access your voting station on voting day (for example, you are a member of the armed forces) .

### **Do you qualify for a special vote?**

You can apply for a special vote if you –

- are a registered voter
- have a green, bar-coded ID book, smartcard ID, or a valid temporary identity certificate

- You are unable to travel to your voting station on voting day, or you are unable to travel to your voting station due to being physically infirm, disabled or pregnant.

### **How to apply for a special vote**

During the period specified in the election timetable (only published once the election date has been proclaimed), go to [www.elections.org.za](http://www.elections.org.za) and apply online for a special vote. Alternatively, you can visit your local Electoral Commission office and submit a form to apply for a special vote in municipal elections. Forms can only be hand-delivered (no emails or faxes are accepted), but someone else can deliver your completed form on your behalf.

You should receive an SMS notifying you of the outcome once your application has been processed, but you can also check the status of your special vote application online at <https://www.elections.org.za/content/For-Voters/Special-Vote-Application-Status/>

### **When do you cast your special vote?**

The dates for the casting of special votes will be published in the election timetable for the 2016 Municipal Elections. The election timetable will only be published after the election date has been proclaimed and gazetted.

By law, special votes can only be cast on the dates specified in the election timetable and these usually fall a day or two before the general Election Day.

### **Where to cast your special vote?**

If you can't travel to the voting station where you are registered because you are physically infirm, disabled or pregnant and you were successful in your application for a special vote home visit, voting officials will visit you at your home (or the place where you are living), which must be within the voting district where you're registered, and allow you to vote.

If you can travel, but can't vote at the voting station where you are registered on Election Day, you will vote at the voting station where you are registered on the date specified in the election timetable (usually a day or two before Election Day).

### **What happens when you cast a special vote?**

If your application for a special vote is successful, you will vote as follows:

- Your left thumbnail will be marked with indelible ink
- Your ID document will be checked and stamped
- You will receive the relevant ballot papers
- You will mark the ballots in secret, and place and seal them in an unmarked envelope

- This unmarked envelope will be placed in another envelope that is marked with your name, ID number and voting district number. The use of two envelopes is to ensure the secrecy of your ballot (the outer envelope is discarded before counting).
- Election officials will take the envelope and place it in a secure ballot box for special votes
- Your name will be marked off the voters' roll with the letters "SV" to indicate that you have cast a special vote.

## **6. Your rights as a voter**

Your most important rights as a voter are:

### **1. The right to free and fair elections**

You have the right to get the information you need to make up your own mind. This means you must be able to hear or see all the political parties and candidates. For this to happen, parties and candidates must be able to hold meetings in all areas, and must be given a fair amount of time to speak on radio and TV.

### **2. The right to vote**

This is one of your political rights under the Constitution and your democratic right as a citizen. No-one is allowed to stop you from voting.

### **3. The right not to vote**

It is also your democratic right not to vote. No-one is allowed to force you to vote.

### **4. The right to spoil your vote**

You have the democratic right to spoil your ballot paper (voting paper) – this is when you deliberately vote for more than one party on the ballot paper, or by mistake fill your ballot paper out in a way that a counting officer cannot work out who you are voting for. Some people choose to participate in voting but to spoil their votes because they feel there is no party or ward candidate they wish to support.

### **5. The right to vote once in your voting district on each ballot paper**

In the 2016 Municipal Elections, you have the right to vote once in the voting district where you registered. Depending on where you live, you will have 2 or 3 votes for the parties or ward candidates of your choice in your Metro, Local or District Council. There will be a separate ballot paper for each type of vote.

### **6. The right to your own free choice of party or candidate**

You can choose which party or ward candidate to vote for. No-one is allowed to try to buy your vote or make threats against you to force you to vote for their party or ward candidate.

### **7. The right to a secret vote**

No-one has a right to know who you voted for. Your vote is secret because your name is not on the ballot paper. No-one is allowed to watch you when you go into the voting booth. If you ask for help to vote, and any election officials, observers or agents see how you vote, they are sworn to secrecy.

Please note that you can volunteer to tell the media or anyone else who you voted for, but no one should force you to tell them if you do not want to.

### **8. The right to get help to vote**

If you are blind, disabled or elderly, you can ask someone to help you to vote. You can take someone along with you (for example, a family member or friend) or ask one of the election officials to help you. Ask for an interpreter if you need help with translation of any instructions.

If you take someone to help you, this person must be at least 18, but cannot be a candidate, a party agent or an agent representing an independent ward candidate.

### **9. The right to vote safely**

There will be security arrangements so that voters can vote in a safe environment. Speak to the police or Presiding Officer if you feel there is anything that threatens your safety.

### **10. The right to make a complaint**

If you are unhappy about harassment or intimidation within the voting station, you can make a complaint to the Presiding Officer or another election official.

For incidents that take place outside the voting station and do not directly interfere with voting, it is better to report these to the police.

## **7. Electoral offences**

Electoral fraud refers to illegal interference with the process of an election through deliberate wrongdoing. Electoral fraud can take place throughout the election period, both inside and outside of voting stations. Remember that in all instances electoral fraud is a crime.

**It is an electoral offence to force anybody to do the following:**

- To register to vote or not to register to vote
- To vote or not to vote in an election
- To support or not to support a political party or candidate
- To vote or not to vote for a political party or candidate
- To attend or not to attend a political event or rally of a political party
- To interfere with the fairness or independence of the Electoral Commission or any officer of the Electoral Commission.

### **What does this list of offences mean for you practically?**

#### **Before voting day**

- Do not prevent a political event or rally from being held when you do not have the right to do so
- Do not damage or remove election posters, billboards or placards – this is not allowed from the date that an election is proclaimed (announced) until the election results have been given out by the Electoral Commission
- Do not use the voters' roll or election materials for purposes other than the election

#### **During registration**

- Do not get someone to give false information, such as an incorrect physical address, when registering to vote
- Do not provide false information, such as an incorrect physical address, when registering as a voter
- Do not register to vote or vote using the name of another person (living or dead)
- Do not register to vote in a voting district in which you do not reside

#### **On voting day**

- Do not vote in an election when you are not allowed to vote
- Do not vote in a voting station where you are not allowed to vote
- Do not vote more than once in an election
- Do not pretend to be one of the following:
  - an official of the Electoral Commission
  - a representative of a registered political party
  - a candidate in an election
  - an accredited (qualified) observer
  - an accredited (qualified) voter education official
- Do not prevent someone from speaking to other voters
- Do not interfere with a voter's right to secrecy when he or she is voting – hence the regulation about no photos or selfies of marked ballots.

#### **In general**

- Do not bribe or influence an official of the Electoral Commission while they are doing their duty
- Do not misinform the Electoral Commission when you are asked to provide a statement
- Do not publish false information about an election that may disrupt, prevent or influence the election results
- Do not publish false information that may create anger or fear and could change the election results
- Do not give information about voting or the counting of votes when you are not allowed to
- Do not interfere with any voting materials
- Do not make, produce or supply election materials when by law you are not allowed to
- Do not remove, hide or destroy election materials when by law you are not allowed to
- Do not prevent the Electoral Commission from doing their duties in running the election
- Do not try to harm the honesty and dignity of the Electoral Commission.

#### **What happens if you commit electoral fraud, that is, any of the offences listed?**

- You may be fined
- You may be sent to prison for up to ten years.

#### **What should you do if you suspect that electoral fraud has been taken place?**

In terms of section 78 of the Municipal Electoral Act the Electoral Court has jurisdiction in respect of all electoral disputes and complaints about infringements of the Electoral Code of Conduct (see page 18 for more on the Code), subject to section 20(4) of the Electoral Commission Act.

If you suspect that a party or a candidate has breached the Electoral Code of Conduct, you need to report the incident to Electoral Court. The Secretary of the Court can be contacted on the following telephone number: 051 412-7400.

For the Electoral Court's rules regulating electoral disputes and complaints about infringements of the Electoral Code of Conduct, and rules regulating the conduct of the proceedings of the Electoral Court, please refer to [URL for documents added to the Document Library at [www.elections.org.za](http://www.elections.org.za)]

Clearly, in this day and age, casting your vote on Election Day is not just a case of going to your voting station, presenting your ID document and making your mark on the ballot papers. In this selfie-obsessed, trigger-fingered social media age, there's much more to it, so **do**:

- Respect other voters and election and party officials. It's a special day for all South Africans!
- Feel free to show your party support by wearing party T-shirts and other regalia with party slogans.
- Mark each ballot paper only once; and make sure that your mark makes your intention clear.
- Make sure your ballot papers have been stamped by our officials before putting your marked ballots in the ballot box, or else they won't be counted.
- Leave the voting station knowing that you've done your bit for democracy in South Africa.
- Remember to take a selfie (or better yet, a thumb selfie) and share it with family and friends on Twitter or Facebook with the hashtags #Ivotedlocal2016 #ProudlySA #InkthumbSA to show you've made your mark, and encourage them to do so too!

## **8. Duties of a ward councillor and how to contact yours**

### **What are the duties of a ward councillor?**

Ward councillors are the elected representatives of the people in a ward and must make decisions on behalf of their constituencies.

