



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014



SOUTH AFRICA

Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Media Guide

NATIONAL AND PROVINCIAL ELECTIONS: 2014

An election resource for journalists



PUBLISHED BY:

The Electoral Commission of South Africa
with the kind permission of the Open Society Foundation for South Africa

© Electoral Commission of South Africa 2014

For more information, or permission to reproduce
any of the material in this information guide, please contact:

Electoral Commission of South Africa

Private Bag X112 Centurion 0046

Phone: 012 622 5700

Fax: 012 622 5784

Email: spokesperson@elections.org.za



Mission of the Electoral Commission

The Electoral Commission is an independent constitutional body, which manages free and fair elections of legislative bodies and institutions through the participation of citizens, political parties and civil society in deepening electoral democracy.



Contents

The aim of this resource guide	4
The aim of this resource guide	4
How to use this resource guide	5
Updating this guide	5
Giving us feedback	5
SECTION A: THE CONSTITUTION, GOVERNMENT AND THE LAW	7
Ideas for using this section	7
Ways of using this section	7
A1. The Constitution, government and the law	7
Equality and non-discrimination	7
Civil rights, including freedom of expression and access to information	8
Political rights	10
Social and economic rights	10
The limitation of rights	10
A2. How government works	11
Separation of powers	11
National and provincial government	11
Local government	12
Institutions supporting democracy	12
Statutory bodies	13
A3. How the law works	13
Sources of law	13
The law-making process	14
Public participation	15
The role of civil society, including the media	15



SECTION B: ELECTIONS AND ELECTION LAW	18
Ideas for using this section	18
Ways of using this section	18
B1. Democracy and elections	18
The importance of elections.....	18
Election voting systems	19
The 1994 National and Provincial Elections	20
The 1995/96 Local Elections	21
The 1999 National and Provincial Elections	21
The 2000 and 2006 Local Elections	23
The 2004 National and Provincial Elections	23
The 2009 National and Provincial Elections	24
The 2011 Local Elections.....	25
B2. Managing and monitoring the 2014 National and Provincial Elections.....	25
The SADC Principles for Election Management, Monitoring and Observation.....	25
The African Charter on Democracy, Elections and Governance	25
Laws governing elections in South Africa	26
The role of the Electoral Commission.....	27
The IEC structure.....	27
The funding of political parties	28
Monitoring structures, including party agents	29
Code of Conduct for Accredited Observers	30
Accreditation for voter education	31
Code of Conduct for Accredited Voter Education Providers	31
B3. The 2014 elections: preparation and registration.....	32
The need for new election laws and demarcation	32
Voting districts and voting stations.....	33
Registration of political parties.....	34
Party lists	35
Identity documents, voter registration and the voters' roll	35
B4. The 2014 elections: campaign.....	40
Voters' rights	40
Electoral responsibilities: the Electoral Code of Conduct	41
Election media	43
Opinion polls.....	44
B5. The 2014 elections: voting and counting	44
The voting and counting process.....	44
Activities on Election Day	49
Accreditation of journalists.....	50



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

SECTION C: MEDIA LAW	52
C1. The development of new media laws	52
The Windhoek Declaration	52
The African Charter on Broadcasting.....	53
The Declaration of Principles on Freedom of Expression in Africa.....	53
The IBA Act and the Independent Broadcasting Authority	53
The Independent Media Commission Act.....	55
The Telecommunications Act.....	55
The White Paper on Broadcast Policy	56
The Broadcasting Act.....	56
The Independent Communications Authority of South Africa and the ICASA Act.....	57
The Electronic Communications Act	58
C2. General broadcast and print monitoring	59
The ICASA monitoring and complaints structures	59
The ICASA Code of Conduct for Broadcasters.....	60
Other independent bodies recognised by ICASA	63
The IBA Regulations on advertising, infomercials and programme sponsorship.....	64
Ethical codes	66
The SABC Ethical Code	66
The South African Press Code	67
C3. Election broadcast and print monitoring	71
The ECA: election broadcasting	71
The 2008 Party Election Broadcasts and Political Advertisements Regulations	73
The SABC Guidelines for Election Reporting	76
The Community Radio Election Guidelines	79
List of abbreviations and acronyms	83
List of useful words	85
Contact the Electoral Commission	96
Other useful contacts	97



The aim of this resource guide

This resource is an empowerment and information guide for you as a community or mainstream journalist from the print, broadcast or online media. It aims to build your capacity to effectively prepare for, monitor and report on the 2014 elections, while also educating voters on elections and democracy.

This guide is structured as follows, to help you understand the following key issues related to the elections:

- **Section A: Introduction to the Constitution, government and the law**
This section includes information on the Bill of Rights, national, provincial and local spheres of government, and the law-making process.
- **Section B: Elections and election law**
This section includes information on democracy and election systems, the Electoral Act and Regulations, the role and structures of the Electoral Commission, identity documents and voter registration, voters' rights, the Electoral Code of Conduct, and voting and counting processes.
- **Section C: Media law and using the media for elections**
This section includes the development of new media laws, the Independent Communications Authority of South Africa (ICASA) and its structures, the ICASA Code of Conduct, other independent bodies recognised by ICASA, the ICASA Act and Regulations, the Electronic Communications Act (ECA), and other media codes and guidelines impacting on elections.

The information in this guide empowers you to play a vibrant and effective role in the following matters:

- **Community motivation and education on voter registration**
 - How and where to register to get your name on the voters' roll
 - Where to get help with problems relating to ID documents and registration
- **Community and political party education during the election campaign**
 - The rights of voters
 - The Electoral Code of Conduct
- **Community motivation and education on voting**
 - Why vote in the elections?
 - What you are voting for (national and provincial votes)
 - How to vote (especially for new voters)
 - Where to get help with voting and problems like intimidation
- **Community information and debate**
 - Political party manifestos, policies and track records
 - Political issues, including local and community problems



How to use this resource guide

These are the tools that have been used to make this guide reader-friendly:

- **Detailed contents at the front of the guide**
This is to help you find the information you need.
- **Repeated contents at the start of each section**
This will help you get to the information you need quickly.
- **Ideas for using each main section**
There is a guide at the start of each section.
- **List of abbreviations and acronyms**
This list will help you understand the short references to words and structures used in the guide, like ICASA for Independent Communications Authority of South Africa.
- **List of useful words**
This list will help you understand the concepts, definitions and structures used, for example, election broadcast period.
- **Bold letters**
A bold typeface is used when we use a word in the list of useful words the first time in a section.
- **Cross-references**
Where relevant, we refer you to another part of the guide for more detail.

- **Contact list:**

The contact list provides a quick way for you to get help or more information.

Updating this guide

The IEC and other structures are still finalising some of the procedures and timelines for the 2014 elections. This guide provides the latest available information. Update the guide with your own notes.

Giving us feedback

Please let us know if you found this guide easy to use and if you have any ideas on how we can improve it in future. If you need copies, more information, or you have any suggestions, please contact us:

Electoral Commission
Publications
Phone: 012 622 5700
Email: FranzL@elections.org.za



Media Guide: SECTION A

SECTION A: THE CONSTITUTION, GOVERNMENT AND THE LAW 7

- Ideas for using this section 7
- Ways of using this section 7
- A1. The Constitution, government and the law 7**
 - Equality and non-discrimination 7
 - Civil rights, including freedom of expression and access to information 8
 - Political rights 10
 - Social and economic rights 10
 - The limitation of rights 10
- A2. How government works 11**
 - Separation of powers 11
 - National and provincial government 11
 - Local government 12
 - Institutions supporting democracy 12
 - Statutory bodies 13
- A3. How the law works 13**
 - Sources of law 13
 - The law-making process 14
 - Public participation 15
 - The role of civil society, including the media 15



Section A

Ideas for using this section

This section introduces you to how government and the law works. It helps you understand things like the following:

- The Constitution and your rights under the Constitution
- How the structures of government work
- Where laws come from and how they are made.

If you already know these things, go straight to Section B to find out about how the 2014 elections will work.

Ways of using this section

- Read it to increase your own knowledge and understanding.
- Discuss it with colleagues.
- Include the information in your programming, for example, have a three-part series on the following:
 1. What is the Constitution and Bill of Rights?
 2. How does government work?
 3. How does the law work?

A1. THE CONSTITUTION, GOVERNMENT AND THE LAW

Our **Constitution, Act 108 of 1996**, was drawn up after wide consultation with many sectors of our people by the **Constitutional Assembly**.

The Constitution is the supreme law of the Republic of South Africa. 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 the **Constitutional Court** if they contradict the provisions of the Constitution.

Chapter 2 of the Constitution is the **Bill of Rights**, which lists the 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 Constitution creates the framework for running free, fair and regular elections. It also includes all the civil and political rights relating to elections, such as the freedom of the media and the right to vote.

Equality and non-discrimination

Following many years of discrimination under the apartheid system, the Equality Clause (Section 9 of the Constitution) is a key part of the Bill of Rights.



What does the Equality Clause say?

- Everyone is equal under the law.
- Laws can be passed to protect or advance people disadvantaged by unfair discrimination in the past, or people who are experiencing unfair discrimination now.

Examples

- The Employment Equity Act of 1998
- The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000

No-one, including government, is allowed to unfairly discriminate against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

Respecting equality

In the Langemaat case, a medical insurance company refused to allow the unemployed partner of a lesbian woman to benefit from the medical aid scheme of her partner. The Constitutional Court decided that the company had unfairly discriminated against the couple because of their sexual orientation, and said that the company must change their policy to follow the Bill of Rights.

Civil rights, including freedom of expression and access to information

The Bill of Rights includes civil rights and freedoms that directly affect your rights around elections.

Examples

- **Freedom of expression**, including:
 - freedom of the press and other media
 - freedom to receive or give out information or ideas
- Freedom of conscience, religion, thought, belief and opinion
- Freedom of association, such as joining a community organisation or a union for journalists
- The right of **access to information** from government or from private bodies to protect any of your rights
- The right to just **administrative action**, including the right to get reasons for decisions from government bodies
- The right not to be arrested without just cause, to have a lawyer and a fair trial

The meaning of freedom of expression has always been hotly contested. The Bill of Rights says the right of freedom of expression does not include things like inciting people to violence and hatred based on race, ethnicity, gender or religion. This is also called **hate speech** and is monitored by bodies such as the South African Human Rights Commission (SAHRC).

How far does freedom of expression go?

You can make a **defamation** case against someone who insults your good name and dignity. In defamation cases, the courts have often had to decide how free journalists are



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

to publish reports that attack or question the good name and dignity of a person.

In the past, the courts have said that to successfully defend a defamation case, newspapers have to prove the following:

- The report was true and it was in the interests of the public to publish it.
- The report was an expression of an opinion, based on facts which were 'substantially true' (in other words, mainly true)

In the case *National Media Ltd v Bogoshi* (1998), the Appeal Court developed a new approach that gives the media a wider space to report or broadcast with less fear of being taken to court for defamation. These are some of the questions that a court will now ask:

- Was the publication of the facts in the report 'reasonable' at the time they were published and in the way they were published?
- Did the newspaper or broadcaster have good grounds for believing the facts were true?
- Did the newspaper or broadcaster take 'proper steps' for checking the accuracy of the material?
- Did the newspaper or broadcaster try to get a response from the affected person and publish this response?

If you are taken to court for defamation, you may get off if you can show that you followed these steps. Then it will not matter that some of the 'facts' you published were false.

Laws have been passed to detail exactly what some of the civil rights included in the Bill of Rights mean.

Examples

- The Promotion of Access to Information Act of 2000
- The Promotion of Administrative Justice Act of 2000

Claiming the right of access to information

The Promotion of Access to Information Act of 2000 (PAIA) enables individuals and institutions to get access to information from government bodies. In the case *CCII Systems (Pty) Ltd vs Minister of Defence, Armaments Corporation of South Africa Limited, and African Defence Systems (Pty) Ltd* (2004), CCII Systems – a computer system company – wanted to know the reasons why it had been excluded from supplying its systems to the South African Defence Force. It wished to get access to reports, audit files and correspondence between state departments on the contract.

The Department of Defence and other state departments refused to allow CCII access to these records. They said:

- The number of documents was too great and they didn't have enough staff.
- Supplying the documents would break the confidentiality of third parties.
- The records had information on South Africa's defence and security, and its disclosure would prejudice the country.

CCII took the case to the High Court and won the right to have access. The judge decided:

- PAIA places the burden of proving why the records cannot be disclosed on the state official (the information officer refusing access).
- The information officer had to identify exactly which records he or she wants to withhold and give valid reasons.



- The information officer cannot make a general refusal to disclose records.
- The departments have to find extra staff to find and supply the records requested.

Political rights

The Bill of Rights sets out the political rights of citizens around elections.

Examples

- The right to form a political party
- The right to participate in party activities
- The right to campaign for a party or cause
- The right to free, fair and regular elections
- For adults, the right to a secret vote in elections
- The right to remain a citizen (in other words, once you have citizenship, the right not to have this taken away from you)

Social and economic rights

The Bill of Rights also includes social and economic rights.

Examples

- The right to fair labour practices
- The right to make a claim for property taken away under racially discriminatory laws or practices
- The right to have access to adequate housing
- The right to sufficient food and water
- As a child, the right to basic nutrition, shelter, basic health care services and social services
- The right to a basic education, including adult basic education

The limitation of rights

The rights in the Bill of Rights are subject to the limitations clause, that is, they may not be limited in any way.

Examples

- The right to human dignity
- The right to life

The rights in the Bill of Rights can be limited, but only in the following cases:

- If the limitation is “reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom”
- If 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 the Electoral Code of Conduct that places some limitations on behaviour during elections, for example, you are not allowed to carry weapons during election rallies.

For more details on the Electoral Code of Conduct, see B4 on page 40.



A2. HOW GOVERNMENT WORKS

Separation of powers

Under the Constitution, there is a separation of government powers. In other words, power is split between different parts of government: the **Executive**, the **Legislature** and the **Judiciary**.

The Executive is the Cabinet of the government, made up of the President, the Deputy President and Cabinet ministers. The Executive is the country's highest decision-making structure – this is where government policy is decided.

The Legislature is the law-making arm of government – this is where laws are debated and passed. At national level, the Legislature is Parliament, which is made up of the following structures:

- The **National Assembly**, the biggest part of Parliament, with 400 members, representing the whole country
- The **National Council of Provinces**, the second part of Parliament, with 90 members representing the nine provinces.

The Judiciary is the courts of the country that decide and watch over all the laws of the country, including the Constitution. These courts are the following:

- The Constitutional Court (Johannesburg), the highest court in the country on all constitutional issues
- The Supreme Court of Appeal (Bloemfontein), the highest court for appealing against decisions of other courts (except in constitutional cases)

- The high courts, including the labour courts and the Electoral Court
- The magistrate's courts, including the regional magistrate's courts (for more serious criminal cases), district magistrate's courts, maintenance courts, juvenile courts and children's courts
- Other special courts, like the small claims courts, courts of chiefs and headmen and the Land Claims Court

National, provincial and local government are elected in periodic elections guided by our Constitution and election laws.

See Section B from page 18 onwards for details on these election laws.

National and provincial government

National government is headed by the Cabinet, with Parliament as the National Legislature. Major areas of government responsibility are carried out by government ministries and departments.

Ministries have overall political responsibility and make policy decisions, for example, the Ministry of Justice. Ministries are headed by a Cabinet minister and sometimes a deputy minister, and are based in Pretoria and Cape Town.

Departments carry out policy, write laws and are responsible for day-to-day administration, for example, the Department of Justice and Constitutional Development. Departments are headed by a Director-General and are based in Pretoria.



Provincial government in each of the nine provinces is headed by a provincial premier and provincial Cabinet. The law-making function is carried out by the **Provincial Legislature**. The provincial government is responsible for some areas of government jointly with national government – this responsibility is carried out by provincial departments that usually combine a number of provincial government responsibilities, for example, the Department of Housing, Local Government and Planning.

Local government

Under the Local Government Transition Act of 1993, local government was run by regional councils, transitional local councils, metropolitan councils and municipal councils. These local councils were responsible for things like local amenities and facilities, electricity, and traffic and parking.

The following new laws were developed to organise and run local government:

- The Local Government: Municipal Structures Act, Act 117 of 1998, which divided the country into the following:
 - Metropolitan councils for large cities
 - Local councils for towns and surrounding rural areas
 - District councils for regional coordination
- The Local Government: Municipal Demarcation Act, Act 27 of 1998, set up a **Demarcation Board** to draw up municipal boundaries. This is called the **Municipal Demarcation Act**.
- The Local Government: Municipal Systems Act, Act 32 of 2000, set out the internal systems and guiding principles that democratic local government structures must follow.

Examples of principles for democratic local government

- Integrated development planning and budgeting
- Performance management
- Participation by local people and parties

Institutions supporting democracy

The Constitution sets up independent institutions (bodies) to protect people and to check on government. These bodies are called independent because they are created under the Constitution, but are not controlled by the government.

Examples

- The Public Protector, which investigates complaints about government officials, for example, corruption by pension pay-out clerks
- The South African Human Rights Commission (SAHRC), which educates people about human rights and investigates complaints around human rights issues, for example, discrimination against a child living with a disability at a school
- The Commission for Gender Equality (CGE), which educates people around gender issues, and monitors and lobbies around laws and customs that discriminate against people because of their sex or gender
- The Electoral Commission, also known as the **Independent Electoral Commission (IEC)** (see B2 on page 25)
- The Independent Communications Authority of South Africa (ICASA), an independent authority that regulates broadcasting in South Africa



This list of examples is not exhaustive.

Statutory bodies

Other laws create bodies called statutory bodies that are responsible for taking on tasks listed in the law that set them up.

Examples

- The South African Broadcasting Corporation (SABC)
- The Government Communication and Information Service (GCIS)
- The Pan-South African Language Board (PANSALB)

A3. HOW THE LAW WORKS

Sources of law

The sources of law are where the law comes from. Sometimes one has to look at different kinds of laws to find the law to solve your problem. South African law has a number of sources, including the following:

Statute law

Statutes are the written laws made by Parliament as the highest law-making body in the country. Statutes are better known as **Acts**, for example, the Labour Relations Act and the **Municipal Electoral Act**.

The nine provinces also have powers to make statutes for their provinces to enact legislation. Often a statute gives powers to make more detailed rules called **Regulations**. A regulation fully explains the practical and administrative process of an Act. So, for example, the IEC will bring out Municipal Electoral Regulations under the Municipal Electoral Act.

Statutes can also give powers to local government (towns and cities) to make written laws, called by-laws.

The Constitution

The full name of the Constitution is The Constitution of the Republic of South Africa Act, Act 108 of 1996. It is the most important law because all other laws have to follow the Constitution (see A1 on page 7).

Common law

This is law that is not made by Parliament or any other law-making body. **Common law** comes from Roman-Dutch and English law brought to South Africa by Dutch and English settlers. When a legal problem is not covered by statute law, one can look at common law for the answer.

Examples of common law: assault, murder, robbery

Customary law

This is the written and unwritten law that develops from the customs and practices of a community.

Court decisions

Courts often have to make decisions (called judgments) by interpreting what they think the law means. This can depend on the facts of the case and changing views about issues.

Example

Have a look at the decision on the media's right to freedom of expression in the Bogoshi case (see A1 on page 9).

Lower courts must follow the decisions of higher courts. So when we look for the law, we sometimes have to check to see if there



are court decisions on that part of the law. These will tell us how statute law has been interpreted, or how the common law and customary law have been changed to fit in with new policies and developments.

The law-making process

These are the main steps that are usually followed when Parliament makes new statute laws:

1. Green Paper

A government department publishes a draft policy document, called a Green Paper in the official government paper, the *Government Gazette*.

