

LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT 27 OF 2000

MUNICIPAL ELECTORAL REGULATIONS

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Acting in terms of [sections 88](#) and [89](#), read with [sections 41\(3\)\(b\)\(iii\)](#) and [43\(3\)\(c\)\(iii\)](#) of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), the Electoral Commission has made the regulations set out in Schedule A, and compiled and issued the Codes set out in Schedules B and C.

SCHEDULE A

1. [Definitions](#)

PART I : VOTERS' ROLL

2. [Sworn or solemnly affirmed statement by a voter](#)

PART II : PARTIES CONTESTING ELECTION, PARTY LISTS AND DEPOSIT

3. [Notice of intention to contest election](#)

4. [Party Lists](#)

5. [Acceptance of nomination by party list candidates](#)

6. [Amount for certified copy of party list](#)

7. [Certificate issued to persons whose names appear on party lists](#)

PART III: WARD CANDIDATES

8. [Nomination of ward candidates](#)

9. [Form containing the signatures of at least 50 voters](#)

10. [Acceptance of nomination](#)

11. [Deposit](#)

12. [Certificates issued to ward candidates](#)

13. [Amount for certified copies of list of ward candidates](#)

PART IV : VOTING STATIONS, OFFICERS, AGENTS AND OBSERVERS

14. [List of voting stations](#)

15. [Declaration of secrecy by appointed officer](#)

16. [Written proof of appointment of agents](#)

17. [Notice of revocation of appointment of agents](#)

18. Identification of agents and candidates at voting station or counting venue
18A. Carrying or display of arms or other dangerous weapons
18B. Recording that voter has voted

PART V: ACCREDITATION OF OBSERVERS AND VOTER EDUCATION PROVIDERS

19. Accreditation of observers
20. Identification of persons appointed by accredited observer organisation
21. Amount for certified copy of or extract from register or copy of a certificate of accreditation for observers.
22. Accreditation of Voter Education Providers
23. Amount for certified copy of or extract from register or copy of certificate of accreditation as voter education provider

PART VI : VOTING AND COUNTING

24. Objections concerning voting
25. Ballot paper statement
26. Counting procedure
27. Record of objections
28. Recording of result of an election
28A. Declaration of secrecy

PART VII : GENERAL PROVISIONS

29. Offences and penalties
30. Short title APPENDICES

SCHEDULE B

Code of Conduct for Accredited Observers

SCHEDULE C

Code For Accredited Voter Education Providers

SCHEDULE A

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and, unless the context otherwise indicates-

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

- (ii) **“chief electoral officer”** means the chief electoral officer appointed in terms of [section 12](#) of the Electoral Commission Act, 1996 (Act No.51 of 1996), as head of the administration of the Commission; and
- (iii) **“local representative”**, in relation to the Commission, means a local representative of the Commission appointed in terms of [section 12](#) of the Act for the area of jurisdiction of the municipality concerned.

PART I : VOTERS' ROLL

2. Sworn or solemnly affirmed statement by a voter

- (1) The sworn or solemnly affirmed statement referred to in section 7(2) of the Act must be made in a form substantially similar to [Appendix 1](#).
- (2) Only an original receipt issued to a person when he or she applied for registration as a voter and affixed in that person's identity document, constitutes proof referred to in [section 7\(2\)\(b\)](#) of the Act, that that person has applied for registration as a voter in the voting district indicated on the receipt and on the date appearing on the receipt.

[Reg. 2 substituted by GN R848/2005]

PART II : PARTIES CONTESTING ELECTION, PARTY LISTS AND DEPOSIT

3. Notice of intention to contest election

The notice of intention to contest an election referred to in [section 14\(1\)\(a\)\(i\)](#) of the Act must be in a form substantially similar to [Appendix 2](#).

4. Party Lists

- (1) A party list referred to in [section 14\(1\)\(a\)\(ii\)](#) of the Act must be in a form substantially similar to [Appendix 3](#).
- (2) The amount of the deposit referred to in [section 14\(1\)\(b\)](#) of the Act is, in respect of each separate list submitted by a party,-
 - (a) R3000-00 (three thousand rand) in an election in a metropolitan municipality;
 - (b) R2000-00 (two thousand rand) in an election in a local municipality with wards; and
 - (c) R1000-00 (one thousand rand) in an election in a local municipality without wards and in an election in a district municipality.

5. Acceptance of nomination by party list candidates

An acceptance of nomination referred to in [section 14\(3\)\(a\)](#) of the Act must be in a form substantially similar to [Appendix 4](#).

6. Amount for certified copy of party list

The amount to be paid in terms of [section 15\(2\)](#) of the Act for a certified copy of a party list is R1-00 (one rand) per page.

