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PROCLAMATION

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No. 65, 1995

DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

LOCAL GOVERNMENT TRANSITION ACT, 1993

(ACT No. 209 OF 1993)

ELECTION REGULATIONS

(XHOSA)

The Member of the Executive Council for Local Government has in terms of section 9 of the Local Government Transition Act, 1993 (Act No. 209 of 1993), made the regulations set out in the Schedule hereto.

O. P. DIKGETSI,

Responsible Member of the Executive Council.

NOTE:

Schedules in English have already been published in *Provincial Gazette Extraordinary* No. 35 of 27 December 1994.

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ISIAHLUKO 1

INKCAZO-MAGAMA

1 (1) Kule migaqo, ngaphandle kwalapho indlela elisetyenziswe ngayo igama lixela enye intsingiselo, nazi iintsingiselo zamagama asetyenzisiweyo:

(i) "uMthetho" ubhekisele kuMthetho oyiLocal Government Transition Act ka-1993 (Act 209 ka-1993);

(ii) "i-adresi" ibhekisele kwinkcazo emfutshane yendawo ahlala kuyo nanokubhaliswa ngayo umntu ochazwe kumgaqo 2 ohlala kwingingqi yolawulo kagunyaziwe wexeshana othile okanye nayihlawulela iintlawulo zobuhlali, irenti, iintlawulo zeenkonzo zentlalo okanye ezinye nje iirhafu azihlawula ngokomthetho kuloo gunyaziwe, xa ebhaliswa kuluhlu lwabavoti khona ukuze akwazi ukusebenzisa ilungelo lakhe lokuvota kwisitishi sokuvota ewadini leyo okanye kwinxenye yewadi leyo ikuyo loo ndawo.

(iii) "ukubhengeza" kubthetha ukupapasha;

(iv) "ozigqatsileyo" kuxelwa umntu otyumbo lwakhe luthe lwamkelwa ngokomgaqo 26(2) okanye 29(40) noqela lakhe liya kuvotelwa okanye oya kuvotelwa;

(v) "umlawuli oyintloko" kuxelwa umlawuli oyintloko okanye umlawuli oyintloko obambelelo kugunyaziwe othile nokuba siyintoni na isihlalo salo igosa elo;

(vi) "ikhansile" kuxelwa ikhansile kagunyaziwe wexeshana

(vii) "uMgaqo-siseko" kuxelwa uMgaqo-siseko weRiphabliki yoMzantsi Afrika, ka-1993 (Act 200 ka-1993);

- (viii) "umhla" kuxelwa isithuba seeyure ezingamashumi amabini anesine (24) ezilandelelanayo ukuqalela kwintsimbi yeshumi elinambini ezinzulwini zobusuku, kubandakanywa noMgqibelo, neCawe neemini eziziiholidayi ezixelwa kuMthetho oyiPublic Holidays Act ka-1952 (Act 5 ka-1952);
- (ix) "unyulo" kuxelwa unyulo njengoko luchaziwe kwicandelo 9(1) loMthetho lo;
- (x) "izinto zonyulo" kuxelwa nayiphi na ifomu, isaziso okanye nantoni na kweziya zikhankanywa kumgaqo 40;
- (xi) "igosa lonyulo" kuxelwa igosa elibanjisiweyo lesixeko, igosa elibanjisiweyo, nalo naliphi na igosa elikhankanywa kumgaqo 31;
- (xii) "ixesha lonyulo okanye isithuba sonyulo" kuxelwa eli xesha lisuka kulaa mhla wotyumbo ukuya kwixesha lokuvalwa kwezitishi zovoto;
- (xiii) "isazisi" kuxelwa:
- (a) naliphi na iphepha elisisazisi okanye isatifikethi-sazisi esingulindela, elikhutshwe phantsi koMthetho oyi-Identification Act ka-1986 (Act 72 ka-1986) okanye phantsi kwawo nawuphi na omnye umthetho weRiphabliki, ofanelekileyo;
 - (b) ireference book (idompasi) eyakhutshwa phantsi koMthetho osewatshitshiswayo oyi-Black (Abolition of Passes and co-ordination of Documents) Act ka-1952 (Act 67 ka-1952);
 - (c) isazisi esikhankanywa kwicandelo 13 loMthetho oyiPopulation Registration Act ka-1950 (Act 30 ka-1950);
 - (d) incwadi yokundwendwela esemthethweni ekhutshwe phantsi kwawo nawuphi na umthetho weRiphabliki yaseTranskei, yaseBophuthatswana, yaseVenda naseCiskei; okanye

(e) ibook of life esemthethweni eyayikhutshwe kwindawo eyayisakuba:

(i) yiRiphabhliki yaseCiskei phantsi koMthetho ongu-Act 15 ka-1981; okanye

(ii) yiRiphabliki yaseTranskei phantsi koMthetho ongu-Act 24 ka-1976; okanye

(iii) yiRiphabliki Bophuthatswana phantsi koMthetho ongu-Act 12 ka-1978.

(xiv) "inombolo yesazisi" kuxelwa inombolo esemthethweni eshicilelwe kwisazisi;

(xv) "igosa elibanjisiweyo lesixeko" kuxelwa umntu oqeshwe phantsi komgaqo 30(1) njengegosa elibanjisiweyo lekhansile yexeshana yesixeko, kwaye ke kubandakanywa nalo naliphi na elinye igosa elisebenza endaweni yalo ngokusemthethweni;

(xvi) "iqela laloo ndawo" kubhekiswa kwiqela eline-ofisi okanye eline-adresi kwingingqi yolawulo yogunyaziwe othile;

(xvii) "igama" xa kuthethwa ngoluhlu lwabavoti kuxelwa ifani ilandelwa ligama okanye ngamagama adla ngokuhamba nayo;

(xviii) "umhla wotyumbo" kuxelwa imini ethe yabekelwa utyumbo lwabantu abazigqatsileyo namaqela ngokomgaqo 23(1)(b);

(xix) "ulwimi lolawulo" kuxelwa nalo naluphi na ulwimi olululwimi olusetyenziswa elulawulweni lukaRhulumente ngokweCandelo 3(5) loMgaqo-siseko;

(xx) "ongumhlali okanye ohlala" xa kuthethwa ngomntu, kuxelwa umhlali

kwikhaya okanye kwindawo akholisa ukuhlala kuyo neyindawo apho abuyela khona xa ebekhe wemka ithuba elithile;

(xxi) "iqela" libhekisele kuwo nawuphi na umbutho okhoyo kuloo ndawo, isigqeba esithile okanye umbutho ongenwa ngabathandayo onazo kwiinjongo zawo iinjongo ezidibanayo nemicimbi yolawulo lweedolophu, kwaye ke kwintsingiselo "yeqela" kubandakanywa neqela lezopolitiko elibhalisiweyo ngokweSahluko IV soMthetho oyi-Electoral Act ka-1993 (Act 202 ka-1993);

(xxii) "iNkulumbuso" yiNkulumbuso le ichazwa kwiCandelo 144(1) loMgaqo-siseko, kwaye ke ibandakanya naye nawuphi na umntu osisiphathamandla esifanelekileyo esinikwe elo gunya nguye yena Nkulumbuso, ngenjongo yokuhutywa kwalo Mthetho;

(xxiii) "ukupapasha" kuthetha ukupapasha ngolwimi lolawulo ngalunye lweli Phondo kwiphephandaba elithile okanye kumaphephandaba athile asebenzisa olo lwimi kakhulu okanye ke xa lingekho iphephandaba elisebenzisa olo lwimi, kwelinye okanye kwamanye amaphephandaba afika kwiindawo zonke kuloo gunyaziwe wexeshana.