2. White Paper

A department publishes a **White Paper** in the *Government Gazette* for public comment. This is government policy that will be used to write new laws after changes have been made, for example, the White Paper on Local Government.

3. Writing a Bill

Before a law is passed, it is called a **Bill**, for example, the Municipal Electoral Bill of 2000. A department writes a Bill and the Cabinet approves it.

4. Checking a Bill

The Bill goes to government lawyers (the state law advisors). Their job includes making sure that the Bill follows the Constitution and does not contravene other laws.

5. Tabling a Bill

The Bill is tabled (put forward for discussion) in Parliament. This is called the first reading of the Bill.

6. Parliamentary Committees

The Bill is then discussed in parliamentary committees in the National Assembly.

7. Public comments

The parliamentary committee invites the public to make written comments and to say if they want to make oral submissions (share their views verbally).

8. Public hearings

The committee can hold public hearings on the Bill – this is a chance for you or your organisation to say what problems you have with the Bill and to suggest changes.

9. National Assembly debate and voting

After committee changes, the Bill is tabled again in the National Assembly – the second reading of the Bill. The National Assembly debates the Bill and votes on it.

10. NCOP and provincial discussion

Once a Bill is passed by a majority in the National Assembly, it goes to a National Council of Provinces (NCOP) committee for discussion. With Bills that affect the provinces, there must be full discussion in provincial legislatures as well.

11. The Bill becomes law

When passed by the National Assembly and the NCOP, the Bill becomes law as an Act, for example, the Municipal Electoral Act. Acts are published in the *Government Gazette* and the President fixes the date that the law will come into operation (start working).



Public participation

The process followed by the Constitutional Assembly in drawing up our new Constitution set a very good example on how to involve the public in the law-making process. The new Constitution itself says that there must be public participation in Parliament.

Examples of how to get involved in the law-making process

- Contact Parliament, the **Government Printer** or non-governmental organisations (NGOs) monitoring Parliament, such as the Parliamentary Monitoring Group (PMG) to get information on a White Paper, a Bill or an Act.
- Send a parliamentary committee your comments on a White Paper or Bill.
- Look out for adverts about public hearings on Bills.
- Attend public hearings on Bills.
- Make your views public through the newspapers and community radio.

The role of civil society, including the media

When we talk about **civil society**, we mean people and organisations that are independent of government, including the independent media. So far, we have looked at the role of civil society in the law-making process in Parliament.

We all remember the active role played by NGOs in mobilising against apartheid. Today there is still a need for civil society to play an active role.

Examples of civil society's wider role

- Being a watchdog by monitoring the activities of government
- Doing research on policy issues and helping with policy development
- Representing people and sectors on issues affecting them
- Lobbying government on problems, policies and laws
- Educating and mobilising people to know their rights and take collective action around issues
- Assisting with service delivery and implementing government projects



Media Guide: SECTION B

SECTION B: ELECTIONS AND ELECTION LAW

	Ideas for using this section	18
	Ways of using this section	18
B1.	Democracy and elections	18
	The importance of elections.....	18
	Election voting systems	19
	The 1994 National and Provincial Elections	20
	The 1995/96 Local Elections	21
	The 1999 National and Provincial Elections	21
	The 2000 and 2006 Local Elections	23
	The 2004 National and Provincial Elections	23
	The 2009 National and Provincial Elections	24
	The 2011 Local Elections.....	25
B2.	Managing and monitoring the 2014 National and Provincial Elections.....	25
	The SADC Principles for Election Management, Monitoring and Observation.....	25
	The African Charter on Democracy, Elections and Governance	25
	Laws governing elections in South Africa	26
	The role of the Electoral Commission.....	27
	The IEC structure.....	27
	The funding of political parties	28
	Monitoring structures, including party agents	29
	Code of Conduct for Accredited Observers	30
	Accreditation for voter education	31
	Code of Conduct for Accredited Voter Education Providers	31
B3.	The 2014 elections: preparation and registration.....	32
	The need for new election laws and demarcation	32
	Voting districts and voting stations.....	33
	Registration of political parties.....	34
	Party lists	35
	Identity documents, voter registration and the voters' roll	35



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

B4.	The 2014 elections: campaign.....	40
	Voters' rights	40
	Electoral responsibilities: the Electoral Code of Conduct	41
	Election media	43
	Opinion polls.....	44
B5.	The 2014 elections: voting and counting	44
	The voting and counting process.....	44
	Activities on Election Day	49
	Accreditation of journalists.....	50



Section B

Ideas for using this section

This section is a guide to election laws and how the elections will work. It helps you to understand things like the following:

- Who will run the elections?
- How can you register to vote?
- What are your rights as a voter?
- How are parties and voters meant to behave during the election period?
- How does one vote on Election Day?

You may already know some of these things from previous elections. Check through this section to see what has changed since then. If you want to get straight into media law and the elections, turn to Section C.

Ways of using this section

- Read it to increase your own knowledge and understanding.
- Discuss it with colleagues.
- Include the information in your programming, for example, have features on the following:
 - Why is it important to vote?
 - Why must one register to vote?
 - How does one register to vote?
 - What are ones rights as a voter?
 - How must parties and people behave during the election period?
 - How does one vote on Election Day?
 - How are votes counted?
 - When will one hear the election results?

- Use the *Guide questions* to get information across, for example:
 - Interviews on identity documents and voter registration (see B3 on page 32)
 - How voting and counting will work (see B5 on page 44)

B1. DEMOCRACY AND ELECTIONS

The importance of elections

For so many years, the majority of South Africans suffered under apartheid and had no right to vote in democratic elections. The idea of democracy was a distant dream, very far removed from the day-to-day lives of most South Africans (see pages 20 to 25 for information on elections between 1994 and 2014).

What is democracy?

- Taking part in the social, political and economic life of the country
- Having rights like freedom of expression, access to information, the right to form organisations, the right to meet and the right to vote
- Government at all levels representing the needs and interests of the majority of the people
- Government at all levels being accountable (answerable) to the people



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 one the chance to vote out a government that does not satisfy the needs and interests of our people.

Election voting systems

Three of the best-known election voting systems are the following:

1. The 'winner takes all'/'first past the post' system

In this system, the country is divided into constituencies or wards. One votes 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.

Example

Party A: 1 400 votes
Party B: 1 000 votes
Party C: 600 votes

Here Party A wins the seat for this ward and Party A's candidate will be in Parliament. The votes of Party B and Party C do not make any difference to representation in Parliament.

2. The proportional representation (PR) system

The **proportional representation** 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 was the system used in South Africa's 1994, 1999, 2004 and 2009 National and Provincial Elections, and it will again be used in the 2014 elections.

Example

Party A: 100 000 votes – 100 seats
Party B: 20 000 votes – 20 seats
Party C: 50 000 votes – 50 seats

The first 100 people on Party A's list will get seats in Parliament, as will the first 20 people on Party B's list and the first 50 people on Party C's list.

3. A mixed system

A mixed system is a combination of the 'winner takes all' and proportional representation systems. Since South Africa has in place a combination of 'first past the post' and a proportional system for local government elections, it would be correct to say it has a mixed system. This approach was used in the 1995/06, 2000 and 2006 Local Government Elections, where some councillors were elected by winning ward elections, and others got in by being on their party lists for the area.



The 1994 National and Provincial Elections

The struggles waged by the liberation movements and communities countrywide, together with international pressure, led to the unbanning of organisations and a negotiated transition period, including the drawing up of a democratic constitution.

The resulting 1994 elections were historic because they were the first-ever democratic elections in South Africa. They were run mainly under three laws:

- The 1993 Constitution – this was called the Interim Constitution: the country's national Constitution until a new 1996 Constitution was drawn up by the Constitutional Assembly and became law on 4 February 1997.
- The 1993 Independent Electoral Commission Act that gave the Electoral Commission (IEC) powers to run the elections.
- The 1993 Electoral Act and Regulations that set all the rules for how the elections would run.

After fighting for so long to win the right to vote, almost 20 million South Africans voted, using the proportional representation system of voting.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

National representation of parties in the 1994 elections:

	Percentage of votes won	National Assembly seats
African National Congress (ANC)	62.65	252
National Party	20.39	82
Inkatha Freedom Party (IFP)	10.54	43
Freedom Front	2.17	9
Democratic Party	1.73	7
Pan Africanist Congress	1.25	5
African Christian Democratic Party	0.45	2
Total		400

The 1996 Constitution said that there must be elections every five years, so new National and Provincial Elections had to be held before the end of July 1999.

The 1995/96 Local Elections

The first democratic local elections were held in different parts of the country on different dates in 1995 and 1996. In these elections, citizens voted for local **ward** candidates and for the party of their choice (proportional representation, as in national and provincial elections).

After changes to the Constitution:

- Elections for municipal councils were extended from every four years to every five years.
- It was decided that the 2000 Local Elections and future elections must be held on the same day in all parts of the country.

The 1999 National and Provincial Elections

The country's second democratic National and Provincial Elections were held on 2 June 1999.

The 1999 National and Provincial Elections were run under three main laws:

- The 1996 **Constitution**.
- The 1996 **Electoral Commission Act** that set up the IEC and gave it powers to run elections.
- The 1998 **Electoral Act, Electoral Regulations** and Voter Registration Regulations, and the 1999 Electoral Regulations.



National representation of parties in the 1999 elections:

	Percentage of votes won nationally	National Assembly seats
African National Congress (ANC)	66.35	266
Democratic Party	9.56	38
Inkatha Freedom Party (IFP)	8.58	34
New National Party	6.87	28
United Democratic Movement	3.42	14
African Christian Democratic Party	1.43	6
Freedom Front	0.80	3
United Christian Democratic Party	0.78	3
Pan Africanist Congress	0.71	3
Federal Alliance	0.54	2
Minority Front	0.30	1
Afrikaner Eenheidsbeweging	0.29	1
Azanian People's Organisation	0.17	1
Total		400

Let us look at some other interesting figures for the 1994 and 1999 elections:

	1994 elections	1999 elections
Total votes	19 726 610	16 228 462
Spoilt votes	193 112	251 320
Registered voters	22 709 152	18 172 751
Percentage poll	86.87%	89.30%



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Questions to think about

- Why did fewer people register and vote in the 1999 elections? (Remember that no national common voters' roll existed in 1994.)
- **Spoilt votes** are when votes do not count because it is not clear which party someone wishes to vote for. Why were there more spoilt votes in the 1999 elections? (For more on spoilt votes, see B4 on page 40)

The 2000 and 2006 Local Elections

The 2000 and 2006 Local Elections took place under a battery of new municipal electoral laws, such as the **Municipal Electoral Act**

of 2000. Depending on where voters lived, they exercised two or three party or ward candidate votes in metro councils, local councils or district councils newly demarcated under the Municipal Structures Act. (See A2 on page 11 for details of the new municipal electoral laws.)

The 2004 National and Provincial Elections

The country's third democratic National and Provincial Elections were held on 14 April 2004 and were run under the same laws as the 1999 elections, together with additional amendments and various new Electoral Regulations.

National representation of parties in the 2004 elections:

	Percentage of votes won nationally	National Assembly seats
African National Congress (ANC)	69.69	279
Democratic Alliance (DA)	12.37	50
Inkatha Freedom Party (IFP)	6.97	28
United Democratic Movement	2.28	9
Independent Democrats (ID)	1.73	7
New National Party	1.65	7
African Christian Democratic Party	1.60	6
Vryheidsfront Plus	0.89	4
United Christian Democratic Party	0.75	3
Pan Africanist Congress of Azania (PAC)	0.73	3
Minority Front	0.35	2
Azanian People's Organisation	0.25	2
Total		400



Examples: Impact of floor-crossing legislation

After one of the controversial floor-crossing periods on 16 September 2007 and as a result of previous political developments and crossings:

- ANC representation increased to 297 seats: 74.25% of the total
- DA representation was 47 seats: 11.75%

- IFP representation was 23 seats: 5.75%
- ID representation was 4 seats: 1%
- The National Democratic Convention (NADECO), after defections from the IFP, had 4 seats: 1%
- The African People's Convention had 2 seats: 1%, resulting from the loss of 2 seats by the Pan Africanist Congress of Azania (PAC) during the latest crossing.

The 2009 National and Provincial Elections

The fourth democratic National and Provincial Elections were held on 22 April 2009.

National representation of parties in the 2009 elections:

	Percentage of votes won nationally	National Assembly seats
African National Congress (ANC)	65.90	264
Democratic Alliance (DA)	16.66	67
Congress of the People (COPE)	7.42	30
Inkatha Freedom Party (IFP)	4.55	18
Independent Democrats (ID)	0.92	4
United Democratic Movement (UDM)	0.85	4
Vryheidsfront Plus	0.83	4
African Christian Democratic Party	0.81	3
United Christian Democratic Party	0.37	2
Pan Africanist Congress of Azania (PAC)	0.27	1
Minority Front	0.25	1
Azanian People's Organisation	0.22	1
African People's Convention	0.20	1
Total		400



The 2011 Local Elections

Local or Municipal Elections were held in South Africa on 18 May 2011, electing new councils for all municipalities in the country. The voter turnout for this election was predicted to be higher than the previous local election in 2006. In the end, 13.66 million people voted, representing a 57.64% turnout, making it the highest voter turnout since the first municipal election in 2000.

B2. MANAGING AND MONITORING THE 2014 NATIONAL AND PROVINCIAL ELECTIONS

The SADC Principles for Election Management, Monitoring and Observation

Beginning with a Southern African Electoral Forum Conference in Namibia in 2000, and culminating in their adoption on 6 November 2003 in South Africa, the Principles for Election Management, Monitoring and Observation in the Southern African Development Community (SADC) region (the **SADC principles**) are a set of guidelines to help ensure the delivery of credible, free and legitimate elections. The SADC principles were approved by electoral management bodies and civil society organisations from all 14 SADC countries.

The recommended principles address these six major issues:

- The need for a comprehensive constitutional and legal framework
- The importance of transparent and accessible pre-election procedures

(including the delimitation process, voter registration and candidate nomination)

- The equitable use of the media and public resources, and issues of political party finance
- The organisation and management of the election phase, including the location of polling stations, their layout and access to them, the secrecy of the ballot and the counting process
- The post-election phase, including the settlement of election disputes and ways of ensuring that results are acceptable
- The requirements for unhindered, credible, professional and impartial monitoring and observation of the electoral process

The African Charter on Democracy, Elections and Governance

A second key electoral guiding document for our continent is the **African Charter on Democracy, Elections and Governance**, adopted by the African Union (AU) on 30 January 2007 in Addis Ababa. The Charter has 53 articles and was drawn up in four original languages: Arabic, English, French and Portuguese.

The Charter's preamble notes the following:

- A concern that unconstitutional changes of government are one of the essential causes of insecurity, instability and violent conflict in Africa
- A commitment to entrench in Africa a political culture of change of power based on holding regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies



- A determination to promote and strengthen good governance through institutionalising transparency, accountability and participatory democracy

Article 3 sets out 11 key implementation principles:

1. Respect for human rights and democratic principles
2. Access to and exercise of power according to the country's constitution and the principle of the **rule of law**
3. The promotion of a representative system of government
4. Holding regular, transparent, free and fair elections
5. A separation of powers (between different branches of government)
6. The promotion of gender equality in public and private institutions
7. Effective participation of citizens in democratic and development processes and in governance of public affairs
8. Transparency and fairness in managing public affairs
9. Condemnation and rejection of corruption and related offences
10. Condemnation and rejection of unconstitutional changes of government
11. Strengthening political **pluralism** by recognising the role, rights and responsibilities of legally constituted political parties, including opposition parties.

While the Charter broadly supports the building and sustaining of democratic institutions and elections, it is short on specific detail on the development and protection of a free, independent media.

The only direct media provisions are the following:

- Countries must ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections (Article 17).
- Countries must commit themselves to promoting freedom of expression, in particular freedom of the press and fostering a professional media (Article 27).

Laws governing elections in South Africa

Since 1994, South Africa has established and refined a framework of election laws in keeping with the SADC principles and the African Charter on Democracy, Elections and Governance.

The 2014 National and Provincial Elections will be run under these laws:

- The 1996 Constitution, which includes the right to vote, the drawing up of a national **voters' roll**, and the calling of elections every five years (see more on the political rights in the Constitution in A1 on page 7)
- The 1996 Electoral Commission Act and various Election Regulations under the Electoral Commission Act that set up the IEC and gave it powers to run the elections (see more on the IEC on the next page)
- The 1998 Electoral Act and various election regulations under the Electoral Act that guide most of the election administration, campaigning, voting, monitoring, observing and counting processes.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Note:

In B2 to B5 of this guide, all the available information on how the IEC will run the 2014 elections is summarised.

The role of the Electoral Commission

The role of the IEC includes the following:

- Supervising and organising the elections
- Making the regulations needed to run the elections
- Registering voters and compiling a voters' roll
- Promoting democracy and voter education
- Keeping contact and cooperating with political parties and candidates
- Making sure that the elections are free and fair
- Responding to complaints and sorting out disputes between political parties
- Announcing the election results.

The IEC structure

The commissioners

There are five commissioners, who serve for seven years:

- Chairperson: Adv. Pansy Tlakula
- Vice-Chairperson: Mr Terry Tselane
- Commissioner: Judge Thami Makhanya
- Commissioner: Rev. Bongani Finca
- Commissioner: Ms Raenette Taljaard

Commissioners are not allowed to do the following:

- Directly or indirectly support or oppose any political party or candidate
- Directly or indirectly support or oppose any issues in contention between political parties or candidates

- Say or do anything that can harm their independence or the independence of the IEC

Note:

Like the IEC commissioners, all IEC and other election officials at national, provincial and local level must work independently and not take sides with any political party or candidate.

National structures

The IEC's national structures include the following:

- The Office of the **Chief Electoral Officer**, Mr Mosotho Moepya
- Corporate Services stream, with the position of Deputy Chief Electoral Officer currently vacant
- Electoral Operations stream, managed by the Deputy Chief Electoral Officer, Mr Sy Mamabolo
- Outreach stream, managed by the Deputy Chief Electoral Officer, Dr Nomsa Masuku

Provincial structures

There are IEC offices in all nine provinces. Each office has a **Provincial Electoral Officer** (PEO), with staff managing Administration, Electoral Matters and Outreach, and satellite offices with Assistant Directors. (See the contact list on page 96 for the IEC's provincial and national numbers.)

Local structures

In every municipal area, a **Municipal Electoral Officer (MEO)** is appointed by the IEC to organise voting stations, staff employment, voter registration, party and candidate registration, and Election Day voting and counting. In some metropolitan areas and big towns, the MEO will work from



the IEC's provincial office. In most areas, the MEO will be the Chief Executive Officer of the local council and will work from existing council offices.

Where there are no existing offices, the IEC may set up special election offices, for example, in some district council areas. The MEO will employ the following:

- Registration officers for voter registration days in each **voting district**
- Election officers for Election Day in each **voting station**, for example, **presiding officers, voting officers** and **counting officers**

For the 2014 elections, as always, the IEC takes special care to disqualify people with political party or union ties from being election officers.

The funding of political parties

The funding of political parties has been a topic of hot debate in our democracy for some time now. This funding is governed by the Public Funding of Represented Political Parties Act of 1997 and the Public Funding of Represented Political Parties Regulations of 1998.

Q1: 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.

Note:

While the public funding of political parties is regulated, private funding is not regulated. This raises serious concerns about the potential of private funding 'buying' influence and undermining the electoral process.

Q2: How does a political party get public funding?

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

- the National Assembly; or
- any provincial legislature; or
- both the National Assembly and any provincial legislature.

Note:

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

Q3: What restrictions and checks are there on public party funding?