7. Certificate issued to persons whose names appear on party lists

The certificate referred to in [section 15\(3\)](#) of the Act must be in a form substantially similar to [Appendix 5](#).

PART III: WARD CANDIDATES

8. Nomination of ward candidates

The nomination of a ward candidate referred to in [section 17\(1\)](#) of the Act must be submitted in a form substantially similar to [Appendix 6](#) in the case of an independent ward candidate and in a form substantially similar to [Appendix 7](#) in the case of a ward candidate nominated by a party.

9. Form containing the signatures of at least 50 voters

The form containing the signatures of at least 50 voters referred to in [section 17\(2\)\(a\)](#) of the Act must be in a form substantially similar to [Appendix 8](#).

10. Acceptance of nomination

The acceptance of nomination to be signed by a ward candidate as required in terms of [section 17\(2\)\(b\)](#) of the Act must be in a form substantially similar to [Appendix 9](#).

11. Deposit

The amount of the deposit referred to in [section 17\(2\)\(d\)](#) of the Act, is R500-00 (five hundred rand) in respect of an independent ward candidate and for a ward candidate nominated by a party who is not contesting the election of the relevant municipal council by way of a party list.

12. Certificates issued to ward candidates

The certificate to be issued to a ward candidate in terms of [section 18\(1\)\(d\)](#) of the Act must be in a form substantially similar to [Appendix 10](#).

13. Amount for certified copies of list of ward candidates

The amount to be paid in terms of [section 18](#)(2) of the Act for a certified copy of a list of ward candidates is R1-00 (one rand) per page.

PART IV : VOTING STATIONS, OFFICERS, AGENTS AND OBSERVERS

14. List of voting stations

The amount to be paid in terms of [section 19](#)(6) of the Act for a copy of the list of voting stations and their addresses, is R1-00 (one rand) per page.

15. Declaration of secrecy by appointed officer

The declaration of secrecy referred to in [section 37](#)(4) of the Act, must be in a form substantially similar to [Appendix 11](#).

16. Written proof of appointment of agents

- (1) The written proof of appointment to be issued to a person appointed as an agent by a party or an independent ward candidate in terms of [section 39](#)(4)(a)(i) of the Act must be in a form substantially similar to [Appendix 12](#).
- (2) The notice of the appointment of an agent referred to in [section 39](#)(4)(a)(ii) must be in a form substantially similar to [Appendix 13](#).

17. Notice of revocation of appointment of agents

- (1) The revocation of appointment to be issued to a person whose appointment as an agent has been revoked by a party or an independent ward candidate in terms of [section 39](#)(4)(b)(i) of the Act, must be in a form substantially similar to [Appendix 14](#).
- (2) The notice of the revocation of the appointment of an agent referred to in [section 39](#)(4)(b)(ii) of the Act must be in a form substantially similar to [Appendix 15](#).

18. Identification of agents and candidates at voting station or counting venue

The identification tag to be worn by an agent or ward candidate in terms of [section 40](#)(1) of the Act, is a tag displayed on the left breast of his or her outer clothing bearing the words “agent”, “party candidate” or “ward candidate”, as the case may be, as well as the abbreviated name of the party, or in the case of an independent ward candidate, the letters “IND”, represented in black letters, of at least 1 cm high, on a white background.

18A. Carrying or display of arms or other dangerous weapons

- (1) No person -
 - (a) may, except for a member of the South African Police Services on duty at that voting station, enter into the boundaries of a voting station while in possession of any firearm; or
 - (b) may enter into and remain within the boundaries of a voting station while in possession of a dangerous weapon after it has been identified to that person by a member of the security services as being dangerous.
- (2) Any person who contravenes the provisions of subregulation (1) shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period referred to in regulation 29.

[Reg. 18A inserted by GN R848/2005]

18B. Recording that voter has voted

For the purposes of [section 47\(5\)\(a\)](#) of the Act, to record that a voter is regarded as having voted in an election, the second page of the identity document or the face of a temporary identity certificate must be marked in the same manner than the back of the ballot paper is marked for that election in terms of [section 47\(5\)\(c\)](#) of the Act.

[Reg. 18B inserted by GN R848/2005]

PART V: ACCREDITATION OF OBSERVERS AND VOTER EDUCATION PROVIDERS

19. Accreditation of observers

An organisation may apply to the Commission to observe an election in terms of [section 41](#) (1) of the Act by completing a form substantially similar to [Appendix 16](#) and delivering the completed form together with any documentation in support of the application, at the office of the Commission in Pretoria.