(xxiv) "igosa elibanjisiweyo" ngumntu obekwe ngokomgaqo 30(1), kwaye kubandakanywa nalo naliphi na igosa lonyulo elisebenza ngokusemthethweni njengesandla segosa elibanjisiweyo eli.

(xxv) "ukunika" xa kubhekiselwa kwisaziso okanye naluphi na uqhagamshelwano oluya emntwini kuthetha:

(a) ukumsela ngesandla; okanye

(b) ukusa kuloo ndawo aziwa ehlala kuyo, eshishina kuyo okanye esebenza kuyo umntu obonakala eneminyaka eli-18 ubudala okanye nangaphezulu ohlala okanye oshishina okanye osebenza kuloo ndawo; okanye

(c) ukumposela ngerejista okanye ngembalelwano eqinisekisiweyo kuloo ndawo aziwa ehlala, eshishina okanye esebenza kuyo;

(xxvi) "ugunyaziwe wexeshana" ubhekisele kwikhansile yexeshana yedolophu, isigqebana sexeshana sesixeko, nakwikhansile yexeshana yesixeko, ixeshana elo ke isesi sithuba senguqu;

(xxvii) "ikhansile yexeshana yesixeko" ibhekisele kwikhansile yexeshana yesixeko njengoko ichazwa kwicandelo 1(xviii) loMthetho lo;

(xxviii) "ikhansile yexeshana yedolophu" ibhekisele kwikhansile yexeshana yedolophu njengoko ichazwa kwicandelo 1(xvii) loMthetho lo;

(xxix) "isigqebana sexeshana sesixeko" sibhekisele kwisigqebana sexeshana sesixeko njengoko sichazwa kwicandelo 1(xix) loMthetho lo;

(xxx) "igosa loluhlu lwabavoti" lithetha umntu obekwe ngokomgaqo 3(2) kwaye kubandakanywa naye nawuphi na umntu osebenza ngokusemthethweni njengesandla segosa loluhlu elo;

(xxxi) "isitishi sovoto" kuxelwa nayiphi na indawo ekhankanywe kumgaqo 41(1)(a);

(2) Naliphi na igama okanye ibinzana lamagama elisetyenzisiweyo kule migaqo elingekhoyo kula achazwe iintsingiselo zawo apha liya kuba nalaa ntsingiselo linayo phaya kuMthetho lo.

ISAPHLUKO 2IZIFEZEKISO ZABAVOTI**Ilungelo lokuvota****2 (1) Nawuphi na umntu**

- (a) (i) angummi wasemzantsi Afrika; okanye
- (ii) angenguye ummi onjalo ,kodwa elinikiwe ilungelo lokuvota ngokomthetho wasepalamente.
- (b) nomntu ongaphezu kweminyaka eli-18 ubudala
- (c) ohlala kwingingqi yolawulo likagunyaziwe wexeshana okanye mhlawumbi ongunmtu onyanzeleke ukuba ohlawuliswe iintlawulo zobuhlali, irenti,iintlawulo zeenkonzozo zasekuhlaleni okanye ezinye iirhafu zaloo gunyaziwe aphantsi kwakhe,

(umntu onjalo ke) uya kuba nalo ilungelo lokuba afakwe kuluhlu lwabavoti baloo gunyaziwe wexeshana wakhe, aze ke njalo abe unelungelo lokuvotela amalungu ekhansile zaloo gunyaziwe: Kambe ke kuqondakale ukuba ngokwalo mgaqo umntu uya kuvota kube kanye kulo gunyaziwe wexeshana: kananjalo kuqondakale ukuba oku kuvota kuthethwa ngako apha kusenokuba ngokwenza uphawu ephepheni lokuvota okanye emaphepheni okuvota amabini amele icandelo lomelo ngokweenani leevoti kunye nevoti yewadi.

- (2) Nakubeni ke kukho ezi ngcaciso zomgaqwana (1), akukho umntu uya kuba nalo ilungelo lokufakwa kuluhlu lwabavoti lukagunyaziwe wexeshana okanye ilungelo lokuvotela amalungu ekhansile yaloo gunyaziwe wexesha na ukuba ngaba:

- (a) uphantsi kompoposho wenkundla athi yena akakho zingqondweni ngokupheleleyo okanye azithanga dadobawo kuye okanye unayo nje into

ephazamisene nengqondo yakhe.

(b) ungumntu oselugcinweni lwasendimangeni (lwasesibhedlele sabagula ngengqondo) phantsi komthetho oyiMental Health Act ka -1973 (Act 18 ka -1973), okanye phantsi kwawo nawuphina umthetho ofanelekileyo we Riphabliki;

(c) ungumntu oselugcinweni phantsi komthetho oyiPrevention and Treatment of drug Dependency Act ka-1992 (Act 20 ka-1992) okanye phantsi kwawo nawuphi na umthetho ofanelekileyo weRipablikil; okanye

(d) ungumntu oseluvalelweni entolongweni emva kokuba ebefunyaniswe enetyala waza wagwetywa akanikwa fayini ngenxa yokwenza elinye lala matyala alandelayo nokuba ke sikhona esinye isigwebo esisenye awakha wasinikwa ngenxa yokwenza ngezantsi apha nesathi sahamba kunye nesi sikhakanywe kuqala isigwebo:

(i) ukubulala, ukuxhomisa ngolunya nokudlwengula okanye

(ii) ukuzama ukwenza naliphi na kula matyala angentla apha kumhlathana (1).

(3) Ngokwaphaya kumgaqwana (1) (c):

(a) eli gama lithi "onyanzeleke" lithetha ukunyanzeleka ngokwe-adresi elapha phakathi kwingingqi yolawulo yogunyaziwe wexeshana lowo nemida yayo isikwe phantsi kwecandelo 8 (2) lomthetho lo, kwaye ke lingayi kubandakanya enye ingingqi yolawulo enkulu ethe yamiselwa phantsi kwawo nawuphi na omnye umthetho;

(b) eli binzana lithi "ingingqi yolawulo" lithetha ingingqi yolawulo emida yayo isikwe phantsi kwecandelo 8(2) lomthetho lo.