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

Monitoring structures, including party agents

Party liaison committees

At national, provincial and local level, the IEC coordinates **Party Liaison Committees (PLCs)** to do the following:

- Inform political parties on election arrangements
- Consult and advise the IEC on election arrangements
- Deal with conflicts between parties, or between a party and the IEC

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

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

The MEO chairs local PLC meetings.

Party agents

Every registered party contesting a local election can appoint:

- two **party agents** for each voting station;
- four party agents for each counting venue when counting is not done at voting stations; and
- four party agents for venues used to work out the overall election results.

An agent:

- must be a South African citizen; and
- may not be a party candidate in the election.

The job of party agents is to do the following:

- Observe and represent the interests of their parties or candidates in ensuring free and fair elections
- Make any complaints to the Presiding Officer or a counting officer

Party agents must wear identification tags approved by the IEC that show:

- that the person is an agent; and
- the party or candidate they are representing.

Party agents must follow orders given by:

- an election officer; or
- a security service member instructed by an election officer.

Party agents must not do the following:

- Display or distribute any billboard, placard, poster or pamphlet
- Wear, carry or display any clothing with any writing, pictures or signs linked to a party or candidate (except for their identification tag)
- Force, influence or persuade a person to vote or not to vote for a party or candidate
- Force, influence or persuade a person not to vote

Since 2008, Election Regulations also say the following:

- Party agents may bring any objections or irregularities to the attention of the Presiding Officer, but must not interfere with the voting procedures.
- Presiding officers should give different party agents a chance to observe different parts of the voting process – this should happen by rotation when there is not space to accommodate everyone, for example, to monitor the checking of



names on the voters' roll or the marking of voters' hands with indelible ink.

Election observers

The IEC will accredit (officially recognise) organisations wishing to appoint election observers if the observers do the following:

- Promote free and fair elections
- Observe impartially and independently of parties and candidates
- Observe competently and professionally
- Follow the **Code of Conduct for Accredited Observers**

The IEC can cancel an observer's **accreditation** if they do not follow conditions set by the IEC.

Anyone can inspect the register of **accredited observers** and copies of certificates of people registered as observers at the IEC Head Office.

Accredited observers can observe voting, counting and the calculation of election results.

Accredited observers must wear identification tags approved by the IEC.

Accredited observers must follow orders given by:

- an election officer; or
- a security service member instructed by an election officer.

Code of Conduct for Accredited Observers

Things that accredited observers *must* do:

- Observe the election impartially and independently of political parties and candidates

- Be competent and professional in observing the election
- Remain neutral and non-partisan, and carry out observing duties in an unbiased way
- Tell the IEC about any relationship that can lead to the observer not being able to observe in a neutral and non-partisan way
- Give the IEC a report on the elections, including information on things like the following:
 - The impartiality of the IEC
 - The freedom of political parties and candidates to organise and campaign
 - The opportunity for agents to observe the whole election process
 - The fair access of parties to national media and other state resources
 - Voting and the counting of votes
 - Any other issues affecting free and fair elections
- Follow all duties and instructions of:
 - the IEC and its employees/officers;
 - any election officer; or
 - any security service member acting on the instruction of an IEC or election officer.

Things that accredited observers *must not* do:

- Anything that would show support for a political party or candidate
- Accept any gifts or favours from political parties, candidates or people involved in the election process
- Participate in any activities that can make people think that the observer sympathises with a political party or candidate
- Express opinions on issues that are part of election campaigning



- Influence or try to influence any voter to choose a political party
- Wear, carry or display the symbols or colours of any political party or candidate

Accreditation for voter education

The IEC will accredit individuals or structures wanting to run voter education, if the voter education providers do the following:

- Promote voter education, and free and fair elections
- Work effectively and meet standards set by the IEC
- Educate impartially and independently of parties and candidates
- Educate competently
- Follow the **Code of Conduct for Accredited Voter Education Providers**

Accredited voter education providers must make sure their employees:

- are not party or ward candidates, or agents, in the election;
- do not hold political or executive office in a registered party; and
- carry out voter education impartially and independently.

Accredited voter education providers and their employees must not get involved in election campaigning and issues.

Example

A community radio station as an accredited voter education provider

Your community radio station or other media institution can also get IEC accreditation to do voter education.

Accreditation means you will get recognition and support from the IEC as an official voter education provider.

Apply for accreditation at your IEC provincial office. You will have to fill in an application form and include documents to support your application.

For questions on accreditation, contact the IEC Head Office or provincial offices: see contact details on page 96.

Code of Conduct for Accredited Voter Education Providers

Things that accredited voter education providers *must* do:

- Be non-partisan and neutral, and carry out voter education free of any influence or control by political parties or candidates
- Respect the right of voters to elect parties of their choice, by using impartial training methods
- Make voters aware of the following:
 - Their rights, like freedom of belief, freedom of speech and the right to participate freely in peaceful political activities
 - The right of political parties, candidates and the media to communicate information and opinions
- Promote democratic values and political tolerance
- Follow correct accounting procedures and use voter education funds for the purpose they were given



Things that accredited observers *must not* do:

- Try to find out which political party a voter wants to vote for
- Influence or try to influence any voter to choose a political party
- Influence or try to influence any voter to register or vote when the person does not have a right to register or vote
- Publish, repeat or distribute any false information
- Obstruct or interfere with the work of the IEC or any of its officials or representatives
- Anything that would show support for a political party or candidate
- Accept any gifts or favours from political parties, candidates or people involved in the election process
- Participate in any activities that can make people think that the observer sympathises with a political party or candidate
- Wear, carry or display the symbols or colours of any political party or candidate

B3. THE 2014 ELECTIONS: PREPARATION AND REGISTRATION

The need for new election laws and demarcation

Our first democratic elections in 1994 were held under special conditions. The majority of the country's people had never voted in elections and used a variety of different identity documents. There had also been no reliable census involving all communities.

As a result, it would have been impossible by April 1994 to break the country up into voting constituencies and to register voters on a common voters' roll (national list of all voters) using the same ID documents.

The main reasons why the Electoral Act of 1998 was drawn up to run the 1999 elections and guide future elections were as follows:

- The 1996 Constitution said that a common voters' roll had to be set up for all future elections.
- The 1996 Electoral Commission Act established the IEC as the single body for managing all National, Provincial and Local Elections.
- The 1996 census built a foundation for the reliable delimitation (splitting up) and demarcation (setting up of new boundaries) of the country into voting districts, based on the actual number of people living in all parts of the country.
- South Africa inherited the race-based Bantustan system and municipal boundaries from the apartheid system. For so many years, people were separated at local level through Group



Areas laws, influx control and a policy of 'own management for own areas'. Apartheid tried to limit the responsibility of wealthy 'white' areas to help service disadvantaged 'black' areas.

Aims of demarcation

As a result, municipal boundaries needed to be redemarcated (redrawn) to achieve aims such as the following:

- Democratic local government
- Accountable local government
- A redistribution of finances and services
- Financially viable (workable) municipalities
- Social and economic development in local areas

Aims of demarcation for the IEC

The aims of demarcation for the IEC are as follows:

- Voters are registered on the national voters' roll against a voting district.
- Knowing which voters are in which voting district improves planning. For example, it helps to plan for the number of ballot papers that each voting station needs.
- Knowing which voter is in which voting district helps ensure that all voting is legal. Voters are not allowed to register in a voting district in which they do not ordinarily reside.

Factors affecting demarcation

In deciding on boundaries, the **Demarcation Board** considered factors like the following:

- The movement of people, and the existence of employment and services in the area
- The need to combine neighbouring areas into integrated municipalities

- The financial and administrative ability of a municipality to carry out municipal functions
- Existing municipal and provincial boundaries
- Existing functional boundaries, for example, **voting districts**, magisterial districts, census boundaries and police districts
- The need for coordinated municipal, provincial and national programmes, for example, around health care
- Geographical and environmental factors

Voting districts and voting stations

The IEC established a new set of voting districts for the 1999 National and Provincial Elections:

- Nationally there were just over 14 500 voting districts.
- Each voting district had a voting station.
- Voting districts had between about 1 000 and 3 000 voters.
- Some smaller rural areas had less than 1 000 voters.
- Mobile voting stations were used where necessary to ensure greater access for voters.
- The enumerator areas (counting areas) used for the census were used by the IEC to build a voting district.
- The idea was that voting districts would be used in future to form wards for local elections.
- Voting stations were also used as voter registration stations on public voter registration days.



In drawing ward boundaries for the 2000 Local Elections, the Demarcation Board tried to follow the IEC's 1999 voting districts. However, to achieve a more even spread of voters, they ensured that all wards had an equal number of registered voters, with an allowance of 15% deviation in either direction from the ward norm for each municipality.

Since 2000, the distribution of voting districts and stations has been further refined for subsequent national, provincial and local elections, taking into account factors like the following:

- Identifying where old voting districts were split by new ward boundaries.
- Checking on voters' rolls and re-allocating voters in voting districts split by new ward boundaries.
- The increasing number of voters with the further registration of new voters.
- Changes in human settlement patterns (depopulation, urbanisation, new housing developments, and so forth).

Note:

For the 2014 National and Provincial Elections, there are some 22 300 voting districts and stations. There were 24.1 million registered voters by 2 December 2013, which the IEC expects to grow to beyond 25 million by the time the voters' roll closes.

Registration of political parties

The Electoral Commission Act gave the IEC powers to register political parties. To register, parties have to give the following:

- The name of the party
- The party's symbol in colour
- The party's abbreviation
- The party's constitution

Parties not already represented in national, provincial or local government have to give further details, like the party's deed of foundation (the official document used to launch the party). Applications for new registration and details of successful registrations must be published in the *Government Gazette*.

The Electoral Commission Act and Regulations say the IEC should not register a party if:

- the party's registration details are too similar to the details of another party (for example, the colours), and this will lead to confusion for voters;
- the party's registration details go against an Act of Parliament, or use a name, mark or symbol already registered in South Africa (for example, by another company or organisation); or
- the party's registration details include anything which can:
 - lead to the promotion or incitement of violence or hatred; or
 - 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.

Any party unhappy with being refused registration, or with the IEC's decision to register a new party, can appeal to the IEC within 30 days of the refusal.

Example: COPE

After the establishment of the new Congress of the People (COPE) party in late 2008 and its application for IEC registration, the African



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

National Congress (ANC) objected to the name of the new political party. The ANC felt that COPE should not be allowed to use as its name an event like the 1955 Congress of the People in Kliptown that the ANC argued was closely associated with its own history.

COPE was allowed to keep its name after the High Court ruled in favour of COPE and decided that the 1955 Congress was not the exclusive preserve of the ANC and its history. The ANC had gone to court to try to prevent COPE from using its new name even before the IEC had made a decision on the issue.

Party lists

Each political party registered to contest the National and Provincial Elections draws up its national and provincial lists of candidates after party list conferences or discussions within the party.

Note:

Each party must submit its list of candidates to the IEC by a date that will be stipulated in the 2014 Election Timetable, which will be published in the *Government Gazette* by the IEC once the President of the Republic of South Africa proclaims the date of the 2014 elections.

Depending on the percentage of votes received by the party, a proportional number of candidates on its list will qualify to be a member of Parliament or Provincial Legislature after the 2014 elections.

For more on proportional representation, see B1 on page 19.

The Constitution excludes the following people from being a candidate on a party list:

- Someone who is not a South African citizen
- Someone who has been declared an 'unrehabilitated insolvent' or 'of unsound mind'
- Someone who has been sentenced to more than 12 months in prison after the end of 1996

Political parties must pay an amount of money as a deposit to stand – they lose this if they do not get a fixed percentage of votes.

Notes:

- The IEC must draw up, certify and make publicly available all the party lists after checking if any proposed candidates should be excluded. Copies of the party lists must be available for inspection on a date that will be stipulated in the 2014 Election Timetable.
- Objections to candidates must be made by a date to be stipulated in the 2014 Election Timetable.
- The Electoral Court must decide on any appeals against IEC decisions by a date to be stipulated in the 2014 Election Timetable.
- The IEC must compile a final list of parties and candidates by a date to be stipulated in the 2014 Election Timetable.

Identity documents, voter registration and the voters' roll

Summary of what needs to happen

To vote in the 2014 elections, you must:

- be a South African citizen;
- be 18 years of age on the day of proclamation;



- have a valid, bar-coded identity document (bar-coded, green ID book, smart-card ID or temporary identity certificate); and
- be registered on the national voters' roll

Remember: No registration, no vote!

Notes:

- The IEC held nationwide voter registration weekends on 9 and 10 November 2013 and on 8 and 9 February 2014 at each of the 22 300 voting stations.
- When the election date is published in the *Government Gazette*, voter registration ends and the voters' roll is to be closed for the 2014 elections.
- The Electoral Amendment Act was promulgated in December 2013. For the first time, it allows all South Africans living out of the country to apply to register to vote from outside the Republic of South Africa and to vote in the national election at the South African foreign mission in their country of residence. Prior to these legislative changes, a person intending to vote outside of South Africa could not apply to register to vote from abroad.

These 11 guide questions will help you inform listeners and readers on everything about identity documents and voter registration:

Q1: Why register to vote in the elections?

- It is your democratic right to vote to have your say and to register to vote in the elections.
- Even if you decide not to vote, you are at least giving yourself a chance to make a choice at election time: to vote or not to vote!
- This is your chance to make sure you are on the voters' roll – this is the list of voters

for all future national, provincial and local elections.

- Remember that once you register, you stay on the voters' roll for all future elections – you will not have to register again unless you move to another voting district.

Q2: Why IDs with bar-codes?

- Many people in South Africa have had more than one identity document (ID) in different names.
- Some people have used different IDs to do things like applying for two pensions or two housing subsidies. This is against the law.
- To get a bar-coded ID, your fingerprints are taken and put on a national computer with other details. If you try to apply for another ID with a different name, you will be caught because your fingerprints will match.
- Bar-coded IDs are a way of ensuring the legitimacy of a person's identity during elections and in the social welfare system.

Q3: Where do you apply for a bar-coded ID?

- You usually apply for a bar-coded ID at a Department of Home Affairs regional office or at a Home Affairs mobile unit.
- During special voter registration periods, Home Affairs may open extra places for applying, for example, at schools, clinics or council offices.

Q4: How do you apply for a bar-coded ID?

- Take two small ID-sized photographs of yourself with you and your old ID or birth certificate.
- If you do not have a birth certificate, take a witness (such as a family member or an



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

old friend) who knows you from when you were born and any other documents that prove you were born in South Africa.

Examples of documents allowed:

Baptismal certificate, a certificate from the hospital where you were born, a copy of your school attendance register with your name on it.

If you have an existing ID when you apply for your bar-coded ID, you will get a **temporary identity certificate** (the same as you get if you lose your ID and are waiting for a new one). Your temporary identity certificate will be valid for two months and you will use it to register to vote while you wait to receive your permanent ID.

If you are applying for an ID for the first time, when you apply for your bar-coded ID, you will not get a temporary identity certificate – you will only be able to register to vote if your bar-coded ID comes through before the cut-off date for registration for the 2014 elections. The Department of Home Affairs will, as always, do its best to speed up the processing of the bar-coded IDs of people who still want to register to vote before the cut-off date.

At some Home Affairs offices, there is someone who can take photos – sometimes this is done for free. If you don't have money for photos, ask the staff if they can give you free photos.

If you are applying for an ID for the first time, the application is free.

If you have an existing ID and you are applying for a bar-coded ID, you will have to pay for it to be re-issued.

Q5: How long will it take to apply for a bar-coded ID?

- Getting your permanent ID usually takes at least six weeks.
- You will get your temporary identity certificate while you wait at the office. Depending on how many people are waiting in the queue, this should only take a couple of hours.
- Your fingerprints will be taken – everyone has to do this.
- Staff will check your details on computer to see that you do not already have an ID.
- If you apply at a mobile unit, where there isn't a computer, it will take longer – maybe even half a day or the whole day. The officials will take your application to the nearest Home Affairs computer. You will have to come back later in the day to collect your temporary identity certificate.

Q6: Who should register to vote in the elections?

- If you registered for an election in the Republic of South Africa in the period between the 1999 general elections and the 2011 elections, and you still live in the voting district where you registered, you do not need to register again.
- You need to register:
 - if you have yet to register to vote;
 - if you have moved to a new voting district since you last registered to vote; or
 - if you were not yet 18 on the date of the last elections.
- You can register if you are a South African citizen – you are eligible to register to vote when you are 16 and get an ID, but you can only vote when you are 18. If you turn 18 before or on the date of proclamation of the election, you can vote in the 2014 elections.



- If you have applied for a bar-coded ID and have a temporary identity certificate, you can also register.
- If you are not yet registered to vote and are living outside South Africa and have turned 16, have a valid South African ID document and a valid South African passport, you may register to vote at the South African foreign mission in your country of residence. However, you will only be eligible to vote in the 2014 elections if you are 18 years of age on the date that the 2014 elections are proclaimed by the President of the Republic of South Africa.

Q7: Where and when can you register to get your name on the voters' roll?

- You have to register in the area (called a voting district) where you will be living on Election Day in 2014.
- If you stay in two places, you have to work out where you will be on Election Day and register in that place.
- You can also register by appointment during office hours at your local IEC office.
- For the first time, in the 2014 National Elections, South African citizens living out of the country can apply to register to vote at the South African foreign mission in their country of residence.

Examples of people who may be on the move:

Students, domestic workers, migrant or seasonal workers

Q8: How do you register to get your name on the voters' roll?

- You can register with any one of the following three documents:

- A green bar-coded ID: these are IDs issued from 1986 onwards.
- A temporary identity certificate: this is the certificate you get if you have an existing ID and you applied for a bar-coded ID at Home Affairs, or you have lost your ID and you are waiting for a new one.
- A smart-card ID: these are new IDs that are being rolled out over eight years beginning in 2013.
- At the registration point, you will fill in an application form for registration as a voter. On the form you will have to fill in your physical address to show that you live in the area (called a voting district). You can ask for help to fill in the form.
- While you are waiting in the queue, an official will check:
 - if you have the correct identity document; and
 - if you live in that voting district.
- When you apply to register, you will get a sticker or a receipt in your bar-coded ID or on your temporary identity certificate as proof of application for registration as a voter. The sticker or receipt should show the number of the voting district where you will vote in the next elections.
- If you are under 18 when you register, your sticker will also show that you will only be able to vote if you have turned 18 by the proclamation of the Election Day.
- If you have already registered as a voter, and you realise that you will be living in another area (voting district) on Election Day, you can 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.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- If you are living out of the country and are 16 years of age or older, you may register to vote at the South African foreign mission in your country of residence as long as you have a valid South African ID document and valid South African passport. However, you will only be able to vote if you are 18 on the date that the President of the Republic of South Africa proclaims the date of the elections.

Q9: How long will it take to register as a voter?

- This will depend on how busy the registration point is, but this should not take more than an hour. The average time is currently about 10 minutes.
- If you are registered door-to-door or at a mobile point without computer facilities, it will take longer for the registration official to return your ID or registration receipt to you.
- If you are registering out of the country at a South African foreign mission, it may take up to two weeks to register, as your forms will have to be sent by the mission to the IEC National Office in Centurion, South Africa, for processing.

Q10: How can you check that you are on the voters' roll?

- After registration finishes, the voters' roll is finalised and the IEC must publish the voters' roll by a date to be stipulated in the 2014 Election Timetable, which the IEC will publish in the *Government Gazette* once the President of the Republic of South Africa proclaims the date of the 2014 elections.
- Any person or political party can make objections to the voters' roll.

Example:

You can object if you applied for registration as a voter before the registration deadline and your name is not on the voters' roll for your voting district. The IEC will investigate objections, and decide what to do about them.

