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LOCAL GOVERNMENT

ELECTION REGULATIONS

LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993) :
REGULATIONS RELATING TO VOTERS AND MEMBERS FOR TRANSITIONAL
LOCAL COUNCILS, TRANSITIONAL METROPOLITAN COUNCILS, AND
TRANSITIONAL METROPOLITAN SUBSTRUCTURES, AND THE CONDUCT
OF THE ELECTION.

The Premier has in terms of the Local Government Transition Act, 1993
(Act 209 of 1993) made the following regulations:

CHAPTER 1

DEFINITIONS

- 1 (1) In these regulations, unless the context otherwise indicates :
- (i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993);
 - (ii) "address" in relation to premises means a mode of identification of such premises which is sufficiently precise to permit such premises to be allocated to a ward and to determine a voter's right to exercise his vote at a voting station in a ward.
 - (iii) "advertise" means publish;
 - (iv) "candidate" means any person in terms of regulation 29(4) whose nomination has been accepted and in respect of whom a vote will be held;
 - (v) "chief executive" means the chief executive or acting chief executive of a transitional authority regardless of the designation of the post occupied by that officer;
 - (vi) "council" means the council of a transitional authority;
 - (vii) "day" means a period of twenty-four consecutive hours commencing at midnight and including a Saturday, Sunday or public holiday referred to in the Public Holidays Act, 1952 (Act 5 of 1952);

- (viii) "election" means an election as contemplated in section 9(1) of the Act;
- (ix) "election material" means any form, declaration or item referred to in regulation 40;
- (x) "election officer" means the metropolitan returning officer, the returning officer and any officer referred to in regulation 31;
- (xi) "election period" means the period from nomination day to the close of voting stations;
- (xii) "identity document" means :
 - (a) an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act 72 of 1986) or any other applicable law of the Republic, as the case may be;
 - (b) a temporary voter's card issued in terms of section 17 of the Electoral Act, 1993 (Act 202 of 1993);
 - (c) a reference book issued in terms of the repealed Blacks (Abolition of Passes and co-ordination of Documents) Act, 1952 (Act 67 of 1952); or
 - (d) an identity document referred to in section 13 of the Population Registration Act, 1950 (Act 30 of 1950).
- (xiii) "identity number" means the official serial number recorded on an identity document;

- (xiv) "metropolitan returning officer" means the person appointed in terms of regulation 30(1) and includes any person lawfully acting in his stead;
- (xv) "local" in relation to a party means a party which operates an office or has an address within the area of jurisdiction of the transitional authority;
- (xvi) "name" in relation to a voters' roll means a surname followed by a name or names ordinarily prefixed thereto;
- (xvii) "nomination day" means the day determined for the nomination of candidates in terms of regulation 23(1)(b);
- (xviii) "official language" means any language declared to be an official language in terms of Section 3(5) of the Constitution;
- (xix) "ordinarily resident" in relation to any person, means the home or place where he or she normally lives and to which he or she returns regularly after any period of temporary absence;
- (xx) "party" means any local organisation, body or voluntary association which has objects and purposes which, among others, have relevance to local government matters and includes a political party which registered in terms of Chapter IV of the Electoral Act, 1993 (Act 202 of 1993);
- (xxi) "polling station" means any place referred to in regulation 29(10)(a);
- (xxii) "Premier" means the Premier as contemplated in Section 144(1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), and includes the competent authority designated by him or her for the purposes of the administration of the Act.

(xxiii) "publish" means publish in each official language of the Province in one or more newspapers which substantially use such language or in the absence thereof in one or more newspapers which are of general circulation within the area of the transitional authority.

(xxiv) "returning officer" means the person appointed in terms of regulation 30(1)(a) and includes any election officer lawfully acting in his stead.

(xxv) "service" in relation to a notice or other communication addressed to a person means :

(a) delivery to him in person by hand; or

(b) delivery at his last known place of residence, business or occupation to a person apparently of 18 years of age or more who is resident or employed or in business at that place; or

(c) posting to him at his last known place of residence, business or occupation by prepaid registered or certified mail;

and "serve" has an equivalent meaning;

(xxvi) "transitional authority" means a transitional local council, transitional metropolitan substructure and transitional metropolitan council;

(xxvii) "transitional local council" means a transitional local council as defined in section 1(xvii) of the Act, a local government body referred to in section 7(1)(c) of the Act, a local government body exempted in terms of section 5 of the Act, and any other local government body to which the Premier has applied the provisions of these regulations;

(xxviii) "transitional metropolitan council" means a transitional metropolitan council as defined in section 1(xviii) of the Act;

(xxix) "transitional metropolitan substructure" means a transitional metropolitan substructure as defined in section 1(xix) of the Act;

(xxx) "voters' roll officer" means the person appointed in terms of regulation 3(2) and includes any person lawfully acting in his stead;

(2) Any term or expression used in these regulations which is not defined herein shall bear the meaning given to that term or expression by the Act.

CHAPTER 2

QUALIFICATION OF VOTERS

Franchise

2 (1) Any natural person who is :

(a) (i) a South African citizen; or

(ii) not such a citizen but who is permanently resident in the Republic of South Africa; and

(b) of or over the age of 18 years; and

(c) ordinarily resident within the area of jurisdiction of a transitional authority or under law liable for the payment of assessment rates, rent, service charges or levies to the transitional authority concerned.

shall be entitled to be included in the voters' roll of that transitional authority and shall thereupon be entitled to vote in an election for members of the council of such transitional authority : Provided that any person shall be entitled to exercise only one vote for such transitional authority.

- (2) Notwithstanding the provisions of subregulation (1), no person shall be entitled to be included in the voters' roll of a transitional authority or be entitled to vote in an election for members of the council of such transitional authority, if he or she is :
- (a) Subject to an order of court declaring him to be of unsound mind or mentally disordered or affected;
 - (b) detained as a mentally ill patient under the Mental Health Act, 1973 (Act 18 of 1973), or any other applicable law of the Republic, as the case may be;
 - (c) detained under the Prevention and Treatment of Drug Dependency Act, 1992 (Act 20 of 1992), or any other applicable law of the Republic, as the case may be; or
 - (d) serving a sentence of imprisonment without the option of a fine in respect of any of the following specified offences involving violence or dishonesty :
 - (i) murder, culpable homicide, rape, indecent assault, childstealing, kidnapping, assault with intent to do grievous bodily harm, robbery, malicious injury to property and breaking or entering any premises with intent to commit an offence;
 - (ii) fraud, corruption and bribery; or

- (iii) any attempt to commit any offence referred to in subparagraph (i) or (ii).
- (3) For the purposes of subregulation (1)(a)(ii) a person shall be deemed to be permanently resident in the Republic of South Africa if he or she :
- (a) holds a permit for permanent residence in the Republic in terms of Section 25 of the Aliens Control Act, 1992 (Act 96 of 1991); or
 - (b) has been exempted from the requirement of holding a permit for permanent residence in terms of Section 28(2) of the Aliens Control Act, 1991; or
 - (c) is a former South African citizen, and, notwithstanding any requirement for the exercise of a discretion by the Minister of Home Affairs in terms of Section 25bis of the South African Citizenship Act, 1949 (Act 44 of 1949), qualifies for the restoration of South African citizenship in terms of the said Act; or
 - (d) was born to or is a spouse of a South African citizen or former South African citizen and has entered the Republic with the intention of residing permanently therein; or
 - (e) establishes, to the satisfaction of the voters' roll officer that he or she :
 - (i) entered the Republic on or before 31 December 1978;
 - (ii) has been ordinarily resident in the Republic since the date of his entry into the Republic; and
 - (iii) is not a prohibited person in terms of the Aliens Control Act, 1991; or

- (f) is a child of a person who satisfies the criteria referred to in paragraph (c) and who establishes, to the satisfaction of the voters' roll officer that he or she was born in the Republic and has been ordinarily resident therein since the date of his birth.
- (4) The onus to be enrolled as a voter shall rest on the voter concerned.

CHAPTER 3

VOTERS' ROLL

Making the Roll

- 3 (1) Every transitional authority shall not later than a date or dates announced by the Premier by notice in the Official Gazette, publish that it proposes to make a voters' roll and call upon any natural person who is entitled to be included in such voters' roll to claim within a period of not less than ninety days from the abovementioned date or dates to be enrolled : Provided that with the approval or at the direction of the Premier such period shall by publication of a notice be extended.
- (2) Each transitional authority shall designate or appoint :
- (a) a voters' roll officer within its employment who shall be responsible for preparing a voters' roll on its behalf; and
 - (b) such employees or other person or persons as may be necessary to assist with the preparation thereof at such remuneration as it may determine.
- (3) A person applying to be enrolled as a voter shall make a claim in accordance with form ER1.

- (4) Any person claiming to be enrolled as a voter shall provide the information required in form ER1 and if the voters' roll officer is satisfied on the face of such information that such person is qualified in terms of regulation 2 to be enrolled as a voter such person's name and particulars shall be included in the voters' roll.

- (5) (a) At the expiration of the period referred to in subregulation (1), every transitional authority shall cause a roll to be prepared containing the names of qualified persons to be enrolled as voters for the election and such roll shall :
 - (i) contain a serial number unique in respect of each name;
 - (ii) contain the identity number of the person claiming enrolment;
 - (iii) be in alphabetical order according to surnames;
 - (iv) state the address to which the claim relates; and
 - (v) identify the basis of qualification or entitlement.

- (b) Every page of a voters' roll shall be numbered consecutively and shall identify the name of the transitional authority and the year to which it relates; and where such roll has been divided into parts, every page of such part shall also identify the ward and voting station to which it relates.

- (6) (a) A voters' roll for a transitional local council or for a transitional metropolitan substructure shall be divided into parts according to the wards into which the area of jurisdiction of such transitional local council or transitional metropolitan substructure has been divided.

- (b) Where any ward has been divided into parts for voting purposes the voters' roll for that ward shall be divided into such parts.
 - (c) A voters' roll for a transitional metropolitan council shall be divided into parts according to the area of jurisdiction of each transitional metropolitan substructure within the transitional metropolitan council area, and thereafter further into parts which correspond exactly with the wards and parts of such wards, if any, for each such transitional metropolitan substructure.
 - (d) A voters' roll divided into parts shall comply with the requirements of regulation 3(5)(a)(i) to (v) inclusive in respect of each such part.
 - (e) A voter shall vote in a ward or part thereof at the voting station where his name appears in the voters' roll for such ward or part thereof.
- (7) When any claimant :
- (a) is under law liable for the payment of assessment rates, rent, service charges or levies in respect of more than one premises; or
 - (b) is so liable in respect of premises other than the place at which he or she is ordinary resident; or
 - (c) is ordinarily resident at more than one place

within the area of jurisdiction of the same transitional authority, such claimant shall be entitled to be included only once in the voters' roll of such transitional authority and shall, at the time of making a claim for enrolment, identify one such premises as the place for inclusion failing which the voters' roll officer shall make such identification.

- (8) Where no address exists, the transitional authority shall cause an address to be determined or identified for every premises within its jurisdiction for the purposes of claims and the preparation of the voters' roll.
- (9) The voters' roll officer may include in the voters roll the names and particulars of any person in respect of whom a claim on form ER1 has not been made or received, but whose particulars provide the information required for subregulation (5)(a) and on the face of such particulars satisfy the voters' roll officer that such person is qualified in terms of regulation 2 to be enrolled as a voter.
- (10) During the period specified in terms of regulation 3(1) the voters' roll officer shall ensure that :
 - (a) an adequate supply of form ER1 and one or more prominent places or secure receptacles for the deposit of claims delivered by hand, are clearly identified, available and accessible to the public at all times during normal office hours at every office of the transitional authority concerned; and
 - (b) a reasonable quantity of form ER1 are made available upon request to a party or person who satisfies the voters' roll officer of a *bona fide* intention to canvass or facilitate the submission of claims at no cost to any claimant.
- (11) Nothing herein contained shall be construed as requiring any person to be physically or personally present at any place or office in order to lodge a claim for enrolment as a voter, or as precluding any person from posting by ordinary mail a claim to the voters' roll officer at the address specified on form ER1 for the applicable transitional authority.
- (12) For the purposes of regulation 3(1) the date announced by the Premier shall be not less than twenty-eight days after the date of promulgation of these regulations.

Claims and Objections

- 4 (1) The voters' roll officer shall publish a notice :
- (a) stating that a copy of such roll may be inspected at the office or offices of the transitional authority during normal office hours and at such other place or places as the voters' roll officer may appoint during the hours of 06:00 to 22:00 daily, including Saturday, Sunday and any public holiday, during a period of twenty-one days from a date specified in such notice, and which date shall be not later than seven days after the end of the period referred to in regulation 3(1);
 - (b) calling upon every person whose name does not appear in such roll and who believes that he or she is entitled to be enrolled as a voter and every person who has any objection to the enrolment of any person whose name appears in such roll to lodge a written claim or objection, in the prescribed form ER1, which shall be available at such place or places specified in regulation 4(1)(a), with the voters' roll officer within a period of 28 days from the date specified in the notice in subregulation (a);
 - (c) stating that a list setting out the name of and particulars relating to every claimant in terms of subregulation (b) may be inspected at the office of the transitional authority during normal office hours and at such place or other places appointed in subregulation (a) during the hours of 06:00 to 22:00 daily including Saturday, Sunday and any public holiday, during a period of seven days commencing seven days from the expiry of the period contemplated by subregulation (b);
 - (d) calling upon every person who has an objection to the enrolment of any person whose name appears in the list referred to in subregulation (c) :
 - (i) to lodge a written objection, in the prescribed form; or

(ii) in respect of any person who is unable to write, to appear in person at a stated place and time to lodge an oral objection,

with the voters' roll officer within a period of seven days from the expiry of the period contemplated by subregulation (c);

- (e) fixing one or more days, being not less than seven days and not more than fourteen days after the expiry of the period referred to in subregulation (d), and one or more places, for sitting of the revision court to hear such claims and objections : Provided that at least one such day shall be a Saturday or Sunday and at least one such place shall be in an area referred to in regulation 16(b).
- (2) The voters' roll officer shall, not more than seven days after the expiry of the period referred to in subregulation (1)(b), prepare a list setting out the name of and particulars relating to every claimant under subregulation (1)(b).
- (3) The voters' roll officer shall lodge with the revision court objections to the enrolment of all claimants whom such officer has reason to believe are not entitled to be enrolled as voters.
- (4) The voters' roll officer shall, not less than four days before the day fixed for the sitting of the revision court, serve a notice on :
- (a) every person whose name appears in the roll or a list of claimants contemplated by subregulation (2) or (3) and to whose enrolment an objection has been lodged;
 - (b) the objector concerned; and
 - (c) any claimant for enrolment as a voter whose claim has been objected to or rejected by the voters' roll officer;

setting out the grounds of such objection or rejection, the date on which it will be considered by the revision court, and inviting each such person; claimant and objector to attend; and stating that such objection will not be considered by the revision court unless such objector attends such sitting and every other sitting of the revision court to which consideration of such objection is adjourned :

Provided that where the address of a claimant or objector is not sufficiently precise to permit such service, the voters' roll officer shall publish a notice in respect of any one or more claimants or objectors substantially in accordance with the provisions of this subregulation.

- (5) Non-receipt or defect in the publication of any notice referred to in subregulation (4) shall not invalidate the voters' roll or any proceeding or decision of the revision court.
- (6) The Premier may direct a voters' roll officer to increase the number or alter the locality of places or sittings referred to in regulations 4(1)(a) or 4(1)(b) and the Premier may extend the expiry date in regulation 4(1)(e).

Constitution of Revision Court

- 5 (1) (a) There is hereby established for each roll a revision court with the composition, powers, functions and duties determined in these regulations.
- (b) Notwithstanding the provisions of subregulation (1)(a) above, the Premier may authorise and establish more than one revision court in respect of each roll or any part of each roll.
- (2) The revision court for each roll or part of such roll shall consist of three persons appointed by the transitional authority concerned, not later than 120

days after the date of proclamation of these regulations, at least one of whom shall be a magistrate, retired magistrate, advocate, attorney or other legally qualified person who shall be the presiding officer of the court.

- (3) The transitional authority shall further appoint alternates to take the place of any member of the revision court who is absent or incapacitated and shall determine the order of precedence of such alternates : Provided that at least one such alternate shall comply with the qualifications prescribed for the presiding officer referred to in subregulation (2).
- (4) The appointment of members and alternates to a revision court in terms of subregulations 5(2) and (3) shall be decided by a resolution of the council adopted by a majority of at least two-thirds of all its members.
- (5) The revision court shall determine the manner in which it shall conduct its business.
- (6) Whenever a change in the membership of the revision court takes place any part-heard claim or objection shall, at the request of the applicable claimant or objector, be dealt with *de novo*.
- (7) Administrative work incidental to the performance of the functions of a voters' roll officer and a revision court shall be performed by the chief executive of the transitional authority concerned or by one or more officials of such authority duly appointed in writing and acting under the jurisdiction and control of such chief executive.
- (8) Members of a revision court shall be remunerated on such basis as shall be determined by the Premier not later than the time referred to in regulation 5(2), or, failing which, by resolution of the transitional authority.

Voters' Roll Revision Court

- 6 (1) On the day or days and at the place or places fixed in terms of regulation 4(1)(e) or (6) the revision court shall sit to consider and determine claims and objections to the enrolment of persons as voters.
- (2) The revision court shall :
- (a) add to or insert in the roll the name of every claimant :
- (i) to whose enrolment no objection was lodged; or
- (ii) who notwithstanding any objection is shown to its satisfaction to be entitled to be enrolled as a voter,
- or place the names of all such claimants on a supplementary list complying with the provision of regulation 3(5)(a), and add such list to the roll; or
- (b) delete or remove from the roll the name of every claimant :
- (i) in respect of whom an objection was lodged; and
- (ii) who is shown to its satisfaction not to be entitled to be enrolled as a voter; and
- (c) correct any error or supply any omission which may appear to it to have occurred in any entry in the roll with regard to the particulars required in terms of regulation 3(5)(a).
- (3) (a) (i) Where a name is added to or inserted in the roll in terms of subregulation (2)(a), the serial number allocated to such name in terms of regulation 3(5)(a)(i) shall be a number which has not been allocated previously to any other name or claimant; and

- (ii) Where a name is deleted or removed from the roll in terms of subregulation (2)(b), the serial number allocated to such name in terms of regulation 3(5)(a)(i) shall not be allocated to any other name or claimant.