- (4) Uxanduva lokuba umvoti afakwe eluhlweni lwabavoti luya kuba semagxeni omvoti lowo.

ISAHLUKO 3

ULUHLU LWABAVOTI

Ukwenziwa koluhlu

- 3 (1) Ugunyaziwe wexeshana ngamnye uya kuthi, ungedlulanga umhla othe waziswa yinkulumbuso ngesaziso esikwi Gazethi yePhondo, akhuphe isaziso esibhaliweyo sashicilelwa sakuba uceba ukwenza uluhlu lwabavoti, kananjalo acele nawuphi na umntu onalo ilungelo lokuba abhaliswe kolo luhlu ukuba makafake isicelo sakhe zingedlulanga iintsuku ezingamashumi alithoba emva kwaloo mhla wazisiweyo: Kuqondakale ke kambe ukuba xa imvume yeNkulumbuso ifunyenwe okanye xa inkulumbuso iyalele njalo eli xesha lingathi liphinde longezwe ngokuthi kukhutshwe isaziso soko esibhaliweyo sashicilelwa.
- (2) Ugunyaziwe ngamnye uya kuthi abeke okanye aqeshe:
- (a) igosa loluhlu lwabavoti eliya kuba ngumsebenzi oya kujongana nokwenziwa koluhlu lwabavoti olo egameni likagunyaziwe lowo
- (b) nabanye abasebenzi okanye omnye umntu okanye abanye abantu abanokuthi bafuneke ekuncediseni apha kulo msebenzi wokwenziwa koluhlu lwabavoti, aze ke abanike loo mvuzo awubona ufanelekile
- (3) Umntu ofaka isicelo sokufakwa kuluhlu lwabavoti uya kusenza eso sicelo ngokwalaa fomu ingu-ERI.
- (4) Nawuphi na umntu owenza isicelo sokubhaliswa njengomvoti kuya kufuneka anike yonke laa nkcukacha ifunwa kwifomu engu-ERI, kwaye ke ukuba igosa loluhlu lwabavoti lanelisekile ngokwale nkcukacha ukuba lowo mntu ufanelekileyo

ngomgaqo 2, ukuba abhaliswe njengomvoti; igama lakhe kunye nenkcukacha leyo liya kuluhlu lwabavoti

(5) (a) Ukudlula kweliya xesha lixelwe kumhlathana (1) ugunyaziwe wexeshana ngamnye uya kuthi athathe amanyathelo okuba makwenziwe uluhlu olunamagama abo bantu bazifezekisayo iimfuno zokuba ngabavoti kunyulo, kwaye ke olu luhlu:

- (i) luya kuqulatha inombolo eyodwa yomntu ngamnye;
- (ii) inombolo yesazisi somntu ngamnye ofuna ukubhaliswa;
- (iii) luya kuhamba ngokulandelelana koonobumba bokuqala beefani;
- (iv) luya kunika i-adresi yalowo ufake isicelo;
- (v) luya kunika nengcombolo olusekelwe phezu kwayo ufezekiso olo okanye ilungelo elo

(b) Iphepha ngalinye loluhlu lwabavoti liya kunikwa inani lalo ngokulandelelana kwawo amaphepha namanani, lize ke linike negama likagunyaziwe wexeshana lowo nonyaka walo uluhlu olu kuze ke kuthi apho uluhlu olu lwahlulwe ngokwamacandelo amabini iphepha ngalinye lecandelo ngalinye kuya kufuneka lixele iwadi nesitishi sokuvota elibhekisele kuso.

(6) (a) Uluhlu lwabavoti oluqinisekisiweyo lwamkelwa kwikhansile yexeshana yedolophu okanye kwisigqebana sexeshana sesixeko luya kwahlulwa lube namacandelo ngokweewadi ethe yahlulwa yazizo ingingqi yolawulo lwekhansile leyo okanye isigqebana eso.

(b) Iwadi nganye iya kwahlulwa ibe ngamacandelo ngamacandelo ngokweziqulatho zomgaqo 41(3)(c), noluhlu lwabavoti lweewadi nganye eyahlulwe njalo luya kwahlulwa njalo nalo, ngaphadle ke kwaxa

kufunyenwe imvume ebhaliweyo yenkulumbuso egunyazisa ukuba kungenziwa ngolunye uhlobo.

- (c) Uluhlu lwabavoti oluqinisekisiweyo lwamkelwa kwikhansile yexeshana yesixeko luya kwahlulwa lube namacandelo ngokwengingqi yolawulo yekhansile yexeshana yesigqebana ngasinye esikwesi sithili sekansile yexeshana yesixeko leyo, luze ke emva koko luphinde lwahlulwe lube ngamacandelo ahambelana nqo neewadi namacandelo eewadi ezo ukuba akhona, kwisigqebana sexeshana sesixeko ngasinye.
 - (d) Uluhlu lwabavoti oluthe lwahlulwa lwangamacandelo ngamacandelo kuya kufuneka ukuba luhambe ngokwemiqathango yomgaqwana (5)(a) kwicandelo ngalinye.
 - (e) Umvoti kuya kufuneka avote kwiwadi okanye kwicandelo lewadi evota kwisitishi sokuvota esiboniswe ecaleni kwegama lakhe phaya kuluhlu lwabavoti baloo wadi okanye becandelo lwaloo wadi.
- (7) Xa kumfaki-sicelo:
- (a) enyanzeleke ukuba ahlawuliswe iintlawulo zobuhlali, irenti, iintlawulo zeenkonzelo zasekuhlaleni okanye ezinye iirhafu kwi-adresi ezingaphezu kwesinye; okanye
 - (b) ukwanyanzeleke azenze ezi ntlawulo ezenzela i-adresi engaphandle kwale ndawo ahlala kuyo; okanye
 - (c) uhlala kwiindawo ezingaphezu kwesinye

apha kwingingqi yolawulo yalo gunyaziwe wexeshana mnye, lowo mfaki-sicelo ke uya kuba nelungelo lokufakwa kube kanye kuluhlu lwabavoti baloo gunyaziwe wexeshana, kwaye ke ngexesha enza ngalo isicelo sokubhaliswa kuya kufuneka axele ibe nye kwezi adresi afuna ukuba kufakwe yona, kungenjalo igosa loluhlu lwabavoti liya kuyikhetha ngokwalo.

(8) (a) Igosa loluhlu lwabavoti linakho ukuba phaya kuluhlu lwabavoti lifake namagama neenkukacha zomntu ongenasicelo singeneyo senziweyo ngefomu ER1, kodwa ke inkukacha ngaye iyinikayo laa ngcombolo ifunwayo kumgaqwana (5)(a) laye ke negosa loluhlu lwabavoti lanelisekile ukuba lowo mntu ukufanele ukubhaliswa njengomvoti ngokomgaqo 2.