A ward councillor's role within local government is to:

- Represent the interests of her ward constituency in the municipal council
- Be familiar with the provisions of local government laws and their amendments
- Review local government laws
- Act as a member on a sub-council
- Take decisions in council through a vote count.

As elected representatives councillors need to carry out their duties in a transparent and accountable way. This means that councillors do not act as individuals and do as they wish. Their actions must be visible to the public so that the public (or party to which the councillor belongs) is able to object when they feel their interests are not being adequately represented.

Councillors also serve as facilitators of community/constituency input, and as a communication link between this community and the council. The ward councillor should make sure that the interests of all the people in the ward are represented in council as properly as possible. A ward councillor's duties include:

- Reporting on council activities on a regular basis (at least quarterly)
- Reporting on the council's annual performance

- Strengthening their relationship with community.

Ward councillors help monitor the performance of the municipality and therefore act as a key feedback mechanism for monitoring whether:

- The municipality's plans and programmes are achieving the intended effect
- Services are being provided in a way that is efficient and fair
- Capital projects are actually taking place according to plan and within a reasonable timeframe.

All city councillors for all municipalities in South Africa have to abide by a code of conduct which requires them, among other things, to declare their financial interests, and to report back to the constituencies at regular intervals. Find the full text of the code in Schedule 5 of the Municipal Structures Act.

### **How to find out who your ward councillor is?**

You can get the contact details (municipality telephone and fax number) of your ward councillor by:

- SMSing your ID number to 32245 (cost is R1 per SMS sent and received)
- Searching with your ID number at <https://www.elections.org.za/content/For-voters/who-is-my-councillor/>
- Visit [www.elections.org.za](http://www.elections.org.za) and search by province, municipality and ward.

# SECTION G – MEDIA

## 1. Role of the media

The Electoral Code of Conduct states that political parties and candidates must respect the role of the media during an election period. They must also ensure that they don't prevent access by journalists and other members of the media to public political meetings, marches, rallies and demonstrations. Parties and independent candidates must also take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threats or physical assault by their representatives or supporters.

## 2. Media accreditation for elections

Media representatives will not need formal accreditation from the Electoral Commission to gain access to voting stations for the 2016 Municipal Elections, but they will be required to identify themselves clearly as members of the media by presenting a valid press card or signed letter from their editor (on the organisation's letterhead) in addition to an identity document or passport. The press card will get media representatives access to a voting station to report on voting or counting if it has:

- The name and photo of the journalist or reporter
- The name of the publication or broadcasting station they represent.

## 3. Media contacts for the Electoral Commission

Members of the media will need accreditation for all Results Operation Centres. Please check with each provincial Results Operation Centre for their requirements.

### **National**

Contact person: Lydia Young on 082 650-8652

### **Eastern Cape**

Contact persons: Pearl Ngoza on 043 709-4200

### **Free State**

Contact persons: Mmathabo Rasengane on 051 401-5000

### **Gauteng**

Contact persons: Boitumelo Monaki on 011 644-7400

### **KwaZulu-Natal**

Contact persons: Thabani Ngwira on 084 505-5117

### **Limpopo**

Contact persons: Motsiri Ramafalo on 015 283-9100

### **Mpumalanga**

Contact persons: Sibusiso Nkosi on 013 754-0200

### **North West**

Contact persons: Maureen Mathamela on 018 391-0805

### **Northern Cape**

Contact persons: Ntsoaki Sebeela on 053 838-5000

### **Western Cape**

Contact persons: Noluvo Plaatjie on 021 910-5736

## **4. Access to voting stations**

Members of the media will be given access to a voting station at the discretion of the Presiding Officer of a particular voting station. If you have any problems getting access at the door, ask to speak to the Presiding Officer or the Deputy Presiding Officer.

Presiding Officers are under no obligation to grant the media access to the voting station or to discuss the activities in the voting station. You can, however, appeal to the Provincial Electoral Officer if you feel that your access to a voting station has been unreasonably withheld.

Queries that fall outside of the mandate of the Presiding Officer will be escalated to the Electoral Commission official spokesperson at the National Results Operations Centre in Pretoria or the particular provincial results operation centre.

Voting hours in the 2016 Municipal Elections are from 7am to 7pm. No media coverage will be allowed once the voting stations have closed and counting has started.

## **5. Interviews and information at voting stations**

In terms of the Section 109 of the Electoral Act, No 73 of 1998, no persons including the media may print, publish or distribute any exit polls taken in the elections in process during the hours of voting (7am to 7pm).

Voters, party agents, candidates and accredited observers have to be interviewed outside of the boundaries of a voting station.

Except for the Presiding Officer no interviews may be conducted with any other voting station staff/Electoral Commission staff at a voting station.

Presiding Officers are mandated to talk on the following:

- Voter turnout at their voting station
- Arrangements for voting at their station.

Media queries on the following topics have to be directed to either the media centre at the National Results Operation Centre in Pretoria or provincial centres as appropriate:

- Content and number of objections as these are subject to an appeals process.
- Activities outside the boundaries of the voting station.
- Policy matters.

Remember that in terms of the Elections Regulations no person – including members of the media – may produce a photographic image of a marked ballot. This is a criminal offence.

No visuals are allowed inside the boundaries of a voting station without the permission of the affected voter and the Presiding Officer.

No visuals are allowed where the secrecy of a voter's ballot may be compromised.

Once the results have been finalised at the voting station the Presiding Officer may inform the media of the PROVISIONAL count.

Copies of the results slips will not be made available to the media, but a copy of the results slip for each election in each voting district is placed on the door of the voting station at the close of counting of ballots, so the media are at liberty to access results slips in this manner.

## **6. Opinion polls**

Since the 1999 elections the Electoral Act has allowed for the publication of opinion polls. Media houses can broadcast or publish the results of an opinion

poll at any time during the election period as long as they follow all the other election laws affecting the broadcast, digital or print media.

## **7. Access to election data**

To make information from the 2016 Municipal Elections more accessible to all South Africans, the Electoral Commission has developed application programme interfaces (APIs) to provide election source data in real-time to political parties, media institutions, and other interested parties.

This source data includes real-time voter and voting station information, including mapping and election results data, as well as other generic information.

To access the Electoral Commission's API, interested parties and media organisations must apply for a username and password from the Commission. Authorised applications will receive access tokens that are valid for a limited time.

Please send your request for access to the API to the Electoral Commission addressed to [webmaster@elections.org.za](mailto:webmaster@elections.org.za).

For more detailed specification information and sample code, calling parameters and structure of the returned data, please visit <https://api.elections.org.za>

## **SECTION G – ELECTION DAY**

Election Day is the peak of the election period, and is often a time of frantic activity, tension and conflict. In most cases, such tensions are balanced by the skilled work and patience of the election officials and the good humour of the voting public.

### **9. Who's who in a voting station**

#### **Presiding Officer / Counting Officer**

The Presiding Officer is responsible for the efficient management of the voting and counting process at a voting station. Presiding Officers are hired by the Electoral Commission about six months before an election, and one is assigned to each voting station or district.

The role of a presiding/counting officer is to:

- Co-ordinate and supervise the voting processes at the voting station to ensure that the election at the voting station is free and fair
- Ensure orderly conduct at the voting station. This includes ordering the removal of a person whose conduct is not conducive to a free and fair election.
- If such a person is informed of the reason for his or her removal, but still fails to leave the voting station, the presiding officer can order a member of the security forces to remove that person from the voting station.
- Co-ordinate and supervise the counting of votes and the determination of the result of the voting station to ensure that the election at that voting station is free and fair.
- Exclude from the voting station, if necessary, any person other than:
  - staff of the Electoral Commission
  - agents entitled to be there
  - a ward candidate
  - an accredited observer
  - a voter for the purpose of voting
  - the number of party candidates that can comfortably accommodated in the voting station
  - anyone else authorised by the Electoral Commission.
- Co-ordinate and supervise the counting of votes and the determination of the result of the voting station to ensure that the election at that voting station is free and fair.

#### **Deputy Presiding Officer / Deputy Counting Officer**

The role of a Deputy Presiding/Counting Officer is to assist the Presiding Officer with the management of the voting process at a voting station. He or she will also take over as the Presiding Officer in the absence of the Presiding Officer.

A Deputy Presiding/Counting Officer must also assist with the management of the counting process at a voting station.

### **Party Agents (and Independent Ward Candidate)**

Each political party participating in an election can appoint two agents to be present at a voting or counting venue. An independent ward candidate can appoint one agent for each voting station in the ward. In some cities where there are many voters at a voting station, the Electoral Commission can set up different queues (called 'streams') of voters in a voting station in different rooms of a bigger voting centre. Then parties and independent candidates can have agents for each stream.

While party agents are important to ensure that the process is free and fair, it does not invalidate the proceedings if there are no party agents present at a voting station.

### **Who can be an Agent?**

To be an agent, you must:

- Be a South African citizen
- Not be a candidate for that election
- Be issued with an appointment form by your party or ward candidate and a notice given to the Presiding Officer.

### **What is the role of an Agent?**

- To observe and represent the interests of their parties or candidates in ensuring free and fair elections.
- Check and verify the seals on the ballot boxes to ensure they are intact (unbroken) before the boxes are opened
- Witness the process whereby the status of a questionable ballot paper is determined
- Witness the completion of the result forms and add their signatures
- Copy the results for that voting station
- Ensure that no communication with people outside the venue is allowed until the results are finalised
- To make any complaints to the Presiding Officer or Counting Officer.