- (b) Where a voters' roll is divided into parts in terms of regulation 3(6), the serial number allocated to a name in the roll in terms of regulation 3(5)(a)(i) shall be retained with such name in any part.

- (4) The revision court shall not consider any claim or objection unless :
 - (a) such claim or objection has been lodged substantially in accordance with the prescribed form; and

 - (b)
 - (i) in the case of any claim or objection referred to in regulation 4(1)(b) such claim or objection was received by the voters' roll officer before the expiry of the period referred to therein.

 - (ii) in the case of any objection contemplated by regulation 4(1)(d) such objection was received by the voters' roll officer before the expiry of the period referred to therein;

 - (iii) failing compliance with subparagraph (i) or (ii), the revision court is satisfied that there are exceptional circumstances warranting the consideration of the claim or objection; and

 - (c) in the case of any person to whose enrolment an objection has been lodged, the objector attends every sitting of the revision court at which the objection is to be considered to substantiate such objection.

- (5) The voters' roll officer shall be entitled to attend and be heard at all sittings of the revision court.

- (6) Any person whose claim or objection may be considered by the revision court and any person opposing any such claim or objection shall be entitled to be heard in person or by a representative authorised thereto in writing and to give and call evidence *viva voce*.
 - (7) All evidence given before the revision court shall be given on oath or affirmation administered by the presiding officer.
 - (8) Sitings of the revision court shall be open to the public and the press.
 - (9) Subject to the provisions of these regulations the revision court may adjourn from time to time as it may deem expedient.
 - (10) If no claims or objections in terms of regulations 4(1)(b) or 4(1)(d) are lodged within the period referred to in regulation 4(1)(a) the voters' roll officer shall, by notice posted at the offices of the transitional authority, cancel the sitting of the revision court.
- 7
- (1) The roll as amended by the revision court in terms of regulation 6 shall be certified and signed by the presiding officer of such court within seven days thereof and shall, subject to the provisions of regulation 8 and 9, thereupon be the voters' roll for the transitional authority concerned until a new voters' roll has been lawfully made.
 - (2) Any document purporting to be the voters' roll as certified and signed by the chairman of the revision court in terms of subregulation (1) or a true copy of such roll certified by the chief executive by the issue of a certificate to that effect shall, unless it is proved that such document is not such voters' roll or such a true copy, as the case may be, be conclusive proof that the persons whose names appear therein are entitled to exercise any right conferred on voters by these regulations.

- (3) The voters' roll so certified shall be deposited at the offices of the transitional authority and shall be open for inspection by members of the public during the normal office hours of the transitional authority or during such extended hours and times as it may determine by resolution.
- (4) Any voter or candidate or party may obtain a copy of the voters' roll or part thereof applicable to a ward at such prices as the transitional authority may determine by resolution.

Revision of Voters' Roll

- 8 (1) Every transitional authority shall cause its voters' roll to be updated not less than six months prior to the expiration of the term of office referred to in regulation 80.
- (2) The provisions of regulations 3 to 7 shall apply to every such revision.
- (3) The voters' roll officer shall lodge objections to the retention in the voters' roll of the names of all persons who to the knowledge of such officer are no longer entitled to be enrolled as voters.

Errors

- 9 (1) Notwithstanding the provisions of these regulations, the chief executive may correct any error in connection with the details recorded on the voters' roll in respect of any enrolled voter, provided that nothing herein shall authorise the removal of the name of a voter or the insertion of a name omitted.
- (2) No omission of the name of a person from the voters' roll shall invalidate such roll or any election held in terms of these regulations.

Expenditure on Voters' Roll

- 10 A transitional authority may incur such expenditure as it may consider necessary in connection with the making, revision or adjustment of any voters' roll or any legal proceedings arising therefrom.

Agency by Local Government Body

- 11 (1) The Premier may after consultation therewith authorise or direct any transitional authority or local government body or bodies to prepare a voters' roll in terms of these regulations as the agent for or on behalf of a transitional authority which has been proclaimed or is yet to be proclaimed in terms of section 10 of the Act, or for or on behalf of any other local government body or bodies, and to perform in whole or in part the duties imposed on such authority in terms of these regulations.
- (2) Any directive by the Premier in terms of subregulation (1) above may include such directives and other arrangements as the Premier may deem necessary or desirable to give effect to the preparation of such a voters' roll and shall include directions relating to the apportionment and recovery of costs.

Offences

- 12 Any person who :
- (a) furnishes any false information in any claim or objection lodged in terms of regulation 4 or in regard to any particulars required for the making of a voters' roll;
 - (b) refuses or fails to furnish any information in regard to any such particulars;
 - (c) gives false evidence before or interrupts or disturbs the proceedings of a revision court; or
 - (d) treats a revision court with contempt,
- shall be guilty of an offence.

CHAPTER 4

SEATS AND WARDS

Introduction

13 After due consideration of the advice and written recommendations of the Local Government Demarcation Board established for the province, the Premier shall :

- (a) delimit the area of jurisdiction of such transitional authority;
- (b) determine the number of seats in such transitional authority;
- (c) delimit the area of jurisdiction of such transitional local council or transitional metropolitan substructure into wards; and
- (d) determine the number of seats in each ward : Provided that within the area of jurisdiction of any individual transitional local council or transitional metropolitan substructure all wards shall have an equal number of seats;

and incorporate the provisions of such delimitation and determination in the proclamation contemplated in section 10(1) of the Act.

Number of Seats

14 Where the number of seats determined in accordance with regulation 13(b) cannot be apportioned in the manner required :

- (a) for a transitional metropolitan council in terms of regulation 22; or
- (b) for a transitional local council or transitional metropolitan substructure in terms of regulations 16 and 22,

without resulting in fractions, such apportionment shall be made in terms of Schedule 2 to these regulations.

Wards

15 The number of wards shall be determined in accordance with the provisions of regulations 13(b) and (d), 16, 17 and 22.

16 (1) Where the area of jurisdiction of any transitional local council or transitional metropolitan substructure includes :

(a) the area of jurisdiction of any institution or body contemplated in Section 84(1)(f) of the repealed Provincial Government Act, 1961 (Act 32 of 1961); and

(b) any other area not falling within the area of jurisdiction of the institution or body referred to in paragraph (a),

no area referred to in paragraph (a) or (b) shall be allocated less than half the total number of wards of such transitional local council or transitional metropolitan substructure : Provided that for the purposes of determination of wards in terms of regulation 15, no area referred to in paragraph (a) shall include any area of :

(i) any local government body established by or under any law in force in a self-governing territory;

(ii) any local authority as defined in section 1(1) of the Black Local Authorities Act, 1982 (Act 102 of 1982);

(iii) any local government body established by virtue of the provisions of section 20(2)(a) of the Black Administration Act, 1927 (Act 38 of 1927);
or

(iv) any council or committee established under the provisions of the Regulations for the Administration and Control of Certain Urban Areas

in Natal, 1982 (Proclamation 86 of 1982) and the Regulations for the Administration and Control of Certain Urban Areas in Natal, 1983 (Proclamation 67 of 1983).

- (2) A transitional authority shall make available to the Local Government Demarcation Board such maps and information as the Board may reasonably or necessarily require within such time as it may specify, in order to fulfil its obligations in terms of regulation 17.

Criteria to Delimit Wards

- 17 (1) The advice and written recommendations of the Local Government Demarcation Board in respect of the delimitation of any such area of jurisdiction into wards should take into account the following criteria :
- (a) topographical and physical characteristics of the area including man-made features;
 - (b) population distribution within the area;
 - (c) interdependence of and community of interest between residents;
 - (d) the accessibility and availability of premises which are suitable as one or more voting stations;
 - (e) the number of voters in each ward; and
 - (f) the provisions of regulations 13(b), 14, 16 and 22.
- (2) (a) Each ward shall contain an approximately equal number of voters and unless the Premier determines otherwise in a specific instance no ward shall contain a number of voters which is ten per cent more or less than the quota.

- (b) For the purposes of subregulation (2)(a) the quota shall be ascertained by dividing the total number of voters in the voters' roll by the total number of wards.
- (c) Where the requirements of subregulation (2)(a) are impossible to achieve because of the difference in the total number of voters within the area specified in regulation 16(a) and the total number of voters within the area specified in regulation 16(b):
 - (i) the provisions of subregulation (2)(a) shall be applied separately in respect of each such area; and
 - (ii) a quota shall be ascertained for each area by dividing the total number of voters in the voters' roll in that area by the total number of wards in that area.

CHAPTER 5

QUALIFICATIONS : VOTING AND NOMINATIONS

Voting According to Wards

- 18 Every voter whose name appears in the voters' roll for a ward shall be entitled to cast a vote for each vacancy for a councillor which exists in such ward.

Voting According to Proportional Representation

- 19 In addition to voting in terms of regulation 18, every voter whose name appears in the applicable voters' roll for a transitional local council or transitional metropolitan substructure or the applicable voters' roll for a transitional metropolitan council for an election of councillors according to proportional representation shall be entitled to cast a vote for a party whose name appears on the applicable ballot paper for such transitional authority.

Ballot Papers

- 20 There shall be one ballot paper in accordance with form ER3(A) for the purpose of voting in the manner provided for in regulation 18; and one ballot paper in accordance with Form ER3(B) for each transitional authority for the purpose of voting in the manner provided for in regulation 19.

Qualifications for Nomination and Election

- 21 (1) Any person who is enrolled in the appropriate voters' roll as contemplated in regulation 2, shall be entitled to be nominated and elected as a member of the council of a transitional authority unless :
- (a) he or she is a member of the National Assembly or the Senate;
 - (b) he or she is disqualified to be elected as a member of the National Assembly in terms of section 42(1) the Constitution of the Republic of South-Africa, 1993, namely if he or she :
 - (i) at the time of the election is serving a sentence of imprisonment of more than 12 months without the option of a fine;
 - (ii) at any time after 9 March 1994 was convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon : Provided that no person shall be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined. or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

- (iii) is an unrehabilitated insolvent;
- (iv) is of unsound mind and has been so declared by a competent court or;
- (v) holds any office of profit under the Republic : Provided that the following persons shall be deemed not to hold an office of profit under the Republic for the purpose of this paragraph, namely :
 - (aa) an Executive Deputy President, a Minister or a Deputy Minister;
 - (bb) a person in receipt of a pension paid from public funds or from a pension fund aided by public funds;
 - (cc) a justice of the peace or appraiser; or
 - (dd) a member of any council, board, committee, commission or similar body established by or under law or a committee of the National Assembly who received remuneration not in excess of an amount equal to his or her salary as a member of the National Assembly.
- (c) he or she is disqualified to be elected by any competent court;
- (d) at 15:00 on the day immediately preceding nomination day, he or she is indebted to the transitional authority concerned in respect of any assessment rates, rent, service charges or any other monies for a period longer than three months; or
- (e) he or she is an employee of the transitional authority concerned or any other transitional authority : Provided that the Premier may exempt any

such person if he is satisfied that such exemption is in the public interest and proof of such exemption accompanies the nomination.

- (2) No person shall accept more than one nomination as a candidate for the same transitional authority at the same election.

CHAPTER 6

REGISTRATION AND NOMINATION

Election by Proportional Representation and by Wards

- 22 (1) (a) Forty percent of the members of a transitional authority shall be elected according to the system of proportional representation; and
- (b) Sixty percent of the members of a transitional local council or a transitional metropolitan substructure shall be elected on the basis that each member shall represent a ward of such transitional local council or transitional metropolitan substructure.

Notice Regarding Nominations and Registration

- 23 (1) Upon the determination of the day of the first election after the commencement of the Act by the Minister in terms of section 9 of the Act, the returning officer shall, by notice published not less than 90 days before the election day so determined :
- (a) give notice of the election day and the hours of voting as prescribed by regulation 45(1);
- (b) determine the nomination day contemplated by regulation 29(4) which day shall not be less than 30 days before the election day;

- (c) specify the date and time by which nominations of candidates for ward elections shall be delivered to the returning officer in compliance with regulation 29(1), inviting such nominations and indicate the number of vacancies to be filled;
 - (d) specify the date by which applications for registration of parties shall be delivered to the returning officer in compliance with regulation 24 and invite such applications;
 - (e) designate the place at which nominations and applications referred to in paragraph (c) and (d) above will be received by the returning officer.
- (2) (a) In respect of elections to be held for transitional metropolitan substructures and a transitional metropolitan council, the metropolitan returning officer shall consult with such substructures, and not less than 120 days before election day shall by mutual agreement determine common times and dates for the purposes of regulations 23(1)(b), (c) and (d), which agreement shall be binding on such bodies.
- (b) Failing an agreement in terms of regulation 23(2)(a), the metropolitan election officer shall forthwith advise the Premier who shall determine such times and dates at his sole discretion.

Registration of Parties : Proportional Representation Elections

- 24 (1) Every party which intends to participate in an election according to proportional representation shall :
- (a) not later than noon 30 days before nomination day for the nomination of candidates for elections according to wards in terms of regulation 23, deliver an application in writing to the returning officer concerned for registration as a party; and

- (b) include the following in the application referred to in paragraph (a) :
- (i) the name and distinguishing mark or symbol of the party which in terms of regulation 36(5)(b) is required to appear on the ballot paper;
 - (ii) the distinguishing mark or symbol used by such party, on a separate page and clearly identifiable for printing or reproduction in black and white;
 - (iii) the address of the party within the area of jurisdiction of the transitional authority to which the application relates;
 - (iv) its constitution in the case of a party which has not been registered in terms of the Electoral Act, 1993 (Act 202 of 1993),
 - (v) the names, identity numbers and addresses of the local office-bearers of the party who are ordinarily resident within the area of jurisdiction of the transitional authority to which the application relates;
 - (vi) a list of party candidates for the election, which list shall contain a number of candidates not in excess of the number of seats to be filled in terms of subregulation 22(1)(a), together with the full names, identity number and address of each such candidate and an acceptance from each candidate in terms of form ER4; and
 - (vii) a deposit determined not less than 45 days before nomination day by the returning officer as representing an accurate estimate of one percent of the number of voters on the voters' roll expressed in rands and disregarding any cents, and which deposit may be refundable in terms of subregulation (3) below.

(2) Upon receipt of an application for registration referred to in regulation 24(1), the returning officer shall establish whether :

- (a) the party has an address within the area of jurisdiction of the transitional authority to which the application relates;
- (b) the constitution of the party substantially complies with the definition of a party in regulation 1; or
- (c) the party has been registered in terms of the Electoral Act, 1993 (Act 202 of 1993); and
- (d) the candidates on the list are included in the voters' roll of the transitional authority to which the application relates and are not disqualified in terms of regulation 21.

(3) (a) The returning officer shall not later than seven days after election day, refund a deposit made in terms of subregulation (1)(b)(vii) to a party which has received in such election not less than 25 per cent of the quota of votes for a seat as determined in terms of regulation 74(2) or 78(2) as the case may be; and

(b) A party which is not entitled to a refund in terms of subregulation (3)(a) shall forfeit its deposit to the transitional authority concerned.

25 The returning officer shall, not less than 20 days before nomination day, by notice in writing to the applicant reject any application made in terms of regulation 24 if :

- (a) such application does not substantially contain the information or does not include the deposit required in terms of regulation 24(1)(b); or
- (b) the party does not substantially comply with the definition of a party in regulation 1; or

- (c) the party does not have an address within the area of jurisdiction of the transitional authority to which the application relates; or
- (d) one or more persons on the list of party candidates is or are disqualified in terms of regulation 21 or not included in the relevant voters' roll; or
- (e) the name of one or more persons appears on the list of candidates of more than one party with an acceptance in terms of form ER4 for the transitional authority concerned; or
- (f) one or more persons on the list of party candidates with an acceptance in terms of form ER4 has been nominated with an acceptance in terms of form ER5 as a candidate for a ward for the transitional authority concerned :

Provided that where the rejection is in terms of paragraphs (a), (c), (d), (e) or (f), the returning officer shall in writing grant the party the opportunity to rectify the defect not less than 3 working days before nomination day, by supplying to such officer the information or address or deposit or substituting another name or names or making other rectifications, as the case may be, and upon due compliance therewith, the returning officer shall approve the application and register the party : Provided further that where a party fails to rectify a defect in terms of subregulations (d), (e) or (f) only, the returning officer shall reject the person or persons concerned, and shall otherwise approve the application and register the party.

- 26 The returning officer shall approve all applications and register all parties which comply with the requirements of regulation 24.

Publication of Lists

- 27 (1) The returning officer shall, within fourteen days after nomination day and after applications for registration in terms of regulation 24(1) have been dealt with in terms of regulation 24(1), 25 and 26 publish :

- (a) the full name and address of the registered parties;
- (b) the distinguishing mark or symbol of the registered parties; and
- (c) the list of party candidates,

and post a copy of such notice outside the place of nomination referred to in regulation 23(1)(e).

- (2) The application of each registered party shall be open for public information for a period of seven days following the date of publication in regulation 27, from 08:00 to 17:00 at the place of nomination referred to in regulation 23(1)(e).
- (3) In any instance where the returning officer is not the chief executive, the returning officer shall deliver a copy of such notice to the chief executive...

28 The metropolitan election officer shall, for the purposes of an election for a transitional metropolitan council, exercise the functions and duties of the returning officer in terms of regulations 23(1) to 27 inclusive and any reference to the returning officer shall be construed as a reference to such metropolitan election officer.

Nomination for Ward Elections

- 29 (1) (a) No person may become a candidate at any ward election for a council unless a nomination paper in the prescribed form ER5 duly completed and signed by :
- (i) the proposed candidate or his agent duly authorised thereto in writing, which authority shall accompany the nomination paper, confirming such candidate's acceptance of the nomination; and

- (ii) at least the number of voters determined in terms of subregulation (16) whose names are included in the voters' roll for that ward other than such proposed candidate or agent;
- (b) on a separate page clearly identifiable for printing or reproduction in black and white, the distinguishing mark or symbol of the candidate which in terms of regulation 36(2) is required to appear on the ballot paper;

is delivered to the returning officer not later than noon thirty days before nomination day.