(b) Isicelo esenziwe ngendlela ehambelana kakhulu nefomu ER1 esithe safunyanwa phambi kwala mhla waziswe kumgaqwana (1) siya kuba sisicelo esisemthethweni kwaye ke siya kuqwalaselwa ligosa loluhlu lwabavoti.

(9) Ngesi sithuba sichaziweyo ngokomgaqo 3(1) igosa loluhlu lwabavoti liya kuqinisekisa ukuba:

(a) kwi-ofisi nganye yogunyaziwe wexeshana ngamnye zikhona ngokwaneleyo iifomu ER1 no-ER2 kukho indawo okanye iindawo ezibonakala lula okanye izinto ezibonakala lula zokufaka izicelo ezifikelelekayo ebantwini;

(b) izipha ezaneleyo zeefomu ER1 ayazinikwa amaqela okanye abantu abathe bazicela laye negosa loluhlu lwabavoti lanelisekile ukuba ngokwenene iinjongo zoko kukukhawulezisa, nokugaya ufako lwezicelo kungekho mfaki-sicelo uya kungena ezindlekweni.

(10) Kwezi zinto ziqulathwe apha akukho nenye efanele kutolikwa ngokuba ithetha ukuthi kufuneka ukuba umntu abekho ngokwakhe ubuqu kuloo ndawo okanye kuloo ofisi yokufaka izicelo zokubhaliswa njengomvoti, okanye ithetha ukuthi umntu akavumelekanga ukuba isicelo sakhe asipose ngeposi le yesiqhelo esiposela kwigosa loluhlu lwabavoti yogunyaziwe wexeshana lowo.

(11) Apho kungekho adresi, ugunyaziwe wexeshana uya kuthatha amanyathelo okuba kubekwe okanye kutyunjwe i-adresi apha kwingingqi yolawulo lwakhe, ngenjongo yokulungiselela izicelo ezi nokwenziwa koluhlu lwabavoti.

- (12) (a) Ngokuphathelele kumgaqo 3(1), umhla owaziswe yiNkulumbuso awusayi kuba ngumhla ophambi kokuba ziphele iintsuku ezingamashumi amabini anesibhozo emva kokuba ithe yaziswa eluntwini le migaqo.
- (b) Nakubeni kukho le miqathango iqulathwe kumhlathi (a) ngentla apha, umhla othe waziswa yiNkulumbuso awusayi kuba semva komhla wama -27 Januwari 1995.

Izicelo nezichaso

- 4 (1) Igosa loluhlu lwabavoti liya kukhupa isaziso:
- (a) esixela ukuba ikopi yoluhlu olo ingaya kuhlolwa kwi- ofisi zikagunyaziwe wexeshana ngexesha lomsebenzi eliqhelekileyo nakwenye okanye kwezinye ke iindawo elinokuthi igosa loluhlu lwabavoti lizikhethe kwisithuba esiphakathi kwentsimbi yesi-06:00 ukuya kweye-22:00 yonke imihla nango gqibelo, nangeCawe nangeemini ezingamashumi amabini ananye ukusukela kuloo mhla wazisiweyo, mhla lowo ungasayi kuba semva kweentsuku ezilishumi elinesine liphelile eliya xesha lixelwe kumgaqo 3(1);
- (b) esimemezela wonke umntu elingaveliyo igama lakhe kuluhlu olo nokholelwayo ukuba unalo ilungelo lokubhaliswa njengomvoti, esikwamemezela wonke umntu okuchasayo ukubhaliswa komntu othile ogama lakhe livelayo kuluhlu olo:
- (i) ukuba makafake isicelo okanye isichaso esibhaliweyo esikwifomu ER1 okanye ER2, iifomu ezo eziya kuthi zifumaneke kule ofisi okanye kule ndawo ixelwe kumhlathi (a); okanye
- (ii) xa ingumntu ongakwaziyo ukubhala, ukuba makeze ngokwakhe kwindawo ethile ngexesha elithile aze kufaka isichaso sakhe ngomlomo, phaya kwigosa loluhlu lwabavoti zingadlulanga iintsuku ezingama-28 ukusukela kulaa mhla ukwesiya saziso sikumhlathi(a);

(c) esixela ukuba uluhlu olunika amagama nenkcukacha ngomfaki-sicelo nomchasi ngamnye ngokomhlathi (b) lungeza kuhlolwa kwi-ofisi kagunyaziwe wexeshana ngexesha lomsebenzi eliqhelekileyo kuloo ndawo okanye kwezo ndawo zikhethwe kumhlathi (a) ngezi ntsimbi: eyesi-6: ukuya kweye-10:00 yonke imihla nangeentsuku eziziiholideyi, ngesithubazeentsuku ezisixhenxe liphelile eliya xesha lixelwe kumhlathi (b);

(d) simemezela wonke unmtu okuchasayo ukubhaliswa komntu othile ogama lakhe livelayo kolu luhlu kuthethwa ngalo kumhlathi (c):

(i) ukuba makafake isichaso esibhaliweyo kwifomu ER2; okanye
(ii) xa ingumntu ongakwaziyo ukubhala ukuba makeze ngokwakhe kwindawo ethile ngexesha elithile aze kufaka isichaso sakhe ngomlomo phaya kwigosa loluhlu lwabavoti zingadlulanga iintsuku ezisixhenxe ukusukela kumhla wokuphela kweliya xesha lixelwe lumhlathi (c);

(e) sibeka usuku okanye iintsuku, ezingekho ngaphantsi kwesixhenxe kodwa zingekho ngaphezu kweshumi elinesine ukusukela kulaa mhla wokuphela kweliya xesha lixelwe kumhlathi(d) kunye nendawo okanye iindawo, zokuhlala kwenkundla yohlaziyo eya kuthi ichophele ezo zicelo nezo zichaso: Kuqondakale kambe ke ukuba usuku olunye kwezo ntsuku iya kuba nguMgqibelo okaye iCawe, nokuba indawo enye ubuncinane kwezo ndawo iya kuba kwingigqi exelwe kumgaqo 16(1)(b).

(2) Igosa loluhlu lwabavoti:

(a) liya kuthi zingadlulanga iintsuku ezisixhenxe emva kokuphela kweliya xesha lixelwe kumgaqwana(1)(6), lenze uluhlu lwamagama nenkcukacha yamfaki-sicelo ngamnye phantsi komgaqwana (1)(b);

(b) liya kuthi zingadlulanga iintsuku ezine emva kokuphela kweliya xesha

lixelwe kumgaqwana (1)(d) lenze uluhlu lwamagama nenkcukacha yomchasi ngamnye phantsi komgaqwana (1)(d).

(3) Igosa loluhlu lwabavoti liya kungenisa kwinkundla yophononongo izichaso zokubhaliswa kwabo bonke abafaki-zicelo elikhalelwa ukuba abanalo ilungelo lokubhaliswa njengabavoti.