## What rules govern the Agents?

A party agent must:

- Wear identification tags that state “Party Agent” and the party or candidate they represent
- Communicate with the Presiding Officer or his or her deputy, and not other voting officers
- Not display or distribute any information about their party in any form, nor may they wear or carry any item that displays a party logo, picture or sign
- Comply with any orders given by the Presiding Officer
- Not attempt to induce, influence or persuade a person to vote or not to vote
- Not interfere with the voting processes in any way, or with voters in the station, but may lodge objections with, or bring any irregularities to the attention of, the Presiding Officer
- Be allowed to observe proceedings at each of the following points:
  - The voters’ roll station
  - The ballot paper station
  - The inking station
- Not try to witness the marking of the ballot.
- Party agents will be accommodated as set out above on a rotational basis agreed upon among themselves, or should they fail to do so, as directed by the Presiding or Deputy Presiding Officer. The allocation of party agents must be done in a manner that ensures all parties have an equitable opportunity of observing the process.

## Observers

An observer is a neutral outsider who is present and sees what happens during voting, counting, and the determination and declaration of results, and can tell the world that the process was transparent, free and fair.

According to the United Nations, election observation is a valuable tool for improving the quality of elections.

“Observers help build public confidence in the honesty of electoral processes. Observation can help promote and protect the civil and political rights of participants in elections. It can lead to the correction of errors or weak practices, even while an election process is still under way. It can deter manipulation and fraud, or expose such problems if they do occur. When observers issue positive reports, it builds trust in the democratic process and enhances the legitimacy of the governments that emerge from elections.”

International observers in particular, from organisations such as the Organisation of African Unity (OAU) and the Commonwealth, often have vast experience of elections in various parts of the world and are able to give an election management body like the Electoral Commission invaluable advice and support.

### **What rules govern election observers?**

Regulations are in place to govern the accreditation of observers that include a Code of Conduct for Accredited Observers. In terms of the Regulations the accreditation of an observer is valid for a year, but is conditional on the observance of the code of conduct.

Essentially, every accredited observer must –

- Observe the election impartially and independently of any registered party or candidate contesting the election
- Remain non-partisan and neutral
- Be competent and professional in observing the election
- Provide the Commission with a comprehensive review of the elections taking into account all relevant circumstances including –
  - the degree of impartiality shown by the Commission
  - the degree of freedom of political parties to organise, move, assemble and express their views publicly
  - the opportunity for political parties to have their agents observe all aspects of the electoral process
  - the fairness of access for political parties to national media and other resources of the state
  - the proper conduct of polling and counting of votes
  - any other issue that concerns the essential freedom and fairness of the election.

### **How to apply to be an observer?**

The Electoral Commission will accredit (officially recognise) organisations wishing to appoint election observers in the interest of promoting free and fair elections.

Applications for observer status during the 2016 Municipal Elections were open from 4 September to 2 November 2015. Applications will reopen again in early 2016. Applications can be downloaded at [www.elections.org.za](http://www.elections.org.za) and, once completed, should be emailed to [observers@elections.org.za](mailto:observers@elections.org.za).

Regulations on the accreditation of observers, the application form, and a sample certificate of accreditation, and the code of conduct are all to be found at [www.elections.org.za](http://www.elections.org.za).

## 10. Voting

To find out more about the voting process, including how to make your mark, how many ballots to expect and what you are voting for, please see Section F about Voters.

## 11. Electoral offences

Electoral fraud refers to illegal interference with the process of an election through deliberate wrongdoing. Electoral fraud can take place throughout the election period, both inside and outside of voting stations. Remember that in all instances electoral fraud is a crime.

**It is an electoral offence to force anybody to do the following:**

- To register to vote or not to register to vote
- To vote or not to vote in an election
- To support or not to support a political party or candidate
- To vote or not to vote for a political party or candidate
- To attend or not to attend a political event or rally of a political party
- To interfere with the fairness or independence of the Electoral Commission or any officer of the Electoral Commission.

**What does this list of offences mean for you practically?**

### On voting day

- Do not vote in an election when you are not allowed to vote
- Do not vote in a voting station where you are not allowed to vote
- Do not vote more than once in an election
- Do not pretend to be one of the following:
  - an official of the Electoral Commission
  - a representative of a registered political party
  - a candidate in an election
  - an accredited (qualified) observer
  - an accredited (qualified) voter education official
- Do not prevent someone from speaking to other voters
- Do not interfere with a voter's right to secrecy when he or she is voting

### In general

- Do not bribe or influence an official of the Electoral Commission while they are doing their duty
- Do not misinform the Electoral Commission when you are asked to provide a statement
- Do not publish false information about an election that may disrupt, prevent or influence the election results

- Do not publish false information that may create anger or fear and could change the election results
- Do not give information about voting or the counting of votes when you are not allowed to
- Do not interfere with any voting materials
- Do not damage or remove election posters, billboards or placards – this is not allowed from the date that an election is proclaimed (announced) until the election results have been given out by the Electoral Commission
- Do not use the voters' roll or election materials for purposes other than the election
- Do not make, produce or supply election materials when by law you are not allowed to
- Do not remove, hide or destroy election materials when by law you are not allowed to
- Do not prevent the Electoral Commission from doing their duties in running the election
- Do not try to harm the honesty and dignity of the Electoral Commission.

#### **What happens if you commit electoral fraud, that is, any of the offences listed?**

- You may be fined
- You may be sent to prison for up to ten years.

#### **What should you do if you suspect that electoral fraud has been taken place?**

In terms of section 78 of the Municipal Electoral Act the Electoral Court has jurisdiction in respect of all electoral disputes and complaints about infringements of the Electoral Code of Conduct (see page 18 for more on the Code), subject to section 20(4) of the Electoral Commission Act.

If you suspect that a party or a candidate has breached the Electoral Code of Conduct, you need to report the incident to Electoral Court. The Secretary of the Court can be contacted on the following telephone number: 051 412-7400.

For the Electoral Court's rules regulating electoral disputes and complaints about infringements of the Electoral Code of Conduct, and rules regulating the conduct of the proceedings of the Electoral Court, please refer to:

- <http://www.elections.org.za/content/Documents/Laws-and-regulations/Electoral-Court/Electoral-Court-Rules--Proceedings/>
- <http://www.elections.org.za/content/Documents/Laws-and-regulations/Electoral-Court/Electoral-Court-Rules--Disputes-and-Complaints/>

#### **Activities restricted on voting day**

The Municipal Electoral Act restricts some activities on voting day.

### **Political activities**

On Election Day, no-one is allowed to do the following within the boundaries of a voting station:

- Hold or take part in any political meeting, march, demonstration or other political event, or
- Besides voting, take part in any political activity.

The Preamble to the Regulations say:

“It is in the interest of free and fair elections that contesting parties should be allowed to continue with lawful and legitimate election-related activities immediately outside voting stations. It is however also necessary that voters must not feel intimidated by certain activities in the proximity of entrances to voting stations they are obliged to use when proceeding to cast their votes in elections.”

Then the Regulations explain:

- Parties must not place things like tents, tables or caravans in a way that blocks voters from free and direct access to the voting station.
- The Presiding Officer can instruct a party to move their facilities and get help from a security officer to achieve this.
- The Presiding Officer should resolve disputes between parties about where to place their facilities.
- Anyone disobeying a Presiding Officer or a security officer can be fined or imprisoned for up to one year.

### **Exit polls**

An exit poll is when you count how many people have voted and which parties you think they have supported. During the hours of voting on Election Day, no-one is allowed to print, publish or distribute the result of any exit poll taken in that election. To do so, is an electoral offence.

## **12. Objections and appeals**

For more on the objection and appeals process, please see Section I on Counting and Results.

# SECTION I – COUNTING AND RESULTS

The results process takes place as soon as voting has been completed. Each step of the process is carefully verified, checked and audited – from the counting and recording of votes to the scanning and capturing of results, culminating in the announcement of the final election results.

## 1. How counting works

Counting takes place at each voting station immediately after the conclusion of voting on Election Day. All votes cast over the course of the special voting days and Election Day will be counted together. Votes can be counted at a central place if this will help ensure free and fair elections, or the votes come from a mobile voting station. In addition to the voting station officials, the Electoral Commission can employ counting officials to assist with counting. All counting officials will work in shifts allocated by the Presiding Officer.

The following people are allowed in the counting station during counting:

- The Counting Officer
- Counting officials
- Accredited observers
- Accredited party agents
- People authorised by the Electoral Commission.