20. Identification of persons appointed by accredited observer organisation

The identification tag that a person appointed by an accredited organisation must wear in terms of [section 42\(2\)](#) of the Act while observing an election, is the identification apparel, approved by the Commission, on which -

- (a) the words “Election Observer” is clearly indicated on the back and front in black letters, at least 10 cm high, on a white background; and
- (b) the identification mark or symbol of the accredited person, at least 10cm high, is clearly indicated on the back and front.

21. Amount for certified copy of or extract from register or copy of a certificate of accreditation for observers.

The amount to be paid in terms of [section 41\(7\)](#) of the Act for a certified copy of, or extract from the register of organisations accredited as observers, or a copy of a certificate of accreditation, is R1-00 (One Rand) per page.

22. Accreditation of Voter Education Providers

A natural or juristic person may apply to the Commission for accreditation to provide voter education for an election in terms of [section 43\(1\)](#) of the Act by completing an application form substantially similar to [Appendix 17](#) and delivering the completed form, together with any documentation in support of the application, to the Commission at its office in Pretoria.

23. Amount for certified copy of or extract from register or copy of certificate of accreditation as voter education provider

The amount to be paid in terms of [section 43\(4\)](#) read with [section 41\(7\)](#) of the Act for a certified copy of, or extract from, the register or a copy of a certificate, is R1-00 (one rand) per page.

PART VI : VOTING AND COUNTING

24. Objections concerning voting

An objection in terms of [section 51\(1\)](#), (2) or (3) of the Act must be in a form substantially similar to [Appendix 18](#).

25. Ballot paper statement

The ballot paper statement referred to in [section 53\(a\)](#) of the Act must be in a form substantially similar to [Appendix 19](#).

26. Counting procedure

- (1) The counting of votes contemplated in [section 60\(2\)](#) of the Act must be conducted in the following manner:
 - (a) The ballot papers are sorted according to the different ballots conducted at the voting station.
 - (b) Thereafter, in respect of each ballot, the following procedure is followed:

- (i) The ballot papers for each ballot are counted and compared with the total number of ballot papers issued (and not cancelled) for that ballot at the voting station as reflected on the ballot paper statement completed by the presiding officer in terms of regulation 25.
- (ii) The ballot papers are examined in order to determine whether any must be rejected for a reason mentioned in [section 61](#) (1) of the Act.
- (iii) The rejected ballot papers, if any, are filed separately.
- (iv) The remaining ballot papers are sorted face up according to the votes cast in favour of each party or ward candidate, as the case may be.
- (v) The ballot papers for each party or each ward candidate are bound separately in packages of 10 and thereafter 10 packages of 10 bound together with elastic bands.
- (vi) The ballot papers for each party or each ward candidate, as the case may be, are counted and the totals recorded in terms of [section 63](#)(1) in a form substantially similar to [Appendix 20A](#), in the case of a party list ballot and in a form substantially similar to [Appendix 20B](#) in the case of a ward ballot.

27. Record of objections

The record of objections to be kept by the counting officer in terms of [section 62](#)(6) of the Act, must be in a form substantially similar to [Appendix 21](#).

28. Recording of result of an election

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

28A. Declaration of secrecy

The declaration of secrecy to be signed by a person in terms of [section 37](#)(4) of the Act before that person can be appointed as an officer, must be in a form substantially similar to [Appendix 23](#).

[Reg. 28A inserted by GN R848/2005]

PART VII : GENERAL PROVISIONS

29. Offences and penalties

Any person who makes a false statement or furnishes false particulars in any application or other document prescribed by these regulations shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both such fine or imprisonment.

30. Short title

These regulations are called the **Municipal Electoral Regulations, 2000.**

APPENDIX 1

SWORN OR AFFIRMED STATEMENT

[Appendix 1 substituted by GN R848/2005]

APPENDIX 2

NOTICE OF INTENTION TO CONTEST AN ELECTION

APPENDIX 3

PARTY LIST OF CANDIDATES

[Appendix 3 substituted by GN R848/2005]

APPENDIX 4

ACCEPTANCE OF NOMINATION BY CANDIDATE ON A PARTY LIST

APPENDIX 5

CERTIFICATE TO PERSONS WHOSE NAMES APPEAR ON PARTY LISTS

APPENDIX 6

NOMINATION OF WARD CANDIDATE

APPENDIX 7

NOMINATION OF WARD CANDIDATE REPRESENTING A PARTY

APPENDIX 8

SIGNATURES OF VOTERS CONCERNING THE NOMINATION OF AN INDEPENDENT WARD CANDIDATE

APPENDIX 9

ACCEPTANCE OF NOMINATION BY A WARD CANDIDATE

APPENDIX 10

CERTIFICATE ISSUED TO WARD CANDIDATES

APPENDIX 11

DECLARATION OF SECRECY

APPENDIX 12

APPOINTMENT OF AGENT

APPENDIX 13

NOTICE OF APPOINTMENT OF AN AGENT

APPENDIX 14

REVOCAION OF APPOINTMENT OF AGENT

APPENDIX 15

NOTICE OF REVOCATION

APPENDIX 16

APPLICATION FOR ACCREDITATION AS OBSERVER

APPENDIX 17

APPLICATION FOR ACCREDITATION FOR VOTER EDUCATION

APPENDIX 18

OBJECTION CONCERNING VOTING

APPENDIX 19

PRESIDING OFFICER'S BALLOT PAPER STATEMENT

APPENDIX 20A

**RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN
RESPECT OF VOTES CAST FOR PARTIES CONTESTING AN ELECTION ON
PARTY LISTS**