You can also use the IEC website (www.elections.org.za) to check if your name is on the voters' roll.

Q11: Where can you get help with problems around IDs and registration?

- You can contact one of these places:
 - Your regional Home Affairs office or call them on their toll-free hotline at 0800 60 11 90 (for ID document problems)
 - Visit www.elections.org.za for registration queries
 - Your local voter registration office or the Municipal Electoral Officer (registration queries)
 - Your provincial IEC office (registration queries)
 - The national IEC helpline 0800 11 8000 (registration queries)
 - The IEC via social media: Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica) with registration queries
 - Voter education NGOs
 - Your organisation or political party.

See the contact list for details of the national Home Affairs office (page 97) and IEC offices (page 96).

Find out and add your regional and local contact details, for example, local council voter registration offices, local advice offices or local NGOs.



B4. THE 2014 ELECTIONS: CAMPAIGN

Voters' rights

We need to raise awareness around the rights of voters throughout the election campaign period so that voters, especially first-time voters, feel confident and know what to do on Election Day.

Voters have 10 important rights:

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 that 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 television.

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 they wish to support.

5. The right to vote once in your voting district

In the 2014 elections, you have the right to vote once in the voting district where you registered. You will have two party votes – one to vote for the party of your choice at national level and one to vote for the party of your choice at provincial level. The bar-coded ID system aims to stop people from trying to vote again in another voting district or from coming back to vote under another name at the same voting station.

6. The right to your own free choice

You can choose which party 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.

7. The right to a secret vote

No-one is allowed 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 official, observer or party agent sees how you vote, they are sworn to secrecy.

8. The right to get help to vote

If you are blind, disabled, very old or illiterate, 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 the translation of any instructions. If you take someone to help you, this person must be at least 18, but cannot be a party agent or a candidate.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

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 anything (such as harassment or intimidation), you can make a complaint to the presiding officer or another election official. If you are not happy with the help you get, try one of the other places for help.

Examples of other places you can complain to

- Your local council election office or the Municipal Electoral Officer
- Your provincial IEC office or any local IEC office
- The national IEC helpline, 0800 11 8000
- The IEC via social media: Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica)
- Your local advice office
- Voter education NGOs
- NGOs observing the elections
- Your organisation, political party, candidate or party agents
- The police
- Newspapers and community radio stations

See the contact list from page 96 onwards for details of IEC offices and other contacts.

Find out your local details and pass these on to listeners or readers, for example, the address of your local council election office and your nearest advice office.

Electoral responsibilities: the Electoral Code of Conduct

The rights of voters are based on the Electoral Code of Conduct. This is part of the Electoral Act and must be followed by everyone involved in elections, including all registered political parties and candidates. In this section, we summarise the main points of the Electoral Code of Conduct (called the Code) and cover the *Role of Media* section in full.

Purpose of the Code

- To promote free and fair elections, including the following:
 - Political tolerance
 - Free campaigning
 - Open public debate

Promoting and following the Code and election laws

Parties and candidates must do the following:

- Promote and publicise the Code
- Promote and support voter education under the Electoral Act
- Follow the Code
- Instruct and ensure that all its representatives, members and supporters follow the Code and all other election laws

Public commitment

Parties and candidates must do the following:

- Publicly recognise the rights of people to things like the following:
 - Freely expressing their political beliefs and opinions
 - Challenging and debating other political beliefs and opinions
 - Publishing and distributing election and campaign media



- Canvassing support and recruiting members
- Holding, travelling to and attending public meetings
- Publicly condemn actions that go against free and fair elections
- Accept election results or challenge them in court

Cooperating with other parties

Parties and candidates must do the following:

- Liaise with other parties and candidates to see that times and places for meetings, marches and other events do not clash

Role of women

Parties and candidates must do the following:

- Respect the rights of women to communicate freely with parties and candidates
- Facilitate the full and equal participation of women in political activities
- Ensure that women freely take part in public political events

Role of the IEC

Parties and candidates must do the following:

- Recognise the authority and impartiality of the IEC
- Follow lawful instructions by the IEC
- Actively cooperate with IEC structures, party liaison committees and other registered parties
- Facilitate the safe access of IEC representatives to party events
- Cooperate with any IEC investigations

Role of the media

Parties and candidates must do the following:

- Respect the role of the media before, during and after the elections

- Allow members of the media access to public political events
- Take reasonable steps to ensure that journalists are not harassed, threatened or assaulted by party representatives or supporters

Full Role of Media section: Clause 8 of the Electoral Code

“ Every party and every candidate –

1. must respect the role of the media before, during and after an election conducted in terms of this Act;
2. may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
3. must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.”

Prohibited behaviour

Parties and candidates must not do the following:

- Speak or behave in a way that provokes violence or intimidates other parties, candidates, supporters or voters
- Publish false or defamatory allegations about other parties or candidates
- Copy the symbols, colours or abbreviations of other registered parties
- Discriminate in election or political activities on the grounds of race, ethnicity, sex, gender, class or religion

No individual may do the following:

- Offer any reward to someone:
 - to join or not join a party;
 - to attend or not attend a political event;



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- to vote or not to vote;
- to vote or not to vote in a particular way;
- to refuse nomination as a candidate on a party list; or
- to withdraw as a candidate.
- Carry or display arms at any political meeting or other event
- Unreasonably prevent anyone from getting access to voters for activities like voter education, membership recruitment or canvassing support
- Harm or unlawfully remove any election media of other parties or candidates
- Abuse a position of power, privilege or influence "including parental, patriarchal, traditional or employment authority" to influence the way the elections are run or the results of the elections
- Cancellation of the party's registration
- Individuals can also be punished with a jail sentence of up to 10 years for breaking the Code or for other election crimes.

Examples of election crimes:

- Forcing someone to register or not to register as a voter
- Trying to vote more than once
- Destroying voting materials
- Publicly disclosing how a person voted

Election media

The Electoral Act places controls on printed election media from the time the election is called to the date the election results are announced.

During this period:

- any billboard, placard, poster or pamphlet that can have an effect on the result of the elections must clearly state the full name and address of the printer and publisher; and
- the publisher of any publication must put a heading on articles saying 'advertisement' if an article is paid for and comes from the following:
 - a registered party (including office-bearers, members and supporters); or
 - a party list candidate contesting elections (including supporters).

Additions to the Code

The IEC has the power to make regulations to add things to this Code.

Penalties for breaking the Code

- Ordinary courts or a special **Electoral Court** has powers to handle election cases, including charges for breaking the Code. Ways that parties, candidates or individuals can be punished include the following:
 - Heavy fines, up to R200 000
 - Having to give up the party's election deposit
 - Being stopped from using any public media
 - Being stopped from holding meetings in an area
 - Being stopped from doing any election advertising
 - A reduction in the number of votes for the party after the election

Note:

While the Electoral Act affects printed election media, the Independent Communications Authority of South Africa (ICASA) Act and the Electronic Communications Act (ECA) covers the broadcast media.



Opinion polls

In the 1994 elections, the Electoral Act did not allow the publishing of opinion polls on the amount of support for registered parties and their policies within a 21-day period before voting.

There was no restriction from the 1999 elections onwards. So, during the 2014 elections, there is no restriction on opinion polls during the 21-day period. You can thus broadcast or print the results of an opinion poll at any time during the election period, as long as you follow all the other election laws affecting the print, broadcast or online media.

B5. THE 2014 ELECTIONS: VOTING AND COUNTING

The voting and counting process

The steps in the voting and counting process will be mostly the same as in previous elections. Because there will be many people voting for the first time, it is important to do community motivation and education on voting.

Examples of people needing special attention

- New voters who have turned 18 between the 2011 local elections and the 2014 election date
- New voters who were not able to vote last time – for example, they had no ID documents or they were not registered
- Voters who are not sure if there is any point in voting this time
- Voters who are unsure about how the elections will work this time

You can use these 12 guide questions to inform listeners and readers on the key voting and counting issues:

Q1: Why vote in the elections?

- It is your democratic right to have your say and to vote in the elections.
- This is your chance to vote for parties you want in government at national and provincial level.
- You have the chance to give a vote of confidence to the party you supported in the 2011 local elections, to vote for a different party or to support a new party.
- By voting you are helping to build and maintain democracy, and people's participation in the political life of our country.

Q2: When are the elections?

- The five-year term of the present Parliament ends on 22 April 2014. Elections for a new Parliament and provincial legislatures need to take place within 90 days of this date.
- The President announced the election date, 7 May 2014, and it is to be officially published in the *Government Gazette*.
- The date for the 2014 elections is decided by the President of the Republic of South Africa in consultation with the IEC.
- On Election Day, voting will take place from 07:00 to 21:00 (7 am to 9 pm).

Q3: Who can vote in these elections?

- There are two important deciding factors:
 - You are a South African citizen with an ID document recognised by the 1998 Electoral Act; and
 - You have registered as a voter and your name is on the voters' roll for your voting district.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

See more on identity documents and voter registration in B3 on page 32.

Special votes

A special voter under the Electoral Amendment Act of 2013 is someone who is 'physically infirm' (old or ill), living with a disability, or pregnant, and who wishes to cast a special vote. Such a person is required to apply in advance for a special vote home visit at his or her Local IEC Office on the dates stipulated in the 2014 Election Timetable. If an application for a special vote home visit is approved, such a person will be visited by voting officials at his or her place of residence on dates to be stipulated in the 2014 Election Timetable.

- As a result of the new Electoral Amendment Act of 2013, any South African citizen out of the country can register abroad before the date that the 2014 elections are proclaimed by the President of the Republic of South Africa, and can apply for a special vote by visiting www.elections.org.za and completing an online VEC 10 form within 15 days from the date that the 2014 elections are proclaimed, and, if approved, vote at a South African embassy or mission on a date that will be stipulated in the 2014 Election Timetable.
- Any registered voter who is unable to vote on Election Day may apply for a special vote at the office of the Municipal Electoral Officer responsible for the voting district at which the applicant is registered to vote, yet needs to do so on dates to be stipulated in the 2014 Election Timetable. If approved, these special voters may vote at the voting stations in the voting districts where they are registered to vote

on specific dates before Election Day (actual dates will be stipulated in the 2014 Election Timetable).

- Someone who is out of his or her voting district as an election officer or member of the security services on election duty can apply to vote on special vote days at the voting station in the voting district at which he or she is registered to vote.

What about South Africans living or working abroad?

The new Electoral Amendment Act of 2013 allows any South African citizen of eligible voting age to register and to apply for a special vote if they inform the IEC of their intention to vote at a South African embassy or mission within 15 days of the election being gazetted (see www.elections.org.za for more details).

What if you are out of town on Election Day?

If you are unavoidably unable to vote in the voting district where you registered on Election Day, for example, you are away on business within South Africa on Election Day, you will:

- have to sign a section 24A form at the voting station and show your bar-coded ID with registration sticker to vote;
- be able to vote for the National Assembly at any voting station in the country; or
- only be able to vote for your Provincial Legislature at a voting station in the province where you registered.

Prisoners

- Prisoners were given the right to vote by a Constitutional Court ruling in March 2004. The court ruled in favour of an application by two prisoners and the National



Institute for Crime Prevention and the Reintegration of Offenders (NICRO) declaring some parts of the Electoral Act inconsistent with the Constitution and thus invalid.

- Voter registration is to take place in prisons on 5, 6 and 7 February 2014.
- Prisoners will be allowed to vote in the normal way inside prison through a visiting mobile voting station on Election Day and in the presence of observers and party agents (if any).

Q4: Where do you vote?

- You must vote in the voting district where you registered to vote.
- In most instances, the voting station will be the same place that was used during the voter registration weekends in November 2013 and February 2014.
- You will be sent to the correct voting station if you go to one that is not in the voting district in which you are registered to vote.
- In a very small number of voting districts, the IEC has set up a mobile voting station if:
 - the voting district is a large and sparsely populated area; and
 - the IEC thinks a mobile voting station is necessary for voters who would have to travel long distances to get to an ordinary voting station.
- By a date that will be stipulated in the 2014 Election Timetable, the IEC will publicise the following:
 - A list of all voting stations for inspection
 - Where each mobile station will be stopping and the estimated hours it will spend at each stop

Q5: 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 and Election Day is likely to be declared a public holiday by the government.
- If you want to avoid waiting, you should try to vote during usual working hours. The busiest voting times are normally before working hours, over lunch hour and after working hours.
- If you are in the queue at 21:00 (9 pm) at the end of Election Day, you must be allowed to vote before the voting station can close.

Q6: What are you voting for?

- You have two votes:
 - You vote once in the National Elections for the party of your choice to be represented in the National Assembly.
 - Your second vote is in the Provincial Elections for the party of your choice to be represented in your Provincial Legislature.

Q7: How do you vote?

- You have to mark the ballot paper in a way that shows the party you want to vote for. You can do this by making a cross in the box next to the name of the party you support, or in another way that clearly shows the party for whom you want to vote.
- If voters are unsure about how to vote, encourage them to go to a voter education workshop run by one of the IEC-accredited voter education NGOs or by their political party.



Q8: What are your rights as a voter?

- Take listeners or readers through all the 10 voters' rights:
 - The right to free and fair elections
 - The right to vote
 - The right not to vote
 - The right to spoil your vote
 - The right to vote once in each election
 - The right to your own free choice
 - The right to a secret vote
 - The right to get help to vote
 - The right to vote safely
 - The right to make a complaint.

See B4 on page 40 for details on voters' rights.

Q9: What are the steps in the voting process?

The voting steps will be the same as in previous national and provincial elections:

1. You show your ID document.
2. The voting officer checks and scans the bar code of your ID document.
3. The voting officer checks to see if your name is on the voters' roll (the section of the voters' roll for your voting district).
4. Your hands are checked to see if they have been marked already (in other words, if you have voted already).
5. Your name is crossed off the voters' roll (the section of the voters' roll for your voting district). For the 2014 elections, the full voters' roll will also be available in electronic format on the bar-code scanner devices at each voting station in case there are disputes about the right of anyone to vote in that voting district.
6. Your left thumb will be marked with visible indelible ink to make sure that

you do not vote again in the 2014 elections.

7. An official stamp is put on the back of your ballot papers.
8. You have one ballot paper for the National Elections and one ballot paper for the Provincial Elections.
9. You go into the voting booth and make a cross for one party on each of the ballot papers. You ask for help from a voting officer if you are not sure how to vote.
10. You fold the ballot papers and put the national one into the national ballot box and the provincial one into the provincial ballot box. A voting officer will check to see that the ballot papers have the official stamps on the back before they are put into the boxes.

For further information, refer voters to an IEC-accredited NGO or political party voter education workshop on the voting process, where they can practise voting.

Q10: How can you get help with problems around voting?

For people with physical disabilities

- Bring along someone to help you as long as the person is at least 18 years of age, and not a party agent or candidate on a party list.
- Ask the Presiding Officer or a voting officer for help.

For people who have difficulty reading

- Ask the Presiding Officer or a voting officer for help. They will ask an accredited observer and two party agents (representing different parties) to watch while they help you.



- Ask the voting officer for a universal ballot template, a voting aid designed to assist sight-impaired citizens with voting.

Note:

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.

Examples of people or places to get help or to make complaints

If you need help with anything else to do with voting, or want to make a complaint about any harassment or intimidation, try one of these people or places for help.

Before Election Day

- Your local council election office or the Municipal Electoral Officer
- Your provincial IEC office or any local IEC office
- The national IEC helpline, 0800 11 8000
- The IEC via social media: Facebook (IECSouthAfrica) or Twitter (@IECSouthAfrica)
- Your local advice office
- Voter education NGOs
- NGOs observing the elections
- Your organisation, political party or candidate
- Party agents
- The police
- Newspapers and community radio stations

On Election Day

- Your local council election office or the Municipal Electoral Officer
- The Presiding Officer (official in charge of the voting station) of the voting station
- IEC-accredited NGOs observing the elections
- Your organisation, political party or candidate
- Party agents
- The police
- Newspapers and community radio stations

See the contact list from page 96 onwards for details of IEC offices and other useful contacts.

Find out and add your local contact details to this list.

Q11: How will the counting of votes be done?

- Counting will mostly happen at each voting station.
- Votes can be counted at a place other than at the voting station only with the approval of the IEC.
- Since the 2009 elections, there are improved controls over the record paper with the final results for a voting station. This has to be signed by the Presiding Officer and all political parties, and then scanned to create an immediate record and thus more trust and openness to political parties in the results compilation process.

Q12: How will the election results be worked out and announced?

- The overall election results will be worked out using a computer system at



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

centralised venues under the control of the IEC.

- There will also be accredited observers and party agents at these venues to check that everything is done correctly and fairly.
- You can object against anything that happens during the elections that can affect the election results.
- You must make an objection before 17:00 on the second day after voting.
- The IEC will investigate your objection and can ask you to give evidence about the objection.
- The IEC will decide what to do about the objection. The IEC must make a decision within three days after receiving your objection.
- If you are not happy with the IEC's decision, you can appeal to the Electoral Court within three days of the IEC's decision.
- After all objections are dealt with, the IEC must announce the final results within seven days of Election Day. In practice, the IEC has managed to announce election results on the third day after Voting Day.

Activities on Election Day

As journalists, note that the Electoral Act restricts some activities on Election Day.

Political activities

On Election Day, the following is not allowed:

- Holding or taking part in any political meeting, march, demonstration or other political event
- Besides voting, taking part in any political activity within the boundaries of a voting station

Note: 2008 IEC Regulations

In 2008, the IEC passed new Regulations under the Electoral Commission Act partially relaxing the restriction of political activities as long as these take place outside the boundaries of voting stations on Election Day.

The Preamble to the Regulations says:

"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 its 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

During the hours of voting on Election Day, no-one is allowed to do the following:

- Print, publish or distribute the result of any **exit poll** taken in that election. An exit poll is when you count how many people have voted and which parties you think they have supported.

Accreditation of journalists

We expect that the accreditation of journalists will be the same as in previous elections:

- Journalists and their publication or broadcasting station are responsible for producing their own press identity card.

- Your press identity card will get you access to a voting or counting station if it has the following:
 - Your name and photo as the journalist
 - The name of the publication or broadcasting station you are representing

Note:

If you have any problems getting access, speak to the Presiding Officer or a counting officer at the voting or counting station.



Media Guide: SECTION C

SECTION C: MEDIA LAW

- C1. The development of new media laws..... 52**
 - The Windhoek Declaration 52
 - The African Charter on Broadcasting..... 53
 - The Declaration of Principles on Freedom of Expression in Africa 53
 - The IBA Act and the Independent Broadcasting Authority 53
 - The Independent Media Commission Act 55
 - The Telecommunications Act 55
 - The White Paper on Broadcast Policy 56
 - The Broadcasting Act..... 56
 - The Independent Communications Authority of South Africa and the ICASA Act..... 57
 - The Electronic Communications Act 58
- C2. General broadcast and print monitoring 59**
 - The ICASA monitoring and complaints structures 59
 - The ICASA Code of Conduct for Broadcasters..... 60
 - Other independent bodies recognised by ICASA 63
 - The IBA Regulations on advertising, infomercials and programme sponsorship..... 64
 - Ethical codes 66
 - The SABC Ethical Code 66
 - The South African Press Code 67
- C3. Election broadcast and print monitoring..... 71**
 - The ECA: election broadcasting 71
 - The 2008 Party Election Broadcasts and Political Advertisements Regulations 73
 - The SABC Guidelines for Election Reporting 76
 - The Community Radio Election Guidelines 79



Section C

C1. THE DEVELOPMENT OF NEW MEDIA LAWS

During the apartheid years, the government firmly controlled broadcasting. The public broadcaster, the South African Broadcasting Corporation (SABC), was used as a propaganda machine. This had the effect of politicising broadcasting and excluding a large section of the population from meaningful access to broadcasting.