- (2) No nomination paper or any particulars contained therein shall, after the delivery of such nomination paper to the returning officer in terms of subregulation (1), be disclosed by the returning officer to any person other than an election officer prior to the hour referred to in subregulation (1).
- (3) Not later than twenty four hours after the hour referred to in subregulation (1) the returning officer shall post outside the place of nomination referred to in regulation 23(1)(e) a list showing the name and address of each person in respect of whom a nomination has been received and keep such list so posted until noon on nomination day.
- (4) At noon on nomination day the returning officer shall, subject to the provisions of subregulation (9), at the place of nomination referred to in regulation 23(1)(e) publicly declare :
 - (a) the names of the proposed candidates whose nominations have been rejected by him in terms of subregulation (5);
 - (b) the names of the candidates whose nominations have been accepted and who are, in terms of subregulation (6), deemed to have been duly elected;

- (c) the names of the candidates whose nominations have been accepted and in respect of whom a vote will be held in terms of subregulation (7); and
 - (d) display the distinguishing mark or symbol allocated to each candidate.
- (5) The returning officer shall reject :
- (a) the nomination of any person proved to his satisfaction not to be eligible as a candidate in terms of regulation 21;
 - (b) any nomination in respect of which the requirements of subregulation (1) have not been complied with;
 - (c) the nomination of any person in respect of whom the returning officer has, before the declaration is made in terms of subregulation (4), received a communication in writing, signed by such person and witnessed by at least two other persons, that he or she has withdrawn his candidature;
 - (d) the nomination of a person nominated for more than one ward in the same transitional authority if more than one of such nominations complies with the requirements of subregulation (1);
 - (e) the nomination of a person whose nomination complies with subregulation (1) and whose name appears on the list of party candidates in regulation 24 with an acceptance form ER4 for the same transitional authority; and
 - (f) the nomination of a person who, to the knowledge of the returning officer, died after delivery of his nomination paper in terms of subregulation (1) but before the declaration is made in terms of subregulation (4).

provided that no nomination shall be rejected on the grounds of any defect contemplated by subregulation (5)(b) unless :

- (i) the returning officer has, not less than twenty days prior to nomination day, served on the person concerned a written notice informing him of such defect; and
- (ii) such person has failed :
 - (aa) to remedy such defect; and
 - (bb) if such defect has been remedied, to furnish proof to the satisfaction of the returning officer that such defect has been remedied,

by not later than three working days before nomination day.

~~(6) (a)~~ If the number of candidates for a ward whose nominations have been accepted is equal to or less than the number of vacancies in that ward, such candidates shall be deemed to have been elected and a by-election shall be held within 60 days from the date of the election substantially in the manner provided by these regulations for the holding of elections, to fill any remaining vacancies.

- (b) If insufficient nominations to fill the remaining vacancies referred to in paragraph (a) are accepted for the by-election referred to in the said subregulation, the returning officer shall, within seven days of the declaration made in terms of subregulation (4) in respect of such by-election, notify the Premier in writing thereof and the Premier may thereupon either direct that a by-election shall be held to fill the balance of the remaining vacancies or may appoint persons as councillors to fill such balance and any person so appointed shall for all purposes be deemed to be a councillor.

- (7) If the number of candidates whose nominations have been accepted exceeds the number of vacancies the returning officer shall immediately by notice posted outside the place of nomination referred to in regulation 23(1)(e) and thereafter published in the press notify the names of the candidates in respect of whom a vote will be held on election day.
- (8) The nomination of a candidate whose nomination has been declared in terms of subregulation (4) may not be withdrawn in respect of any such candidate and subject to the provisions of subregulation (7) shall not terminate by reason of the death of any such candidate after such declaration : Provided that :
- (a) the provisions of this subregulation in respect of a deceased candidate shall only apply in respect of a contested election; and
 - (b) that any vote cast for such deceased candidate shall be treated as null and void and shall not be counted.
- (9) The returning officer shall, on being satisfied that a candidate in terms of subregulation (4)(c), who is the only candidate in respect of an election or by-election for a single vacancy in a ward, has died before the day of the election, terminate all proceedings and by notice published in the press withdraw all notices issued under this chapter in respect of the ward concerned, whereupon a by-election shall be held within 60 days from the date of the election for the ward concerned : Provided that such termination and notice shall in no way be construed as terminating or suspending any other concurrent election proceedings.

Polling Areas

- (10) A voting area shall comprise :
- (a) a voting station being a place designated by the returning officer within which a voter shall be allowed to cast his or her vote;

(b) an inner perimeter around the voting station bounded by a circumference with a radius of 500 metres, or such lesser area as practical circumstances may necessitate, so designated and with boundaries clearly demarcated by the returning officer :

(i) within which persons shall be allowed for the purposes of voting;

(ii) within which all political activity other than voting shall be prohibited;

(iii) from which persons other than those provided for in regulation 42(1) and (2) shall be excluded; and

(c) a controlled area around the voting station bounded by a circumference with a radius of 1 000 metres, or such lesser area as practical circumstances may necessitate, so designated by the returning officer in respect of which a presiding officer may prohibit all political activity other than voting.

(11) For the purposes of subregulation (10)(b)(ii), political activity includes :

(a) the wearing or display of any armlet or rosette designed or intended to identify a particular person with a particular party or symbol;

(b) the display or distribution of any poster, placard, banner, pamphlet, circular or letter intended to influence a voter to vote for a specific candidate or party;

(c) the making of any announcement, delivery of any speech or reading aloud any speech, article or letter intended to influence a voter to vote for a specific candidate or party; ;and

- (d) canvassing of support for any candidate or party;
- (12) (a) The returning officer shall subject to the provisions of these regulations determine the number and location of voting stations within each ward having due regard to the number of voters, accessibility, security, availability of suitable premises and other similar factors influencing the successful and proper conduct of the election.
- (b) Not less than one voting station shall be determined for each ward or for each part of a ward.
- (c) In the absence of specific or general written authorisation to the contrary by the Premier :
- (i) no voting station in a ward delimited in terms of regulation 16(b) shall be allocated part of the voters' roll comprising more than 3 000 enrolled voters; and
 - (ii) no voting station in a ward delimited in terms of regulation 16(a) shall be allocated part of the voters' roll comprising more than 5 000 enrolled voters.
- (13) The returning officer for a transitional metropolitan substructure shall ensure that every voting station is designated and used for the purposes of an election for a transitional metropolitan substructure and a transitional metropolitan council.
- (14) The returning officer shall ensure compliance with the provisions of regulation 3(6).
- (15) The Premier may direct the returning officer to increase the number or alter the locality of voting stations referred to in subregulation (12).

- (16) Not later than thirty days before election day each returning officer shall publish a list of voting stations and their addresses and shall maintain a copy of such list at a place or places determined by him for public information until the day after election day : Provided that such list may be added to by the returning officer in like manner not later than the fifteenth day before election day or at any time before election day upon the instructions of the Premier.
- (17) The returning officer shall for the purposes of subregulation (1)(b) above not less than 45 days before nomination day determine in respect of each ward and make available a number representing an accurate estimate of two percent of the voters on the voters' roll for each such ward.

CHAPTER 7

APPOINTMENT, POWERS AND DUTIES OF ELECTION OFFICERS

Appointment and Responsibilities

- 30 (1) The chief executive shall *ex officio* be the returning officer of the transitional authority concerned unless such authority by resolution of the council adopted by a majority of at least two thirds of all its members appoints another person as returning officer not later than 180 days before the election day determined by the Minister in terms of section 9 of the Act.
- (2) The returning officer for a transitional local council shall be responsible for the administration, organisation, supervision and conduct of the election for such transitional local council.

- (3) The returning officer appointed for a transitional metropolitan substructure shall be responsible for the administration, organisation, supervision and conduct of the election both for such transitional metropolitan substructure and for the transitional metropolitan council according to proportional representation conducted within such transitional metropolitan substructure.
- (4) The metropolitan returning officer shall be responsible for :
 - (a) inviting, receiving and adjudicating applications and registering parties in respect of a transitional metropolitan council election;
 - (b) preparing and transmitting ballot papers in respect of such election to each applicable returning officer;
 - (c) receiving from the returning officer for each transitional metropolitan substructure, or the responsible deputy returning officer in terms of regulation 81, a transmission on the total number of votes cast and the total number of votes cast in favour of each party;
 - (d) the determination of the result of the election for the transitional metropolitan council according to proportional representation in terms of these regulations; and
 - (e) the determination in terms of these regulations of the number of nominees required from transitional metropolitan substructures to the transitional metropolitan council and the result of such nomination.
- (5) (a) The transitional authority shall, subject to the maintenance of essential services, permit the returning officer to recruit and appoint or second such of its employees for such period or periods and in such capacity or capacities as he or she may reasonably require as being necessary for the proper preparation and conduct of the election.

- (b) Such employees shall be granted for this purpose by the transitional authority concerned permission to be absent from their normal place of work on full pay without prejudice to any other condition of employment plus for a period of not more than two days any fees as may be determined by such transitional authority in terms of regulation 97.
- (c) The returning officer may recruit and appoint from outside the employment of the transitional authority such additional persons as he or she may deem essential at not more than the fees determined in regulation 97.
- (d) Nothing herein contained shall be construed as prohibiting the transitional authority from making such additional provisions or arrangements as it may deem necessary in respect of employment or staffing for the proper preparation and conduct at the election.

31--(1) The returning officer shall appoint such election officers as he or she may deem necessary for the effective and proper conduct of the election and may in his or her discretion summarily withdraw any appointment so made.

(2) No person shall be appointed an election officer who :

- (a) is a candidate at the election; or
- (b) is a nominated member of or is on the supplementary list for appointment to the transitional authority; or
- (c) has been directly or indirectly engaged with or without remuneration by any party or candidate in connection with the election.

(3) (a) The returning officer shall where appropriate designate one election officer or more as a deputy returning officer, presiding officer, polling

officer, translation officer or voter's assistant contemplated in subregulation (4), counting officer, and/or other election officer : provided that any election officer may be given more than one designation.

- (b) The returning officer for any transitional metropolitan substructure shall designate one or more deputy presiding officers in respect of a voting station.
- (4) The returning officer shall ensure :
- (a) that not less than one election officer who is fluent in each official language, if any, is readily available at all times during voting at every voting station; and
 - (b) that sufficient election officers are specifically appointed, trained and allocated to assist illiterate, blind or disabled voters in terms of regulation 58.
- (5) In the appointment and designation of election officers the returning officer shall make positive and affirmative endeavours to ensure racial and gender representativity.
- (6) The provisions of regulation 31 shall apply *mutatis mutandis* to the metropolitan returning officer.
- (7) Election officers appointed in terms of this regulation shall be under the control and carry out the instructions of the appropriate appointing officer.
- 32 (1) The returning officer shall issue to each election officer a letter of appointment in accordance with form ER6(A) or ER6(B) and such letter of appointment shall :

- (a) in the case of a presiding officer, be enclosed in envelope ER7 in accordance with regulation 62(3);
 - (b) in the case of a voting officer or other election officer designated to a voting station, be handed for endorsement to the responsible presiding officer not later than the time at which such voting or other election officer first enters the voting station; and thereafter retained by such voting officer or other election officer until such time as it is required by the presiding officer for enclosure in envelope ER7 in accordance with regulation 62(3);
 - (c) in the case of a counting officer, be handed for endorsement to the returning officer not later than the time at which such counting officer first enters the place for the counting of votes, and thereafter retained by such counting officer until such time as it is required for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(c); and
 - (d) in the case of any other election officer, be handed for endorsement to the returning officer at a time and place specified by such returning officer, and thereafter retained by such election officer until such time as it is required by the returning officer or for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(b).
- (2) Every election officer shall, subject to any direction issued by the returning officer, exercise such powers and perform such duties and functions as are conferred and imposed on him by these regulations or as may be assigned to him by the returning officer.
- (3) (a) Whenever the returning officer is absent or incapacitated or fails or refuses to act the deputy returning officer shall exercise the powers and perform the duties and functions conferred and imposed by law on the returning officer.

- (b) Where two or more deputy returning officers have been designated the returning officer shall at the time of such designation rank them in order of seniority.

Election Officers to be Impartial

- 33 All election officers shall maintain strict impartiality in the exercise of their powers and the performance of their duties and functions and shall by nothing in their actions, demeanour, manner or speech give cause for imputing the contrary.

Agents and Messengers

- 34 (1) Every candidate for a ward in an election and whose name appears on the ballot paper for that voting station may appoint :
- (a) one general agent to represent or accompany him at any such voting station and at the place for the counting of votes;
 - (b) not more than two special agents for each such voting station;
 - (c) one special agent and one messenger to be present at the place for the counting of votes; and
 - (d) one messenger for each such voting station :

Provided that only one agent and one messenger of any candidate shall at the same time be allowed in the voting station and provided further that agents and messengers shall not be less than 18 years of age.

- (2) The provisions of regulation 34(1) shall apply *mutatis mutandis* to every party registered for an election and whose name appears on the ballot paper for that voting station : Provided that any reference to a general agent shall be construed as a reference to a party representative.

- (3) (a) Every candidate and every party in an election shall, at least seven working days before election day, advise the returning officer in writing in accordance with form ER8(A), (B) and (C) of the names, if any, of agents and messengers appointed in terms of regulation 34(1).
 - (b) The name of any duly appointed agent may be withdrawn or replaced by similar notice to the returning officer not later than noon on the day before election day.
- (4) Where the same voting station is used for an election in respect of a transitional metropolitan council and a transitional metropolitan substructure, the provisions of this regulation shall be applied separately in respect of each such election.

Declarations Relating to Secrecy

- 35 (1) Every person who is entitled to be present in a voting station or the place for the counting of votes otherwise than as a voter or as a police officer on duty, shall make a declaration in accordance with form ER9, in the case of :
- (a) the returning officer or a deputy returning officer, before a commissioner of oaths;
 - (b) a presiding officer, before the returning officer, a deputy returning officer or a commissioner of oaths; and
 - (c) any other person, before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths.
- (2) The declaration contemplated by subregulation (1) shall :
- (a) in the case of the returning officer, be enclosed in envelope ER34(A) or (B) in accordance with regulation 72(2)(b);

- (b) in the case of a presiding officer, be handed to the returning officer when such presiding officer is supplied with his election material in terms of regulation 40, for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(b);
- (c) in the case of a candidate, agent or messenger, be handed to the returning officer in terms of regulation 34(3) with the relevant form ER8, for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(b);
- (d) in the case of any other person, be handed to the returning officer at a time and place specified by such returning officer, for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(b) or, if no time and place is so specified, be handed to :
 - (i) the presiding officer when such person first enters a voting station, for enclosure in envelope ER7 in accordance with regulation 72(2)(c); or
 - (ii) the returning officer when such person first enters the place for the counting of votes, for enclosure in envelope ER34(A) or (B) in accordance with regulation 72(2)(c).

CHAPTER 8

PREPARATIONS FOR ELECTION

Printing Ballot Papers for Wards

- 36 (1) Immediately after the declaration by the returning officer of the names of candidates whose nomination for election in a ward has been accepted and in

respect of whom a vote will be held on election day the returning officer shall cause to be printed in accordance with form ER3(A) for use in an election according to wards, a sufficient number of ballot papers on white paper.

(2) Each ballot paper printed in terms of regulation 36(1) shall :

(a) contain the name of each candidate in alphabetical order of the surnames as stated on the nomination forms and, if there are two or more candidates with the same surname, in alphabetical order of their other names; and

(b) contain adjacent to the name of each such candidate the individual symbol allocated by the returning officer to the candidate or as adjudicated and decided by the dispute resolution committee in terms of regulation 101; and

(c) have the counterfoil numbered consecutively from one with the number of such counterfoil on the face of the counterfoil.

(3) In the area of jurisdiction of a transitional local council or transitional metropolitan substructure a separate series of ballot papers shall be printed for each ward.

Printing Ballot Papers for Proportional Representation

(4) Immediately after the approval and registration of parties in terms of regulation 26 :

(a) the returning officer shall cause to be printed in accordance with form ER3(B) for use in an election according to proportional representation in a transitional local council or transitional metropolitan substructure, as the case may be, a sufficient number of ballot papers on yellow paper; and

- (b) the metropolitan returning officer shall cause to be printed in accordance with form ER3(C) for use in an election according to proportional representation in a transitional metropolitan council, a sufficient number of ballot papers on green paper.
- (5) (a) Each ballot paper printed in terms of regulation 36(4)(a) and 36(4)(b) shall contain in alphabetical order the names of the parties concerned as stated on the nomination forms and, if there are two or more parties with the same first name, in alphabetical order of their other names and, if there are two or more parties with the same first letter of the alphabet, then in alphabetic order of the second, and if necessary, subsequent letters;
- (b) contain adjacent to each such name the distinguishing mark or symbol of that party provided with the application for registration in terms of regulation 24(1)(b) or as adjudicated and decided by the dispute resolution committee in terms of regulation 101; and
- (c) have a counterfoil numbered consecutively from one with the number of the counterfoil on the face of the counterfoil.
- (6) For the purposes of regulation 36(5)(a) the starting letter of the alphabet in the alphabetical order shall be determined by the name of the party drawn first by lot conducted in accordance with regulation 73(1)(b)(i) to (iii) inclusive by the returning officer in the presence of the authorised representatives of not less than half the number of registered parties, or should such number fail to be present after written invitation, in the presence of such representatives who are present plus not less than five independent witnesses invited, if necessary, by the returning officer.