(4) Igosa loluhlu lwabavoti liya kuthi zingadlulanga iintsuku ezine phambi komhla obekiweyo wokuhlala kwenkundla yophononongo likhuphe isaziso esiya

(a) kumntu ngamnye ogama lakhe livelayo kuluhlu lwabo bonke abafiki-zicelo abachazwe kumgaqwana (2) nekukho isichaso malunga nokubhaliswa kwakhe;

(b) kumchaswa lawo uchaphazelekayo;

(c) nakuwuphi na umfaki-sicelo ofake isicelo sokubhaliswa njengomvoti saza isicelo eso sachaswa okanye sakhatywa ligosa loluhlu lwabavoti lichaze imihlaba yokuchaswa okanye yokukhatywa oko, lixele nomhla esiya kuthi sichotshelwe ngawo yinkundla yophononongo, kananjalo licela umntu lowo ngamnye, umfaki-sicelo lowo ngamnye nomchaswa lowo ngamnye ukuba makeze; lichaze kananjalo ukuba isichaso eso asisayi kuqwalaselwa yinkundla yophononongo ngaphandle kokuba uzile umchasi ngaloo mhla uxeliweyo okanye komnye umhla oluthe lwamiselwa wona uchophelo olo: Kuqondakale ke kambe ukuba apho i-adresi yomfaki-sicelo okanye yomchasi ingacacanga ngokupheleleyo kungangokuba ukuhanjiswa kweso saziso akunakwenziwa, igosa loluhlu lwabavoti liya kuthi likhuphe ngokushicilelweyo ngokubanzi (kumaphepha-ndaba nezinye izishicilelwa) ngokwemiqathango yalo mgaqwana, okanye ke apho oluu shicilelo lungenakewenzeka ngenxa yokungabikho kwephepha-ndaba okanye kwamaphepha-ndaba liya kuthi ke eso saziso lisixhome kwi-ofisi

kamasipala ekufutshane kule adresi yomfaki-sicelo okanye yomchasi.

(5) Ukungafumaneki kwesaziso okanye ukungacaci okwenziwe ngumanakalo kushicilelo lwesaziso esi sixelwe kumgaqwana (4) akusayi kulwenza lungabikho mthethweni uluhlu lwabavoti okanye ukuhlala okanye isigqibo senkundla yophononongo.

(6) INkulumbuso isenokuthi iyalele igosa loluhlu lwabavoti ukuba lilandise inani okanye iindawo zokuchotshelwa okuxelwe kumgaqwana (1)(a) okanye (1)(b). kwaye ke inkulumbuso ingalongeza ixesha lokuphelelwa oluxelwe kumgaqwana (1)(e) phofu ke yonke loo nto iyenza iwucingela umhla wonyulo.

Amalungelo enkundla yophononongo

5 (1) (a) Apha ke kumiselwa inkundla yophononongo yoluhlu lwabavoti leyo eya kuba namagunya, nemisebenzi ethe yanekwa apha kule migaqo.

(b) Nakubeni kukho le miqathango yomgaqwana (1)(a) ingentla apha okanye ku-(2) ngezantsi apha, iNkulumbuso isengagunyazisa imisele iinkundla zophononongo ezingaphezu kwesinye kuluhlu lwabavoti ngalunye okanye kwicandelo elithile lolo luhlu.

(2) Inkundla yophononongo yoluhlu lwabavoti ngalunye okanye yecandelo lolo luhlu ngalunye iya kuba namalungu angabantu abathathu abakhethwe babekwa nguloo gunyaziwe wexeshana, zingadlulanga iintsuku ezili-120 emva kwalaa mhla wokupoposhwa kwale migaqo; omnye kubo ubuncinane uya kuba ligqwetha lejaji, igqwetha okanye omnye umntu nje oqeqeshwe kwezomthetho noya kuthi abe ngumongameli wale nkundla.

(3) Ugunyaziwe wexeshana uya kuthi akhethe abeke abantu abaya kuba ngamalalela aya kuthi athathe iindawo zawo nawaphi na amalungu enkundla yophononongo angekhoyo okanye athe akhubazeka, kwaye ke ugunyaziwe lo uya kuthi enzeisigqibo malunga nokulandelelana kwamalalela la : kuqondakale kambe ke

ukuba ebuncinaneni elinye kuloo malalela liya kufezekisa eziya mfuneko kufuneka zifezekiswe lilungu elingumongameli wenkundla yophononongo, eziya zixelwe kumgaqwana(2).

- (4) Ukukhethwa nokubekwa kwamalungu namalalela enkundla yophononongo ngokomgaqwana (2) no-(3) kuya kugqitywa ngokwesigqibo sekhangsile esifikelelwe ngesininzi esingekho ngaphantsi kwezahulo zesithathu ezibini (2/3) ubuncinane zawo onke amalungu.
- (5) (a) Akukho mntu uya kuthi abekwe okanye amkele ukubekwa njengelungu lale nkudla ukuba ngaba:
- (i) ungumntu onesihlalo kwiqela elithile;
 - (ii) ungumntu olilungu okanye ilungu lekhangsile okanye umsebenzi oqeshwe laloo gunyaziwe uchaphazelekayo; okanye
 - (iii) akavumelekanga ukuba abhaliswe njengomvoti lugunyaziwe wexeshana othile ngokwemiqathango yomgaqo 2.
- (b) Ilungu lale nkundla liya kuthi liphelelwe bubulungu okanye liya kuthi lisuke esihlalweni salo ukuba ngaba:
- (i) lithe lawa nganeno kwezifezekiso zokuba linganyulwa njengelungu lenkundla leyo;
 - (ii) lingenisa isicelosokurhoxa kumlawuli oyintloko okanye
 - (iii) lithe labhubha kwaye ke nasiphi na isithuba esithe savela ngenxa yezi zinto siya kuthu sivalwe ngelalela elifanelekileyo, okanye ke ukuba alikho ilalela elo siya kuthi sivalwe ngokukhawuleza ngugunyaziwe wexeshana esivala ngomntu onezifezekiso esifan kakhulu nalowo avala isithuba sakhe.
- (6) Inkundla yophononongo iya kugqibva ngokwayo ukuba iwuqhuba njani na umsebenzi wayo.

(7) Nanini na apho kuthe kwabakho ukutshintsha kwamalungu enkundla yophononongo nasiphi na isicelo okanye isichaso ebesisachatselwe, siya kuthi siqalwe ekuqaleni ukuba ngaba umfaki-sicelo okanye umchasi ucela ukuba kwenziwe njalo.

(8) Umsebenzi we-ofisi ohamba nokuqhutywa komsebenzi wegosa loluhlu neyenkundla yophononongo iya kwenziwa ngumlawuli oyintloko waloo gunyaziwe wexeshana okanye ke ligosa okanye amagosa aloo gunyaziwe athe abekwa ngokufanelekileyo ngento ebhaliweyo ke esebenza phantsi kolawulo lomlawuli oyintloko lowo.