In the early 1990s, political developments in the country led to constitutional negotiations and South Africa's first democratic elections. A process was started to involve new stakeholders in broadcasting and to place the regulation of the broadcasting system in the hands of an independent broadcasting authority.

The **Independent Broadcasting Authority (IBA)** Act was passed in 1993 and came into force in March 1994. The **Independent Communications Authority of South Africa (ICASA)** Act of 2000 enabled ICASA to succeed the IBA.

For more on the IBA Act, see page 53 and for more on the ICASA Act, see page 57.

Parallel developments on our continent encouraged initiatives in South Africa to promote freedom of expression by opening up the media from government and corporate control, and through the organisation and mobilisation of journalists.

The Windhoek Declaration

At a United Nations/United Nations Educational, Scientific and Cultural Organisation (UNESCO) seminar held from 29 April to 3 May 1991, African media practitioners adopted the Declaration of Windhoek on Promoting an Independent and Pluralistic African Press (the **Windhoek Declaration**).

The Declaration defined an *independent press* as follows:

“A press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.”

A *pluralistic press* meant:

“The end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.”

In reaction to the repression of journalists through murder, detention, harassment, censorship and other restrictions, the Declaration made a call to:

- encourage African states to provide constitutional guarantees of freedom of the press and freedom of association;
- fund the development of non-governmental media; and
- establish independent, representative associations of journalists.



The African Charter on Broadcasting

At a 10-year celebration of the Windhoek Declaration, media practitioners adopted the **African Charter on Broadcasting** in Windhoek from 3 to 5 May 2001. The idea was to extend the spirit and relevance of the Windhoek Declaration for the print media to address the need for independence and **pluralism** in radio and television broadcasting.

The Charter, for example, called for:

- principles of broadcast regulation to include respect for freedom of expression, diversity, a free flow of information and ideas;
- a three-tier system for broadcast regulation: public service, commercial and community;
- all state- and government-controlled broadcasters to be transformed into accountable public service broadcasters with editorial independence;
- the promotion of non-profit community-owned and -run broadcasting; and
- the training of media practitioners in electronic communication.

The Declaration of Principles on Freedom of Expression in Africa

A further important continental milestone was the adoption of the Declaration of Principles on Freedom of Expression in Africa by the African Commission on Human and Peoples' Rights in The Gambia from 17 to 23 October 2002.

This declaration recognised the following:

"The key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions, and in facilitating and strengthening democracy."

The declaration then set out principles and directives dealing with key areas such as the following:

- Freedom of expression
- Diversity
- Freedom of information
- Private and public broadcasting
- Print media
- Promoting professionalism and protecting media practitioners
- Protecting sources and other journalistic material

The IBA Act and the Independent Broadcasting Authority

The IBA Act set up the Independent Broadcasting Authority (IBA) as a **statutory body**.

Note:

In 2000, the IBA's work was taken over by the Independent Communications Authority of South Africa (ICASA). The work of ICASA is set out in the IBA Act, IBA Regulations and the new ICASA Act.

See *The ICASA Act and the Independent Communications Authority of South Africa* on page 57 for more details.



The aims of ICASA include the following:

- Regulating the broadcasting environment to make sure that the airwaves are used in ways that meet the needs of all of South Africa's people
- Promoting television and radio services on a national, regional and local level so that they serve all language and cultural groups, and provide entertainment, education and information
- Promoting the development of public, private and community broadcasting services that serve the needs of the public
- Encouraging ownership and control of broadcasting services by people from historically disadvantaged groups
- Promoting the empowerment and advancement of women in broadcasting services
- Ensuring equitable (fair and reasonable) treatment of political parties by all broadcasting licensees during any election period
- Ensuring that broadcasting licensees follow the **ICASA Code of Conduct** for Broadcasting Services

The ICASA Council

- The ICASA Council, the highest body of ICASA, has nine councillors.
- There is chance for the public to participate in the nomination process.
- Nominees are interviewed by a parliamentary committee of the National Assembly that makes recommendations to the President.
- The President approves the recommendations and appoints the councillors and Chairperson of the ICASA Council.
- The Chairperson serves for a period of five years and the councillors for a period of four years.

- They are accountable to Parliament as a whole, not to any government department or political party.

The roles of ICASA include the following:

- Licensing television and radio stations
- Doing research on and developing broadcasting policy
- Managing and administering the broadcasting frequency system
- Running public enquiries into broadcasting issues
- Monitoring whether licensees follow their licence conditions and ICASA's Code of Conduct for Broadcasting Services
- Receiving public complaints about broadcasters, and taking steps to deal with these complaints

See C2 on page 59 for information on ICASA's monitoring role.

Licensing of three kinds of broadcasters

ICASA licenses are issued to the following three kinds of broadcasters:

- Community broadcasters – non-profit radio and television stations serving communities
- Private broadcasters – commercial radio and television stations, for example, Y-FM, M-Net
- Public broadcasters – radio and television stations run by a statutory body for the general public: the SABC is our public broadcaster

Definition of a community broadcasting service

The Electronic Communications Act (ECA) says that a community broadcasting service:

- is fully controlled by a non-profit body and run for non-profit purposes;



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- serves a particular community;
- encourages community participation in selecting and running programmes; and
- is funded by donations, grants, sponsorships, advertising or membership fees, or by a combination of these methods.

Types of community radio stations

The law covers two types of community radio stations:

- Stations serving a geographic community, for example, Radio Bushbuckridge
- Stations serving a 'community of interest'

Examples

- Institutional communities (universities, trade unions, clubs), for example, Radio Turf (University of Limpopo)
- Religious communities, for example, Radio 786 (Muslim listeners in the Western Cape)
- Cultural communities, for example, Radio PanHellenic (Greek listeners in Johannesburg)

Applying for a community radio licence

When you apply for a licence, ICASA will look at the following factors:

- Ownership
- Funding
- Board membership: no office-bearer of a political party may be a member of a community radio station's board
- Management
- Programming
- Identity with a political party or group: a licence will not be given "to any party, movement, organisation, body or alliance which is of a party political nature"

The Independent Media Commission Act

The 1993 Independent Media Commission Act was a special law that was used for the 1994 elections. The **Independent Media Commission (IMC)** was set up to ensure the following:

- All political parties are treated equitably by broadcasting licensees.
- State publications and information services do not favour any political party.

The IMC developed guidelines for broadcasters to follow during the election period, called the IMC Guidelines on Equity in Editorial Programming (IMC Guidelines).

The Telecommunications Act

The 1996 **Telecommunications Act** aims to do the following:

- Regulate telecommunication activities that fall outside broadcasting
- Control the radio frequency spectrum

The **South African Telecommunications Regulating Authority (SATRA)** was set up as an independent statutory body to carry out these aims.

SATRA had a joint committee with the IBA to do the following:

- Coordinate the management of radio frequencies, including broadcasting frequencies
- Work out which parts of the radio frequency spectrum should form part of broadcasting frequencies from time to time



SATRA also has powers to make radio regulations on the following:

- Radio frequencies
- Radio apparatuses
- The control of radio activities

The White Paper on Broadcast Policy

In 1997, the Department of Communications developed a White Paper on Broadcast Policy that was published in 1998. The White Paper was aimed at further developing broadcasting policy to fit in with new political conditions and to pave the way for writing a new Broadcasting Bill.

The new policy aimed to set up a broadcasting system based on principles like the following:

- Access for all people
- Diversity in a framework of national unity
- Freedom of expression
- Democratising the airwaves
- Nation-building
- An emphasis on educational broadcasting

The White Paper noted the rapid growth of community radio and said that a national strategy was needed to encourage community radio in rural and other needy areas.

The White Paper said that there had been difficulty in separating the radio frequency spectrum used for telecommunications and broadcasting. This and the need to cut down on costs led to a decision to merge the IBA and SATRA into one independent statutory body to jointly regulate broadcasting and telecommunications.

See *The Independent Communications Authority of South Africa and the ICASA Act* on page 57.

The Broadcasting Act

The 1998 Broadcasting Bill became a new **Broadcasting Act** in May 1999, thus replacing the old 1976 Broadcasting Act. The new Broadcasting Act introduced major changes in the way the SABC is set up and run.

The SABC has to follow a Charter (set of rules and guidelines) passed by Parliament, monitored by ICASA and designed to give the SABC the following:

- Freedom of expression
- Journalistic, creative and programming independence

The SABC now has two parts that must be administered separately:

- A public broadcasting service
- A public commercial broadcasting service

The SABC's public broadcasting service has to follow guidelines like the following:

- Reflecting the diverse cultural and multilingual nature of South Africa
- Providing news and public affairs programmes that ensure fair coverage, impartiality, balance and independence from government, commercial and other interests
- Offering a range of services especially aimed at children, women, the youth and people with disabilities

The Broadcasting Act was amended in 2009. The SABC is bound by the Charter set out in Chapter IV Section 6.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

The composition and appointment of the SABC Board is dealt with in Chapter IV Part 5 Section 12 and 13.

The Act also set the following guidelines for the broadcasting system as a whole, including community broadcasters:

- Providing a balance of information, education and entertainment to meet the needs of all South Africans
- Offering a range of South African content and analysis
- Drawing from local, regional, national and international sources
- Providing public access to a variety of points of view on public issues
- Allowing a significant place for independently produced programmes
- Following the ICASA Code of Conduct

Community broadcasting

The Broadcasting Act defines 'community broadcasting service' in the same way as the IBA Act (now part of the Electronic Communications Act of 2005).

The Broadcasting Act says the following:

- ICASA can give licences for free-to-air community radio or television.
- The licensee must be controlled by a democratically elected board that is representative of all sectors of communities in the licensed service area.
- Community radio programming must reflect the needs of all people in the communities served, including 'cultural, religious and demographic needs'.
- Community radio programming must:
 - emphasise community issues not normally dealt with by other broadcasting services;

- be informative, educational and entertaining;
 - highlight 'grassroots community issues', for example, development issues, health care and environmental affairs; and
 - promote democratic values and improving the quality of peoples' lives.
- Any surplus money from running the community station must be invested for the benefit of the community – ICASA has powers to monitor this and audit financial records.
 - ICASA must make a public investigation "to determine priorities within the community radio sector".
 - ICASA must also investigate community television, including the definition of 'community television', and ownership and control issues.

The Independent Communications Authority of South Africa and the ICASA Act

The ICASA Act of 2000 sets up the legal framework for implementing the recommendation of the White Paper on Broadcast Policy that the IBA and SATRA should merge to form one body to regulate broadcasting and telecommunications: the new Independent Communications Authority of South Africa (ICASA).

The ICASA Act explains that technological and other overlapping developments in broadcasting and telecommunications mean that it makes sense to have one body regulating both fields.



Aims of the Act

The Act has the following aims:

- Set up ICASA
- Dissolve the IBA and SATRA
- Transfer the functions, staff, assets and liabilities of the IBA and SATRA to the new merged ICASA
- Make necessary changes to the IBA Act, the Telecommunications Act and the Broadcasting Act

Summary of ICASA's aims

- Regulate broadcasting to serve the interests of the public
- Ensure fairness and the reflection of diverse and representative views in broadcasting
- Regulate telecommunications to serve the interests of the public
- Achieve the aims set out in the IBA Act, the Telecommunications Act and the Broadcasting Act

Role and make-up of ICASA

ICASA took over all the functions of the IBA.

The ICASA Council and its term of office are very similar to those of the IBA – although there are now nine councillors, they are still nominated by the President after public participation and recommendations from the National Assembly.

All previous IBA departments and committees were transferred to ICASA, including the Broadcasting Technical Committee and the **Broadcasting Monitoring and Complaints Committee (BMCC)**, although some of these committees have changed. For example, the BMCC became the **Complaints and Compliance Committee (CCC)** after July 2006.

See C2 on page 59 for more on the BMCC and CCC.

The Electronic Communications Act

The Electronic Communications Act of 2005 further consolidated South Africa's media law by combining aspects of a number of previous laws and covering new developments.

The Act aimed to do the following:

- Promote convergence and set up a legal framework for bringing together the broadcasting, broadcasting signal distribution and telecommunications sectors
- Further regulate electronic communication services, electronic communications network services and broadcasting services
- Provide for the granting of new licences and the control of the radio frequency spectrum
- In the broadcast sector, the Act covers factors to be considered by ICASA when considering whether to grant new licences for public, community or commercial broadcasting services

Importantly for election media coverage, the Act incorporates sections of the previous IBA Act dealing with the following:

- Election broadcasts by political parties
- Political advertising on broadcast services
- Equitable treatment of political parties by broadcasting service licensees during the election period

See C3 on page 71 for more details on these election broadcasting sections.



C2. GENERAL BROADCAST AND PRINT MONITORING

The ICASA monitoring and complaints structures

Dealing with monitoring and complaints

ICASA monitoring officers check to see if broadcasters follow the terms, conditions and duties of their licence conditions and the ICASA Code of Conduct.

Complaints officers receive complaints from the public about broadcasters and arrange hearings for ICASA's Complaints and Compliance Committee (CCC), set up by the ICASA Amendment Act of 2006. Before the Electronic Communications Act was implemented in July 2006, this was known as the Broadcasting Monitoring and Complaints Committee (BMCC).

Complaints and Compliance Committee

The CCC is a seven-person committee, with a Chairperson, an ICASA Councillor and five other members.

Among the roles of the CCC are to do the following:

- Decide on complaints from the public about broadcasters not following licence conditions or one of the codes
- Hold hearings with complainants and broadcasters
- Make recommendations to the ICASA Council on action to be taken against broadcasters

Procedure for making broadcasting complaints

1. First, try to resolve your complaint with the broadcaster and make a note of

who you spoke to and how they dealt with the complaint.

2. Make a complaint to ICASA's Consumer Affairs Division in writing if you have not successfully resolved your complaint with the broadcaster. This must happen within 60 days of the complaint arising.
3. ICASA will tell you if the complaint falls under ICASA or another independent body recognised by ICASA.

For information on other bodies, see the contact list on page 97.

4. ICASA will acknowledge receipt of your complaint within two working days, give you a reference number and contact the broadcaster.
5. A copy of the complaint goes to the broadcaster, who must reply in writing within 14 days.
6. ICASA will ask you if you are happy with the broadcaster's response.
7. ICASA will decide if it is necessary to send the complaint to the CCC to make a final decision on the complaint.
8. ICASA can appoint its own internal officer to make representations on behalf of the complainant, or complainants can make their own representations to the CCC if they wish.
9. The CCC must keep full records of all the complaints it deals with and must make a decision within 90 days after holding a formal hearing.
10. If your complaint succeeds, the CCC recommends to the ICASA Council what steps should be taken against the broadcaster. ICASA must then decide within 60 days what steps to take against the broadcaster.



See the contact list on page 98 for details of how to contact ICASA.

The ICASA Code of Conduct for Broadcasters

Previously, most broadcasting licensees followed the IBA Code of Conduct that was taken over by ICASA in 2000.

In mid-2009, ICASA finalised the **ICASA Code of Conduct** for Broadcasting Services under the Electronic Communications Act (ECA) of 2005. The Code incorporated many aspects of the old IBA Code and added a number of new elements, especially on the handling of sensitive material.

Note:

Sections 4 to 6 and 14 to 18 of the ICASA Code of Conduct for Broadcasting Services are particularly important for election coverage.

If licensees fall under the Broadcasting Complaints Commission of South Africa (BCCSA), they follow the **BCCSA Code** that is very similar to the old IBA/ICASA Code.

For more information on the BCCSA Code, see page 63.

A detailed summary of the ICASA Code

1. Which broadcasters are covered?

This Code affects all broadcasters licensed under the ECA.

2. Duties of broadcasters

Affected broadcasters must do the following:

- Ensure that all broadcasts follow the Code and set up procedures to make sure that this happens.

- Ensure that all staff and programme-makers understand and follow the Code.

3. Punishment

ICASA can impose a fine up to R150 000 or other punishments on broadcasters who do not follow the Code.

4. Violence

The Code restricts violent material as follows:

- Do not broadcast unnecessary violence unless it is central to the plot, character or theme of the material.
- Do not broadcast material that supports or promotes violence or unlawful behaviour.

5. Violence against specific groups

The Code restricts violence against specific groups as follows:

- Do not broadcast material that supports or promotes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- Do not broadcast material amounting to propaganda for war, inciting imminent violence or advocating hatred based on race, ethnicity, religion or gender and that constitutes incitement to cause harm.

6. Possible relaxing of strict rules against violence in points 4 and 5

There is a relaxation of the rules in the following instances:

- With a genuine scientific, documentary, dramatic or religious broadcast.
- With a discussion or opinion on a topic to do with religion, belief or conscience.
- With genuine discussion or opinion on issues of public interest.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

7. Which children?

As children are people under 18, broadcasters may distinguish between young people approaching adulthood compared to a much younger audience.

8. Protecting children

The Code protects children as follows:

- Do not broadcast material that is unsuitable for children at times when large numbers of children are likely to be listening or watching.
- Take special care when you show violence in children's programming:
 - Only use it when it is essential to character and plot.
 - Animation should not centre around violence and invite imitation.
 - Do not give the idea that violence is the chosen or only method of solving conflict.
 - Do not ignore the effects of violence on human beings.
 - Avoid frightening special effects not really essential to the story.
- Take special care in handling issues that can threaten a child's sense of security, for example, death, crime, drugs or alcohol.
- Take special care when you show things that children may copy like using plastic bags, matches or other dangerous objects as toys.

9. Rules about the "watershed period" for television between 21:00 and 05:00 (free-to-air TV) and 20:00 and 05:00 (subscription TV)

These rules are as follows:

- Do not broadcast material with lots of violence, sex, nudity or bad language

before 21:00 – this includes promotional material and music videos.

- Advise your audience at the start about the kind of material in a programme, so that parents can decide if it is suitable for older children after 21:00.
- Also warn about programmes outside the watershed period (before 21:00) that are not suitable for very young children.
- While more adult material can be introduced during the watershed period, be aware that children may see programmes that run on beyond 05:00.

10. Language

The rules with regard to language are as follows:

- Do not use offensive and insensitive language in programmes specially designed for children.
- Do not use seriously offensive language before the watershed period for television or when large numbers of children are likely to be listening on radio.

11. Sex

The Code restricts the broadcast of material of a sexual nature as follows:

- Do not broadcast material with the following:
 - Young people under 18 as part of sex or nudity shown in a crude way.
 - Openly violent or explicit sex or domestic violence.
 - Openly degrading sexual behaviour that invites people to hurt others.
 - Sex between people and animals.
- These rules about broadcasting sexual material do not apply to genuine scientific, documentary or dramatic material broadcast during the watershed period with proper warning.



12. Visual warnings

Besides warnings about programming, use the following ages and symbols:

- Show the ages of 8, 10 and 13 with a PG (parental guidance) if necessary.
- Show the ages of 16 and 18 with V (violence), L (language), N (nudity) and S (sex).

13. Classification by the Films and Publications Board

With regard to the classification of the Films and Publication Board:

- Use the classification as a guide for advising about the broadcast.
- Do not broadcast a film with an XX classification.

14. Guidelines on news

Guidelines on news reporting are as follows:

- Report the news truthfully, accurately and objectively.
- Present news in the correct context and in a balanced way, taking care not to change facts, for example, distorting them, leaving them out, or summarising them.
- Present things that are reasonably true as fact. Say clearly when a report is based on opinion, rumours or allegations.
- When not sure of the correctness of a report, check it out. If it is not possible to check the facts, say this clearly in the report.
- Where you find that a report was incorrect on an important point, make a correction promptly and in such a way that the correction gets the same attention from listeners as the original report did.
- Warn in advance about showing extreme violence or sexual crimes.