## What is the counting process?

The counting process will unfold as follows in the presence of observers and party agents and/or independent candidate agents, who will check that the counting is done correctly and fairly:

- Each voting station is issued with two or three results slips depending on whether the VD is in a local or metro council
- The Presiding Officer becomes the Counting Officer and the Deputy Presiding Officer becomes the Deputy Counting Officer
- The voting station's doors are locked and no one may leave or enter
- Cell phones must be switched off, except that of the Counting Officer
- The Counting Officer advises all those present of counting procedures and confirms the rules regarding acceptable and unacceptable ballots
- The numbered and sealed ballot boxes are opened
- The ballots are unfolded, sorted and reconciled by election officials
- Ballots are counted, checked and bundled, and the recorded votes are entered onto a results slip

- The recorded votes are entered onto both results slips (in duplicate) by the Counting Officer, and signed off by the Deputy Counting Officer, in the presence of at least two party agents. These party agents must then also affix their signatures to the results slips.
- The ballots are then placed back into the ballot boxes, which are then resealed and kept in storage for six months after the election in the event of any queries and challenges
- The one results slip is sealed in a tamper-evident bag and sent to the municipal electoral office, where the results are verified and then scanned, captured and transmitted to the Electoral Commission's central results system
- The other copy of the results slip is displayed outside the door of the voting station.

## **2. How election results are worked out**

The tabulation of results takes place at the voting station. Provisional results for each voting station are displayed outside the voting station when counting is finished.

The results from each voting station are also sent to the municipal electoral offices, where they are verified and then scanned, captured and transmitted to the Electoral Commission's central results system.

The dual scan-capture feature of this system makes the image of the original results slip available, together with the captured result. Moreover, the capturing entails a double-blind process and validations, and is audited by independent auditors.

The overall election results will be worked out at centralised election results operations centres (ROCs) under the control of the Electoral Commission: one national ROC based in Pretoria, Tshwane, and one provincial ROC in each province.

Where exceptions are raised by the results system – for example, with an exceptionally high or low voter turnout – a team at the National ROC checks the exceptions and, if necessary, takes steps to resolve the matter.

Accredited Observers, Party/Independent Candidate Agents and Party Representatives are also invited by the Electoral Commission to these ROCs to check that everything is done correctly and fairly.

Only the Electoral Commission has the legal authority to announce the election results. This is to ensure that all objections are addressed by the Electoral Commission prior to the final result announcement. The Electoral Commission will then determine the seat calculation and seat allocation and announce the elections results within seven days.

### **3. Objections and appeals**

Throughout the voting and counting process, any voter or Agent can lodge an objection to any alleged irregularity at a voting station that could affect the results, and a record is kept of these objections.

Objections material to the election result are dealt with directly by the Commission, which will investigate any such objection, can request evidence in doing so, and must make a decision. The Commission must make a decision on the objection within three days of receiving the objection.

Any person not satisfied with that decision can appeal to the Electoral Court. The Electoral Court is a specialised court with the status of a High Court and has jurisdiction on all electoral disputes and breaches of the Electoral Code of Conduct. This court is easily accessible and has a speedy process for dealing with matters brought before it.

#### **Who can object?**

Voters, party agents and ward candidates can submit objections at any time during the voting and counting process.

#### **When to object**

Objections must be lodged before 5pm on the second day after voting takes place (usually the Friday after Election Day).

Voters, party agents and ward candidates can object to:

- A voter being given too many ballot papers
- A voter being refused a ballot paper
- The conduct of a voting officer, party agent or any other person.

Party agents and ward candidates can object to any irregularities or inaccuracies in the:

- Sorting of ballot papers;
- Counting of votes or determination of results
- Verification procedure.

#### **How to object**

Let the Presiding Officer know that you want to make an objection. The Presiding Officer will give you the relevant form to fill in.

The Presiding Officer or Counting Officer must then:

- Investigate the objection,
- Record the finding on the written objection,
- Inform the objector of the decision,
- Keep a record of each objection.

### **Can you appeal the decision on your objection?**

Yes, you can appeal the decision of the Presiding Officer or Counting Officer by submitting your appeal to the Electoral Commission's national office in Pretoria, in writing, by 5pm, within two days of Election Day.

#### **4. Declaration of results**

After all objections are dealt with, the Electoral Commission must announce the final results and seat allocation for metropolitan and local councils within seven days of Election Day. The reality is that these election results usually become available within about three days of the election voting day.

The Electoral Commission must then inaugurate district councils with 14 days after the Election Day. Local Councils nominate 60% of the councillors to represent them in the District Councils. 40% of the councillors in the District Council are elected directly by voters on Election Day.

#### **5. Allocation of seats**

After the municipal elections, the allocation of seats then takes place for metropolitan councils and local councils, and district council elections.

#### **Metropolitan and local councils**

In metropolitan and local councils, half of the council seats are allocated to directly elected ward councillors (ward ballot paper) and the other half are allocated to political parties on the basis of the results of the PR ballot paper.

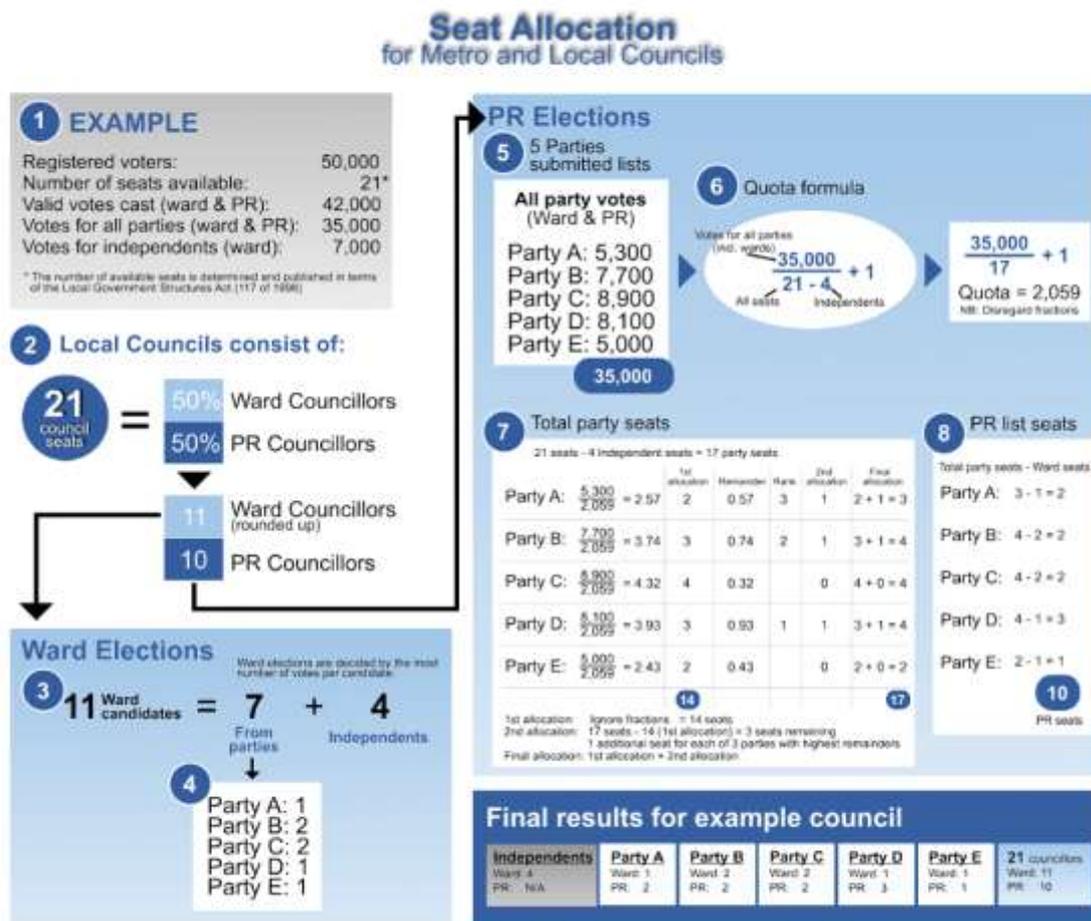
The ward councillors are elected first and then the remaining seats are allocated to political parties based on proportional representation. The PR allocation takes into account how many ward seats a party has already won to make sure that the final number of seats a party has does not exceed the percentage of the vote which they won. So for example if a party has won 50% of the wards and 50% of the PR votes then that party will not receive any proportional seats.

#### **District councils**

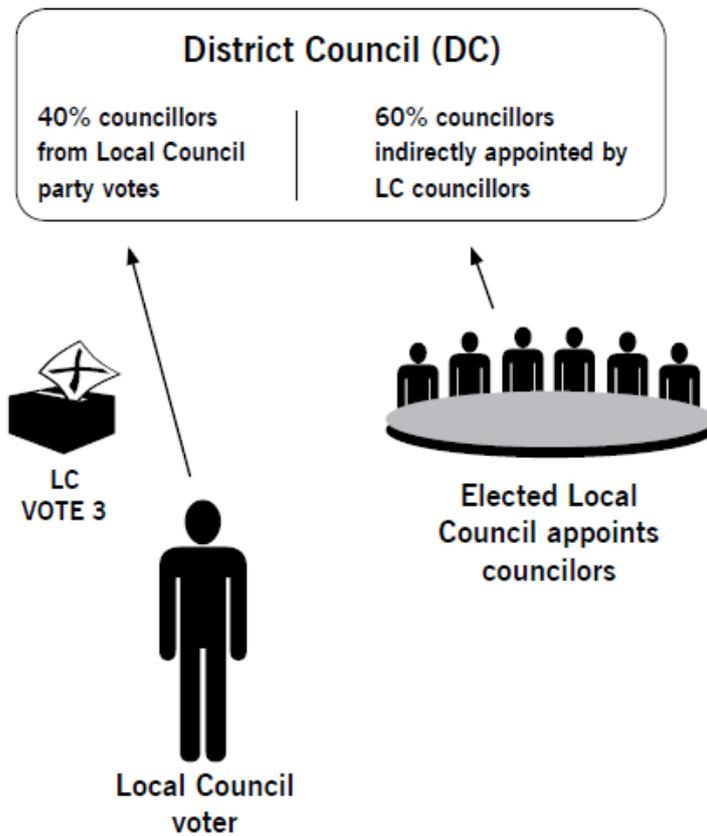
In district councils only 40% of the seats will be given to parties based on the votes they got on the PR ballot. The remaining 60% of seats on the district council will be allocated to the local councils in that area whereby local council representatives are

elected to represent the local council on the district council. Each local council will be given a number of seats and must send councillors from their ranks to fill those seats. The seats should be filled according to the support that parties have in a specific council. For example, if a local municipality is given 5 seats on the district council and Party A gained 60% of the seats on the local council, then Party A councillors should fill 3 of the 5 seats. The other 2 seats should be allocated to other parties according to the number of votes received.