(9) Amalungu enkundla yophononongo aya kuhlulwa ngokwezibakala eziya kuthi zibekwe yiNkulumbuso lingadlulanga eliya xesha libekwe kumgaqo (2), okanye ke kungenjalo, aya kuhlulwa ngokwesigqibo sikagunyaziwe wexeshana.

Amagunya nemisebenzi yenkundla yophononongo

6 (1) Ngalaa mhla okanye ngalaa mihla ibekiweyo nakulaa ndawo okanye eziya ndawo zibekiweyo ngokomgaqo 4(1)(e) okanye 4(b) inkundla yophononongo iya kuthi ihlakele ukuchaphela izicelo nezichaso ezenziweyo zabantu abafuna ukubhaliswa njengabavoti.

(2) Inkundla yophononongo:

(a) iya kongeza okanye ifakele kuluhlu lwabavoti igama lakhe nawuphi na umfaki-sicelo :

- (i) eyanelisekileyo ngaye ukuba ukufanele ukuba nelungelo lokubhaliswa; okanye
- (ii) ekungekho sikhazazo okanye sichaso sifakiweyo ngaye okanye.
- (iii) nothe nakubeni kukho isichaso esifakiweyo ngaye, yambona ngokwanelisekileyo ukuba unalo ilungelo lokuba abhaliswe njengomvoti.

okanye iya kuthi ifake bonke abo bafaki-zicelo kuluhlu oluhlanyelelwyo oluhamba ngokwemniqathango yomgaqo 3(5)(a), ize ke olo luhlu iludibanise phaya kuluhlu lwabavoti; okanye

(b) iya kucima okanye isuse apha kuluhlu lwabavoti igama lakhe wonke umfaki-sicelo:

- (i) ekuthe kwafakwa isichaso ngaye; waza ke
- (ii) wafunyaniswa ngokuyanelisayo inkundla ukuba akanalo ilungelo lokuba angabhaliswa njengomvoti; kwaye ke

(c) iya kulungisa nayiphi na imposiso ebonakala yenzekile okanye iya kufakela nayiphi na into ebonakala isalele, kulo naluphi na uluhlu lwabavoti malunga nenkcukacha efuneka ngokomgaqo 3(5)(a).

(3) (a) (i) Apho kuthe kwakho igama elongeziweyo okanye elifakelwayo inombolo eyodwa enikwa elo gama ngokomgaqo 3(5)(a)(1) iya kuba yinombolo ebingakhange inikwe elinye igama okanye omnye umfaki-sicelo; kwaye ke

(ii) Apho kuthe kwakho igama elicinywayo okanye elisuswayo ngokomgaqwana (2)(b), inombolo eyodwa ebinikwe elo gama ngokomgaqo 3(5)(a)(i) ayisayi kuphinda inikwe elinye igama okanye omnye umfaki-sicelo.

(b) Apho uluhlu lwabavoti lwahlulwe lwangamacandelo amabini ngokomgaqo 3(6), nombolo eyodwa enikwa igama apha kuluhlu lwabavoti ngokomgaqo 3(5)(a)(i) iya kuhlala injalo kwelo gama nakuliphi na icandelo.

(4) Inkundla yophononongo ayisayi kusiqwalasela isicelo okanye isichaso ngaphandle kokuba:

(a) eso sicelo okanye eso sichaso siye safakwa ngokwale migaqo; kwaye ke

(b) (i) apho isisicelo okanye isisichaso esixelwe kumgaqo 4(1)(d), eso sicelo okanye eso sichaso besiye safunyanwa ligosa loluhlu

Iwabavoti ngaphambi kokuba liphele eliya xesha lixelwe kulo mqaqo;

(ii) apho muntu aye akaphumelela ukuhamba ngale miqathango ikumhlathana (i) okanye (ii), inkundla yophononongo yanelisekile ukuba zikhona iimeko ezingaphaya kwamandla ezithe zabangela ukungeniswa kade kweempepha ezo, iimeko ezo ke ezenza ukuba isicelo eso okanye isichaso kuxoleleke ukungena kade kwaso size ke sibe nokuqwalaselwa; kwaye ke

(c) apho muntu kuthe kwafakwa isichaso ngobhaliswa kwakhe, umchaswa ubakho ngawo onke amaxesha okuhlala kwenkundla yophononongo ihlalela ukuqwalasela isichaso eso.

(5) Igosa loluhlu lwabavoti liya kuba nelungelo lokuya ngawo onke amaxesha inkundla yophononongo ihlalele ukuqwalasela isicelo okanye isichaso kwaye ke liya kunikwa ithuba lokuba linike eyalo intetho ekho umfaki-sicelo okanye umchasi.

(6) Nawuphi na umntu osicelo sakhe okanye osichaso sakhe sinokuqwalaselwa yinkundla yophononongo, naye nawuphi na umntu ophikisa eso sicelo okanye eso sichaso, uya kuba nalo ilungelo lokuba aphula-phulwe yena ubuqu okanye ummeli wakhe amnike igunya ngento ebhaliweyo, kwakunye nelokuba anike okanye acele ukunikwa ubungqina ngomlomo.

(7) Bonke ubungqina obunikwe phambi kwenkundla yophononongo buya kunikwa ngokufungelwa okanye ngokuqinisekiswa ligosa elongameleyo.

(8) Inkundla yophononongo iya kuvuleleka kubantu ngokubanzi nakoonondaba ukuba bangeza kumamela xa ihleli.

(9) Inkundla yophononongo isenokuthi ngamaxesha athile imana ukumiswa xa kubonakala kukho imfuneko yoko, phofu ke loo nto isenziwa ngokwemqathango

yale migaqo.

- (10) Ukuba ngaba akukho zicelo okanye zichaso zithe zafakwa gokwemigaqo 4(1)(b), 4(1)(d) okanye 4(3) ngeli xesha lixelwe kule migaqo, igosa loluhlu lwabavoti liya kuthi likurhoxise ukuhlala kwenkundla yophononongo kwangoko, oko likwenza ngesaziso esixhonywe kwii-ofisi zikagunyaziwe wexeshana.