- Do not broadcast the identity of victims of rape and other sexual violence without their consent.
- Avoid explicit or graphic language that can disturb children or sensitive viewers unless it is in the public interest to show this.

15. Guidelines on comment

The guidelines on comment are as follows:

- You are free to comment on and criticise any actions or events of public importance.
- Comment should be an honest expression of opinion and shown in a way that shows it is comment, based on facts truly stated or fairly referred to.
- Say when a person has said they are not available for comment or could not reasonably be reached.

16. Guidelines on controversial issues of public importance

The guidelines on controversial issues of public importance are as follows:

- Make reasonable efforts to present different points of view fairly in the same programme or in a follow-up programme as part of the same series, not too long after the original programme, and in about the same time slot.
- When someone has been criticised, give them a reasonable chance to reply, in the same programme or in a 'right to reply' programme.

17. Elections

During an election period, all broadcasting services must follow Sections 56, 57, 58 and 59 of the ECA.

For details, see C3 on page 71.



18. Guidelines on privacy, dignity and reputation

The guidelines on privacy, dignity and reputation are as follows:

- Be extra careful to respect the privacy, dignity and reputation of all individuals, especially children, the aged and people living with physical or mental disabilities.
- These rights should not only be respected when it is reasonably necessary to report on something in the interest of the public.
- Always respect cultural customs around people in mourning.

19. Paying a criminal for information

You are not allowed to pay people involved in crime for information about the crime unless this is strongly in the interests of society.

Other independent bodies recognised by ICASA

1. The Broadcasting Complaints Commission of South Africa (BCCSA)

The National Association of Broadcasters (NAB) has set up the Broadcasting Complaints Commission of South Africa to receive and decide on complaints from the public about its members. This is an example of self-regulation (self-government), where the BCCSA ensures that its members follow its own Code of Conduct.

Members of the BCCSA include SABC Radio, SABC TV, M-Net, Radio 702, Radio Winterveldt and Voice of Soweto.

If you complain to ICASA and the complaint is about a broadcaster that falls under the BCCSA Code of Conduct (the BCSSA Code), ICASA will refer you to the BCCSA.

See the contact list on page 97 to make a complaint directly to the BCCSA.

The BCCSA Code is very similar to the ICASA Code. It includes the following:

- The principle of the freedom of the electronic media, and the freedom of individuals to be informed and to receive and pass on opinions.
- Guidelines on the reporting of news to ensure that it is truthful, accurate and impartial.
- Guidelines on comment to ensure that it is fair and honest.
- Guidelines on elections and referenda to ensure an equal or reasonable opportunity to state policies and respond to criticisms.
- Guidelines on privacy to protect individual privacy and dignity.
- Guidelines on sensitive material to ensure that care is taken in broadcasting, for example, indecent, offensive or violent material.
- Guidelines on controversial issues of public importance to ensure the presentation of a range of views and the right of reply.

2. The Advertising Standards Authority of South Africa (ASA)

Another example of self-regulation is the Advertising Standards Authority of South Africa (ASA) – an independent body set up by the advertising industry. Members of the ASA must follow the ASA's Code of Advertising Practice (the ASA Code).

If you complain to ICASA and the complaint is about an advertisement of a member of the ASA, ICASA will refer you to the ASA. If the complaint is against a broadcasting licensee



who is not a member of the ASA, the BMCC or ICASA will decide on the complaint.

See the contact list on page 97 to make a complaint directly to the ASA.

The ASA Code

The main focus of the Code is on commercial advertising. The Code sets four broad guidelines on advertising standards:

- Advertisements should be “legal, decent, honest and truthful”.
- Advertisements should be prepared “with a sense of responsibility to the consumer”.
- Advertisements should follow the “principles of fair competition in business”.
- Advertisements should not “bring advertising into disrepute” (lower the name of advertising) or “reduce confidence in advertising as a service to the industry and the public”.

The IBA Regulations on advertising, infomercials and programme sponsorship

Background to the Regulations

In late-1998, the IBA released a discussion paper to encourage public participation in the following:

- The development of a definition of advertising for all broadcasters
- The development of appropriate regulations on infomercials
- The development of appropriate regulations on programme sponsorships.

In 1999, the IBA drew up new Regulations to deal with these issues. The full name of these new Regulations is the Independent Broadcasting Authority (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999. They are known as the **IBA Advertising Regulations**.

Note:

From 2000, ICASA took over the monitoring of these Regulations, and in 2005, published further Regulations relating to subscription broadcasting, referring to the 1999 IBA Advertising Regulations.

Summary: main points of the IBA Advertising Regulations

1. Definition of ‘advertisement’

An advertisement is defined as follows:

- Visual or audio broadcast material
- Paid for in cash or otherwise
- Used to promote the interests of any person, product or service

What is an advert?

An advert includes the following:

- Spot commercials
- Paid public service announcements
- Material of two minutes or less that would be an infomercial if it was longer than two minutes
- Spot commercials that are part of sponsorship packages
- Commercial features

What is *not* an advert?

An advert does not include the following:

- Free public service announcements
- Supply agreements



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- Infomercials longer than two minutes
- Branded 'filler material', which is a public service
- Sponsorship elements that are part of programme material
- Presenters' credits
- Programme competitions, self-promotions and branded promotional spots (for competitions and self-promotions).

2. Duties of broadcasters

Broadcasters have the following duties:

- Television broadcasters must follow these IBA Advertising Regulations. Radio broadcasters must follow them as far as they are relevant.
- Broadcasters must also follow the ASA Code.

See page 64 for the ASA Code.

- If the IBA Advertising Regulations and the ASA Code do not agree on an issue that falls under ICASA, then broadcasters must follow the IBA Advertising Regulations.

3. Rules on advertising

All broadcasters must use the definition of 'advertising' in these Regulations.

See page 64 for a definition of an advertisement.

- ICASA will use this definition of advertising to decide if broadcast material is:
 - an advert;
 - programme material;
 - an infomercial; or
 - a programme sponsorship.
- ICASA needs to decide this, for example, in the following cases:

- To make sure broadcasters follow these Regulations
- To decide if a complaint must be decided by the CCC or the ASA
- If you refer to a brand, product or name while broadcasting material such as programme competitions or a branded promotional spot, make sure that the main aim of the broadcast is to promote the broadcaster or the programme, and not the commercial interests of the person, product or service.

4. Definition of 'infomercial'

An infomercial is defined as follows:

- Visual or audio broadcast material
- Material that is longer than two minutes
- Material that is paid for in cash or otherwise
- Material that is used to promote the interests of any person, product or service, including a direct offer of a product or service to the public in return for payment, and usually a demonstration of the use of the product or service.

5. Rules on infomercials

'Prime time' is from 18:00 to 22:00 on television.

'Performance period' is from 05:00 to 23:00 on radio or television.

- Do not broadcast an infomercial during 'prime time' or during any children's programme.
- Make sure that you present infomercials in a way that it is clear that the infomercial is not part of the programme material.
- Do not broadcast infomercials for longer than two hours a day during the 'performance period'.



6. Definition of programme sponsorship

Programme sponsorship is defined as follows:

- Directly or indirectly financed
- Funded for the full or part of the amount that is needed
- Sponsored to produce or transmit broadcast material
- Sponsored by an advertiser or person with the aim of promoting its/their name, trademark, image, activities or product.

7. Rules of programme sponsorship

The rules of programme sponsorship are as follows:

- Make sure that you keep editorial control over material in a sponsored programme.
- Have a written sponsorship contract that says that the sponsor is not allowed to influence the content or scheduling of the sponsored programme.
- ICASA can ask for copies of sponsorship contracts.
- Make sure that your reference to the name, logo, product or service of the sponsor is not more prominent than the content of the programme material.
- Do not allow any 'product placement' in news or current affairs programmes (in other words, reference to a product or service in return for payment).
- Clearly announce the sponsor's link to the programme before and after the broadcast
 - Recommended way: "sponsored by"; "in association with"
 - Not recommended: "brought to you by"; "with compliments of"

Ethical codes

Another kind of self-regulation is for professional organisations (for example, doctors) to have an **ethical code**. This is usually a set of moral values and principles that members agree to follow in their work.

Journalists have also developed ethical codes. The **SABC Ethical Code** and the **South African Press Code** are used as examples below.

See also the *Community Radio Election Guidelines* on page 79, which include some ethical issues.

ICASA also has its own Code of Conduct and Ethics that the ICASA Council and all employees must follow when interacting with the public and other employees.

The SABC Ethical Code

The introduction to the Code

The introduction to the code is as follows:

- The SABC Board and management confirm their commitment to the principle of editorial independence.
- Authority for editorial decisions rests with the editorial staff.

The content of the Code

"We, the editorial staff of the SABC, commit ourselves to the upholding of the following principles:

1. We shall report, contextualise and present news honestly by striving to disclose all essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

2. We shall be aware of the danger of discrimination being furthered by the media and shall do our utmost to avoid promoting such discrimination based on gender, race, language, culture, political persuasion, class, sexual orientation, religious belief, marital status, physical or mental disability.
3. We shall evaluate information solely on merit, and shall not allow advertising, commercial, political or personal considerations to influence our editorial decisions.
4. We shall respect the legitimate rights to privacy of individuals and shall do nothing that entails intrusion into private grief and distress unless justified by overriding considerations of public interest.
5. We shall take due care and be sensitive in the presentation of brutality, violence, atrocities and personal grief.
6. We shall seek balance through the presentation, as far as possible, of relevant viewpoints on matters of importance. The requirement may not always be reached in a single programme or news bulletin, but should be achieved within a reasonable period.
7. We shall prevail on news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, or the SABC to give all sides of an issue the same amount of time.
8. We shall be enterprising in perceiving, pursuing and presenting issues that affect society and the individual, in serving the public's right to know.
9. We shall be free from obligation to any interest group and shall be committed to the public's right to know the truth.
10. We shall not accept gifts, favours, free travel, special treatment or privileges, which may compromise our integrity, and any such offer shall be disclosed.
11. We shall identify ourselves and our employers before obtaining any information for broadcast.
12. As a general rule, journalism should be conducted openly. Covert methods must be employed only with due regard to their legality and to considerations such as fairness and invasion of privacy, and whether the information to be obtained is of such significance as to warrant being made public, but is unavailable by other means.
13. We shall not disclose confidential sources of information.
14. We shall do our utmost to correct timeously any information broadcast and found to be prejudicially inaccurate.
15. We shall foster open dialogue with our viewers and listeners, as we are accountable to the public for our reports."

The South African Press Code

Most commercial and community newspapers and magazines have adopted the South African Press Code as a form of voluntary self-regulation by the print media "to promote and develop excellence in journalistic practice and ethics".

Many of these publications are members of the Newspaper Association of South Africa,



the Magazine Publishers Association of South Africa, the Association of Independent Publishers, the Forum of Community Journalists and the South African National Editors' Forum.

The Press Council of South Africa settles complaints arising from the Code. The Code also guides the South African Press Ombudsman and the South African Press Appeals Panel to reach decisions on complaints from the public after publication.

The ICASA Code of Conduct for Broadcasters (see page 60) echoes many of the themes and rules of the South African Press Code.

Preamble to the Code

The Code includes Section 16 of our Constitution (the right to freedom of expression) and then explains:

"The press exists to serve society. Its freedom provides for independent scrutiny of the forces that shape society, and is essential to realising the promise of democracy. It enables citizens to make informed judgments on the issues of the day, a role whose centrality is recognised in the South African Constitution.

The press strives to hold these rights in trust for the country's citizens; and it is subject to the same rights and duties as the individual. Everyone has the duty to defend and further these rights, in recognition of the struggles that created them: the media, the public and government, who all make up the democratic state.

Our work is guided at all times by the public interest, understood to describe information of legitimate interest or importance to citizens."

Content of the Code

1. Gathering of news

Section 1 of the Press Code provides that:

- 1.1 News should be obtained legally, honestly and fairly, unless public interest dictates otherwise.
- 1.2 Press representatives shall identify themselves as such, unless public interest or their safety dictates otherwise.

2. Reporting of news

Section 2 of the Press Code provides that:

- 2.1 The press shall take care to report news truthfully, accurately and fairly.
- 2.2 News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by distortion, exaggeration or misrepresentation, material omissions, or summarisation.
- 2.3 Only what may reasonably be true, having regard to the sources of the news, may be presented as fact, and such facts shall be published fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinion, allegation, rumour or supposition, it shall be presented in such a manner as to indicate this clearly.
- 2.4 Where there is reason to doubt the accuracy of a report and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be stated in such report.
- 2.5 A publication shall seek the views of the subject of critical reportage



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

in advance of publication; provided that this need not be done where the publication has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or sources intimidated. Reasonable time should be afforded the subject for a response. If the publication is unable to obtain such comment, this shall be stated in the report.

- 2.6 A publication shall make amends for publishing information or comment that is found to be inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation.
- 2.7 Reports, photographs or sketches relating to indecency or obscenity shall be presented with due sensitivity to the prevailing moral climate. A visual presentation of explicit sex shall not be published, unless public interest dictates otherwise.
- 2.8 Journalists shall not plagiarise.

3. Independence and conflicts of interest

Section 3 of the Press Code provides that:

- 3.1 The press shall not allow commercial, political, personal or other non-professional considerations to influence or slant reporting. Conflicts of interest must be avoided, as well as arrangements or practices that could lead audiences to doubt the press's independence and professionalism.
- 3.2 Journalists shall not accept a bribe, gift or any other benefit where this is intended or likely to influence coverage.

- 3.3 The press shall indicate clearly when an outside organisation has contributed to the cost of news gathering.
- 3.4 Editorial material shall be kept clearly distinct from advertising.

4. Discrimination and hate speech

Section 5 of the Press Code provides that:

- 4.1. Except where it is strictly relevant to the matter reported and it is in the public interest to do so, the press shall avoid discriminatory or denigratory references to people's race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth or other status, nor shall it refer to people's status in a prejudicial or pejorative context.
- 4.2. The press has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material that amounts to the following:
 - 4.2.1. Propaganda for war
 - 4.2.2. Incitement of imminent violence
 - 4.2.3. Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

5. Advocacy

Section 6 of the Press Code states that: A publication is justified in strongly advocating its own views on controversial topics provided



that it treats its readers fairly by doing the following:

- 5.1 Making fact and opinion clearly distinguishable
- 5.2 Not misrepresenting or suppressing relevant facts
- 5.3 Not distorting the facts in text or headlines

6. Comment

Section 7 of the Press Code provides that:

- 6.1 The press shall be entitled to comment upon or criticise any actions or events of public importance, provided such comments or criticisms are fairly and honestly made.
- 6.2 Comment by the press shall be presented in such a manner that it is clear that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.
- 6.3 Comment by the press shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair account of all available facts which are material to the matter commented upon.

7. Children

Section 8 of the Press Code states that: The Bill of Rights (Section 28.2) in the South African Constitution states: "A child's best interests are of paramount importance in every matter concerning the child."

- 7.1. The press shall therefore exercise exceptional care and consideration when reporting about children under the age of 18. If there is any chance that coverage might cause harm of any kind to a child, he or she shall not be interviewed, photographed or

identified unless a custodial parent or similarly responsible adult consents, or a public interest is evident.

- 7.2. Child pornography shall not be published. Child pornography is defined in the Film and Publications Act as: "Any image or any description of a person, real or simulated, who is or who is depicted or described as being, under the age of 18 years, engaged in sexual conduct; participating in or assisting another person to participate in sexual conduct; or showing or describing the body or parts of the body of the person in a manner or parts of the body of the person in a manner or circumstance which, in context, amounts to sexual exploitation."
- 7.3. The press shall not identify children who have been victims of abuse, exploitation, or who have been charged with or convicted of a crime, unless a public interest is evident and it is in the best interests of the child.

8. Headlines, posters, pictures and captions

Section 10 of the Press Code states that:

- 8.1 Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question.
- 8.2 Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question.
- 8.3 Pictures shall not misrepresent or mislead, nor be manipulated to do so.



9. Confidential and anonymous sources

Section 11.2 of the Press Code provides that:

- 9.1. The press has an obligation to protect confidential sources of information.
- 9.2. The press shall avoid the use of anonymous sources unless there is no other way to deal with a story. Care should be taken to corroborate the information.
- 9.3. The press shall not publish information that constitutes a breach of confidence, unless a legitimate public interest dictates otherwise.

10. Payment for articles

No payment shall be made for feature articles to persons engaged in crime or other notorious misbehaviour, or to convicted persons or their associates, including family, friends, neighbours and colleagues, except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

11. Violence

Due care and responsibility shall be exercised by the press with regard to the presentation of brutality, violence and atrocities.

C3. ELECTION BROADCAST AND PRINT MONITORING

Existing codes of conduct remain relevant during elections. So, for example, as a journalist in the print media, you will continue to follow the South African Press Code monitored by the Press Council of South Africa. As a community radio station, you must observe the ICASA Code of Conduct monitored by ICASA. During the election period, you may broadcast the following:

- Political party election broadcasts
- Political advertising
- Your own coverage of political party and election issues

Note:

When you broadcast on the elections, you will also have to follow two more parts of the law:

- Sections 56 to 59 of the Electronic Communications Act (ECA)

See below.

- ICASA Regulations on election broadcasting

See the Party Election Broadcasts and Political Advertisements Regulations on page 73.

The ECA: election broadcasting

ICASA's election responsibilities are now covered by the Electronic Communications Act (ECA) and the ICASA Act. The four crucial sections on the following page are part of the ECA.



General ban on broadcasting party election broadcasts and political advertisements

Section 56 of the ECA says:

- As a general rule, you are not allowed to broadcast party election broadcasts (PEBs) and political advertisements (PAs) on any broadcast service.
- You can only broadcast PEBs and PAs:
 - during 'an election period';
 - if you follow Section 57 of the ECA (party election broadcasts); and
 - if you follow Section 58 of the ECA (political advertisements).

Note:

The key point is the definition of the 'election period':

- The **election period** starts when the President officially publishes the election date in the *Government Gazette*, that is proclaims the election date.
- The election period will end at the end of the day after the election results are announced – they must be announced within seven days of Election Day.

Broadcasting party election broadcasts during the election period

Section 57 of the ECA says:

- The public broadcaster (the SABC) must broadcast PEBs during an election period.
- Commercial and community broadcasters do not have to do PEBs in the election period – but if you decide to do party broadcasts, then you must follow the rules in this section of the ECA.
- PEBs must be done by properly authorised representatives of political parties.

- ICASA will consult with licensees and all political parties, and then decide on the following:
 - The amount of time available for PEBs
 - The duration and scheduling of PEBs
- ICASA can place conditions on PEBs, especially to make sure that all parties are treated equitably (fairly and reasonably).
- A PEB must:
 - not contain material that is likely to expose the licensee to legal liability (being sued);
 - be of a technical quality acceptable to ICASA; and
 - not be broadcast later than 48 hours before voting starts (in other words, later than 07:00 two days before Election Day).

Broadcasting political advertising during the election period

Section 58 of the ECA says:

- Broadcasting licensees do not have to broadcast party advertisements (PAs) in the election period – but if you decide to allow PAs, then you must allow all political parties the same opportunity, if they ask for it.
- PAs must be given to you by properly authorised representatives of political parties.
- In making advertising time available, you are not allowed to do the following:
 - Discriminate against or prejudice any political party
 - Give preference to any party
- A party advertisement must:
 - not contain material that is likely to expose the licensee to legal liability;
 - be of a technical quality acceptable to ICASA; and



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- not be broadcast later than 48 hours before voting starts (in other words, later than 07:00 two days before Election Day).