### Seat allocation for metropolitan and local councils



### Seat allocation for district councils



In the diagram above, 40% of district council seats are directly elected by voters on voting day on the party list ballot for the district council. 60% of district council seats are appointed by local council representatives to represent the local council on the district council. This needs to occur at the first meeting of the newly elected local council within 14 days from voting day.

## ABBREVIATIONS & ACRONYMS

CA Constitutional Assembly  
CEO Chief Electoral Officer  
CoGTA Department of Co-operative Governance and Traditional Affairs  
DC District Council  
ID Identity Document  
IEC Electoral Commission  
LC Local Council  
LPLC Local Party Liaison Committee  
MC Metropolitan Council  
MDB Municipal Demarcation Board  
MEC Member of the Executive Committee (of a province)  
MEO Municipal Electoral Officer  
MP Member of Parliament  
NA National Assembly  
NCOP National Council of Provinces  
NGO Non-governmental organisation  
PAIA Promotion of Access to Information Act  
PEO Provincial Electoral Officer  
PLC Party Liaison Committee  
PR Proportional representation  
SADC Southern African Development Community  
SALGA South African Local Government Association  
SANEF South African National Editors' Forum  
SMS Short message service

## **FREQUENTLY ASKED QUESTIONS**

## GENERAL ELECTION QUERIES

**1. What is the difference between national, provincial elections and municipal elections?**

In national elections you vote for members of Parliament and in provincial elections (held on the same day as national elections) you vote for members of the provincial legislature. In municipal elections you are voting for city or town councillors who will run your town council for the next five years.

**2. When will the elections be held?**

The final date for the 2016 Municipal Elections has not yet been proclaimed but in terms of the Constitution the elections must be held within 90 days of the previous election date which was 18 May (2011). So the elections must take place between 18 May and 16 August 2016. The actual date will be announced by the Minister of Cooperative Governance and Traditional Affairs.

**3. When does the timetable for the 2016 Municipal Elections get published?**

The Election Timetable is published soon after the proclamation of the election in the *Government Gazette* and will be made available on the IEC website at [elections.org.za](http://elections.org.za). To receive notifications of key dates and election events, please follow us on Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica).

**4. How are PR seats calculated?**

In metropolitan and local councils, half of the council seats are allocated to directly elected ward councillors (ward ballot paper) and the other half are allocated to political parties on the basis of the results of the PR ballot paper. The ward councillors are elected first and then the remaining seats are allocated to political parties based on proportional representation. The PR allocation takes into account how many ward seats a party has already won to make sure that the final number of seats a party has does not exceed the percentage of the vote which they won. So for example if a party has won 50% of the wards and 50% of the PR votes then that party will not receive any proportional seats. For a graphic representation of this process, please go to <http://www.elections.org.za/content/Elections/Seat-calculation-for-Metro-and-Local-Councils/>

**5. I get called or texted by political parties – did the IEC give them my contact details?**

The Electoral Commission is very protective of voter information and privacy and does not provide contact details for any voters to any political party or outside agency. However, we are required by law to publish the voters' roll and to make these available to parties which are contesting those elections. Only the names and ID numbers of registered voters are provided to parties and no contact details are included in the voters' roll. We are aware that some parties use commercially available data bases to obtain contact details for eligible voters. We suggest you raise any concerns you may have regarding unsolicited approaches to the party concerned.

**6. I'm not going to vote/why must I vote?**

The 2016 Municipal Elections are your chance to have a direct say in who runs your community and ward, so make your voice heard and make your right to vote count. Municipal Elections are only held every five years to elect councillors who will be responsible for governing your municipality for the next five years. They will serve on the town, city, metropolitan and/or district councils that ensure services for the people in their areas including providing water, electricity, sewerage and sanitation services, waste removal and other services that directly impact your daily life.

**7. Is election day going to be a public holiday?**

The Electoral Commission does not determine public holidays. However, all previous general elections have been declared public holidays to allow all voters the opportunity to vote.

**8. When will we receive the 2016 Municipal Elections results?**

By law the election results must be announced within seven days of the day on which the election took place. In municipal elections each ward and municipality is its own election so these results are announced as and when the counting and results processes have been finalised. The first results will probably be known within a few hours of the close of voting stations and the results for municipalities within a day or two of the election. Watch the media for information or you can follow the results on your smartphone by downloading the Results App from [elections.org.za](http://elections.org.za)

**9. Who is my ward councillor?**

Details of your ward councillor can be found on our website: <https://www.elections.org.za/content/For-voters/who-is-my-councillor-/>, or if you are a registered voter you can SMS your ID number to 32245 (charged at R1) and you will receive a text message of who your current ward councillor is.

**10. Why have the number of voters, based on the numbers on your voters' roll, fallen following the 2014 National and Provincial Elections?**

Thank you for your enquiry regarding the decline in the number of registered voters between the National and Provincial Elections in May 2014 and the current registration figures. The decline is largely due to the removal of deceased persons from the voters' roll. The Electoral Commission receives an updated version of the national population register each month which contains changes to the population – including births and deaths. Deceased persons are then removed from the voters' roll. According to Statistics South Africa an average of about 450 000 die each year – or about 38 000 per month. The voters' roll is also updated with new voter registrations received but given that we have not had any special voter registration drives since the last election, the number of deceased persons has significantly exceeded the number of new voter registrations causing the voters' roll to decline.

**11. Why don't we have online registration or voting?**

The use of technology for elections is the subject of ongoing consideration by most election management bodies around the world – including here in South Africa. Unfortunately we are not yet in a position to provide online registration – but this is one of the things we are looking at for the future. Similarly, we are currently investigating the pros and cons of e-voting but it is not something we are considering for the 2016 Municipal Elections.

**12. How do we know elections will be free and fair?**

The validity of the voting and counting process is vital to the integrity of any election so you are right to be concerned over this. In South Africa the voting and counting process at each voting station happens in the presence of observers and party agents from all contesting parties (each party is allowed two accredited party agents inside the voting station to verify each aspect of the process). The ballot boxes are opened in front of the observers and party agents who check that the counting is done correctly and fairly. Party agents actually sign the results slips at each voting station to verify that they are correct. These results slips are then posted on the door of the voting station and a copy is sent to the results centre – where once again observers, party representative and independent auditors (from a leading international auditing firm) once again verify the results against what was captured at the voting station. Only once all such verifications have taken place are the results reflected. We have taken care to ensure that each step of the election process is carefully verified, checked and audited – from the counting and recording of votes to the scanning and capturing of results, culminating in the announcement of the final election results. Rest assured that the process is free and fair, and transparent, and that every single vote is counted ... and

counts! This is especially true in municipal elections where ward councillors are elected in a “first past the post” system (rather than a proportional representation system)...so a result in a ward can be determined by just 1 vote. In the 2011 Municipal Elections more than 400 ward councillors were elected by fewer than 250 votes!

### **13. Why don't you do more civic/democracy/voter education?**

The IEC's civic and democracy education initiatives play a pivotal role in the electoral process. Such education is imperative to ensuring free and fair elections. During the last financial year, we conducted over 11 000 civic and democracy education events with civil society organisations, faith-based organisations, traditional leadership structures, and schools and tertiary education institutions. In April 2015 we conducted our third annual Schools Democracy Week programme in government primary and secondary schools across the country. We have partnered with the Department of Education, the South African Broadcasting Corporation, the South African Council for the Blind, the Deaf Federation of SA, the National Community Radio Forum, and various others to help us spread our democracy message. However, democracy education is not only our responsibility; it is also the responsibility of all political parties to educate their members and, ultimately, citizens themselves to arm themselves with the knowledge needed to be active citizens.

## **POLITICAL PARTY QUERIES**

### **14. How do I register a political party?**

To register a national party you need to submit an application form along with:

- The name (not more than 60 letters) and abbreviated name (not more than eight letters) of the party;
- A Copy of the party's Constitution;
- A Deed of Foundation signed by 500 registered voters who support the founding of the party
- Two sets of party logo/symbol in colour
- R500 registration fee; and
- a copy of the Government Gazette in which you have published a notice of your intention to register a political party.