Uqinisekiso nosayino loluhlu

- 7 (1) Luya kuthi ke uluhlu lusakuba lwenziwe izilungiso, ukuba ngaba zikhona, ngokomgaqo 6, luqinisekise lusayinwe ligosa elongameleyo laloo nkundla, zingadlulanga iintsuku ezisixhenxe zenziwe ezo zilungiso okanye zingadlulanga iintsuku ezisixhenxe emva koluya rhoxiso luxelwe kumgaqo 6(10), kwaye ke luya kuthi lube luluhlu lwabavoti baloo gunyaziwe wexeshana, ngokwemiqathango yomgaqo 8 nomgaqo 9, de kube kuthe kwenziwa uluhlu olutsha ngokusemthethweni.
- (2) Naziphi na iimpepha ekuthiwa zezoluhlu lwabavoti, zaza zaba ziqinisekisiwe zasayinwa ligosa elongameleyo ngokomgaqwana(1), okanye nayiphi na ikopi enyanisekileyo yezo mpepha zoluhlu eqinisekisiweyo ngumlawuli oyintloko ngokukhupha isiqinisekiso esitshoyo ukuba iyikopi enyanisekileyo, ngaphandle ke kwaxa kunokuboniswa ngobungqina obomeleleyo ukuba ezo mpepha azillo aluhlu lwabavoti okanye aziyiyo le kopi inyanisekileyo, ezo mpepha okanye ezo kopi ziya kuba bubungqina bokuba loo magama akolo luhlu ngawabantu abanalo ilungelo lokuba basebenzise nawaphi na amalungelo anikwa abavoti yile migaqo.
- (3) Uluhlu lwabavoti oluqinisekisiweyo luya kusiwa kwii-ofisi zikagunyaziwe wexeshana, luze ke apho luvuleleke abantwini jikelele ukuba bangeza kuluhlola ngamaxesha omsebenzi aqhelekileyo kagunyaziwe wexeshana lowo, okanye ngamaxesha athe ugunyaziwe lo ngesigqibo wabona kufanelekile ukuba awongeze.
- (4) Nawuphi na umntu ongumvoti okanye ozigqatsileyo okanye naliphi na iqela, banakho ukufumana ikopi yoluhlu lwabavoti okanye inxenye yalo enxulumene newadi ethile, ngexabiso aya kuthi alibeke ngesigqibo ugunyaziwe wexeshana.

Uhlaziyo loluhlu lwabavoti

- 8 (1) Ugunyaziwe wexeshana ngamnye uya kuthi athathe amanyathelo okuba uluhlu lwabavoti lwakhe luhlaziye kungasalanga ngaphantsi kweenyanga ezintandathu phambi kokuba liphele ixesha lokuba sesihlalweni elixelwe kumgaqo 80.
- (2) Imiqathango yemigaqo 3 no-7 kuya kuhanjwa ngayo kulo lonke uhlaziyo olwenziwayo.

Okushiyeiweyo

- 9 Ukushiya kwegama lomntu othile lingafakwa kuluhlu lwabavoti akusayi kulwenza lungabikho mthethweni uluhlu olo okanye unyulo oluthe lwaqhutywa phantsi kwale migaqo.

Iindleko zoluhlu lwabavoti

- 10 Ugunyaziwe wexeshana usenokuba neendleko angena kuzo abona kufanelekile ukuba zenzeke apha ekwenziweni, ekuhlaziyweni okanye ekuhlenga-hlengisweni koluhlu lwabavoti athe wakwenza okanye ezenzeke ngokuthi kuyiwe emthethweni ngenxa yokwenziwa kwenye yezi zinto.

Unikezelo kwisigqeba solawulo lwedolophu

- 11 (1) INkulumbuso isenokuthi emva kokuba idlene iindlebe ngento ebhaliweyo neziphatha-mandla okanye nezigqeba ezichaphazelekayo, igunyazise okanye iyalele nasiphi isigqeba okanye izigqeba zikagunyaziwe wexeshana okanye zolawulo lwedolophu ukuba zenze uluhlu lwabavoti ngokwale migaqo, oko zikwenza egameni okanye zikwenzela ugunyaziwe wexeshana othe wamiselwa ngokwecandelo 10 loMthetho lo, okanye zikwenza egameni laso nasiphi na esinye isigqeba okanye izigqeba zalo naluphi na ulawulo lwedolophu, nokuba zenze wonke umsebenzi obufanele ukuba wenziwe nguloo gunyaziwe, okanye ukuba zenze inxenye yawo loo msebenzi, ngokwale migaqo.
- (2) Nawuphi na umyalelo okhutshwe yiNkulumbuso ngokomgaqwana (1) ngentla apha usenokubandaknya neminye imiyalelo okanye izicwangciso ebona zifanelekile inNkulumbuso okanye ebona zifuneka ukuze kufezekwe ukwenziwa koluhlu

lwabavoti, kananjalo uya kubandakanya nemiyalelo enxulumene nokwabiwa nokubuyiswa kweendleko.

Amatyala

12 Nawuphi na umntu othe:

- (a) wanika inkcazo ebubuxoki kuso nasiphi na isicelo okanye isichaso esifakwe ngokomgaqo 3 okanye 4 okanye ngokubhekisele kwinkcukacha efunwayo xa kusenziwa uluhlu lwabvoti;
 - (b) wala okanye akaphumelela ukunika inkcazo malunga nayo nayiphi na ingcombolo;
 - (c) wanika ubungqina bobuxoki phambi kwenkundla yophononongo okanye waphazamisa inkqubo yayo; okanye
 - (d) owenza into ekukudela inkundla yophononongo;
- uya kufunyaniswa enetyala anyanzeleke ukuba nikwe isohlwayo ngokokuya kuchazwe kwisahluko 17 sale migaqo.

ISAPHLUKO 4

IZIHLALO NEEWADI

Intshayelelo

- 13 (1) Emva kokuba ithe yaziqwalasela ngokupheleleyo izicelo ezibhaliweyo ezenziwe ngugunyaziwe wexeshana, ukuba zikhona, oselemiselwe ngeso sithuba nonokuba achaphazelieke, nasemva kokuba ithe yaziqwalasela ngeengcebiso nezindululo zebhodi yoSiko-mida yolawulo lwedolophu (Local Government Demarcation Board) ethe yamiselwa kwiphondo eli, iNkulumbuso:
- (a) iya kusika imida yengingqi yolawulo yaloo gunyaziwe wexeshana;
 - (b) iya kubeka inani lezihlalo kuloo gunyaziwe wexeshana, kodwa

ingalilibalnga ilungelo layo nayiphi na inkokeli yomthonyama yabantu abasalandela imithetho yemveli nabahlala kumhlaba okule ngingqi yolawulo kagunyaziwe wexeshana oxelwe kumhlathi (a), lokuba lilungu laloo gunyaziwe wexeshana ngenxa yesihlalo sayo (ex officio);

(c) iya kwahlula ingingqi yolawulo lwekhansile yexeshana yedolophu okanye isigqebana sexeshana sesixeko ngokweewadi ngeewadi; kwaye ke

(d) iya kubeka inani lezihlalo kwiwadi nganye: Kuqondakale kambe ke ukuba kwingigqi yolawulo yayo nayiphi na ikhansile okanye isigqebana sexeshana sesixeko, zonke iiwadi ziya kulingana ngenani lezihlalo;

ize ke imiqathango ylo siko-mida nko kubekwa kwamanani zibandakanywe kumpoposho ekuthethwa ngawo phaya kwicandelo 10 loMthetho lo.