Equitable treatment of political parties by broadcasting licensees during the election period

Section 59 of the ECA says:

- If you decide to cover political parties and election issues, you must allow the following:
 - Reasonable opportunities for the discussion of opposing views
 - All political parties to be treated equitably
- If a party is criticised in a programme and they did not have a chance to reply in that programme, then you must give the criticised party a reasonable opportunity to reply.
- If you broadcast a programme criticising one party within 48 hours of the start of voting, or even on Election Day, you must give the criticised party a reasonable chance to reply in the same programme or as soon as is reasonably possible after the programme.

The 2009 Party Election Broadcasts and Political Advertisements Regulations

In 2009, ICASA developed regulations on PEBs, PAs, the equitable treatment of political parties by broadcasting licensees and related matters.

These are called the Party Election Broadcasts and Political Advertisements Regulations. These are more detailed rules

and guidelines to help you understand what the ECA says about election coverage.

See *The ECA: election broadcasting* on page 58.

In carrying out these ICASA Election Regulations, broadcasters must also be aware of and follow:

- The **Constitution**
See A1 on page 7.
- The **Electoral Code of Conduct**
See B4 on page 40.

A detailed summary of the ICASA Election Regulations

As these are Regulations, they are part of the law and thus must be followed in the same way as acts like the ICASA Act and the ECA.

Note: Important definitions

The Regulations define two time periods and cover the full election period:

- A longer period called the election period:
 - *starting* from the date when the President publishes the election date in the *Government Gazette*; and
 - ending at the end of the day after the election results are announced.
- A shorter period called the election broadcast period:
 - *starting* from the date when the President publishes the election date in the *Government Gazette*; and
 - ending 48 hours (two days) before Election Day (the start of voting).



Important general questions on party election broadcasts (PEBs)

Who must broadcast PEBs?

- The radio and television stations of the public broadcaster must broadcast PEBs under these new Regulations.
- Other broadcasters can choose to broadcast PEBs.
- If, a commercial or community broadcaster, you choose to broadcast PEBs, then you have to follow the rules set by ICASA.
- Once you have informed ICASA that you will broadcast PEBs, your name will be included in a list of stations that is sent to all political parties.

What legal rules must you follow?

- When you broadcast PEBs, you must give all parties submitting PEBs a fair chance. You must follow:
 - section 57 of the ECA; and
 - these Regulations.

What about parties boycotting the elections?

- Political parties not fighting the elections have no right to PEBs.

Important general questions on political adverts (PAs)

Who can broadcast political adverts?

- Broadcasting service licensees – public, commercial or community – do not have to broadcast PAs under the 2008 Regulations.
- If you choose to broadcast PAs, then you have to follow the rules set by ICASA.

What are the legal rules on political adverts?

- When you broadcast PAs, you must give all parties submitting PAs a fair chance. You must follow:
 - section 58 of the ECA; and
 - these Regulations.

General rules on party election broadcasts and political advertisements

1. PEBs and PAs are only allowed during the election broadcast period.
2. If your commercial or community station wishes to broadcast PEBs, you should notify ICASA in writing 90 days before the election period.
3. Your station must nominate a contact person with ICASA on all issues related to these Regulations around PEBs and PAs, and give ICASA all the contact details of your representative.
4. Parties wanting to broadcast a PEB must send this to your station at least 96 hours (four days) before the broadcast time.
5. Your station must not edit or change any PEB or PA.
6. Your station can refuse to broadcast a PEB or PA – for example, if it does not meet your technical standards or goes against the Electoral Code of Conduct.
7. If you reject a PEB or PA, you must do the following within 24 hours of receiving the PEB or PA:
 - Give the party written reasons for the rejection
 - Give the party a chance to make changes and return the PEB or PA to you at least 72 hours before the broadcast time.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

8. If you reject a PEB or PA, and the party confirms in writing that it will not be resubmitting the PEB or PA, you must inform ICASA within 24 hours and give them a copy of your written reasons for the rejection.
9. If a party is unhappy with your station's decision, and it does not wish to change the PEB or PA, it can refer this to ICASA within 24 hours of being informed in writing of the rejection.
10. Parties must make sure that PEBs or PAs do not:
 - go against the Electoral Act, the Electoral Code of Conduct, the Constitution, the ECA and the Broadcasting Act; or
 - have any material that provokes or supports any criminal actions.
11. No party will have any legal claim against your station because of the broadcast or non-broadcast of a PEB or PA given to you by that party for broadcast. This is known as a waiver of the right to claim.
12. By giving a PEB or PA to your station for broadcast, a party automatically gives your station an indemnity against any legal costs or damage you may suffer because of a claim against you by another party.
13. Any other person who is unhappy with the content of any PEB or PA, can make a complaint to ICASA within 48 hours of the broadcast.

Remember:

You can continue with your general election coverage (for example, news, interviews, debates) during the 48 hours before Election Day, on Election Day and throughout the election period.

Special rules for PEBs

1. If you have chosen to broadcast PEBs, you must make available, every day for the whole election broadcast period, four time slots of up to two minutes each – no single PEB can be longer than two minutes.
2. You must follow these Regulations and ICASA decisions on the order and timing of broadcasting PEBs.
3. Your station must ensure that all PEBs are clearly identified as PEBs.
4. You must announce all PEBs in the same way at the start and the end of the PEB.
5. You cannot broadcast a PEB five minutes before or after another PEB or PA.
6. Any airtime allocated, but not used by a party, will be given up.
7. If a party does not want to use its airtime:
 - you cannot give this time to another party – you must rather replace it with your usual programming; and
 - you cannot change the order or scheduling of PEBs decided by ICASA.
8. No station or party is allowed to interfere with or trade in the order and scheduling of PEBs decided by ICASA.



Rules on allocating airtime for PEBs

After the registration of political parties and party list candidates has been closed, ICASA will allocate airtime for PEBs to the various parties contesting the 2014 National and Provincial Elections on the basis of this formula totalling 100 points:

Basic allocation: 25 points

All parties contesting seats (places) in the **National Assembly (NA)**

National allocation list: 25 points

Based on the number of party candidates on the NA list:

200 = 25 points and smaller numbers = points on a proportional basis

NA regional list allocation: 25 points

Based on the number of party candidates on the NA's regional list:

200 = 25 points and smaller numbers = points on a proportional basis

Provincial list allocation

Based on the number of party candidates on Provincial Legislature lists throughout the country: parties with a maximum number = 25 points and smaller numbers = points on a proportional basis

The SABC Guidelines for Election Reporting

The SABC developed its **SABC Guidelines on Election Reporting** for the 1999 elections (the SABC Guidelines), and these have been followed through in subsequent elections.

Note:

- The SABC has made a fresh undertaking to all political parties to cover the 2014

elections in a fair, balanced and impartial way.

- The SABC News Division has appointed a Complaints Officer to deal with complaints about coverage and has promised a turnaround time of 72 hours for dealing with complaints.
- In response to complaints already raised, the SABC has said it will focus more on rural areas, the needs of voters living with disabilities, and covering issues impacting on women and the youth.

A summary of the key points in the SABC Guidelines

Introduction

- The SABC is conscious of its election challenge as a public broadcaster to reach millions of people in all official languages and in all regions.
- The SABC has a primary responsibility to ensure that the needs, questions and concerns of ordinary citizens are covered fully in its broadcasts.
- The SABC recognises and follows the legal framework governing the elections.
- In its treatment of politics, the SABC seeks to do the following:
 - Follow the SABC's Ethical Code and accepted journalistic practice in reporting and analysing election developments, with the aim of giving voters an informed choice.
 - Allow reasonable opportunities for the discussion of conflicting views, including the right of reply.
 - Give fair and equitable treatment to all parties, but paying particular attention to major political parties and views.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

- These guidelines govern all programming, including news and current affairs.

Guidelines

1. Balance and fairness

- Ensure that all points of view are aired on an issue.
- Make active attempts to get views and responses as far as possible.
- Do not shy away from robust debate on controversial issues.
- Take care not to place events or statements in a particular ideological framework.
- Take note of the 'weight of opinion' and how a particular position can affect public opinion and actions.

2. The truth

- Make independent attempts to reach the truth.
- Make it clear when you haven't been able to give the full picture by your deadline.
- Follow up to ensure the full picture is given as soon as possible afterwards.

3. Equitable treatment

The SABC will treat all parties and all viewpoints equally.

Four principles of equitability:

3.1. *Equitable does not mean equal*

You do not have to give the same weight to very small parties that you give to serious contenders for a place in provincial or national government.

3.2. *Equitable treatment is achieved over time*

You cannot always achieve equitable treatment in a single programme.

Not all parties have the right to appear in one programme – rather, be fair over a series of programmes.

3.3. *Consistency*

Be consistent in the way you handle contesting parties and opposing views.

3.4. *Seeking out information*

Don't only rely on parties to give you information – actively look for it yourself. If you don't do this, parties with more resources will get too much coverage.

4. The right of reply

- Allow reasonable opportunities to reply to criticism – but avoid allowing your programmes becoming a series of replies and replies to replies.
- Mild criticism is part of normal political contest – you can include a response from the criticised party in your next news.
- With very damaging criticism, you have a duty to allow the criticised party to reply as soon as possible.
- Take special care in the last 48 hours before voting to allow responses to damaging criticism.
- Don't allow parties to use their right of reply to distort the general rule about fair treatment of all parties.

5. Recognising the nature of our society and the need for healing

- Understand the make-up of our volatile society.
- Take special care to be sensitive around race, gender and other factors in the way you present issues and conflict through your words and visually.



6. Ruling parties

- Be aware of and recognise the tendency of ruling parties to use 'the levers of government' to advance the election cause of their party.
- Point out 'vote-catching' government decisions.
- Report on government officials misusing their positions for party political purposes.

7. Affiliates of participating alliances

- Include organisations affiliated to alliances in debates as part of the normal journalistic approach of involving people in topics where they have a direct interest.

8. Traditional leaders

- Treat the statements and actions of traditional leaders with special caution during the election period.
- Recognise statements and actions which benefit a political party as actions effectively on behalf of that party.

9. Civil servants

- No action or statement by a civil servant should benefit any political party.

10. Journalists

- Do not do anything that will create an impression that you are partisan, while you are on or off duty. The SABC will take tough action if this happens.

11. Mistakes

- The SABC will correct any mistakes that arise as quickly as possible.

Formats

Current affairs programmes

- Try to get a balance of opinion as far as is possible in the same programme.
- Give everyone a fair opportunity to participate in the interests of robust and open debate.
- Do not hold back the airing of a programme because of the non-appearance of a person or party invited to participate.

The political documentary

- Take care not to rely on a single source of information.
- Reflect attempts to provide all sides of the story in the same documentary.

The political interview

- Give enough opportunity to respond to questions and comment without interruptions.
- Your interruptions should only be to keep the interview on track, not to argue.
- Make sure your questions are accurate and fair.

The political debate

- Make sure there is a fair opportunity for debate between political opponents in the time available.
- Remember you are a facilitator, not a participant, and you should never be seen to be siding with one party.
- Keep order, make sure points are answered and protect participants from being bullied.
- In choosing your panel, try to get a balanced representation of opinion.
- Keep the debate on issues and discourage personal attacks.



Town hall meetings

- Use the town hall meeting as a chance of taking broadcasting to the people and getting wider coverage of a range of opinions.
- Use town hall meetings for their information value and not just for entertainment.
- Follow the same guidelines as for political debates.
- Take care to be as fair as possible with things like the following:
 - Choice of panellists
 - Choice, seating and involvement of supporting audience groups
 - The role of the facilitator

The Community Radio Election Guidelines

The National Community Radio Forum (NCRF) developed these guidelines for the 1999 elections. These guidelines were based on discussion during a 1998 Institute for the Advancement of Journalists (IAJ) workshop, attended by 10 community radio stations.

As a national body of community radio stations, the NCRF has been committed to the principles of editorial independence and fairness.

The aim of these guidelines is as follows:

- Guide stations on the issues and challenges of covering elections
- Form the basis of an ethical code for community radio stations.

Note:

- These guidelines have been adapted for the 2014 elections.

- It is hoped that they will assist community radio stations to entrench the vital role they continue to play in reaching areas that continue to be neglected by the mainstream media.
- Nearly 90% of South Africans over the age of 15 listen to the radio at least once a week, according to the latest Radio Audience Measurement Survey (RAMS), with community radio accounting for around 23% of total radio listenership, or 8.7 million listeners.

The Community Radio Election Guidelines

Laws, codes and guidelines

Community radio stations will follow all IEC and ICASA laws, codes and guidelines that affect elections.

Guiding principles

Stations commit themselves to the following guiding principles during election periods:

- To contextualise and present news honestly.
- To disclose all facts.
- Not to distort any information by wrong or improper emphasis.
- Not to discriminate against any person, group or sector, based on gender, race, colour, language, culture, class, political group, sexual orientation, religious affiliation or any other reason.
- Not to allow any advertising, commercial, political or personal factors to influence their editorial content.
- To respect the legitimate right to privacy of individuals.
- To seek balance through the presentation, as far as possible, of relevant viewpoints on important issues.



- To use news merit and balanced judgement in reaching editorial decisions.
- To be free from obligation to any interest group.
- To be committed to the community's right to know the truth.
- Not to accept any gifts, favours, special treatment or privileges that may compromise the station's integrity.
- To disclose any offers that may compromise the station's integrity.
- To correct, as soon as possible, any information broadcast and found to be prejudicially inaccurate.
- To ensure open dialogue with listeners as part of accountability to the community.

Programming

Stations will base their election programming on the following:

- Their station's ethics and ground rules
- The ICASA Act, the ECA and all relevant Regulations
- The Electoral Act and all Election Regulations and Codes of Conduct
- The Community Radio Election Guidelines
- An understanding of political parties and their histories
- Focusing on their local community during the elections
- Using languages preferred by their community
- Ensuring the community is informed about local day-to-day election developments
- Using talk shows and a variety of formats, for example, features

Voter education

The role of stations is to explain to listeners their rights as voters:

- The right to free and fair elections
- The right to vote

- The right not to vote
- The right to spoil your vote
- The right to vote once in each election
- The right to your own free choice
- The right to a secret vote
- The right to help
- The right to vote safely
- The right to make a complaint

Stations will also play a vital role in educating political parties about all relevant election laws, regulations and codes.

Party election broadcasts (PEBs) and political advertisements (PAs)

When stations decide to broadcast PEBs and PAs:

- They must follow the ICASA Party Election Broadcasts and Political Advertisements Regulations and decisions, for example, on the order of PEBs.
- These should be included in the weekly fighting schedules of the station.
- PEBs should be aired at times aimed at achieving similar listenership.
- All parties and candidates should be allowed to advertise.
- Stations should strive to maintain independence in airing election period programmes.

Stations must have monitoring mechanisms to make sure that they are responsible and run the correct number of PEBs allocated for each party by ICASA.

Fairness and equitability

Stations must always remember that fair and balanced reporting is not always about equal time. Each political party must be given reasonable opportunities to explain their positions and policies, and to answer to criticisms.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Stations should follow the following principles of equitability:

- Equitability does not mean equal treatment.
- Equitable treatment is unlikely to be achieved in a single programme.
- Equitability means being consistent in the treatment given to all contesting parties and candidates.
- Equitability means looking for and broadcasting all important events and information.

Independence

Community radio stations have a critical role to play in ensuring their independence. They need to be their community's critical voice during these elections.

Some ways of ensuring independence are the following:

- Stations should not accept bribes.
- Editorial decisions should not be influenced by board members, station managers, news editors, programme producers, political parties or election candidates.
- Information from political parties and candidates should not be the only source of information for stations.
- The personal views of the station should not be imposed on listeners.
- Station research should be conducted openly.
- Stations should approach stories in a way that brings out different points of view.

Information

Stations should first check the facts and get clarity on any election issues before a broadcast. This can be achieved by doing thorough research, and by encouraging a diversity of news and information.

Indemnity

There are basic things that stations can do to legally protect themselves:

- Refer political parties to the ICASA Party Election Broadcasts and Political Advertisements Regulations that protect stations when broadcasting PEBs and PAs.
- Get parties and candidates to sign an indemnity form to protect your station legally from being sued because of things the parties or candidates do or say on air.
- Check tapes and any written material in the presence of party or candidate representatives – this is to make sure that the station cannot be held responsible for any loss or damage of material.
- Make it clear to parties that the station will not be responsible if parties or candidates being interviewed insult each other or go on a smear campaign against each other, or other parties or candidates.
- Make it clear that the station is not responsible for airtime allocation of PEBs and cannot change times to suit parties, for example, if they are late.



The rights of journalists

Stations need to know and protect the rights of their journalists, including the following:

- Political parties and candidates must ensure that journalists are not harassed and intimidated by their party representatives and supporters.
- Political parties and candidates may not prevent journalists from attending their meetings and public events.
- Journalists should use their judgement and discretion in not being influenced or manipulated when covering stories.
- Journalists should refer parties and candidates to the following:
 - The IEC Code of Conduct
 - The ICASA Act, the ECA and all relevant regulations
 - Their station's policy and the Community Radio Election Guidelines
- Journalists have the right to complain to the IEC and ICASA.



List of abbreviations and acronyms

ANC	African National Congress
ASA	Advertising Standards Authority of South Africa
AU	African Union
BCCSA	Broadcasting Complaints Commission of South Africa
BMCC	Broadcasting Monitoring and Complaints Committee
CA	Constitutional Assembly
CCC	Complaints and Compliance Committee
CGE	Commission for Gender Equality
COPE	Congress of the People
DA	Democratic Alliance
ECA	Electronic Communications Act
GCIS	Government Communication and Information Service
HRC	Human Rights Commission (abbreviated version of SAHRC)
IAJ	Institute for the Advancement of Journalists
IBA	Independent Broadcasting Authority
ICASA	Independent Communications Authority of South Africa
ID	Identity Document
ID	Independent Democrats
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IMC	Independent Media Commission
MEO	Municipal Electoral Officer
MMP	Media Monitoring Project
MP	Member of Parliament
NA	National Assembly
NAB	National Association of Broadcasters



NADECO	National Democratic Convention
NCOP	National Council of Provinces
NCRF	National Community Radio Forum
NGO	Non-governmental organisation
NICRO	National Institute for Crime Prevention and the Reintegration of Offenders
OSF-SA	Open Society Foundation for South Africa
PA	Political advertisement
PAC	Pan Africanist Congress of Azania
PAIA	Promotion of Access to Information Act
PANSALB	Pan-South African Language Board
PEB	Party Election Broadcast
PEO	Provincial Electoral Officer
PLC	Party Liaison Committee
PMG	Parliamentary Monitoring Group
PR	Proportional representation
RAMS	Radio Audience Measurement Survey
Q	Question
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SATRA	South African Telecommunications Regulating Authority
SMS	Short message service
TV	Television
UDM	United Democratic Movement
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation



List of useful words

Note: This is an A to Z list of important words that are in a bold typeface the first time they are used in a section of this resource guide.

Access to information

The right of individuals and institutions to get information from records and other documents held by government departments and other state bodies.

Accreditation

Official recognition to do something, for example, accreditation of journalists or election observers.

Accredited observer

An independent election observer officially recognised by the IEC to monitor and help promote free and fair elections.

Accredited voter education provider

A voter education structure officially recognised by the IEC.

Act

When a Bill becomes a law and is published in the *Government Gazette*.

Administrative action

Decisions taken, or not taken, which negatively and directly affect your legal rights, for example, administrative action by government departments and local authorities.

Advertising Standards Authority of South Africa (ASA)

Independent body that monitors advertising standards.

African Charter on Broadcasting

The 2001 Charter adopted by African media practitioners to extend the spirit and relevance of the Windhoek Declaration for the print media to address the need for independence and diversity in radio and television broadcasting.