To register a party to contest municipal elections:

- You must submit an application for registration to your nearest IEC office including:
- A Copy of the party's Constitution;
- A Deed of Foundation signed by 100 registered voters who support the founding of the party
- Two sets of party logo/symbol in colour;
- R200 registration fee per municipality;

You must also place a notice of your intention to register a party to contest municipal elections in a local newspaper and submit proof of this (a copy of the newspaper with the notice) to the IEC

All the forms and more information about registering a party are on our website at the following link: <http://www.elections.org.za/content/Parties/How-to-register-a-party/>

**15. What is the closing date for registration of parties to contest the 2016 Municipal Elections?**

There is no specific cut-off date for parties to register to contest the 2016 Municipal Elections. But parties that wish to contest the 2016 Municipal Election must be registered and then submit lists of their candidates by the due date (which will be announced when the election timetable is published). This means that the process to register a political party – including allowing sufficient time to publish a notice in the *Government Gazette* and allow time for objections and appeals – must be completed before the party can submit its lists of candidates. So a party wishing to contest the 2016 Municipal Elections should ideally have completed its registration by early February 2016.

**16. What is the amount to contest elections?**

The election deposits to be paid by bank guaranteed cheque made out to the Electoral Commission are:

- R4,000 in respect of an election in a metropolitan municipality, which amount covers all ward and proportional representation elections in that metropolitan council;
- R2,500 for a local council election, which amount covers all ward and proportional representation elections in that local council;

- R1,500 for a local council without wards and in a district council election, which covers all ward and proportional representation elections in that local or district council; and
- R1,000 per ward election in respect of an independent ward candidate and for a ward candidate nominated by a party who is not contesting an election of a relevant municipal council by way of a party list.

More information can be found on our website:

<http://www.elections.org.za/content/Parties/How-to-register-a-party/>  
and <http://www.elections.org.za/content/Parties/How-to-contest-municipal-elections/>

## INDEPENDENT WARD CANDIDATE NOMINATIONS

### 17. Who can stand as an independent candidate?

Any registered voter can stand for election as a ward councillor in the municipality in which they are registered.

### 18. Must you live in the ward in which you are standing as a candidate?

No. You do not have to live in the ward but you must be registered as a voter in that municipality.

### 19. Can you stand in more than one ward?

Yes. But you will need to apply for each ward you are contesting and pay the deposit for each ward.

### 20. How do you get nominated an independent candidate?

All independent candidates must submit the following documents to the local IEC office in the municipality where they are contesting:

- An acceptance of nomination form (available on the website)
- A copy of their ID
- A deposit of R1000 per ward payable by bank guaranteed cheque
- A form with the signatures of at least 50 registered voters in the ward being contested (form available on the website)
- An A5 colour head and shoulders photograph of the candidate

### 21. Where must the forms be handed in?

The forms must be delivered to the local IEC office in the municipality being contested. The offices are usually open 8am to 5pm. A list of IEC offices is available on [www.elections.org.za](http://www.elections.org.za)

For the 2016 Municipal Elections you will also be able to apply as an independent candidate online from our website ([www.elections.org.za](http://www.elections.org.za)). This new online application process is scheduled for release in early 2016.

**22. When do applications open and close?**

Nomination of candidates for the 2016 Municipal Elections will open as soon as the elections are officially proclaimed. The deadline for applications will also be announced then. Keep an eye out in the media for announcements or you can follow us on Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica) to receive updates. But there is nothing stopping you getting the necessary signatures and documents ready for submission now.

**23. Will there be enough time to allow independent candidates to register?**

The timetable will provide approximately two weeks between the opening and closing of candidate nominations – but there nothing stopping you getting the necessary signatures and documents ready for submission now. The IEC will communicate the candidate nomination requirements and timelines well in advance through the media – including on our website [www.elections.org.za](http://www.elections.org.za), via social media, newspapers and radio messages. To receive notifications and reminders of key dates and election events, please follow us on Facebook (IECSSouthAfrica) or Twitter (@IECSouthAfrica)

**24. What about candidates for political parties?/How can I be a candidate for a political party?**

Please refer any enquiries regarding standing as a candidate for a political party to the party itself.

## **VOTER REGISTRATION**

**25. When can I register as a voter?**

We are holding a registration weekend on 5/6 March 2016 where all voting stations will be open from 8am to 5pm on the Saturday and Sunday. Please go to our Voting Station Finder application (<http://maps.elections.org.za/vsfinder/>) to find the details of your correct voting station. You must register at the voting station in the voting district where you live. Please note that if you cannot register on 5/6 March at your correct voting station, you can register as a voter on a continuous basis at your local IEC office during office hours Monday to Friday. Find your local IEC office at

<http://www.elections.org.za/content/About-Us/Contact/> or call our Contact Centre on 0800 11 8000 weekdays from 7am to 9pm for assistance Thanks.

**26. I can't make the registration weekend on 5/6 March. Are you having another registration weekend?**

If you are unable to visit your voting station on 5 and 6 March 2016 please note that you are able to register at your local IEC office on weekdays during office hours. Find the contact details for your local IEC office at <http://www.elections.org.za/content/About-Us/Contact/> or call our Contact Centre on 0800 11 8000 weekdays from 7am to 9pm for assistance. You can also keep following the IEC on Facebook and Twitter and look out in the press for details of further voter registration opportunities.

**27. Can I register online?**

The legislation does not allow for online voter registration. You must present your SA identity document in person for inspection when registering. You can do so at a voting station during a registration weekend or at a local IEC office during office hours.

**28. Am I registered?**

If you're already registered, you don't need to register again unless you've moved or your voting district boundaries have changed. Please go to <http://www.elections.org.za/content/For-voters/My-voter-registration-details/> to check your registration details or SMS your ID number to 32810 (charged at R1). If you need to re-register, please make sure you visit your new voting station during the registration weekend and remember to take your valid green ID book, smartcard ID or temporary identity certificate along.

**29. Where is my nearest registration/voting station?**

Your nearest voting station is not necessarily the correct voting station for you. You must register and vote at the voting station in the voting district where you live. To find your CORRECT voting station, use the voting station finder on our website at <http://maps.elections.org.za/vsfinder/> and search with your street address. You can also call our Contact Centre on 0800 11 8000 weekdays from 7am to 9pm.

**30. Do I need to re-register for the 2016 Elections?**

If you're already registered, you don't need to register again unless you've moved or your voting district boundaries have changed. Please go to <http://www.elections.org.za/content/For-voters/My-voter-registration-details/> to check your registration details or SMS your ID number to 32810 (charged at R1). If you need to re-register, please make **sure you visit your new voting**

station during the registration weekend and remember to take your valid green ID book, smartcard ID or temporary identity certificate.

**31. What documents do I need to register as a voter?**

You need to bring a valid South African ID document to register – either a green bar-coded South African ID, a new smartcard ID, or a valid temporary identity certificate (TIC) which you can apply for at The Department of Home Affairs. Contact Home Affairs on 0800 60 11 90 for more information.

**32. Can I use my driver's licence or SA passport as identification?**

No. The only identification accepted by election officials is either a green bar-coded South African ID, a new smartcard ID, or a valid temporary identity certificate (TIC).

**33. I have lost my ID. Can I still register/vote?**

You must present a valid ID to election officials in order to register and vote. If you have lost your ID you need to apply for a Temporary ID Certificate at your nearest Home Affairs branch. Home Affairs branches are usually open on voter registration weekends for urgent temporary ID certificates. Contact Home Affairs on 0800 60 11 90 for more information.

**34. I have missed the special registration weekends. Can I still register?**

You can still register for an election until the proclamation of the election at which point the voters' roll is closed. If you have missed the registration weekend but the election date has not yet been proclaimed you should hurry to your local IEC office during office hours to register. Find the contact details for your local office at <http://www.elections.org.za/content/About-Us/Contact/>

After the 2016 Municipal Elections have been proclaimed the voters' roll is closed for this election. This means that if you have not yet registered you will not be able to vote in these elections. Be sure to register early for the next election to avoid disappointment.

**35. I am 17 years now but I will be 18 on Election Day. Can I register and vote?**

You are able to register from the age of 16 and you are able to vote as long as you are 18 years old (or older) on the day the election is proclaimed.

**36. I am 16 years old. Can I register?**

Yes, you can register from 16 years old once you are in possession of a valid South African ID document (either a green bar-coded ID or smart-card ID.) If you are registered but are not yet 18 years old on the day the election is

proclaimed you will not be on the voters' roll for that election, in this instance the 2016 Municipal Elections and you will not be able to vote.

**37. What proof do I get that I have applied for registration?**

A barcoded sticker is pasted in your identity document, on your temporary identity certificate or on a special form if you applied with a smartcard ID. Please remember that this process is an application for registration and still requires the IEC to verify whether you are eligible to vote. Please check in about a week's time whether your registration was successful, either by SMSing your ID number to 32810 or check our website at [www.elections.org.za](http://www.elections.org.za). Remember that it takes about a week to process an application for registration.