Ballot Boxes

- 37 (1) The returning officer shall before election day provide or cause to be provided a sufficient number of ballot boxes.
- (2) Every ballot box shall :
- (a) have a lid attached thereto with hinges;
 - (b) have an aperture large enough to permit the insertion therein of ballot papers;
 - (c) be so constructed that ballot papers cannot be removed therefrom without opening the lid thereof;
 - (d) be provided with a lock or other device for locking it when closed;
 - (e) be clearly marked on the outside with a number or symbol which is unique to that box and which cannot be readily removed or obliterated;
and
 - (f) be clearly and securely marked on the outside in such a manner as to permit independent identification :
 - (i) of the name of the particular transitional authority to which it relates; and
 - (ii) of the ward to which it relates; and
 - (iii) as a combined ballot box for an election according to wards and according to proportional representation; or
 - (iv) as a ballot box exclusive for an election according to proportional representation for a metropolitan transitional council.

Official Mark and Instruments

- 38 (1) The returning officer shall before election day :
- (a) decide on the official mark or marks to be placed on ballot papers;
 - (b) provide a sufficient number of instruments for placing such official mark or marks on ballot papers; and
 - (c) place each instrument in a separate envelope ER10 and seal every such envelope with his official seal before handing it to a presiding officer.
- (2) The returning officer shall not communicate to any person whatsoever any particulars of the official mark or marks decided upon by him.

Fixing of Time and Place of Counting and of Place for Delivery of Election Material

- 39 The returning officer shall before election day :
- (a) fix the place or places, date and time for the counting of votes, which shall commence not later than 09:00 on the day immediately following the election, and give written notice thereof to every candidate, party and general agent;
 - (b) notify each presiding officer on form ER11 of the place or places where ballot boxes and other election material are to be delivered to such returning officer after the closing of voting stations; and
 - (c) appoint in writing a deputy returning officer to act on his or her behalf in any case where such returning officer has decided that a place or places for the counting of votes will not be under his or her direct supervision and control.

Provision of Election Material

- 40 (1) The returning officer shall supply to each presiding officer the following election material for use at his voting station :

- (a) a list of the candidates for the ward allocated to such presiding officer;
- (b) a list of the parties for the election;
- (c) a list of candidate and party agents and messengers whose names appear in respect of his voting station on the applicable form ER8 handed in terms of regulation 34 and in respect of whom a form ER9 has been handed in terms of regulation 35.
- (d) a sufficient number of copies of the voters' roll or applicable part thereof containing the names of voters entitled to vote at his voting station;
- (e) a copy of these regulations;
- (f) three copies of each poster referred to in regulation 46;
- (g) a sufficient number of ballot boxes as required, identified and marked in terms of regulation 37;
- (h) a sufficient supply of ballot papers;
- (i) a sufficient supply of instruments for placing the official mark on ballot papers each in a separate envelope ER10;
- (j) one official seal;
- (k) a sufficient supply of forms, envelopes and labels ER7 and ER12 up to and including ER29;
- (l) a sufficient number of pens or pencils for marking ballot papers;

- (m) a sufficient supply of pencils, pencil sharpeners, rulers, cutting instruments, ink and ink pads, envelopes, sealing wax or other sealing materials, matches, tapers, brown paper, cardboard boxes or containers, bags, sealing tape, string, paste, drawing pins, candles, rope or tape and other materials necessary for maintaining the identity of the inner perimeter of the voting area, and where considered appropriate by the returning officer, one or more functioning, battery operated torch.
- (2) Each presiding officer shall give a receipt for the articles supplied to him in terms of subregulation (1) above.
- (3) (a) The metropolitan returning officer shall supply to each returning officer not later than noon on the day before election day a sufficient number of ballot papers in accordance with regulations 36(4)(b), (5) and (6), which number shall be specified in writing by such returning officer to the metropolitan returning officer not later than the time of approval and registration of parties in terms of regulation 26.
- (b) Each returning officer shall give to the metropolitan returning officer a receipt including the sequence of serial numbers for the ballot papers supplied to him in terms of regulation 40(3)(a).

CHAPTER 9

CONTROL, PREPARATION AND OPENING OF VOTING STATION

Certain Powers in Respect of Voting Area

- 41 (1) The presiding officer appointed to a voting station shall have the power to :

- (a) take such steps and give such directions as may be necessary for the orderly conduct of voting and the effectual conduct of the election and compliance with these regulations, including control of the number of voters to be admitted at a time to the voting station and the inner perimeter; and
 - (b) exclude from the voting station and the inner perimeter all persons except those permitted in terms of regulation 42.
- (2) Subject to regulation 42, no person shall enter or remain in a voting station or inner perimeter without the permission of the presiding officer.
 - (3) The presiding officer shall take all reasonable steps for the protection of persons and property and for preventing any violence or disturbance in or in the vicinity of the voting station.
 - (4) The powers conferred by this regulation shall not be so exercised as to prevent any person who is entitled to vote from having an opportunity to cast his or her vote.
 - (5) The provisions of this regulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the presiding officer by any other provision of these regulations.

Persons Who May Enter Voting Stations

- 42 (1) Only the following persons may enter a voting station or inner perimeter designated in terms of regulations 29 (1)(a) and (b) :
 - (a) the returning officer;
 - (b) duly appointed election officers;
 - (c) police officers on duty;

- (d) the candidates;
 - (e) any person whose name appears in respect of such voting station in the list referred to in regulation 40(1)(c); and
 - (f) voters in the process of voting at such voting station; or
 - (g) a person permitted to do so for the purposes of regulation 58(2).
- (2) Only persons referred to in subregulation 1(a) to (e) inclusive may enter a voting station before the time at which voting is due to commence or remain therein after the close of polling.
- (3) Notwithstanding the provisions of this regulation the returning officer may in writing authorise other named or specific persons with specific responsibilities to enter a polling station or an inner perimeter of such station on such terms as such officer may deem necessary or appropriate.

Equipment and Furniture for Voting Stations

- 43 (1) The returning officer shall ensure that the following equipment and furniture is provided within each voting station before the time at which voting is due to start :
- (a) sufficient number of tables and chairs for election officers and agents of the candidates and parties; and
 - (b) sufficient number of voting compartments each with a writing surface; and
 - (c) ballot boxes in terms of regulation 40(1)(g).
- (2) The returning officer shall not provide equipment or furniture outside the voting station to any candidate, party or agent.

Arrangement Within a Voting Station

- 44 (1) Each voting station shall be arranged in such a manner that :
- (a) at the entrance to the voting station and/or inner perimeter there shall be one or more election officers to check that each person wishing to enter the voting station and/or inner perimeter is in possession of an identity document; and
 - (b) thereafter, upon admission to the voting station, the voter shall first be directed to an adjacent place where ballot papers can be issued for the election of councillors in wards and for the election of councillors according to proportional representation for a transitional local council or transitional metropolitan substructure, as the case may be, and where the vote for such election shall be cast and deposited by the voter; and
 - (c) thereafter, subject to the provisions of regulation 44(3)(b), the voter shall be directed to an adjacent exit separated from the entrance; and
 - (d) there shall be one or more election officers or police officers on duty at such exit to ensure that no person shall enter through such exit.
- (2) Where a person referred to in subregulation 44(1)(a) does not produce the identity document required in terms thereof, such person shall not be permitted to enter the voting station or, if entry has been made, shall be escorted directly out of the voting station from the exit by an election officer or police officer on duty.
- (3) Where the election for a transitional metropolitan council is conducted within the same voting station as the election for a transitional metropolitan substructure :

- (a) all election material referred to in regulation 40 and issued in respect of such transitional metropolitan council, shall at all times be kept and maintained separate by the presiding officer from any other election material in such voting station until taken into custody by the relevant authorised returning officer;
- (b) the place where a ballot paper shall be issued and the vote shall be cast and deposited by the voter for such transitional metropolitan council election, shall be clearly separated from and subsequent to the place referred to in regulation 44(1)(b), but situated in a position before the exit referred to in regulation 44(1)(c);
- (c) a voter who has cast a vote in terms of regulation 44(1)(b) shall thereafter be referred directly to the place in regulation 44(3)(b).

Polling Hours and Arrival at voting Station

- 45 (1) The hours of voting shall be from 07:00 to 22:00 on election day;
- (2) The presiding officer, voting officers and any other election officer who is specifically directed thereto by the returning officer, shall be in the voting station at least sixty minutes before the time at which voting is due to start.

Poster Outside voting Station

- 46 The presiding officer shall, before voting is due to commence, place in a conspicuous position outside the voting station :
- (1) poster ER14(A) stating that it is a voting station for the election, the hours of polling, and the ward or wards for which voting will take place; and

- (2) where applicable, poster ER14(B) stating that it is a voting station for the election, the hours of polling, and the name of the transitional metropolitan council for which voting according to proportional representation will take place; and
- (3) poster ER13 stating that smoking or the lighting of matches or lighters is prohibited in the voting station.

Preparation of Voting Compartments

47 The presiding officer shall, before voting is due to commence :

- (a) arrange each voting compartment so that no person can :
 - (i) enter or leave it without being seen by the presiding officer or other election officer deputed thereto by him; or
 - (ii) observe how any person casts a vote;
- (b) affix form ER12(A) and (B) inside each voting compartment in a position facing a voter who may enter such compartment; and
- (c) attach a pen or properly sharpened pencil by means of string to the writing surface in each compartment.

Sealing of Ballot Boxes

- 48 (1) The presiding officer shall, before voting is due to start but not more than thirty minutes before such time :
- (a) confirm and ensure that the ballot boxes are marked in accordance with regulation 37(2)(e);
 - (b) show persons present inside the voting station that each ballot box is empty;

- (c) close and lock each ballot box;
 - (d) secure the lid of each ballot box firmly and with sealing wax impressed with his official seal, seal each ballot box and seal the key, if any, to the side of the box in such a manner that such lid cannot be opened nor such key removed without the seal being broken or damaged; and
 - (e) permit the candidates or the agents present to affix their seals to all or any ballot boxes if they so desire.
- (2) In the event of additional ballot boxes being delivered thereafter to the voting station and being accepted by the presiding officer, the procedure set out in regulation 48(1)(a) to (e) inclusive shall be followed immediately upon such delivery.
- (3) After the ballot boxes have been sealed they shall not :
- (a) be opened except as provided for in regulation 69; or
 - (b) be removed from the voting station except as provided for in regulation 63(1).
- (4) The presiding officer shall place each ballot box in a conspicuous position where it can at all times be seen by him or by any other election officer deputed thereto by him.

Opening of Voting Station and Official Mark Envelopes

- 49 (1) The presiding officer shall ensure that the voting station is opened at the time at which voting is due to start.
- (2) The presiding officer shall, at the time when voting is due to start, open only as many envelopes containing instruments for placing the official mark on ballot papers as may be necessary for the poll.

CHAPTER 10

CONDUCT OF POLL

Periodic Inspection of Voting Station and Voting Compartments

- 50 (1) The presiding officer shall periodically during the course of the election cause the voting station to be inspected to ensure that the provisions of these regulations are being complied with and that :
- (a) the posters referred to in regulation 46 are still in position and have not been damaged or defaced;
 - (b) the voting compartments are still arranged as required by regulation 47(a); and
 - (c) the ballot boxes are still in the position required by regulation 48(4).
- (2) The presiding officer shall periodically during the course of the election cause each voting compartment to be inspected when it is not occupied to ensure that :
- (a) the form ER12(A) and (B) is still in position and has not been damaged or defaced;
 - (b) a pen or properly sharpened pencil is still attached to the writing surface; and
 - (c) no other notice or paper is in such voting compartment.
- (3) The presiding officer shall periodically during the course of the election cause the inner perimeter to be inspected to ensure that the provisions of these regulations are being complied with and that the boundaries of such inner perimeter are correctly and clearly demarcated.

Who May Enter Voting Compartments

- 51 Subject to the provisions of regulations 50(2) and 58, no person other than a voter wishing to vote shall enter a voting compartment and not more than one voter shall be in a voting compartment at any one time.

Interference with Voters

- 52 No person shall, except as provided in these regulations, approach, interfere with, speak to or assist a voter from the time such voter has been issued with a ballot paper or papers to the time such voter has inserted such ballot paper or papers into the appropriate ballot box or boxes.

Questions to Voters

- 53 (1) The presiding officer may, and if so requested by any candidate or agent, shall put to a person applying for a ballot paper the questions set out in form ER15.
- (2) The presiding officer may at his discretion record on form ER15 the answers of the person concerned and require such person to make and sign the declaration.
- (3) No person contemplated by subregulation (1) shall be permitted to vote unless he or she answers the first question distinctly and absolutely in the affirmative and the second and third questions distinctly and absolutely in the negative and, when so required by the presiding officer, makes and signs the declaration.
- (4) No enquiry other than contemplated by subregulation (1) shall be made at any vote as to the right of any person to vote.
- (5) Where a person referred to in regulation 53(1) refuses or fails to answer a question or make and sign a declaration as required in regulation 53(3) such person may be directed by the presiding officer to leave the voting station and shall thereupon be escorted directly out of the voting station from the exit by an election officer or police officer on duty.

- (6) When a person applies to an election officer for a ballot paper in the name of a particular voter and such election officer has reason to believe that a ballot paper has already been issued in such name, the returning officer shall put to the person applying for the ballot paper the questions set out in form ER15 and the provisions of subregulations (2) to (5) inclusive shall apply *mutatis mutandis*.

Issue of Ballot Papers

- 54 (1) An election officer to whom a person applies for a ballot paper, shall request the person to display his identity document and to state his name and address, and shall satisfy himself that :
- (a) in the case of a ballot paper for the election of councillors in wards, such person's name appears in the voters' roll for that voting station;
 - (b) in the case of a ballot paper for the election of councillors according to the system of proportional representation, such person's name appears in the voters' roll for that voting station for the applicable transitional authority; and
 - (c) a ballot paper of the kind for which application is being made, has not already been issued at that voting station in the name of the voter concerned.
- (2) If an election officer is satisfied in terms of regulation 54(1), or if the presiding officer so directs, the election officer shall in the case of each ballot paper :
- (a) call out the number and name of the voter concerned as stated in the voters' roll;

- (b) enter such number on the counterfoil of the ballot paper;
- (c) draw a line through the name and number of the voter concerned in the voters' roll to indicate :
 - (i) that a ballot paper has been issued in such name; or
 - (ii) where a single voters' roll is used for the issue of a ballot paper for the election of councillors in wards and for the issue of a ballot paper for the election of councillors according to a system of proportional representation for a transitional local council or transitional metropolitan substructure, that two ballot papers have been issued in such name;
- (d) tear out each such ballot paper and mark it with the official mark in the space provided on the back thereof;
- (e) fold each such ballot paper once lengthwise and then once crosswise so that the official mark is on the outside; and
- (f) unfold each such ballot paper and hand it to the appropriate voter.

Assistance to Voters by Election Officers

55. An election officer may :

- (a) direct a voter to a voting compartment or to a subsequent ballot table;
- (b) inform a voter that directions for guidance are posted inside the voting compartment;
- (c) inform a voter that such voter may request assistance by an election officer referred to in regulation 31(4) or in terms of regulation 58 and direct such voter to such officer;

- (d) instruct a voter where to deposit ballot papers after such voter has exercised his vote; or
- (e) direct a voter to the exit of the voting station after such voter has completed the voting process.

Marking and Disposal of Ballot Papers

- 56 (1) A voter to whom a ballot paper or papers has been issued shall :
- (a) immediately proceed to an unoccupied voting compartment;
 - (b) without delay secretly place a cross or clear mark of intention by means of mark or writing other than a cross on the ballot paper in the square opposite the name and symbol of the candidate for whom he or she wishes to vote in a ward election, and on the ballot paper in the square against the name and symbol of the party for which he or she wishes to vote in the election according to proportional representation;
 - (c) fold the ballot papers so that the official mark is on the outside;
 - (d) show the official mark on the ballot paper or papers to the presiding officer or to any other election officer deputed thereto by such presiding officer and put such ballot paper or papers in the appropriate ballot box; and
 - (e) immediately leave the voting station through the exit.
- (2) No ballot paper shall be removed from the voting station except as provided in regulation 63(1).

Inspection of Ballot papers and Ballot Papers without Official Mark

- 57 (1) If an election officer has any doubt whether a ballot paper in the possession of any person is a ballot paper duly issued to such person, such election officer may require such person to show him the back of such ballot paper in order that the official mark thereon may be seen.
- (2) The presiding officer shall cause the official mark to be placed on any ballot paper from which it has been omitted if he or she is satisfied that such ballot paper was otherwise properly issued and has not yet been inserted in the ballot box.

Illiterate, Blind or Disabled Voters

- 58 (1) If any voter is unable to obtain a ballot paper in the manner contemplated by regulation 54 or is unable to vote in the manner contemplated by regulation 56 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled, and, unless an application has been made in terms of regulation 58(2), the presiding officer or his duly authorised representative shall, at the request of such voter and in the presence only of such candidates and agents as may be present :
- (a) obtain a ballot paper or papers in terms of regulation 40 for such voter;
 - (b) mark the vote of such voter on the ballot paper or papers in the manner directed by such voter;
 - (c) fold such ballot paper or papers as required by these regulations; and
 - (d) put such ballot paper or papers in the appropriate ballot box.
- (2) Everything done by an officer in terms of subregulation (1) at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned shall be deemed to have been done by such voter.

(3) On application by a voter who :

- (a) is unable to obtain a ballot paper in the manner contemplated by regulation 54 or is unable to vote in the manner contemplated by regulation 55 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled; and
- (b) is accompanied or assisted by another person who has attained or who in the opinion of the presiding officer, appears to have attained the age of eighteen years, the presiding officer shall, if he or she is satisfied that such voter so desires, grant permission to such voter to obtain a ballot paper or papers and vote with the aid of such other person, and, if such permission is granted, everything done by such other person at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned, shall be deemed to have been done by such voter.

Objection to Voter

- 59 (1) Any candidate, candidate's agent or voter may, by declaration on oath made in accordance with form ER17 before the presiding officer, object to a person in the voting station exercising any vote on the grounds that such person is not the voter in whose name such person has applied for or been issued with ballot papers.
- (2) The presiding officer shall forthwith :
- (a) read the declaration contemplated by subregulation (1) to the person exercising or attempting to exercise the vote; and
 - (b) request such person to make a declaration on oath in accordance with the form ER18 before the presiding officer.