APPENDIX 20B

**RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN
RESPECT OF VOTES CAST FOR CANDIDATES IN WARD BALLOT**

APPENDIX 21

RECORD OF OBJECTIONS

APPENDIX 22A

**RECORDING OF THE DETERMINATION OF THE RESULTS OF AN
ELECTION**

APPENDIX 22B

**RECORDING OF THE DETERMINATION OF THE RESULTS OF AN
ELECTION**

APPENDIX 23

**DECLARATION OF SECRECY AND UNDERTAKING BY ELECTION
OFFICERS**

[Appendix 23 inserted by GN R848/2005]

SCHEDULE B

Code of Conduct for Accredited Observers

- 1. Every accredited observer and person appointed by the observer must-**
 - 1.1 Observe the election impartially and independently of any registered party or candidate contesting the election.
 - 1.2 Remain non-partisan and neutral.
 - 1.3 Be competent and professional in observing the election.
 - 1.4 Provide the Commission with a comprehensive review of the elections taking into account all relevant circumstances including -
 - (a) the degree of impartiality shown by the Commission;
 - (b) the degree of freedom of political parties to organise, move, assemble and express their views publicly;
 - (c) the opportunity for political parties to have their agents observe all aspects of the electoral process;
 - (d) the fairness of access for political parties to national media and other resources of the state;
 - (e) the proper conduct of polling and counting of votes; and
 - (f) any other issue that concerns the essential freedom and fairness of the election.
 - 1.5 Comply with all instructions given and every obligation imposed by -
 - (a) the Commission;
 - (b) any electoral officer; or
 - (c) any employee or officer of the Commission; or
 - (d) a member of the security services acting on the instructions of an officer.

- 2. The accredited observer and any person appointed by that observer should -**
- 2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate or registered party.
 - 2.2 Act in a strictly neutral and unbiased manner.
 - 2.3 Disclose to the Commission any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.
 - 2.4 Not accept any gifts or favour from a political party, organisation or person involved in the election process.
 - 2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate or political party.
 - 2.6 Not express a view or opinion on any matter, which is the subject of electoral campaigning.
 - 2.7 Not influence or attempt to influence the choice of a voter regarding any registered party or candidate in an election.
 - 2.8 Not wear, carry, or display any registered party's symbols or colours.

SCHEDULE C

Code For Accredited Voter Education Providers

- 1. Every accredited voter education provider must -**
- 1.1 inform and make voters aware of their protected right to freedom of conscience and belief, freedom of speech and expression, freedom of association, and peaceful assembly, freedom of movement and of the right to participate freely in peaceful political activities;
 - 1.2 respect the right of voters to elect a party of their choice by using an impartial training method;
 - 1.3 ensure that voters are informed and made aware thereof that political parties and the media are free to impart information and opinion;
 - 1.4 always act in a non-partisan manner and be free of any influence or control

by any political party or organisation; and

1.5 strive to promote democratic pluralism and a culture of political tolerance.

2. Every accredited voter education provider must -

2.1 keep such books of account that are reasonably necessary; and

2.2 use funds received only for the purpose for which it was appropriated.

3. No accredited voter education provider may -

3.1 misuse any funds received for the purpose of voter education;

3.2 attempt to ascertain for which candidate or party any voter intends to vote;

3.3 induce, influence, persuade or procure a voter to register for or vote in an election, in the knowledge that such voter is not entitled to register or vote in the election concerned;

3.4 influence or attempt to influence the choice of a voter regarding any party or candidate in an election;

3.5 publish, repeat or disseminate in any manner whatsoever false information; and

3.6 obstruct or interfere with the work of any official or representative of the Commission.

4. Accredited voter education providers must -

4.1 act in a strictly neutral and unbiased manner in every matter concerning a political party, candidate or voter;

4.2 do nothing that could indicate, or be seen as indicating, partisan support for a candidate or political party;

4.3 not accept any gift or favour from a political party or any person involved in the election process; and

4.4 not wear, carry or display any obviously partisan party symbols or colours.