**38. I have a smartcard ID. What proof do I have that I have applied for registration?**

A separate form will be provided to place the barcode sticker produced by the Zip-Zip barcode scanner as proof of having applied for registration. Please remember that this process is an application for registration and still requires the IEC to verify whether you are eligible to vote. Please check in about a week's time whether your registration was successful, either by SMSing your ID number to 32810 or checking our website at [elections.org.za](http://elections.org.za)

**39. Will anything happen to me if I don't register/vote?**

No. Registration and voting is not compulsory in South Africa. However, if you want to vote, you must be registered.

**40. There is a registration/voting station just round the corner but I was told to go to one several blocks away.**

Your nearest voting station is not necessarily the correct voting station for you. You must register and vote at the voting station in or serving the voting district where or in which you live. To find your CORRECT voting station, use the voting station finder on our website at <http://maps.elections.org.za/vsfinder/> and search with your street address. You can also call our Contact Centre on 0800 11 8000 weekdays from 7am to 9pm for assistance.

**41. Can I register on behalf of somebody else?**

No. You are required by law to register in person with your valid SA identity document (green bar-coded ID, smartcard ID, or your valid temporary identity certificate).

**42. My voting sticker was stuck on the sleeve of my ID book, not inside the book. Can I still vote?**

Yes, you can. It doesn't matter where your sticker is pasted.

**43. I have lost my ID book with my voter registration details in it and my replacement ID doesn't have them? Must a re-register?**

You are not required to re-register unless you have moved since your last registration. You do not need to present the registration sticker to vote – you will be allowed to vote as long as your name is on the voters' roll for the voting district where you are voting. However, it is always safer to check whether you are correctly registered by SMSing your ID number to 32810 (charged at R1) or go to <http://www.elections.org.za/content/For-voters/My-voter-registration-details/>.

**44. I am still waiting for my ID? Can I register?**

You must have a valid ID document or smartcard ID in order to register. If your ID isn't going to be ready on time, please apply for a temporary identity certificate at the Department of Home Affairs.

**45. Do I need a photo to apply for registration?**

No. You just need to show your valid green bar-coded SA ID document, smartcard ID, or temporary identity certificate, when registering.

**46. I have an old blue TBVC ID/ driving licence/ passport. Can I apply for registration?**

No. For the purposes of registration, only green bar-coded SA ID books, smart-card IDs, and or temporary identity certificates are valid. You will need to apply at the Department of Home Affairs for a new ID document.

**47. Can permanent residents apply for registration and vote in the elections?**

No. By law only South African citizens in possession of a valid green bar-coded SA ID, smartcard ID or a valid temporary identity certificate are allowed to vote in South African elections.

**48. I registered for previous elections. Do I have to register again?**

No. Once you are registered you will remain on the voters' roll for the voting district in which you are registered. You only need to change your registration details if you change address (to another voting district) or if your voting district boundaries have changed.

**49. Will I have the opportunity to change my registration details after the voters' roll closes?**

When an election is proclaimed, the voters' roll is closed for that election and no details may be changed. You will have to wait until after the elections to update or change any details.

**50. Where and how can I change my details on the voters' roll?**

You can visit your local IEC office during office hours to apply for re-registration. By re-registering you are applying for registration again. That implies that you are 'updating' your details on the voters' roll, which means that you will also have to complete a REC 1 form. You can also change your registration details at your voting station during the special registration weekends.

**51. I registered at X primary school, but on the voters' roll my details appear under a registration station I have never heard of. Where should I vote?**

Voting stations sometimes change because the venue might no longer be available or because voting district boundaries may have changed. It is best to check your voting station details with our voting station finder on our website at <http://maps.elections.org.za/vsfinder/> and search with your street address. You can also call our Contact Centre on 0800 11 8000 weekdays from 7am to 9pm for assistance.

**52. My ID book is in my maiden name but my married name appears on the voters' roll? Do I need to re-register?**

A voter does not need to re-apply for registration due to a change of name. The IEC uses your ID number to check your details against the National Population Register (NPR) and we receive the name that is reflected on the NPR from the Department of Home Affairs. The department changes your name and that is the entry that appears on the Voters' Roll. It is your choice to apply to the Department of Home Affairs for a new ID reflecting your married name. If your married name does not appear on the voters' roll for the voting district in which you are registered, please ask the official to check under your maiden name too.

**53. I am in jail. Can I still register to vote in the 2016 Municipal Elections?**

Prisoners were given the right to vote in the national and provincial elections by a Constitutional Court ruling in March 2004. However, in terms of the legislation, prisoners cannot vote in municipal or local elections.

**54. I am bedridden/in hospital and need to register. What do I do?**

Special votes at home or in hospital are available for voters who are disabled, infirm or pregnant. To apply for a special vote please complete and submit an

application form online at [elections.org.za](http://elections.org.za). Look out for the dates when this process is available by following us on Facebook or Twitter @IECSouthafrica.

**55. I am registered in my voting district. I had an accident and am now in hospital, but missed the chance to apply for a special vote. How will I vote now?**

Unfortunately applications for special votes have now closed. You will only be able to vote at the voting station where you are registered on Election Day.

**56. I am blind/deaf. Who will help me at the voting station?**

Officials at your voting station will assist you if you request them to do so. We also have a voting aid known as a Universal Ballot Template that can be used when voting to ensure your vote remains your secret. Please ask an electoral official for assistance and more information.

**57. I am in the army/ police service stationed abroad. Can I apply for registration?**

Unfortunately, South African citizens can only vote abroad in national elections, and not in provincial or municipal elections.

**58. I will be out of town on registration weekend. What should I do?**

Please keep an eye out in the media for details of any additional registration weekends – or follow us on Facebook or Twitter @IECSouthafrica to receive regular updates on elections. You can also register at your local IEC office during office hours. You can find the contact details for the local IEC office at <http://www.elections.org.za/content/About-Us/Contact/>

**59. When can I make objections to the voters' roll?**

You can object at your local IEC office anytime during office hours. The voters' roll is available for inspection up to the date of proclamation of the elections. Proclamation is the date on which the election date is gazetted and there can be no further changes/additions to the voters' roll from this date. The voters' roll closes for any new registrations for the 2016 Municipal Elections to provide the IEC with time to verify the information and to begin printing the voters' roll.

**60. How do I go about making an objection to the voters' roll?**

You need to go to your local IEC office during office hours and inform them that you would like to lodge an objection. An IEC official will assist you with the process.

**61. Will I be able to appeal after closure of the voters' roll?**

Once the voters' roll closes you will not be able to appeal any decision.

**62. When will I know whether my objection/appeal has been accepted?**

The final decision on an objection will be made by the Electoral Commission within 14 days of it being lodged. You can monitor your application status online at [elections.org.za](http://elections.org.za) or you can contact your local IEC office regarding the outcome after 14 days.

**63. How can I appeal against the decision regarding an objection?**

You can contact your local IEC office during office hours and request information about the appeals process.

**64. Our community would like to obtain a copy of the voters' roll of our ward. Is that possible and must we pay for it?**

The voters' roll for an election (including the 2016 Municipal Elections) is only finalised after registration finishes and the election date is proclaimed. The Electoral Commission must then publish the voters' roll by a date fixed in the Election Timetable. The voters' roll is then available for inspection - at no cost - by political parties and interested individuals at times published in the Government Gazette and in the Election Timetable. Unfortunately, the voters' roll is only given out to political parties in order to protect the privacy of citizens, and to ensure that it is only used for election purposes.

**65. I couldn't apply for an ID as I have no birth certificate and my right to vote has now been denied me.**

The IEC cannot assist you in this matter; you need to go to the Department of Home Affairs for assistance. You can call the Department of Home Affairs on 0800 60 11 90 to find out more about their processes.

**66. I have applied for my new ID but it has not arrived and I can't get through to Home Affairs?**

You have to go to the Department of Home Affairs office where you have applied and check when your ID will be ready. You can call the Department of Home Affairs on 0800 60 11 90 to check on progress with the issuing of your ID.

## **VOTING DAY**

**67. Where is my nearest voting station?**

In municipal elections you must vote at the voting station where you are registered. To find your CORRECT voting station, go to

<http://maps.elections.org.za/vsfinder/> and search with your street address. Or SMS your ID to 32810 (charged at R1) to receive a text of your voting station details. You can also call our Contact centre on 0800 11 8000 (toll-free from a land line) between 7am and 9pm.

**68. Can permanent residents vote in the elections?**

By law only South African citizens in possession of a valid green bar-coded ID, smartcard ID, or a temporary identity certificate are allowed to vote in South Africa's elections.

**69. Do I need my registration sticker to vote?**

No. The IEC will only refer to the registration sticker if your name does not appear on the voters' roll and you indicate that you have registered. In this case the sticker is proof that you had applied for registration.

**70. How long will it take to vote?**

This will depend on how busy your voting station is, but it should not take more than 15 minutes once you are inside your voting station.

**71. I have registered but have lost my ID with the registration sticker (or it has been stolen). Can I still vote?**

Yes, provided that you apply for, and receive, from the Department of Home Affairs a temporary identity certificate that will be valid on Election Day.

**72. I'm 17 years old. Can I vote in the 2016 Municipal Elections?**

You can register to vote from age 16 and you can vote if you have turned 18 on the day the election is proclaimed. This proclamation is expected during 2016, but unfortunately we don't know the exact date as yet. Please follow us on Facebook and Twitter (@IECSouthAfrica for details.