- (3) If the person exercising or attempting to exercise the vote makes the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall permit such person to exercise his vote in accordance with these regulations.
- (4) If the person exercising or attempting to exercise the vote refuses to make the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall prohibit the issue of any ballot paper to such person or, if a ballot paper or papers have already been issued to such person but have not yet been disposed of as provided in regulation 45(1)(d), impound and cancel such ballot papers or papers and endorse thereon and on the counterfoils thereof the reason for such cancellation.
- (5) The presiding officer shall set aside all declarations contemplated by subregulations (1) and (3) and all ballot papers impounded and cancelled in terms of subregulation (4), in envelope ER19.
- (6) The presiding officer shall administer any oath contemplated by this regulation.

Spoilt Ballot Papers

- 60 (1) If any voter spoils a ballot paper he or she may return it to the presiding officer who shall, if he or she is satisfied that such ballot paper was inadvertently spoilt, issue to such voter a fresh ballot paper.
- (2) The presiding officer shall, if he or she issues a fresh ballot paper :
 - (a) cancel the spoilt ballot paper and :
 - (i) endorse on the applicable voters' roll next to the name of the voter that such ballot paper has been cancelled and that a fresh ballot paper has been issued; and

- (ii) endorse on the spoilt ballot paper the number of the fresh ballot paper counterfoil in the following manner :

"See fresh counterfoil No....."

and

- (b) set aside the spoilt ballot paper in envelope ER19.

CHAPTER 11

CLOSE OF VOTING AND MAKING UP AND DELIVERY OF ELECTION MATERIAL

Close of Voting

- 61 (1) The presiding officer shall ensure that :
- (a) the doors of the voting station are closed at the time at which voting is due to close, save and except such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation 29(10)(b); and
 - (b) no person is admitted into the voting station after the time at which voting closes, save and except such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation 29(10)(b).

- (2) The presiding officer shall permit every person who is inside such inner perimeter at the time when voting closes and who is entitled to vote, to exercise his rights to vote.

Making up of Election Material

- 62 (1) The presiding officer shall, immediately after every person contemplated by regulation 61(2) has exercised his vote :
 - (a) close the aperture in every ballot box;
 - (b) seal every such closed aperture with his official seal;
 - (c) seal any locking device, or tie and seal any key to the box, in such a manner that it cannot be used to open the box without breaking such seal;
 - (d) permit candidates or agents each to affix a seal to any such aperture if so desired;
 - (e) complete and sign form ER21;
 - (f) separate the counterfoils of the used ballot papers from unused ballot papers and their counterfoils and for this purpose divide any partly used ballot paper book into two.
- (2) The presiding officer shall then, in the presence of the persons present in the voting station, enclose the material specified in the first column of the following Table in the applicable envelopes specified in the second column of the said Table and paste or tie or otherwise deal with each envelope so that it is securely closed :

TABLE		
MATERIAL		ENVELOPE
(a)	Forms ER6 and ER9	ER7
(b)	Forms ER15, ER17 and ER18 plus impounded, spoilt and cancelled ballot papers	ER19
(c)	Unused ballot papers and counterfoils	ER20
(d)	Counterfoils of used ballot papers	
(e)	Marked copies of the voter's roll	
(f)	Form ER21	ER25A/B
(g)	Instruments for marking ballot papers with official mark	ER30

(3) The presiding officer shall thereupon, in the presence of the persons present in the voting station :

(a) seal envelopes ER7, ER19, ER20, applicable ER25, and ER30 with his official seal and permit the candidates or agents each to affix a seal thereto if so desired;

(b) retain envelopes ER25A/B and ER30 separately;

(c) enclose envelopes ER7, ER19, and ER20 in the single bag or container supplied for this purpose, affix label ER28 thereto and seal such single bag or container with his official seal and permit the candidates or candidates' agents each to affix a seals thereto if so desire; and

(d) thereafter enclose his official seal in envelope ER29 paste down the flap of such envelope so that it is securely closed and sign such envelope.

(4) The presiding officer shall securely enclose all remaining unused stationery, forms, cutting instruments, sealing wax and similar election material in the single box or container supplied for this purpose and affix label ER27 thereto.

- (5) Where a transitional metropolitan council shares a voting station with a transitional metropolitan substructure, the provision of regulation 51(1), (2), (3) and (4) shall strictly be applied by the presiding officer separately, and, if appropriate, consecutively, in respect of such substructure and such council.

Delivery of Election Material to Returning Officer

- 63 (1) The presiding officer shall, immediately after complying with the provisions of regulation 62 remove from the voting station and deliver and accompany all ballot boxes and materials included with ER25(A) and (B), ER27, ER28, ER29 and ER30 into the hands of the returning officer or deputy returning officer at the place fixed in terms of regulation 39(b).
- (2) The returning officer shall be present at the place or places fixed in terms of regulation 39(b) from the time at which voting stations are due to close and shall issue a receipt to the presiding officer for the election material contemplated by subregulation (1).

CHAPTER 12

COUNTING OF VOTES AND DECLARATION OF RESULT

Control of Place for the Counting of Votes

- 64 (1) (a) The returning officer shall be in charge of the place for the counting of votes and shall take such steps and give such directions to persons present therein as may be necessary for the proper conduct of the count.
- (b) The provisions of this subregulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the returning officer by any other provision of these regulations.

- (2) Only the following persons may be present in the place for the counting of votes :
- (a) the returning officer;
 - (b) the presiding officer or officers;
 - (c) election officers duly appointed for the counting of votes;
 - (d) police officers on duty;
 - (e) every candidate for a ward;
 - (f) any person whose name appears as a agent to be present at the counting of votes on a form ER8 duly handed in terms of regulation 35(2)(c) and in respect of whom a form ER9 has been duly handed in terms of regulation 35(2)(c); and
 - (g) persons delivering ballot boxes and other election material in terms of regulation 63.

Requisites for the Counting of Votes

- 65 The returning officer shall take into the place for the counting of votes :
- (a) a copy of the Local Government Transition Act, 1993 (Act 209 of 1993); the Constitution for the Republic of South Africa Act, 1993 (Act 200 of 1993); Chapter V of the Electoral Act, 1993 (Act 202 of 1993); and these regulations;
 - (b) his official seal;
 - (c) sufficient copies of forms ER31(A) and (B) to ER37 inclusive; and

- (d) sealing wax or other sealing materials, matches, tapers, candles, pencils, pencil sharpeners, paper, brown paper, bags, cardboard boxes, string, paste and cutting instruments.

Counting

- 66 (1) In the conduct of counting for an election for a transitional local council or transitional metropolitan substructure, the provisions of regulations 68 to 72 inclusive shall be complied with separately :
- (a) in respect of ballot papers from each ward voting station and each ward voting sub-station if any; and
 - (b) in respect of ballot papers for the election of councillors by wards and ballot papers for the election according to proportional representation from each such ward voting station and sub-station in paragraph (a).
- (2) In the conduct of counting for an election for a transitional metropolitan council the provisions of regulations 68 to 72 inclusive shall be complied with separately in respect of each metropolitan voting station and each metropolitan voting sub-station if any.
- (3) The returning officer shall not commence the counting of votes for any ward or voting station until the ballot boxes and all other election material from all voting stations, if any, from such ward have been delivered to him.

Duties and Functions of Counting Officers

- 67 The returning officer may direct any election officer to perform under his control one or more duties and functions imposed by these regulations.

Checking of Election Material

- 68 The returning officer shall deal separately with the election material received from each ward as follows :

- (a) Open envelope ER29 containing the official seal used by the presiding officer.
- (b) With such candidates or agents as may desire to do so, examine the ballot boxes, envelopes ER25A/B and ER30 referred to in regulation 62(3)(a), and the parcel under label ER28 in order to ascertain whether the seals and fastenings are intact.
- (c) Make a record of any seals or fastenings which are not intact.
- (d) Open envelopes ER25(A) and (B) containing form ER21.

Procedure for Counting Votes

69 After compliance with the provisions of regulation 68, the returning officer shall open and empty each ballot box and :

- (1) in the case of an election for a transitional metropolitan substructure or a transitional local council, first separate the ballot papers into those for the election according to wards and those for the election according to proportional representation; and thereafter
 - (2) (a) set aside any material therefrom which is not a ballot paper, and including any ballot paper which on the face of it, should have been inserted in another ballot box;
 - (b) unfold the ballot papers and place them with their backs upwards;
 - (c) set aside all such ballot papers as do not bear the official mark to be dealt with in terms of regulation 71; and
 - (d) count with their backs upwards the number of all such ballot papers and compare the total so counted with the total used as reflected on form ER21.

Counting of Votes

- 70 (1) The returning officer shall, after the provisions of regulations 69 have been complied with, deal as follows with the ballot papers for the ward concerned, which have not been set aside in terms of regulation 69(2)(a) and (c) :
- (a) Turn all such ballot papers face upwards;
 - (b) Set aside to be dealt with in terms of regulation 71 all such ballot papers which :
 - (i) give votes for more candidates than the number of vacancies, or for more than one party;
 - (ii) are unmarked; or
 - (iii) are ambiguous or doubtful as regards the vote or votes marked thereon; or
 - (iv) are otherwise subject to rejection in terms of regulation 71(1).
 - (c) On ballot papers not set aside in terms of paragraph (b) count the votes given for :
 - (i) each candidate in the case of the election for councillors for wards; and
 - (ii) each party in the case of the election for proportional representation.
- (2) After the ballot papers have been turned face upwards in terms of subregulation (1)(a) they shall be kept face upwards.

Returning Officer to Decide on Ballot Papers Set Aside

- 71 (1) The returning officer shall, with such candidates or agents as may desire to do so, scrutinise every ballot paper set aside in terms of regulations 69(2)(a) and (c), or 70(1)(b) and shall, after considering the submissions made by any such candidate or agent, reject and not count any ballot paper which :
- (a) does not bear the official mark;
 - (b) gives votes for more candidates than the number of vacancies, or for more than one party;
 - (c) is unmarked;
 - (d) contains a vote which is void because it is so marked that the returning officer cannot determine for which candidate or candidates or party the vote or votes was cast;
 - (e) is a ballot paper for another election; or
 - (f) on a balance of probability was not issued in the voting station concerned.
- (2) The returning officer shall not reject any ballot paper merely because there is thereon a mark other than a cross, or writing, or a signature.
- (3) The returning officer shall endorse :
- (a) the word "rejected" on every ballot paper rejected by him in terms of subregulation (1); and
 - (b) the words "rejection objected to" or "acceptance objected to", as the case may be, on every ballot paper in respect of which a candidate or agent objects to his decision.

- (4) The returning officer shall ensure that the votes counted in terms of regulation 70(1)(c) are adjusted by the addition of any vote which has been accepted by the returning officer in terms of this regulation, whether or not the acceptance of the ballot paper concerned has been objected to.

Closing the Counting

- 72 (1) Immediately after compliance with the provisions of regulation 71(4) the returning officer shall :
 - (a) enclose the counted ballot papers in one parcel or container, attach label ER32(A) or (B) as the case may be to such parcel or container and seal such parcel with his official seal;
 - (b) enclose the rejected ballot papers in one parcel or container, attach label ER33(A), (B) and (C) as the case may be and seal such envelope with his official seal; and
 - (c) replace each form ER21 in its envelope ER25(A) and (B) and reseal such envelope with his official seal.
- (2) The returning officer shall thereafter :
 - (a) remove the contents of the containers under labels ER27, ER29 and ER30 for disposal or future use;
 - (b) place envelope ER7, containing forms ER6 and ER9, handed to him in terms of these regulations, all applicable forms ER8 and the form ER9 containing his own declaration of secrecy in envelope ER34(A) and (B) and seal such envelope with his official seal; and

- (c) place all envelopes or containers ER25(A) and (B), ER28, ER32(A) and (B), ER33(A), (B) and (C) and ER34(A) and (B) in a bag or box, affix label ER36 to such bag or box and seal such bag or box with his official seal.
- (3) The returning officer may use two or more bags or boxes for the purposes of subregulation (2)(c) if he or she considers this to be necessary or desirable and shall in such event ensure that :
- (a) the election material for election by wards, and for each ward voting station and sub-station is kept together; and
 - (b) the election material for election according to proportional representation, and for each metropolitan voting station and sub-station is kept together; and
 - (c) a record is kept of the bag or box containing :
 - (i) the election material in subregulation 3(b) above; and
 - (ii) envelope ER34(A) and (B).
- (4) The returning officer shall be responsible for the safe custody of all election documents used in the vote and shall retain such documents for a period of one year from the day of the vote after which date they shall, unless a superior court otherwise directs, be destroyed.
- (5) When the returning officer is not the chief executive, the returning officer shall deliver all election documents into the custody of such chief executive to whom the provisions of regulation 72(4) shall apply *mutatis mutandis*.

CHAPTER 13

DETERMINATION OF RESULT

VOTING ACCORDING TO WARDS

11.

Declaration of Result : Wards

- 73 (1) The returning officer shall, after the provisions of regulation 72 (1) to (3) inclusive have been complied with :
- (a) ascertain which candidate or candidates has or have been elected by a majority of votes;
 - (b) in the event of the number of votes for two or more candidates being equal, determine by lot which of such candidates shall be elected in the following manner :
 - (i) record the names of the candidates, for whom there was an equality of votes, on separate pieces of paper of the same size, shape and appearance, fold them so that they look identical and place them in an empty ballot box in the presence of the candidates or their agents;
 - (ii) close the ballot box and shake it and without looking therein draw one of the pieces of paper from the ballot box and, in the presence of the candidates or their agents, show such piece of paper to the candidates or their agents and sign such piece of paper;
 - (iii) announce the name of the candidate whose name appears on such piece of paper.

- (c) complete from ER31(A);
 - (d) declare the result of the election outside the place where the votes were counted or some other place as he or she may by notice in the press have designated by announcing the ward, the number of votes for each candidate in that ward, and the candidate or candidates duly elected; and
 - (e) in any instance where the returning officer is not the chief executive, deliver a certified copy of completed form ER31(A) to the chief executive.
- (2) The returning officer shall post a copy of the completed form ER31(A) at the office or offices of the relevant transitional authority not later than two days after the declaration of the result.

VOTING ACCORDING TO PROPORTIONAL REPRESENTATION

TRANSITIONAL LOCAL COUNCIL OR
TRANSITIONAL METROPOLITAN SUBSTRUCTURE

Determining the Quota

- 74 (1) The returning officer shall, for the purpose of determining the result according to proportional representation, take into account the results of proportional representation voting in respect of the transitional local council or transitional metropolitan substructure as the case may be, as a single unit.

- (2) The quota of votes per seat shall be determined by dividing the total number of votes cast by the number of seats to be filled by proportional representation, plus one, and the result, plus one, disregarding fractions, shall be the quota of votes per seat.

Allocating Seats

- 75 (1) The total number of votes cast in favour of a party shall be divided by the quota of votes per seat and the result shall, subject to subregulation (2), determine the number of seats allocated to that party.
- (2) Where the calculation in subregulation (1) yields a surplus, such surplus shall compete with similar surpluses accruing to any other party or parties and any undistributed seat or seats shall be awarded to the party or parties concerned in sequence of the highest surplus.
- (3) The representatives of a party shall, according to the number of seats determined for such party in terms of subregulations (1) and (2) be taken from the list of the aforesaid party in the order in which they are stated on such list.
- (4) In the case of a list containing fewer candidates than a party is entitled to, that party :
 - (a) shall be allocated the number of representatives on its list; and
 - (b) shall forfeit its entitlement to any further representation in excess of the representation so allocated.
- (5) In the event of a party forfeiting its entitlement to representation in terms of subregulation (4) :

- (a) a new quota shall be determined on the following basis :
 - (i) the total number of votes cast, minus those votes cast for all parties referred to in subsection (4), shall be divided by the remaining number of seats, plus one, still to be allocated to the other parties; and
 - (ii) the result, plus one, disregarding fractions, shall be the new quota.

- (b) a new determination of the allocation of representatives in respect of such other parties shall then *mutatis mutandis* be made as provided for in subregulations (1), (2) and (3) respectively

- (6) In the event of a party being entitled to an additional number of representatives in terms of the provisions of subregulation (5), and its list of candidates not containing a sufficient number of candidates, the process provided in subregulations (4) and (5) shall be repeated until all representatives have been allocated.

- 76 (1) The returning officer shall, after the provisions of regulation 75 have been complied with :

- (a) ascertain which person or persons has or have been elected in accordance with the system of proportional representation;
- (b) complete forms ER31(B) and (C);
- (c) declare the result of the election outside the place where the votes were counted or some other place as he or she may by notice in the press have designated by announcing the number of votes for each party and the persons from the party lists who have been duly elected in terms of these regulations; and

- (d) in any instance where the returning officer is not the chief executive, deliver a certified copy of completed forms ER31(B) and (C) to the chief executive.
- (2) The returning officer shall post a copy of the completed forms ER31(B) and (C) at the office or offices of the relevant transitional authority not later than two days after the declaration of the result.

TRANSITIONAL METROPOLITAN COUNCIL

DETERMINING VOTING AND THE QUOTA

Transmittal and Receipt of Counting Totals

- 77 (1) In the case of an election in respect of proportional representation for a transitional metropolitan council, the returning officer shall, after compliance with the provisions of regulation 72, announce the result of such count outside the place where the votes were counted by announcing each metropolitan voting station and sub-station if any, and the number of votes for each party in that station or sub-station, and thereafter the total number of votes for each party in his area of jurisdiction.
- (2) The returning officer shall, after compliance with the provisions of regulation 77(1), immediately deliver or cause to be delivered on form ER37 to the appropriate metropolitan returning officer the total number of votes for each party in the area of jurisdiction of such returning officer.
- (3) The place to which such form ER37 shall be delivered within the area of the metropolitan transitional council shall be determined by the metropolitan returning officer who shall advise each applicable returning officer thereof in writing on form ER38 not later than noon on the day prior to election day.

- (4) The metropolitan returning officer shall be present at the place fixed in terms of regulation 77(3) from a time not later than eight hours after the time at which voting stations are due to close and shall issue a receipt to the returning officer for the election material contemplated in regulation 77(2).