African Charter on Democracy, Elections and Governance

The 2007 Charter, adopted by the African Union, which commits governments to entrench a political culture of change of power based on the holding of free and fair elections, together with transparency, accountability and participatory democracy, including freedom of the press.

ASA Code

The Code of Advertising Practice of the Advertising Standards Authority of South Africa (ASA).



Ballot box

The box into which you put your ballot paper.

Ballot paper

The voting paper on which you put your cross.

Bar code

The little strip with lines on in your ID that can be checked on computer.

Bar-coded ID

The ID with a bar code that you need to be able to vote.

BCCSA Code

The code of conduct for members of the Broadcasting Complaints Commission of South Africa (BCCSA).

Bill

A law when it is still under discussion and not yet passed as an Act.

Bill of Rights

The part of our Constitution that lists and explains your social, political and economic rights as an individual.

Broadcasting Act

The 1999 broadcasting law introducing changes into South Africa's broadcasting system.

Broadcasting Complaints Commission of South Africa (BCCSA)

A body that is recognised by ICASA to monitor broadcasters that are members of the BCCSA, for example, the SABC, M-Net.

Broadcasting Monitoring and Complaints Committee

The ICASA structure that monitored and decided on complaints against broadcasters that fall under ICASA (now replaced by the Complaints and Compliance Committee).

Chief Electoral Officer

The IEC's chief executive officer or administrative head of elections at national level.

Civil society

People and organisations that are independent of government.

Code of Advertising Practice

The code of conduct that members of the ASA must follow. Also called the ASA Code.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Code of Conduct for Accredited Observers

IEC rules that accredited observers must follow in monitoring the elections.

Code of Conduct for Accredited Voter Education Providers

IEC rules that accredited voter education providers must follow in carrying out voter education for the elections.

Common law

Laws not made by Parliament or any other law-making body, but that became part of our legal system from Roman-Dutch or English law, for example, murder, rape.

Community Radio Election Guidelines

The guidelines to guide community radio stations in covering elections.

Complaints and Compliance Committee (CCC)

ICASA Committee that decides on serious complaints by the public about broadcasting licensees – before July 2006, it was called the Broadcast Monitoring and Complaints Committee (BMCC).

Constitution

The 1996 Constitution – South Africa's highest law that all other laws have to follow.

Constitutional Assembly (CA)

The body that consulted with the public and wrote our 1996 Constitution. The Constitutional Assembly was made up of the National Assembly and the National Council of Provinces.

Constitutional Court

The highest court in the country, specialising in deciding on cases to do with the Constitution and the Bill of Rights.

Counters

People who will be employed to help count votes in the elections.

Counting officers

People who will be in charge of counting at a voting station in the elections.

Defamation

The kind of case you can make against someone if they insult your dignity and good name.

Delimitation

Breaking up the country into voting districts.

Demarcation

Drawing boundaries, for example, of provinces and municipalities.



Demarcation Board

Independent statutory body under the Municipal Demarcation Act of 1998 with the task of drawing up new municipal and ward boundaries in South Africa.

Draft Code of Conduct for Broadcasters

The 2008 ICASA Draft Code that, once finalised, will guide all broadcasting licensees.

Election broadcast period

From the time the President publishes the election date in the *Government Gazette* until 48 hours (two days) before Election Day (voting) starts. Party election broadcasts (PEBs) and political advertisements (PAs) must stop at the end of this election broadcast period.

Election period

From the time the President publishes the election date in the *Government Gazette* until the end of the day after the day election results are announced (up to a week after Election Day).

Electoral Act

The main law governing the 2014 elections.

Electoral Amendment Act

The 2013 law amending the original law governing elections.

Electoral Code of Conduct

The rules in the Electoral Act that parties, party list candidates and all individuals must follow during the election campaign and until the election results come out. Also called the Electoral Code.

Electoral Commission Act

The law that sets up the IEC and gives it powers.

Electoral Court

The special court that handles cases where people are charged for breaking the election laws. People can also appeal to the Electoral Court against any decisions made by the IEC.

Electoral/Election Regulations

Extra election rules that the IEC makes under the Electoral Act or the Electoral Commission Act.

Electronic Communications Act

The 2005 law regulating and consolidating electronic communication services, electronic communications network services and broadcasting services, including party election broadcasts and political advertising during election periods.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Equality Clause

The part of the Bill of Rights in the Constitution that protects individuals from unfair discrimination.

Equitable/Equitably/Equity or Equitability

Fair and reasonable, for example, equitable treatment of all political parties. 'Equitable' does not mean 'equal' or exactly the same.

Ethical codes

A list of moral rules and principles that a group of people voluntarily agree to follow, for example, the South African Press Code for Journalists.

Executive

The highest decision-making part of government.

Exit poll

A count of how many people voted at a voting station and which parties you think they supported.

Floor-crossing legislation

This was the controversial amendment under item 4(3)(a) of Schedule 6A to the Constitution that allowed MPs elected under the name of one political party to change to another party during a specified 'floor-crossing' period without voters having any say in this. This was repealed in 2009.

Freedom of expression

The right of people, the press and other media to speak, to write, and to receive and report on information.

Government Gazette

The official government paper that publishes notices and laws.

Government Printer

The official government printer that prints and distributes the *Government Gazette*.

Hate speech

Words that can incite violence or hatred based on race, ethnicity, gender, religion or other grounds listed in our Constitution's Equality Clause.

IBA Act

The law that sets up the IBA and gives it powers.

IBA Advertising Regulations

IBA Regulations covering advertising, infomercials and programme sponsorship. These regulations are now monitored by ICASA.



ICASA Act

The law that sets up the Independent Communications Authority of South Africa (ICASA) and gives it powers.

ICASA Code of Conduct

The Code of Conduct for Broadcasting Services that broadcasters falling under ICASA must follow. This used to be the IBA Code of Conduct. The 2008 ICASA Draft Code of Conduct for Broadcasters, when finalised, will replace these previous codes.

ICASA Council

The highest decision-making body of ICASA.

Identity document (ID)

Your ID book that you use to identify yourself, to vote and do things like claim pension and unemployment money.

IMC Guidelines

The Independent Media Commission's Guidelines used to ensure fair election coverage for all parties in the 1994 elections.

Indemnity

A legal document a person or political party signs to protect one from being sued for something for which one is responsible.

Independent Broadcasting Authority (IBA)

The statutory body responsible for regulating broadcasting in South Africa before ICASA.

Independent Communications Authority of South Africa (ICASA)

The statutory body responsible for regulating broadcasting and telecommunications in South Africa. ICASA was a merger between the IBA and SATRA.

Independent Electoral Commission (IEC)

The statutory body responsible for managing and running all our elections.

Independent Media Commission (IMC)

The statutory body set up to help ensure fair election coverage during the 1994 elections.

Infomercial

Visual or audio broadcast material of longer than two minutes that is paid for and promotes the interests of a person, product or service.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Judiciary

The system of courts responsible for interpreting the law and making decisions on cases.

Legislature

The law-making part of government at national and provincial level.

Mediation

When a third person helps two sides in a dispute to talk about and solve their problem.

Municipal Demarcation Act

The 1998 law setting up a Municipal Demarcation Board with the task of drawing up new municipal and ward boundaries in South Africa.

Municipal Electoral Act

Law that set out most of the rules for running the 2000 and future local elections.

Municipal Electoral Officer (MEO)

The IEC election official in charge of election organising and administration at local level.

Municipal Electoral Regulations

Regulations that add some more detailed rules to the Municipal Electoral Act.

Municipal Structures Act

The 1998 law setting up municipal structures, including dividing the country into metropolitan councils, local councils and district councils.

Municipal Systems Act

The law setting out internal systems and principles for democratic local government.

National Assembly

The biggest part of Parliament – 400 members representing the whole country.

National Council of Provinces

The second part of Parliament – 90 members representing the nine provinces.

Opinion poll

A public survey of opinions or views, for example, how much support there is for each political party and their policies.

Parliament

The law-making body of the country, made up by the National Assembly and the National Council of Provinces.



Party agents

People that registered political parties can appoint to monitor election voting, counting and the calculation of overall election results.

Party election broadcasts (PEBs)

Blocks of free airtime of two minutes each for political parties to speak to voters. The Party Election Broadcasts and Political Advertisements Regulations are the 2008 ICASA Election Regulations that broadcasters will have to follow when they broadcast PEBs and PAs.

Party liaison committees

Committees set up by the IEC to represent registered political parties, and help the IEC to make and agree on election arrangements.

Party list

List of political party candidates standing for election by proportional representation at national or provincial level.

Percentage poll

Percentage of registered voters who actually vote on Election Day.

Plain language

When you speak and write in easy, everyday language that most listeners and readers will understand.

Pluralism

The idea of tolerating and respecting diversity and the right of others to freedom of association – for example, political pluralism allows opposition parties to operate freely.

Political advertisements (PAs)

Paid airtime or spots that political parties buy to speak to voters.

Presiding officers

IEC-appointed officials in charge of voting stations.

Press Council of South Africa

Self-regulating body for the South African media that monitors observance of the South African Press Code.

Proportionally

Based on or in proportion to the percentage you have.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Proportional representation

The voting system where the number of votes parties get decides how many seats they get in a legislature. If Party X gets five seats with 10 000 votes, Party Y will get two seats with 4 000 votes.

Provincial Electoral Officer (PEO)

The IEC's administrative head of elections for each province.

Provincial Legislature

The law-making body of each province.

Regulate

To control, rule, monitor or supervise.

Regulations

More detailed rules made under laws, such as Electoral Regulations made under the Electoral Act.

Represented Political Parties' Fund

Public funding that political parties get every financial year proportional to their representation in the National Assembly and provincial legislatures.

Rule of law

The principle that government power is limited, based on the Constitution and all other laws and regulations that restrict power and set out the rights and responsibilities of everyone, including individuals in positions of power and authority.

SABC Ethical Code

Internal rules made by the SABC to guide staff members in the way they do their work.

SABC Guidelines on Election Reporting

The SABC1999 guidelines to encourage staff members to report fairly and responsibly on elections.

SADC principles

The 2003 set of guidelines to help ensure the delivery of credible, free and legitimate elections, adopted by electoral management bodies and civil society organisations from all 14 Southern African Development Community (SADC) countries.

Self-regulation

When an industry or association of professionals decides to voluntarily regulate their own affairs and follow a set of agreed ethical rules, for example, the South African Press Code.



Separation of powers

The splitting of government powers between the different arms of government: the Executive, the Legislature and the Judiciary.

South African Press Code

Set of ethical rules for the print media in South Africa.

South African Telecommunications Regulating Authority (SATRA)

The statutory body responsible for managing radio frequencies, apparatuses and activities until ICASA took over this function.

Special votes

People with special votes have separate voting days or special arrangements prior to Election Day to make it easier for them to vote, for example, because of age, illness or disability.

Spoilt votes

Votes that cannot be counted because it is not clear which party the person was voting for – for example, a voter makes crosses next to two parties on the same ballot paper.

Statute law/statutes

Written laws made by Parliament or provincial legislatures.

Statutory body

A structure set up, and given powers and funds, by a statute of Parliament.

Sue

When you make a case against someone to pay you for the loss, damage or injuries that you suffered because of their actions.

Telecommunications Act

The Act that deals with telecommunications and that set up SATRA. This law, together with the ICASA Act, now governs the work of ICASA.

Temporary identity certificate

The certificate you get when you have an existing ID and you apply for a bar-coded ID, or you have lost your ID and you are waiting to get a new ID. Also called a temporary ID.

Temporary ID

The same as a temporary identity certificate.

Unconstitutional

Unlawful because it goes against our Constitution.



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Voters' roll

The official national list of voters with the names of everyone who registers to vote in elections. Each voting district and station will have a segment (section) of the national voters' roll.

Voting district

The smaller administrative areas the country is divided into and potential voters are allocated to for registering voters and compiling the voters' roll.

Voting officers

IEC-appointed officials who assist the presiding officer in running a voting station.

Voting station

The place where you register on public voter registration days and where you will vote on Election Day. There may be some mobile voting stations.

Waiver

A legal document a person or organisation signs to say that they will not make a claim against someone (even if they normally could have a right to make a claim).

Wards

Areas that municipalities are divided into for municipal elections, and which may include one or more voting districts. In municipal elections, ward candidates compete for the support of voters living in wards.

Watershed period

Free-to-air television broadcasting between 21:00 and 05:00 or subscription television broadcasting between 20:00 and 05:00 (mentioned in the Draft ICASA Code of Conduct for Broadcasters).

White Paper

A government policy document published for public comment in the *Government Gazette* and used to write new laws.

White Paper on Broadcast Policy

Government broadcast policy that was used to write the Broadcasting Act, and guide other broadcasting laws and policies.

Windhoek Declaration

The 1991 Declaration by African media practitioners calling for an independent and pluralistic (diverse) press on the continent.



Contact the Electoral Commission

For media enquiries relating to legislative, policy, operational or outreach issues at a national level please contact:

IEC National Office

Tel: 012 622 5700

Fax: 012 622 5784

Spokesperson: Ms Kate Bapela

Cell: 082 600 6386

spokesperson@elections.org.za

For media enquiries relating to provincial matters, please contact the IEC provincial offices

Eastern Cape

Provincial Electoral Officer:

Mr Thami Mraji

MrajiT@elections.org.za

Tel: 043 709 4200

Fax: 043 743 4784

Free State

Provincial Electoral Officer:

Mr Chris Mepha

mephaj@elections.org.za

Tel: 051 401 5000

Fax: 051 430 4845

Gauteng

Provincial Electoral Officer:

Mr Masego Sheburi

sheburim@elections.org.za

Tel: 011 644 7400

Fax: 011 644 7448

KwaZulu-Natal

Provincial Electoral Officer:

Mr Mawethu Mosery

MoseryM@elections.org.za

Tel: 031 279 2200

Fax: 031 279 2226

Limpopo

Provincial Electoral Officer:

Ms Nkaro Mateta

MatetaN@elections.org.za

Tel: 015 283 9100

Fax: 015 297 2506

Mpumalanga

Provincial Electoral Officer:

Mr Steve Ngwenya

NgwenyaS@elections.org.za

Tel: 013 754 0200

Fax: 013 753 2564

Northern Cape

Provincial Electoral Officer:

Mr Bonolo Modise

ModiseB@elections.org.za

Tel: 053 838 5000

Fax: 053 831 8095

North West

Provincial Electoral Officer:

Dr Tumi Thiba

ThibaT@elections.org.za

Tel: 018 391 0800

Fax: 018 391 0851



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Western Cape

Provincial Electoral Officer:
Rev. Courtney Sampson
SampsonC@elections.org.za
Tel: 021 910 5700
Fax: 021 910 4965

You can also find the IEC on:

- Website: www.elections.org.za
- Call centre: 0800 11 8000
- Facebook: www.facebook.com/IECSouthAfrica
- Twitter: @IECSouthAfrica
- YouTube: www.youtube.com/user/IECSouthAfrica

Other useful contacts

Note:

This is an A to Z list of some useful election contacts for information, monitoring, advice, training or voter education needs.

Advertising Standards Authority of South Africa (ASA)

[information and monitoring of advertising]
Tel: 011 781 2006
Fax: 011 781 1616
Email: info@asasa.org.za
Website: www.asasa.org.za

Broadcasting Complaints Commission of South Africa (BCCSA)

[monitoring of broadcasters and complaints]
Tel: 011 325 5736
Fax: 011 325 5755
Website: www.bccsa.co.za

Commission for Gender Equality (CGE)

[monitoring and complaints]
Tel: 011 403 7182
Fax: 011 403 7188
Website: www.cge.org.za

Disabled People of South Africa

[voter education]
Tel: 021 422 0357
Fax: 021 422 0389
Email: info@dpsa.org.za
Website: www.dpsa.org.za

Electoral Institute of South Africa (EISA)

[research, information, advice, voter education and resources]
Tel: 011 381 6000
Fax: 011 482 6163
Email: eisa@eisa.org.za
Website: www.eisa.org.za

Freedom of Expression Institute (FXI)

[media monitoring]
Tel: 011 482 1913
Fax: 011 482 1906
Email: fxi@fxi.org
Website: www.fxi.org.za

Government Printer

[copies of *Government Gazette*s]
Tel: 012 334 4734-6
Fax: 012 677 6969
jpe@print.pwv.gov.za

Department of Home Affairs

[advice, information and help with ID documents]
National toll-free number: 0800 601 190
Call centre email: csc@dha.gov.za
National Department of Home Affairs
Tel: 012 406 2500
Email: info@dha.gov.za



Independent Communications Authority of South Africa (ICASA)

[information, advice, monitoring and complaints]

ICASA Head Office

Tel: 011 566 3000/1

Email: info@icasa.org.za

Website: www.icasa.org.za

ICASA KPMG Ethics Line

Toll-free: 0800 200 796

Email: fraud@kpmg.co.za

ICASA regional offices

Bloemfontein

Tel: 051 411 5900

Fax: 051 447 3099

Cape Town

Tel: 021 431 9800

Fax: 021 431 9860

Durban

Tel: 031 334 9500

Fax: 031 334 9518

Port Elizabeth

Tel: 041 394 1600

Fax: 041 394 1622

Institute for the Advancement of Journalism (IAJ)

[training]

Tel: 011 482 4990

Fax: 011 482 8216

Email: director@iaj.org.za

Contact person: Michael Schmidt – Executive Director

www.iaj.org.za

Media Institute of Southern Africa (MISA)

[coordinating media workers]

Email: info@misa.org

Website: www.misa.org

Media Monitoring Project (MMP)

[information and monitoring]

Tel: 011 788 1278

Fax: 011 788 1289

Email: williamb@mediamonitoring.org.za or info@mediamonitoring.org.za

Contact person: William Bird – Director

Website: www.mediamonitoring.org.za

National Community Radio Forum (NCRF)

[information, training and coordination]

Tel: 011 403 4336

Fax: 011 403 4314

Email: info@ncrf.org.za

Website: www.ncrf.org.za

Open Democracy Advice Centre (ODAC)

[training and advocacy around access to information]

Tel: 021 461 7211

Website: www.opendemocracy.org.za

Open Society Foundation for South Africa (OSF-SA)

[resources, information and monitoring]

Tel: 021 511 1679

Fax: 021 511 5058

Email: admin@osfsa.org.za

Website: www.osf.org.za

Contact person: Fatima Hassan – Executive Director

Parliamentary Monitoring Group (PMG)

[monitoring and information]

Tel: 021 465 8885

Fax: 021 465 8887

Email: info@pmg.org.za

Website: www.pmg.org.za



Media Guide

NATIONAL AND PROVINCIAL ELECTIONS 2014

Press Council of South Africa

[self-regulation of journalists and monitoring of Press Code]

Tel: 011 484 3612/8

Fax: 011 484 3619

Email: pressombudsman@ombudsman.org.za

Website: www.presscouncil.org.za

South African Broadcasting Corporation (SABC)

[broadcasting and complaints]

Call Centre: 011 714 9797

Email: hassenf@sabc.co.za

South African Human Rights Commission

[monitoring and complaints]

Tel: 011 877 3600

Email: complaints@sahrc.org.za

Website: www.sahrc.org.za

South African Press Ombudsman

See Press Council of South Africa above.



2014 ELECTIONS



20 YEARS OF DEMOCRACY

National office



SOUTH AFRICA

ELECTION HOUSE
 Riverside Office Park
 1303 Heuvel Avenue
 Centurion, 0157
 Private Bag X112
 Centurion, 0046
 South Africa

Tel: 0800 11 8000

Email: spokesperson@elections.org.za

Website: www.elections.org.za