**73. I have registered but I don't want to vote. Will anything happen to me if I don't vote?**

No, voting is not compulsory in South Africa. Please remember that Municipal Elections are held only every five years to elect councillors who will be responsible for governing your municipality for the next five years. They will serve on the town, city, metropolitan and/or district councils that ensure services for the people in their areas including providing water, electricity, sewerage and sanitation services, waste removal and other services that directly impact your daily life. The 2016 Municipal Elections are your chance to have a direct say in who runs your town and ward, so make your voice heard and make your right to vote count.

**74. I registered at a temporary registration station - where will I vote?**

Please go to <http://maps.elections.org.za/vsfinder/> and search for your voting station with your street address. You can also SMS your ID number to 32810 (charged at R1) to receive a text with your voting station details. You can also call our Contact centre on 0800 11 8000 (toll-free from a land line) between 7am and 9pm.

**75. I registered but am now in prison. Will I be allowed to vote?**

Prisoners were given the right to vote in the national and provincial elections by a Constitutional Court ruling in March 2004. However, in terms of the legislation, prisoners cannot vote in municipal elections.

**76. What does the law say about wearing of party political clothing in a voting station?**

Electoral laws prohibit officials and party agents from wearing any political party affiliated clothing or regalia inside a voting station on election day. But they do not stop party agents from wearing political party regalia outside of the voting station boundaries. And most importantly, the electoral laws DO NOT PROHIBIT ordinary voters from wearing political party clothing or regalia.

**77. Will I be prevented from voting if I am wearing a political party t-shirt/cap, etc?**

No. There is no law preventing ordinary voters from wearing party political clothing or other items on election day.

**78. There is a political party poster in my voting station, is that allowed?**

No campaigning is allowed within the boundaries of a voting station. Please report any form of political campaigning inside of the boundaries of a voting station to the Presiding Officer.

**79. Which political party should I vote for?**

We cannot assist you in this matter. Who you vote for is your choice and your secret.

**80. Will there be postal votes?**

No. The Municipal Electoral Act does not allow for postal votes. By law you must register and vote in person.

**81. I work and live overseas. I have registered. Can I vote in the 2016 Elections?**

No, you will not be able to vote. Since municipal elections are about electing local representatives, i.e. municipal councillors, you can only vote in the voting district in which you are registered.

**82. Where can I find the form to request a home visit/hospital visit?**

The form will be available for completion and submission on [elections.org.za](http://elections.org.za) closer to the proclamation of the election or you can visit your local IEC office during the application period. Please keep an eye on our website ([www.elections.org.za](http://www.elections.org.za)) or follow us on Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica) to get an update on the dates for special vote applications.

**83. I have registered but will be overseas on holiday on Election Day. Will I be able to vote overseas? If so, where?**

No, you will not be able to vote. In municipal elections you have to vote in the voting district in which you are registered.

**84. I will be leaving South Africa on Election Day. Can I still vote?**

Voting stations will be open from 7am to 7pm on election day. If you know that you are not going to be able to vote on election day, you can apply to cast a special vote at your voting station on the two days before election day. Please apply for a special vote online at [election.org.za](http://election.org.za) once applications open in terms of the Election Timetable. To find out more about special votes, please see <http://www.elections.org.za/content/For-Voters/Special-votes/>

**85. I will be leaving South Africa two days (or more) before the Election Day, but not more than a week. Can I still vote?**

Unfortunately you will be missing the two days set aside for special voting in South Africa. The Municipal Electoral Act does not make provision for overseas voting or voting outside of the voting district you are registered in during municipal elections due to the fact that you can only vote in the voting district where you live.

**86. I am pregnant/infirm/disabled and cannot stand for long. How should I vote?**

If you are pregnant, infirm or disabled, you may apply to cast a special vote in a home visit. You can apply online at [elections.org.za](http://elections.org.za) once the application period for special votes opens. Follow us on Twitter or Facebook @IECsouthafrica to receive updates on all election processes and deadlines.

You may also go to the voting station on election day and inform the Presiding Officer of the voting station that you are pregnant, infirm or disabled. Electoral staff will then assist you so that you need not stand in the queue.

**87. I am bedridden and cannot go to the voting station. How will I vote?**

Someone on your behalf can visit the Municipal Electoral Office and collect a VEC 1 form or you can apply online at [elections.org.za](http://elections.org.za) once the application period for special votes opens.

**88. What happens to people in hospital/retirement villages on election day?**

You may apply to cast a special vote in a home visit. The form will be available for completion and submission on [elections.org.za](http://elections.org.za) closer to the proclamation of the election or you can visit your local IEC office during the application period. Please keep an eye on our website ([www.elections.org.za](http://www.elections.org.za)) or follow us on Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica) to get an update on the dates for special vote applications.

**89. I am a security officer/ in the police force and will be on duty as a member of the security service in the election on election day. Where will I vote?**

If you know any reason that you are not going to be able to vote on election day, you can apply to cast your vote at your voting station on the special voting days which usually occur in the two days before election day. Please apply for a special vote online at [election.org.za](http://election.org.za) once applications open in terms of the Election Timetable. To find out more about special votes, please see <http://www.elections.org.za/content/For-Voters/Special-votes/>

**90. I am working as an election official on Election Day. Can I still vote?**

If you know that you are not going to be able to vote on election day for any reason, you can apply to cast your vote at your voting station on the special voting days which usually occur the two days before election day. Please apply for a special vote online at [election.org.za](http://election.org.za) once applications open in terms of the Election Timetable. To find out more about special votes, please see <http://www.elections.org.za/content/For-Voters/Special-votes/>

**91. How many ballots will I receive?**

If you live in a metropolitan council area (e.g. Johannesburg), you will receive two ballots: 1 for the ward councillor and 1 for the proportional representation party list. If you live in a local municipality (e.g. Standerton municipality), you'll receive 3 ballots: 1 for the ward councillor for the Local Council; 1 for the proportional representation party list for the Local Council; and 1 for the proportional representation party list for the District Council.

**92. Can I take photos inside my voting station?/Why can't I take a selfie in the voting station?**

While camera phones are allowed in voting stations, by law you are not allowed to take any photos inside the voting station or to share them on social media. The reason for this is to maintain the secrecy of your vote and that of others. It is illegal to reveal how you or someone else has voted, which could happen with a selfie. If you take a selfie in a voting station, especially showing a marked ballot, and are found guilty of this offence, you could face a fine or up to a year in jail.

**93. Can I take a firearm into a voting station?**

By law you may not bring a firearm into a voting station. If you are found with a gun in a voting station, and found guilty of this offence, you could face a fine or up to a year in jail. There is also no facility for someone to look after your firearm while you vote. Please do not bring a firearm with you to the voting station.

**94. Who qualifies to cast a special vote?**

There are two categories of registered voters who can apply for a special vote. The first category covers those voters who cannot travel to the voting station on Election Day due to physical infirmity, disability or pregnancy – they can apply to cast their vote at home, i.e. a home visit. Electoral staff will visit those voters at home on either of the two special voting days that are set aside as special voting days. The second category makes provision for those voters who cannot vote on Election Day at their voting station. With a special vote, they can vote at their voting station on either of the two special voting days set aside as special voting days. Special voting days are usually the two days (Monday and Tuesday) prior to Election Day.

## **JOB AND PAYMENT QUERIES**

**95. How can I get a job with the IEC during the 2016 Municipal Elections?**

All vacancies at the Electoral Commission's national or provincial offices are advertised on the Electoral Commission website at <http://www.elections.org.za/content/about-us/jobs/>. Unfortunately all temporary positions for the registration weekends for the 2016 Municipal Elections are already filled. We will open applications for temporary election staff once the election date is announced this year. Please contact your local office of the Electoral Commission for information on temporary employment in voting stations during the 2016 Municipal Elections. You can find contact details for all the Electoral Commission's offices at <http://www.elections.org.za/content/About-Us/Contact/>.

**96. When can one expect to get a call from HR to say I have a job?**

Please note that due to the high number of applications for election positions, the Electoral Commission only corresponds with shortlisted candidates. If you haven't heard from us within three months of applying, please consider your application unsuccessful.

**94. Why does the IEC employ mostly teachers to man its voting stations and not our unemployed youth?**

Please note that we are mindful of unemployment and endeavour to appoint at least 50% of our election staff from the unemployed including young people in communities surrounding each voting station. At the same time, we also need experienced, skilled and highly responsible people for leadership roles including as presiding officers. In this regard we often make use of teachers and other government officials as election staff because we frequently use government infrastructure such as schools as voting stations, and so the appointment of such officials ensures responsible access to and use of these facilities. That being said, in the 2014 National and Provincial Elections only 10.7% of all electoral staff hired were teachers (22 701 teachers out of the grand total of 211 189 election staff recruited).

**95. Why do you keep hiring only those people who have worked for you in elections before?**

While we are mindful of the high unemployment in our country, especially among young people, we do need experienced, skilled and highly responsible people for leadership roles among voting station staff, including presiding officers and deputy presiding officers. We invest in their training, and so prefer to make use of their skills, if they are available, with every election. However, most of our temporary election staff are not required to have previous experience and where possible we try to give positions to members of the community where a voting station is based.

**ENDS**