Determining the Quota

- 78 (1) Upon receipt of the transmission from ER37 referred to in regulation 77 from each returning officer or deputy returning officer within the area of jurisdiction of the transitional metropolitan council, the metropolitan returning officer shall for the purpose of determining the result according to proportional representation, take into account the result of proportional representation voting in respect of the transitional metropolitan council as a single unit.
- (2) The quota of votes per seat shall be determined by dividing the total number of votes cast by the number of seats to be filled by proportional representation, plus one, and the result, plus one, disregarding fractions, shall be the quota.
- (3) The provisions of regulations 75 to 76 inclusive shall apply *mutatis mutandis* to the metropolitan returning officer and any reference to the returning officer shall be a reference to such metropolitan returning officer.

SUPPLEMENTATION OF LIST AND VACANCIES

- 79 (1) After the determination of the number of seats for each party and the identification of the representatives of such party, that party may, in order to fill any vacancy that may arise between the election and the next election, supplement the list referred to in regulation 24(1)(b)(vi) and in accordance with the requirements of these regulations.

- (2) Persons whose names are placed on the supplementary list contemplated in subsection (1) shall qualify to be councillors in terms of regulation 25(d) and such list shall as soon as possible after the day of the election be published in terms of regulation 27.

ASSUMPTION AND TERM OF OFFICE

- 80 Any persons elected as a councillor in terms of these regulations shall upon announcement in terms of regulation 73(1)(d) and 76(1)(c) respectively, and where applicable, forthwith assume office as a councillor for the council concerned for a period of three years commencing from the date of the election or until the next election of the council concerned takes place.

DEPUTY RETURNING OFFICER

Functions and Transmittal of Results and Totals

- 81 (1) Where the returning officer has decided that a place for the counting of votes will not be under his or her direct supervision and control, and has appointed a deputy returning officer in terms of regulation 39(c) to act on his or her behalf, any reference to the returning officer in regulations 63 to 72(3) inclusive shall be construed as a reference to the applicable deputy returning officer.
- (2) The deputy returning officer shall, after compliance with the provisions of regulations 63 to 72(3) inclusive, announce the result of such count outside the place where the votes were counted by announcing :
- (a) in the case of an election in respect of councillors by wards, the name of each candidate and the number of votes cast in respect of each such candidate; and

- (b) in the case of an election in respect of proportional representation for a transitional authority, the number of votes for each party in each applicable transitional authority.
- (3) The deputy returning officer shall immediately thereafter deliver or cause to be delivered :
 - (a) to the returning officer, the result of the count in terms of subregulation (2)(a) and (b); and
 - (b) to the appropriate metropolitan returning officer the total number of votes for each party in the area of jurisdiction of such deputy returning officer.
- (4) The place to which the information in subregulation (3)(a) and (b) shall be delivered, shall be within the area of jurisdiction of the returning officer and the metropolitan election officer respectively, and the provisions of regulation 77(3) and (4) shall apply *mutatis mutandis* to the deputy returning officer.

CHAPTER 14

FILLING OF ELECTED OR NOMINATED SEATS

- 82 (a) A councillor elected according to a party list shall cease to hold office when he or she dies, resigns office in writing, ceases to hold the qualifications required for nomination or election or is disqualified or removed from office in terms of any law or by order of court, and the chief executive of the council concerned shall forthwith designate the person whose name is on top of the list referred to in regulation 27 or a supplemented list, as the person that has become a representative for the party concerned in that council.

- (b) Where a vacancy contemplated by subregulation (a) occurs and there is no list as provided for in regulation 27 or a supplemented list, or if such lists have become exhausted, or if the party concerned has ceased to exist, such vacancy shall remain unfilled.
- 83 A councillor representing a ward or a transitional metropolitan substructure shall cease to hold office when he or she dies, resigns office in writing or ceases to hold the qualifications required for nomination or election or is disqualified or removed from office in terms of any law or by order of court, and in the event of such vacancy a by-election shall be held *mutatis mutandis* in terms of these regulations.

CHAPTER 15

TRANSITIONAL METROPOLITAN COUNCIL NOMINATIONS FROM SUBSTRUCTURES

Percentage and Quotas

- 84 Sixty per cent of the members of a transitional metropolitan council shall be nominated by the transitional metropolitan substructures from among their members on a *pro rata* basis according to the number of registered voters in the area of jurisdiction of such transitional metropolitan substructures : Provided that each such transitional metropolitan substructure shall be entitled to at least one representative.
- 85 (a) Within 7 days of the last announcement of the results of the election in terms of regulations 73(1)(d) and 73(1)(c) in respect of the election of the members of transitional metropolitan substructures, the metropolitan returning officer shall direct the chief executive of each such substructure to convene a meeting

of each substructure within 14 days of such last announcement in order to nominate a member or members of such substructure to represent it on the aforesaid metropolitan council according to the following formula :

- (i) A quota of votes per seat shall be determined by dividing the total number of voters on the voters' rolls for all transitional metropolitan substructures by the number of seats for nomination, plus one, for the transitional metropolitan council and the result plus one, disregarding fractions, shall be the quota of votes per seat for such transitional metropolitan council.
- (ii) The number of seats to be awarded to a transitional metropolitan substructure for the purposes of subregulation (iv) shall, subject to subregulation (iii), be determined by dividing the total number of voters on the voters' roll for such transitional metropolitan substructure by the quota of votes per seat determined in terms of subregulation (i).
- (iii) Where the result of the calculation in terms of subregulation (ii) yields for any substructure a figure which is a fraction of the figure 1, such substructure shall be awarded one seat and shall not thereafter participate in any calculation or award in terms of subregulation (v).
- (iv) Where the result of the calculation in terms of subregulation (ii) plus any award in terms of subregulation (iii) yields a surplus not absorbed by the number of seats awarded to a transitional metropolitan substructure concerned, such surplus shall compete with other similar surpluses accruing to any other transitional metropolitan substructure or substructures in respect of the transitional metropolitan council concerned, and any seat or seats not awarded in terms of subregulation (ii), shall be awarded to the transitional metropolitan substructure or substructures concerned in sequence of the highest surplus.

(v) The aggregate of a transitional metropolitan substructure's awards in terms of subregulation (ii) and (iii), shall indicate that transitional metropolitan substructure's allocation of seats in the transitional metropolitan council in question.

(vi) if there are further surpluses, after any^e second calculation referred to in subregulation (vi), such surpluses shall be disregarded and thereafter the calculations for nominations for the metropolitan council shall be closed.

86 The metropolitan returning officer for the transitional metropolitan council concerned shall in the directive referred to in regulation 85, advise each substructure of the correct number of members to which it is entitled in terms of regulation 85.

87 Where a transitional metropolitan substructure does not submit a name or names as contemplated in regulation 85 within 30 days from the date of the last announcement of the election results, the metropolitan returning officer shall forthwith advise the Premier who may apply the provisions of regulation 95.

88 Not later than 35 days after the announcement of the election results in terms of regulation 73 in respect of the election of members of a transitional metropolitan substructure, the metropolitan returning officer for the transitional metropolitan council shall in respect of nomination received :

(a) advise each nominee of his successful nomination; and

(b) publish a list of the names of all nominated councillors and the substructures they represent, in the press.

CHAPTER 16

GENERAL AND OFFENCES

Opening or Inspection of Election Material

- 89 (1)ⁱ If the returning officer at any time prior to sealing the election material in the bag or box referred to in regulation 72(2)(c) has reason to suspect any irregularity in connection with any matter relating to the election or any failure to comply with these regulations he shall, in writing advise each candidate, general agent and party thereof, invite such persons to be present at a stated time and place, and in the presence of such candidates or agents as are present :
- (a) open the parcel or envelope concerned;
 - (b) make a record in duplicate of any such irregularity or non-compliance;
 - (c) retain one copy of such record and place the other copy in the parcel or envelope concerned;
 - (d) re-make such parcel or re-close such envelope;
 - (e) seal such parcel or envelope with his official seal; and
 - (f) permit the candidates or agents to affix their seals thereto if they so desire.
- (2) No sealed bag or box referred to in regulation 72(2)(c) or any parcel or envelope therein shall be opened and no person shall be allowed to inspect any election document except under the order of a superior court on its being satisfied by evidence on oath that the inspection or production thereof is required for the purpose of instituting or maintaining a prosecution for an

offence or for the purpose of proceedings questioning the validity of an election or election result and any such order may be made subject to such conditions as such court may deem expedient, necessary or desirable.

(3) Where an order has been made for the production by the returning officer of any document, parcel, envelope, bag or box in his custody relating to any specific election :

- (a) the production by such returning officer of any such document, parcel, envelope, bag or box in the manner directed by such order or in accordance with a rule of court shall be conclusive evidence that such document, parcel, envelope, bag or box relates to such election; and
- (b) any endorsement appearing on any document, parcel, envelope, bag or box produced by him shall be evidence of the contents of such document, parcel, envelope, bag or box being what they are stated to be by such endorsement.

Election Committee

- 90 (1) (a) A transitional authority may, and if so directed by the Premier shall, establish an election committee which will function for such period as the transitional authority or Premier may determine but in any event not later than 24:00 on the day immediately preceding the date contemplated by section 9(1) of the Act.
- (b) Such committee shall consist of three persons at least one of whom shall be a legally qualified person who shall be the presiding officer, and three alternates appointed by resolution of the council adopted by a majority of not less than two thirds of all its members.
 - (c) No person shall be appointed as a member of such committee if he :
 - (i) is the holder of an office of a party;

- (ii) is a member or employee of the transitional authority concerned;
 - (iii) is not eligible to be enrolled as a voter for the transitional authority concerned in terms of regulation 2(1);
 - (iv) is a candidate or is on a party list for the election; or
 - (v) is a member of a revision court referred to in regulation 5.
- (d) A member of such a committee shall cease to be a member thereof and shall vacate his seat if he :
- (i) becomes disqualified for appointment as a member of such a committee;
 - (ii) tenders his resignation to the chief executive; or
 - (iii) dies

and any vacancy so arising shall be filled from the appropriate alternate appointment, or in the absence thereof as soon as possible by the transitional authority with a person who has substantially the same qualifications as his or her predecessor.

- (e) Such committee shall :
- (i) attempt to resolve any dispute or complaint resulting from a decision taken by a voters' roll officer or a returning officer that has been brought to its attention by such officer or by an aggrieved person or party;
 - (ii) consider and advise in respect of any matter submitted to it by the voters' roll officer or the returning officer;

- (iii) adjudicate and decide any conflict or complaints regarding the distinguishing mark or symbol of a party or person in terms of regulation 29(1)(b)(ii) or regulation 29(4)(d) :

Provided that the committee shall not receive or consider any matter falling within the powers, functions and duties of a revision court; and provided further that nothing herein contained shall be construed as limiting or interfering with the fulfilment of the responsibilities of a voters' roll officer or returning officer in terms of these regulations.

- (f) Members of such committee shall be remunerated on such basis as may be determined by the transitional authority or by the Premier.

Bills and Placards

91 During the election period :

- (a) every bill, placard, poster, pamphlet, circular or other printed matter having reference to the election shall bear upon the face thereof the name and address of the printer and publisher thereof;
- (b) no person shall print, publish or post or cause to be printed, published or posted or in any other manner disseminate any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher;
- (c) the proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his or her newspaper which originated from a candidate, party or its agents or supporters, the insertion of which is, or is to be, paid for, or for which any reward or compensation, or promise of reward or compensation, is or is to be made;

- (d) the articles or paragraphs referred to in paragraph (c) shall include all such text as may *prima facie* appear to be intended or calculated to affect the result of the election, and shall include any paid advertisement or report of the speech of a candidate, if the insertion thereof is, or is to be, paid for;
- (e) every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this section referred to as an "election article") which, *prima facie*, is intended or calculated to affect the result of the election, is inserted in any newspaper or otherwise produced and is published in the Republic, shall bear at the foot thereof the full name and address of the person or persons by whom such election article was written or produced : Provided that :
- (i) any such election article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, shall also bear the full name of the editor;
 - (ii) in the case of any such election article which is written jointly by two or more persons, it shall be sufficient for the purposes of this regulation if the report as a whole bears the full names and addresses of the persons by whom it was written; and
 - (iii) in the case of headlines to any election article which is inserted in any newspaper as aforesaid, and of bills, placards or posters having reference thereto and which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this regulation if the full names and addresses of the persons by whom such headlines, bills, placards and posters were written, are published in the issue of the newspaper in which such election article is inserted; and
- (f) subject to the provisions of the proviso to subregulation (e)(iii), no person shall print or publish any newspaper or other printed matter in which is inserted or

produced any election article which fails to comply with the provision of subregulation (e).

Corrupt and Illegal Practices

92 The provisions of Chapter X of the Electoral Act, 1993 (Act 202 of 1993) shall *mutatis mutandis* apply to an election in terms of these regulations.

Fees Payable to Election Officers

93 (1) Every council shall, at its first ordinary meeting after notice of the day of election has been given in terms of section 9(1) of the Act determine by resolution the fees to be paid to election officers : Provided that such fees shall not be decreased before any final payment has been made in terms of such resolution.

(2) The fees contemplated by subregulation (1) shall not exceed the following amounts :

(a) In the case of a returning officer where there is :

(i) a contest in an area where voting take place according to proportional representation

R

(ii) a contest in an area divided into wards R plus R for each ward in which there is a contest

(iii) a metropolitan regional council election

R

(b) In the case of a deputy returning officer where there is :

(i) a contest in an area where voting takes place according to proportional representation

R

(ii)	a contest in an area divided into wards	R plus R for each ward in which there is a contest
(iii)	a metropolitan regional council election	R
(c)	In the case of a presiding officer	R
(d)	In the case of a polling officer	R
(e)	In the case of a counting officer	R
(f)	In the case of any other election officer	R - R

Forms, Labels and Envelopes

- 94 (1) The forms, labels and envelopes referred to in these regulations shall be substantially in accordance with the specimens set out in the Schedule hereto, and the word "envelope" shall include any bag or box serving such purpose.
- (2) Where a space is left on any specimen for filling in any information which will be the same throughout the area of jurisdiction of the transitional authority or any ward, as the case may be, such information may be included when printing the form, label or envelope concerned.
- (3) Any portion of a specimen which is intended to be used only in the case of the area of jurisdiction of a transitional authority which is divided into wards may be omitted when printing the form, label or envelope concerned for use in a municipal area which is not divided into wards.
- (4) Provision may be made when printing a form, label or envelope for giving or requiring information not shown on the specimen concerned if this is considered necessary or desirable for the conduct of the election.

- (5) Information required on any label or envelope may, at the discretion of the returning officer, be typed or clearly and legibly handwritten.

Power to Act in Default

- 95 (1) (a) If a transitional authority, local government body, revision court or any person fails within a period and in accordance with conditions, if any, specified by the Premier to commence, enforce or carry out any provision of these regulations, or to take any decision or resolution required in terms thereof, or to comply with any direction of the Premier contemplated by these regulations, the Premier may commence, enforce or carry out such provisions or directions and for such purpose and failure, may in writing authorise any authority, body or person to take all steps and measures necessary in connection therewith.
- (b) Any expenditure incurred in respect of a transitional authority or local government body by the Premier under subregulation (a) above shall be recoverable from such authority or body and the certificate of the provincial accountant or person acting in such capacity shall be *prima facie* proof of the correctness thereof.
- (2) If a transitional authority, local government body, revision court or any person fails or appears likely to fail to carry out or complete within the period specified in these regulations any provision or requirement which is a necessary preliminary or prerequisite to conducting the election, the Premier may conditionally or otherwise extend or review such period : Provided that no such extension or renewal shall be granted which would prevent or prejudice or be detrimental to the holding of the election on the day determined by the Minister in terms of section 9 of the Act.

Powers of Court

- 96 In any proceedings questioning the validity of an election or election result the court may, unless it declares the election void or orders a fresh election to be held :

- (a) deduct from the total number of votes declared by the returning officer to have been given for a candidate or a party, that number of votes which, in the opinion of the court, were recorded for such candidate or party as a result of any corrupt practice or in contravention of these regulations or any other law;
- (b) correct any errors made by the returning officer in the counting or allocation of votes or in the acceptance or rejection of ballot papers and take into account or deduct the votes which should, in consequence of the correction of such errors, have been taken into account or deducted in terms of these regulations; and
- (c) take such other action and make such other order as to it may appear just and equitable.

Validation

- 97 No election shall be invalid or set aside by a court by reason of a mistake or non-compliance with these regulations or of any determination in terms of these regulations if it appears that the election was conducted substantially in accordance with the principles contained therein and that such mistake or non-compliance did not affect the result of the election.

Voter not to be Required to Disclose how he Votes

- 98 No person shall in any proceedings relating to an election be required to disclose the name of the candidate or party for whom he or she voted.

Interference with Election Proceedings

- 99 Any person who interrupts, obstructs, disturbs or interferes with any proceedings relating to the conduct of an election or the counting of votes or who fails to comply with any lawful instruction given by an election officer shall be guilty of an offence and on conviction be liable to the penalty provided for in regulation 93(2).

Infringement of Secrecy

100 (1) Every election officer, police officer, candidate, candidate's agent or party agent and messenger who is present at a polling station or at the counting of votes shall maintain and aid in the maintenance of the secrecy of the voting.

(2) Any person who :

- (a) contravenes regulation 52 or 93(1);
- (b) unlawfully attempts to ascertain or directly or indirectly aids any other person to ascertain for which candidate any person intends to vote or has voted;
- (c) directly or indirectly induces or attempts to induce any person to whom a ballot paper has been issued to display his ballot paper after he has marked it, in such a manner as to disclose the name or names of the candidate or candidates for whom he has voted;
- (d) places upon any ballot paper, other than the ballot paper issued to him, any mark or writing whereby the person who records his vote thereon may be identified;
- (e) except in reply to a question lawfully put to him in the course of proceedings in a competent court, discloses or communicates any information he may have obtained as to the candidate or candidates for whom a vote has been given on any ballot paper; or
- (f) unlawfully breaks the seal or fastening on or in any other manner opens or removes any of the contents of a ballot box, parcel or envelope referred to in regulations 56(2), 62, 72 or 73,

shall be guilty of an offence and on conviction be liable to a fine or imprisonment for a period not exceeding two years.

Prohibition on Certain Political Activities During Certain Period Prior to and During Voting Period

101 No persons shall during the period 48 hours prior to 24:00 on the day of the election hold or take part in any public demonstration, march, public meeting or rally of a political nature.

Other Offences

102 (1) Any person who :

- (a) forges or counterfeits or unlawfully destroys or alters any ballot paper or the official mark thereon;
- (b) without due authority supplies any ballot paper to any person;
- (c) puts into a ballot box any forged or counterfeit ballot paper or any ballot paper other than the ballot paper which he is authorised by law to put into such ballot box;
- (d) unlawfully takes out of the polling station any ballot paper or other election material; or
- (e) unlawfully destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of an election; or
- (f) smokes, or save as permitted in order to exercise a duty or right in terms of these regulations, lights a match or lighter or any inflammable substance in a polling station; or
- (g) commits any contravention of these regulations,

shall be guilty of an offence and on conviction be liable to the penalties provided for in regulation 93.

- (2) Any person who makes a false statement in reply to a question asked in terms of or in a declaration referred to in regulations 53, or 59 shall be guilty of an offence unless he or she proves that he or she did not know that such statement was false shall on conviction be liable to a fine or imprisonment for a period not exceeding two years.

Indemnity

- 103 No act or omission by a chief executive, voters' roll officer, election officer, presiding officer or returning officer shall render such person personally liable for loss or damage of any kind suffered by any person as a result of such act or omission provided that such act or omission is not wilful or malicious and any costs reasonably or necessarily incurred by any such officer in opposing any claim, demand, action or other legal proceedings relating to such loss or damage shall be borne by the transitional authority concerned.

Contraventions to be Reported to Public Prosecutor

- 104 The returning officer shall after every election report to the public prosecutor any apparent or alleged contraventions of these regulations.

Application of Regulations

- 105 These regulations shall apply during the pre-interim phase and the interim phase defined in section 1(1)(iv) of the Act.

Repeal or Amendment of Laws and Savings

- 106 The laws specified in Schedule 3 are hereby repealed or amended or suspended as shown and to the extent set out in the final column thereof.

TO: THE VOTERS' ROLL OFFICER
[ADDRESS OF TRANSITIONAL AUTHORITY]

.....LOCAL AUTHORITY

OBJECTION TO CLAIM FOR REGISTRATION ON VOTERS' ROLL

I,.....
(full name) resident at.....
.....(home address in full), object to the
inclusion of.....
.....(full name, Identity number and address of person objected to) on the voters' roll.

My objection is based on the following grounds:

Signature of Objector

Date

Telephone Number of Objector (H).....
(W).....

**NOTE: THIS FORM MUST BE MAILED TO THE ABOVE ADDRESS OR MAY BE
DELIVERED BY HAND TO THE FOLLOWING OFFICES:**
(1)
(2)

(Front of ballot paper)

(Perforation)*

Counterfoil No..... Local Authority, Election of ward councillor for ward..... Date..... Voter's No in Voters' roll.....	You may vote for not more than candidate(s)		
	(CANDIDATE)*	(SYMBOL)*	(MARK)*
	JONES, Vera Joan		
	MBULE, Mwakhe		
	SMIT, Jan		

*Information in brackets must not be printed on ballot paper

(Back of ballot paper)



..... Local Authority

Election of Ward Councillor

for

Ward

(Date)

(Front of Ballot paper)

(Perforation)*

Counterfoil No..... Local Authority, Proportional representation election Date, Voter's No in Voters' Roll,	You may vote for ONE CANDIDATE You may only make ONE mark. (PARTY NAME)* (PARTY SYMBOL)* (MARK)*		
	P Q PARTY		
	A Q PARTY		
	B C PARTY		

*Information in brackets must not be printed on ballot paper

(Back of ballot paper)



..... Local Authority

Proportional Representation Election

(Date).....

.....LOCAL AUTHORITY*

The Returning Officer

..... (Local Authority) *

.....(Address)

.....

.....

NOMINATION ACCEPTANCE - PARTY CANDIDATE ON PARTY LIST FOR

.....(name of TMS/TLC)

(To be completed by prospective candidates)

Date of Election.....

CANDIDATE DETAILS

Surname.....

Other Names

Identity Number

Residential Address

Number on Voters' Roll.....in ward.....for

.....(name of LocalAuthority)

Telephone No: (H).....(W).....

I accept my nomination as a candidate on the party list of
.....(full name of party) and I certify that I have not accepted any other nomination for this election on a party list for any other party or as a ward candidate in this local authority.

Signature of Party Candidate or Agent

NB: THE WRITTEN AUTHORITY OF THE AGENT TO ACCEPT NOMINATION ON BEHALF OF THE CANDIDATE MUST ACCOMPANY THIS NOMINATION PAPER.

***Name of TMS/TLC**

.....TRANSITIONAL METROPOLITAN COUNCIL*

The Metropolitan Returning Officer

..... (TMC)*

.....(Address)

.....

.....

NOMINATION ACCEPTANCE - PARTY CANDIDATE ON PARTY LIST FOR

.....(name of TMC)

(To be completed by prospective candidates)

Date of Election.....

CANDIDATE DETAILS

Surname.....

Other Names

Identity Number

Residential Address

Number on Voters' Roll.....in ward.....for

.....(name of Local Authority)

Telephone No: (H).....(W).....

I accept my nomination as a candidate on the party list of
.....(full name of party)
and I certify that I have not accepted any other nomination for this election on a
party list for any other party or as a ward candidate in this local authority.

Signature of Party Candidate or Agent

NB: THE WRITTEN AUTHORITY OF THE AGENT TO ACCEPT NOMINATION ON
BEHALF OF THE CANDIDATE MUST ACCOMPANY THIS NOMINATION PAPER.

*Name of TMC

..... LOCAL AUTHORITY

The Returning Officer
.....(Local Authority)
.....(Address)
.....
.....

NOMINATION OF CANDIDATE FOR WARD ELECTION
(To be completed by prospective candidates)

Date of Election.....

CANDIDATE DETAILS

Surname.....

Other names.....

Identity Number.....

Residential Address

Number on Voters' Rollin ward.....

This nomination is for Ward.....of the abovementioned Local Authority

Telephone No: (H)(W).....

ACCEPTANCE AND CERTIFICATE BY CANDIDATE OR AGENT

I,
the abovementioned candidate/agent of the abovementioned candidate, duly
authorised to accept nomination on his behalf, accept this nomination and certify
that *I/ such candidate *am/is not disqualified in terms of section 21 from being
elected a councillor of the abovementioned Local Authority.
I certify that I have not accepted any other nomination for this election as a
ward candidate or on a party list for any party in this local authority.

Date

Signature of Candidate or Agent

**NB: THE WRITTEN AUTHORITY OF THE AGENT TO ACCEPT NOMINATION ON
BEHALF OF THE CANDIDATE MUST ACCOMPANY THIS NOMINATION PAPER.**

VOTERS WHO NOMINATE

We hereby nominate the abovementioned candidate.

Initials and surname Number of voter on voters' roll Ward No. Signature of voter

.....
.....
.....

* Delete whichever is not applicable

.....LOCAL AUTHORITY**

Date.....

*Ward/Voting Station

THIS ENVELOPE CONTAINS:

APPOINTMENT OF ELECTION OFFICER (ER 6)

DECLARATION OF SECRECY (ER 9)

**Delete what is not applicable*

***Name of Transitional Metropolitan Substructure*

(To be enclosed in Parcel ER 28)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

**APPOINTMENT OF AGENTS AND MESSENGERS FOR A PARTY
TRANSITIONAL METROPOLITAN COUNCIL**

(To be completed by authorised party representative)

The Returning Officer
.....*(Local Authority)**

I,..... *(print full names)*
.....*(Identity Number)* authorised representative of.....
..... *(party name)*, appoint the following persons to
represent the party at the voting station(s) *(indicates below)* and to be
present at the counting of the votes at the indicated counting stations for the
election to be held on*(date)*.

VOTING STATION COUNTING STATION	NAME OF AGENT IN FULL	I. D. NO.	*CAPACITY (i.e.) MESSENGER/SPECIAL AGENT/ GENERAL AGENT/COUNTING AGENT

Date

Signature of authorised party representative

- * *(Every party at an election may appoint*
- (a) One General Agent who can go to all voting stations as well as counting of votes.*
- (b) Two special agents per voting station.*
- (c) One messenger per voting station.*
- (d) One agent to be present at the count.)*

*Name of Authority

.....LOCAL AUTHORITY

The Presiding Officer
..... Voting Station

NOTIFICATION REGARDING COUNTING VENUE

The counting of votes in respect of your voting station will take place at
..... (*counting venue*)

Please deliver all election material into the hands of the Returning Officer or his authorized representative at the above counting venue immediately after your voting station closes and after you have completed the prescribed procedures regarding the election material.

Signature of Returning Officer

Date

..... LOCAL AUTHORITY

QUESTIONS WHICH MAY BE PUT TO A PERSON APPLYING FOR A BALLOT PAPER

Date.....

Ward/Voting Station

1. Are you..... (full names)(Identity Number) whose name appears opposite No.....the voters' roll of this ward/voting station?

Answer:

2. Have you already voted under this name and under this voters' roll number in this election at this or any other voting station ?

Answer:

3. Are you disqualified from voting on any of the grounds set out in regulation 2 ?

Answer:

I declare that the provisions of regulation 2 have been explained to me and that my answers recorded above are true and correct.

Signature of person applying for ballot paper

Date

The above declaration was made and signed before me at this day of19.....

A ballot paper was/was not* issued to the applicant.

Signature of Presiding Officer

*Delete if not applicable

..... LOCAL AUTHORITY**

APPOINTMENT OF VOTING STATION ELECTION OFFICER - TRANSITIONAL METROPOLITAN SUBSTRUCTURE/TRANSITIONAL LOCAL COUNCIL ELECTION

Election Date:

Surname:

Other Names:

Identity Number:

Voting Station:(address of voting station)

.....
.....
.....

Ward:

I appoint the above person as:

- *Deputy Returning Officer
- Presiding Officer
- Polling Officer
- Counting Officer
- Translation Officer
- Election Officer

at the abovementioned address.

Date

Returning Officer

(To be enclosed in envelope * ER 7 or 34)

* (Delete what is not applicable)

** (Name of TMS/TLC)

..... LOCAL AUTHORITY**

APPOINTMENT OF COUNTING STATION ELECTION OFFICER -
TRANSITIONAL METROPOLITAN SUBSTRUCTURE/TRANSITIONAL LOCAL
COUNCIL ELECTION

Election Date:

Surname:

Other Names:

Identity Number:

Counting Station:(address of counting station)

.....
.....
.....

Ward:

I appoint the above person as Counting Officer at the abovementioned
address.

Date

Returning Officer

(To be enclosed in envelope * ER 7 or 34)

* (Delete what is not applicable)

** (Name of TMS/TLC)

.....TMC** ELECTION - CONDUCTED BY
.....TMS**

APPOINTMENT OF VOTING STATION ELECTION OFFICER - TRANSITIONAL METROPOLITAN COUNCIL ELECTION

Election Date:.....

Surname:

Other Names:

Identity Number:

Voting Station:(address of voting station)

.....
.....
.....

Ward:

I appoint the above person as:

- *Deputy Returning Officer**
- Presiding Officer**
- Polling Officer**
- Counting Officer**
- Translation Officer**
- Election Officer**

at the abovementioned address.

Date

Returning Officer

*(To be enclosed in envelope *ER 7 or 34)*

**(Delete what is not applicable)*

*** (Name of Authority)*

.....TMC*ELECTION - CONDUCTED BY
.....TMS*

APPOINTMENT OF COUNTING STATION ELECTION OFFICER
TRANSITIONAL METROPOLITAN COUNCIL ELECTION

Election Date:.....

Surname:

Other Names:

Identity Number:

Counting Station:(address of counting station)

.....
.....
.....

Ward:

I appoint the above person as **COUNTING OFFICER** at the abovementioned address.

Date

Returning Officer

(To be enclosed in envelope *ER 7 or 34)

*(Name of Authority)

..... LOCAL AUTHORITY

APPOINTMENT OF AGENTS AND MESSENGERS FOR A WARD CANDIDATE
(To be completed by Candidate)

The Returning Officer
Local Authority

I appoint the following persons as my agents at the voting stations indicated below and/or to be present at the counting of votes at the indicated counting stations.

VOTING STATION COUNTING STATION WARD NO:	NAME OF AGENT IN FULL	I.D. NO.	**CAPACITY(i.e) MESSENGER/SPECIAL AGENT/ GENERAL AGENT/COUNTING AGENT

Date

Signature of Candidate

**(Delete what is not applicable)*

- ** (Every candidate at an election may appoint**
- (a) One General Agent who can go to all voting stations as well as counting of votes.*
 - (b) Two special agents per voting station.*
 - (c) One messenger per voting station.*
 - (d) One agent to be present at the count.)*

Reg

Label ER 28(A)

.....LOCAL AUTHORITY*

Date

Ward/Voting Station

PARCEL CONTAINING ENVELOPES - TMS/TLC ELECTION

- ER 7
- ER 19
- ER 22
- ER 20
- ER 23

(To be sealed in bag/box under label ER 36 by Returning Officer after counting of votes is completed)

**Name of TMS/TLC*

Reg

Label ER 28(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

Date

Ward/Voting Station

PARCEL CONTAINING ENVELOPES - TMC ELECTION

- ER 7
- ER 19
- ER 22
- ER 20
- ER 23

(To be sealed in bag/box under label ER 36 by Returning Officer after counting of votes is completed)

**Name of Authority*

Reg

Envelope ER 29(A)

.....LOCAL AUTHORITY*

OFFICIAL SEAL - TMS/TLC ELECTION

To: Returning Officer

Seal in envelope: YES/NO**

Date

Ward/Voting Station

Polling Station

Signature of Presiding Officer

(Contents of this package to be opened and re-used after election)

* Name of TMS/TLC

** Delete what is not applicable

Reg

Envelope ER 29(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

OFFICIAL SEAL - TMC ELECTION

To: Returning Officer

Seal in envelope: YES/NO**

Date

Ward/Voting Station

Polling Station

Signature of Presiding Officer

(Contents of this package to be opened and re-used after election)

* Name of Authority

~~**Delete what-is-not applicable~~_____

Reg

Envelope ER 30(A)

To: Returning Officer

.....LOCAL AUTHORITY*

TMS/TLC ELECTION

INSTRUMENTS FOR MARKING OFFICIAL BALLOT PAPERS WITH OFFICIAL MARK

(Number of instruments in envelope)

Date.....

Ward/Voting Station.....

(To be sealed with official seal by Presiding Officer)

**Name of TMS/TLC*

Reg

Envelope ER 30(B)

To: Returning Officer

.....TMC* ELECTION - CONDUCTED BY
..... TMS*

INSTRUMENTS FOR MARKING OFFICIAL BALLOT PAPERS WITH OFFICIAL MARK

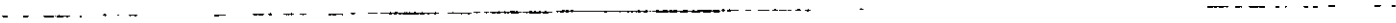
(Number of instruments in envelope)

Date.....

Ward/Voting Station.....

(To be sealed with official seal by Presiding Officer)

**Name of Authority*



Reg

ER31(A)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

DECLARATION OF NUMBER OF VOTES - PARTIES - TMC

Date

Ward

I declare that at the election in the abovementioned ward the total number of votes given for each party is as follows:

PARTY	TOTAL NUMBER OF VOTES
.....
.....
.....
.....
.....
.....

Date

Signature of Returning Officer

**Name of Authority*

.....LOCAL AUTHORITY*

DECLARATION OF RESULT (PARTIES) -TMS/TLC ELECTION

Date

I declare that at the election for proportional representation the total number of votes given for each party in the order in which they appeared on the ballot paper is as follows:

PARTY	NUMBER OF VOTES	
.....	
.....	
.....	
.....	TOTAL

The number of votes cast for each party in each ward will be made available upon request.

The quota of votes per seat is

The number of seats awarded for each party in the order in which they appeared on the ballot paper is as follows:

PARTY	SEATS
.....
.....
.....

The following candidates in alphabetical order appearing on the party list shall now serve as councillors representing the above parties.

NAME	PARTY
.....
.....
.....
.....
.....
.....
.....

Date

Signature of Returning Officer

*Name of TMS/TLC

.....TRANSITIONAL METROPOLITAN COUNCIL

DECLARATION OF RESULT (PARTIES)

Date.....

I declare that at the election for proportional representation in the metropolitan council the total number of votes given for each party is as follows:

PARTY	NUMBER OF VOTES
.....
.....
.....
.....
.....

TOTAL NO OF VOTES

The number of votes cast for each party in each substructure will be made available upon request.

The quota of votes per seat is

The number of seats awarded for each party is as follows:

PARTY	SEATS
.....
.....
.....
.....

The following candidates in alphabetical order on the party list shall now serve as councillors representing the above parties.

NAME	PARTY
.....
.....
.....
.....
.....
.....
.....
.....

Signature of Returning Officer

.....LOCAL AUTHORITY

DECLARATION OF RESULT (WARD CANDIDATES)

Date

Ward

I declare that at the election in the abovementioned ward the total number of votes given for each candidate in the order in which they appear on the ballot paper is as follows:

CANDIDATES	TOTAL NUMBER OF VOTES
.....
.....
.....
.....
.....
.....

The following has/have been elected as Councillor(s) for the above ward.

.....

Date

Signature of Returning Officer

Reg

Label ER 32(A)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

COUNTED BALLOT PAPERS - TRANSITIONAL METROPOLITAN COUNCIL

Date.....

Voting Station

**Name of Authority*

(To be placed in bag/box ER 36)

Reg

Label ER 32(B)

.....LOCAL AUTHORITY

COUNTED BALLOT PAPERS - PROPORTIONAL VOTING - *TRANSITIONAL
METROPOLITAN SUBSTRUCTURE/TRANSITIONAL LOCAL COUNCIL

Date.....

Ward/Voting Station

**Delete what is not applicable*

(To be placed in bag/box ER 36)

Reg

Label ER 32(C)

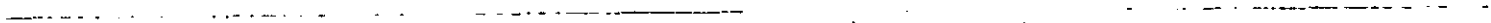
.....LOCAL AUTHORITY

COUNTED BALLOT PAPERS - WARD CANDIDATES

Date.....

Ward/Voting Station

(To be placed in bag/box ER 36 by Returning Officer after counting of votes)



Reg

Label ER33(A)

.....LOCAL AUTHORITY

REJECTED BALLOT PAPERS - PROPORTIONAL VOTING

Date.....

Ward/Voting Station.....

(To be placed in bag/box ER 36)



Reg

Label ER33(B)

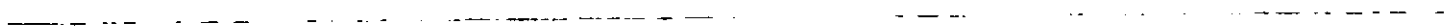
.....LOCAL AUTHORITY

REJECTED BALLOT PAPERS - TRANSITIONAL METROPOLITAN COUNCIL

Date.....

Voting Station.....

(To be placed in bag/box ER 36)



Reg

Label ER 33(C)

.....LOCAL AUTHORITY

REJECTED BALLOT PAPERS - WARD CANDIDATES

Date.....

Ward/Voting Station.....

(To be placed in bag/box ER 36 by Returning Officer after counting of votes)

Reg

Envelope ER 34(A)

.....LOCAL AUTHORITY

Date.....

Ward/Voting Station.....

THIS ENVELOPE CONTAINS:

**APPOINTMENT OF ELECTION OFFICERS
(FORMS ER 6)**

**DECLARATIONS RELATING TO SECRECY (FORMS
ER9) HANDED TO RETURNING OFFICER.**

(To be placed in bag/box ER 36 by Returning Officer after counting of votes)

Reg

Envelope ER 34(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

Date.....

Voting Station.....

THIS ENVELOPE CONTAINS:

APPOINTMENT OF ELECTION OFFICERS (*FORMS ER 6*)

**DECLARATIONS RELATING TO SECRECY (*FORMS ER 9*)
HANDLED TO RETURNING OFFICER.**

**Name of Authority*

Reg

Label ER36(A)

FOR USE BY RETURNING OFFICER

.....LOCAL AUTHORITY

BAG/BOX CONTAINING ALL ELECTION DOCUMENTS

Election Date.....

Ward/Voting Station.....

ELECTION TYPE:

***TRANSITIONAL METROPOLITAN SUBSTRUCTURE**

TRANSITIONAL LOCAL COUNCIL

**Delete what is not applicable*

Reg

Label ER 36(B)

FOR USE BY RETURNING OFFICER

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

BAG/BOX CONTAINING ALL ELECTION DOCUMENTS

Election Date

Ward/Voting Station.....

* *Name of Authority*

.....LOCAL AUTHORITY*

RESULT TRANSMITTAL FORM (PARTY)

To: Metropolitan Returning Officer
Transitional Metropolitan Council

From: The Returning Officer
..... Local Authority*

The result of the TMC election held on(date)* under my jurisdiction is as follows:

Party	Number of Votes received
.....
.....
.....
.....
.....
.....
.....
.....

No of spoilt ballot papers =

Signature of Returning Officer

Date

*(Name of TMS conducting election)

Reg

ER 38

From: Metropolitan Returning Officer
.....TMC

To: Returning Officer
.....TMS

NOTIFICATION OF PLACE TO WHERE TMC ELECTION RESULTS MUST BE TRANSMITTED

The results of the TMC election held under your jurisdiction must be transmitted to:

.....(Name of M.R.O.)

.....(Venue)

.....(Facsimile No.)

.....(Tel. no.)

Signature: TMC Returning Officer

Date

Division of Seats

No. of Seats	60%	40%	No. of Seats	60%	40%
6	4	2	64	38	26
7	4	3	65	40	25
8	4	4	66	40	26
9	6	3	67	40	27
10	6	4	68	40	28
11	6	5	69	42	27
12	8	4	70	42	28
13	8	5	71	42	29
14	8	6	72	44	28
15	10	5	73	44	29
16	10	6	74	44	30
17	10	7	75	46	29
18	10	8	76	46	30
19	12	7	77	46	31
20	12	8	78	46	32
21	12	9	79	48	31
22	14	8	80	48	32
23	14	9	81	48	33
24	14	10	82	50	32
25	16	9	83	50	33
26	16	10	84	50	34
27	16	11	85	52	33
28	16	12	86	52	34
29	18	11	87	52	35
30	18	12	88	52	36
31	18	13	89	54	35
32	20	12	90	54	36
33	20	13	91	54	37
34	20	14	92	56	36
35	22	13	93	56	37
36	22	14	94	56	38
37	22	15	95	58	37
38	22	16	96	58	38
39	24	15	97	58	39
40	24	16	98	58	40
41	24	17	99	60	39
42	26	16	100	60	40
43	26	17	101	60	41
44	26	18	102	62	40
45	28	17	103	62	41
46	28	18	104	62	42
47	28	19	105	64	41
48	28	20	106	64	42
49	30	19	107	64	43
50	30	20	108	64	44
51	30	21	109	66	43
52	32	20	110	66	44
53	32	21	111	66	45
54	32	22	112	68	44
55	34	21	113	68	45
56	34	22	114	68	46
57	34	23	115	70	45
58	34	24	116	70	46
59	36	23	117	70	47
60	36	24	118	70	48
61	36	25	119	72	47
62	38	24	120	72	48
63	38	25	121	72	49

..... LOCAL AUTHORITY*

APPOINTMENT OF AGENTS AND MESSENGERS FOR A PARTY -
TRANSITIONAL METROPOLITAN SUBSTRUCTURE/TRANSITIONAL LOCAL
COUNCIL

(To be completed by authorised party representative)

The Returning Officer
.....(Local Authority)*

I, *(print full names)*
.....*(Identity Number)* authorised representative of.....
..... *(party name)*, appoint the following persons to
represent the party at the voting station(s) *(indicates below)* and to be present at
the counting of the votes, for the *ward/proportional election to be held on
.....*(date)*.

VOTING STATION COUNTING STATION	NAME OF AGENT IN FULL	I.D. NO.	*CAPACITY (i.e.) MESSENGER/SPECIAL AGENT/ GENERAL AGENT/COUNTING AGENT

Date

Signature of authorised party representative

- * *(Every party at an election may appoint*
- (a) One General Agent who can go to all voting stations as well as counting of votes.*
- (b) Two special agents per voting station.*
- (c) One messenger per voting station.*
- (d) One agent to be present at the count.)*

*Name of TMC/TLC

..... LOCAL AUTHORITY

DECLARATION OF SECRECY

(To be completed by Returning Officer, Deputy Returning Officer, Presiding Officer, Polling Officer, Election Officer, Translation Officer, Counting Officer, candidate's/party agents and messengers)

Declaration of secrecy regarding the election to be held on

.....(date) for

.....*(name of TMC/TLC/TMS) for

.....*(ward)

.....(voting station)

I, *(full names and Identity Number)* have read and fully understand regulation 93 of the Election Regulations and undertake not to do anything forbidden thereby and to maintain and aid in the secrecy of the voting.

Signature

Date

Designation *(Returning Officer, agent, counting agent, messenger, etc.)*

Made and signed before me at this..... day of 19.....

*Commissioner of Oaths/Returning Officer/
Deputy Returning Officer/Presiding Officer

*(Delete what is not applicable)

*(To be enclosed in envelope *ER 7 or 34)*

Reg

Envelope ER 10(A)

.....LOCAL AUTHORITY*

OFFICIAL MARK INSTRUMENTS - TMS/TLC ELECTION

To: Presiding Officer
Voting Station

Number of official mark instruments issued.....

Date

Ward/Voting Station

Returning Officer

(Contents of this envelope to be opened and used for marking ballot papers)

**(Name of TMS/TLC)*

Reg

Envelope ER 10(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

OFFICIAL MARK INSTRUMENTS - TMC ELECTION

To: Presiding Officer
Voting Station

Number of official mark instruments issued.....

Date

Ward/Voting Station

Returning Officer

(Contents of this envelope to be opened and used for marking ballot papers)

**(Name of Authority)*

DIRECTIONS FOR GUIDANCE OF VOTERS**WARD CANDIDATE** *(WHITE BALLOT PAPER)*

- Make a mark in the empty square next to the name and symbol of the candidate you wish to vote for.
- Fold your ballot paper so that the official mark stamp on the back of your ballot paper is on the outside.

PARTY CANDIDATE *(YELLOW BALLOT PAPER)*

- Make a mark in the empty square next to the name and symbol of the party you want to vote for.
- Fold your ballot paper so that the official mark stamp on the back of your ballot paper is on the outside.

After completing the above steps, take both ballot papers to the person standing at the ballot box, show the official mark and put the ballot papers inside the ballot box.

IF YOU MAKE A MISTAKE ON THE BALLOT PAPER

- Take your spoilt ballot paper to an official in the polling station and tell him or her that you made a mistake on the paper.
- Hand that official only your spoilt ballot paper and go with him or her to get a new one.
- Go back to the polling booth with your new paper, complete your vote and take your ballot papers to the person at the ballot box.

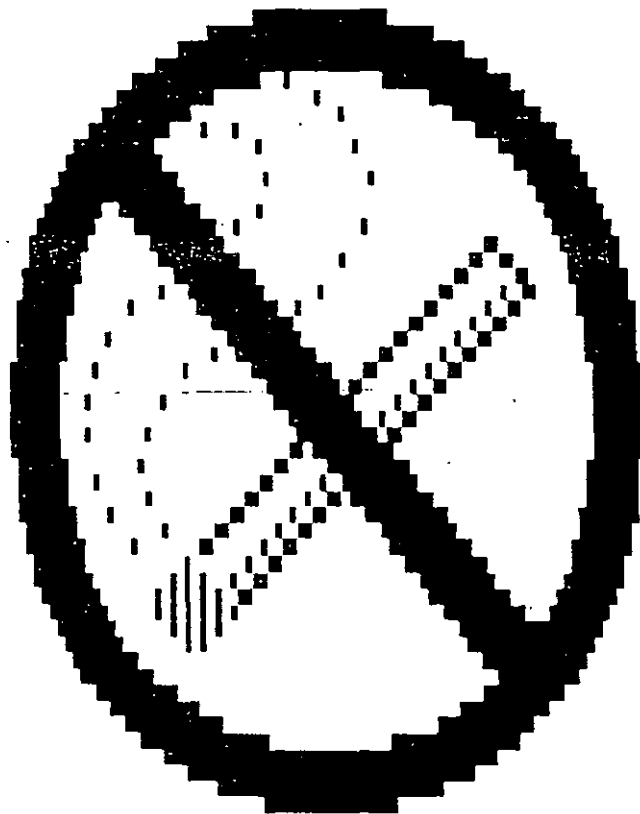
METROPOLITAN COUNCIL VOTING (GREEN BALLOT PAPER)

- Make a mark in the empty square next to the name and symbol of the party you want to vote for.
- Now fold your ballot paper so that the official mark stamp on the back of your ballot paper is on the outside.
- Go to the person standing at the ballot box , show the official mark and put the ballot paper inside the ballot box.

IF YOU MAKE A MISTAKE ON THE BALLOT PAPER

- Take your spoilt ballot paper to an official in the polling station and tell him or her that you made a mistake on the paper.
- Hand that official only your spoilt ballot paper and go with him or her to get a new one.
- Go back to the polling booth with your new paper complete your vote and take lyour bilot papers to the person at the ballot box.

**NO SMOKING OR LIGHTING OF
INFLAMMABLE MATERIAL
POLLING STATION**



.....TRANSITIONAL METROPOLITAN COUNCIL

VOTING STATION

HOURS OF POLLING

7:00 TO 22:00

Reg

ER 14(B)

.....LOCAL AUTHORITY

VOTING STATION

HOURS OF POLLING

7:00 TO 22:00

.....LOCAL AUTHORITY

OBJECTION TO PERSON EXERCISING VOTE

Date

Ward/Voting Station

I,..... (full name)
.....(Identity Number) believe and undertake to
prove that the person who has applied for who has been issued with* a
ballot paper in the name of
(full names)(Identity Number) opposite No.....
in the Voters' Roll of this..... (ward/voting station) is
not such person.

Signature of Objector

The above declaration was made, signed and sworn to before me at
.....this.....day of.....19.....

Signature of Presiding Officer

(To be enclosed in Envelope ER 19)

*Delete what is not applicable

..... LOCAL AUTHORITY

DECLARATION BY PERSON OBJECTED TO

Date

Ward/Voting Station

I declare that I am..... (full name)
.....(Identity Number) whose name appears opposite
No..... in the voters' roll of this ward/voting station and that the
statement that I am not such person made
by..... (full name) in the objection which has been
read to me, is false.

Signature of declarant

Date

The above declaration was made, signed and sworn to before me at
.....this day of19.....

Signature of Presiding Officer

A ballot paper was/was not* issued to the declarant.

* Delete what is not applicable

(To be enclosed in Envelope ER 19)

Reg

Envelope ER 19(A)

.....LOCAL AUTHORITY

TMS/TLC ELECTION

Date.....

Ward/Voting Station

THIS ENVELOPE CONTAINS: *

COMPLETED REPLIES TO QUESTIONS (FORMS ER 15)

COMPLETED OBJECTIONS TO PERSONS EXERCISING VOTE
(FORMS ER 17)

COMPLETED DECLARATIONS BY PERSONS OBJECTED TO
(FORMS ER 18)

CANCELLED BALLOT PAPERS AND IMPOUNDED BALLOT
PAPERS

**Delete where there is no applicable form enclosed.*

(To be enclosed in Parcel ER 28)

Reg

Envelope ER 19(B)

.....TMC**ELECTION - CONDUCTED BY
.....TMS**

Date.....

Ward/Voting Station

THIS ENVELOPE CONTAINS: *

COMPLETED REPLIES TO QUESTIONS (FORMS ER 15)

**COMPLETED OBJECTIONS TO PERSONS EXERCISING VOTE
(FORMS ER 17)**

**COMPLETED DECLARATIONS BY PERSONS OBJECTED TO
(FORMS ER 18)**

**CANCELLED BALLOT PAPERS AND IMPOUNDED BALLOT
PAPERS**

**Delete where there is no applicable form enclosed.*

***Name of Authority*

(To be enclosed in Parcel ER 28)

Reg

Envelope ER20(A)

.....LOCAL AUTHORITY

TMS/TLC - ELECTION

BALLOT PAPERS SPOILT AND RETURNED TO PRESIDING OFFICER
INWARD/VOTING STATION

Date

Ward/Voting Station

(To be enclosed in Parcel ER 28)

Reg

Envelope ER20(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

BALLOT PAPERS SPOILT AND RETURNED TO PRESIDING OFFICER
INWARD/VOTING STATION

Date

Ward/Voting Station

**Name of Authority*

(To be enclosed in Parcel ER 28)

.....LOCAL AUTHORITY*

BALLOT PAPER ACCOUNT

PROPORTIONAL VOTING

Date

Ward/Voting Station

BALLOT PAPERS - PROPORTIONAL VOTING (YELLOW)

A Ballot Papers received from Returning Officer
Counter Foil Numbers From.....To.....Total.....

B Ballot Papers issued to voters:
Counter Foil Numbers From.....To.....Total.....

C Ballot Papers spoilt/cancelled impounded in voting
station: Total.....

D Total ballot papers to be in box (B minus C) Total

.....
Signature of Presiding Officer

(To be enclosed in Envelope ER 25)

* *Name of TMS/TLC*

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

BALLOT PAPER ACCOUNT - PROPORTIONAL VOTING - TMC

Date

Ward/Voting Station

BALLOT PAPERS - TMC VOTING (GREEN)

Ballot Papers received from Returning Officer

A Counter Foil Numbers From.....To.....Total.....

B Ballot Papers issued to voters:
Counter Foil Numbers From.....To.....Total.....

C Ballot Papers spoilt/cancelled impounded in voting
station: Total.....

D Total ballot papers to be in box (B minus C) Total

Signature of Presiding Officer

(To be enclosed in Envelope ER 25)

* *Name of Authority*

Reg

Label ER 23

.....LOCAL AUTHORITY

UNUSED BALLOT PAPERS AND THEIR COUNTERFOILS

Date

Ward/Voting Station.....

(To be placed in Parcel ER 28)

Reg

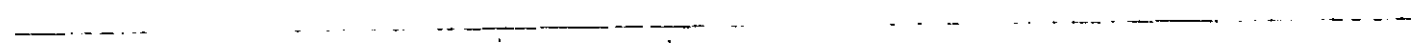
Envelope ER 24

.....LOCAL AUTHORITY

COUNTERFOILS OF USED BALLOT PAPERS

Date

Ward/Voting Station



Reg

Envelope ER25(A)

.....TMC*ELECTION - CONDUCTED BY
.....TMS*

**BALLOT PAPER ACCOUNT (FORM ER 21) TRANSITIONAL METROPOLITAN
COUNCIL VOTING**

Date.....

Ward/Voting Station

(To be enclosed in Parcel E R 28)

**Name of the Authority*

Reg

Envelope ER25(B)

.....LOCAL AUTHORITY.

**BALLOT PAPER ACCOUNT (FORM ER 21) TRANSITIONAL METROPOLITAN
SUBSTRUCTURE VOTING**

Date.....

Ward/Voting Station

(To be enclosed in Parcel E R 28)

Reg

Envelope ER25(C)

.....LOCAL AUTHORITY

**BALLOT PAPER ACCOUNT (FORM ER 21) TRANSITIONAL LOCAL COUNCIL
VOTING**

Date.....

Ward/Voting Station

(To be enclosed in Parcel E R 28)

Reg

Label ER 27(A)

.....LOCAL AUTHORITY*

UNUSED FORMS, STATIONERY AND OTHER ELECTION MATERIAL -
TMS/TLC

Date

Ward/Voting Station

(Contents of this package to be opened and re-used after election)

* Name of TMS/TLC

Reg

Label ER 27(B)

.....TMC* ELECTION - CONDUCTED BY
.....TMS*

UNUSED FORMS, STATIONERY AND OTHER ELECTION MATERIAL - TMC

Date

Ward/Voting Station

(Contents of this package to be opened and re-used after election)

* *Name of Authority*