(2) Naluphi na usiko-mida nako nakuphi na ukubekwa kwamanani ezixelwe kumgaqwana (1)(a), (b) okanye (c) zingathi zimana ukuhlenga-hlengiswa yiNkulumbuso ngokwemiqathango yomgaqwana (1), kodwa ke loo nto ingenakwenziwa sezidlulile iinyanga ezintathu phambi kokuba lufike oluya suku lubekwe yiNkulumbuso luxelwe kwicandelo 9(1) loMthetho lo.

Inani lezihlalo

14 Apho inani lezihlalo zikagunyaziwe wexeshana othile ekufuneka zizalisiwe ngonyulo lingenakho ukuba lingahlulwa ngokolu hlobo lufunekayo kungekho zahlulo zamanani angaphelelanga:

(a) kwikhansile yexeshana yedolophu okanye kwisigqebana sexeshana sesixeko ngokomgaqo 16 nomgaqo 22,

(b) kwikhansile yexeshana yedolophu okanye kwisigqebana sexeshana sesixeko ngokomgaqo 16 nomgaqo 22,

ulwahlulo olo luya kwenziwa ngokukaShedyuli 1 wale migaqo.

Iiwadi

- 15 Inani leewadi liya kubekwa ngokwemiqathango yemigqo 13(1)(b) no-(d), 16, 17 no-22.

Ukwabiwa kweewadi

- 16 (1) Apho ingingqi yolawulo yekhansile yexeshana yedolophu okanye yesigqebana sexeshana sesixeko ibandakanya:

(a) ingingqi yolawulo yalo naliphi na iziko okanye isigqeba ekuthethwa ngazo kumthetho owatshitshiswayo oyiProvincial Government Act ka-1961 (Act 32 ka-1961); kunye

(b) nayiphi na enye ingingqi engekho kwingingqi yolawulo lwezi ndawo zixelwe ku-(a), kwezi ngingqi zixelwe ku-(a) naku-(b) akukho ngingqi iya kunikwa iiwadi ezingaphantsi kwesiqingatha sezo zalo khansile yexeshana yedolophu okanye zeso sigqebana sexeshana sesixeko : Kuqondakale kambe ke ukuba xa kubekwa iiwadi ngokomgaqo 15, akukho ngingqi phaya ku-(a) iya kuthi ibandakanye nayiphi na ngingqi:

(i) yakhe nawuphi na ugunyaziwe wedolophu ochazwe phaya swicandelo 1(1) loMthetho oyiBlack Local Authorities Act ka-1982 (Act 102 ka-1982);

(ii) yaso nasiphi na isigqeba solawulo lwedolophu esamiselwa ngokwemiqathango yecandelo 20(2)(a) lomthetho oyi Black Administration Act ka- 1927 (Act 38 ka-1927); okanye

(iii) yayo nayiphi na ikhansile okanye ikomiti eyamiselwa phantsi kwemiqathango yemigaqo eyapoposhwayo ebizwa ngokuba ziiRegulations for the Administration and Control of Certain Urban Areas in Natal, ka-1982 (uMpomposho 86 ka-1982) nebizwa ngokuba ziiRegulations for the Administration and Control of Certain Urban Areas in Natal 1983 (uMpomposho 67 ka-1983).

- (2) Ugunyaziwe wexeshana uya kuthi anike ibhodi yosiko-mida naziphi na iimephu

nayo nayiphi na inkcazo enokuthi ibhodi le i zifune ngexesha elithile eya kuthi ilibeke, ukuze ikwazi ukufezekisa imisebenzi yayo ngokomgaqo 17.

Imiqathango yosiko-mida lweewadi

17 (1) Iingcebiso nezindululo zeBhodi yoSiko-mida malunga nokusikwa kwemida ngokweewadi kuyo nayiphi na ingingqi kuya kufuneka zithathe ingqwalasela yale miqathango ilandelayo:

(a) iimpawu zokuma komhlaba waloo ngingqi, ezibandakanya nezinto ezingezozendalo koko zenziwe ngabantu;

(b) ukufikeleleka nokufaneleka kwezo ndawo kuya kubakho kuzo izitishi zokuvota okanye kwaloo ndawo kuya kubakho kuyo isitishi sokuvota;

(c) inani labavoti kwiwadi nganye; kunye

(d) imiqathango yemigaqo 13, 14, 16, no-22.

(2) (a) Ngaphandle ke kwaxa imeko iyile ikumhlathi (c) apha ngezantsi, iwadi nganye iya kuba nenani labavoti eliphantse ukulingana nezinye iiwadi, kwaye ke akukho wadi iya kuba nabavoti abadlule okanye bangaphantsi nge-15% kweliya nani iliqingqelweyo iwadi nganye, ngaphandle kokuba iNkulumbuso igqiba ngolunye uhlobo kwiwadi ethile.

(b) Ngokubhekisele kumgaqwana (2) (a) inani eliqingqwayo liya kufunyanwa ngokwahlula inani labavoti abakuluhlu lwabavoti ngenani leewadi.

(c) Xa ngaba ke akukwazeki ukufezekisa imiqathango yomgaqwana (2)(a) ngenxa yomahluko phakathi kwenani labavoti kwingingqi exelwe kumgaqo 16(1)(a) nenani labavoti kwingingqi exelwekumgaqo 16 (1)(6):

(i) imiqathango yomgaqwana (2)(a) iya kuthi isetyenziswe ngokwahlukeneyo singingqi nganye elolo hlobo; kwaye ke

- (ii) inani eliqingqiwayo kwingingqi nganye liya kufunyanwa ngokwahlula inani labavoti abakuluhlu lwabavoti kuloo ngingqi ngenani leewadi ezikuloo ngingqi.

ISAHLUKO 5

IZIFEZEKISO: UKUVOTA NOKUTYUMBA

Ukuvota ngokweewadi

- 18 Umvoti ngamnye ogama lakhe livelayo kuluhlu lwabavoti baloo wadi uya kuba nelungelo lokuvota kwisithuba selungu lekhasile ngasinye esikhoyo kuloo wadi.

Ukuvota ngenkqubo yomelo ngokwenani leevoti

- 19 Kwakho phezu kwale ndlela yokuvota ixelwe kumgaqo 18, umvoti ngamnye ogama lakhe livelayo kuluhlu lwababekhansile yexeshana yedolophu okanye besigqebana sexeshana sesixeko kuloo ndawo okanye bekhansile yexeshana yesixeko, lokunyulwa kwamalungu ekhansile ngokwenani leevoti uya kuba nelungelo lokuvotela iqela eligama lalo livelayo kwiphetshana lokuvota likagunyaziwe wexeshana waloo ndawo.

Amaphetshana okuvota

- 20 Kuya kubakho iphetshana lokuvota elinye ngokwalaa fomu ingu-ER3(A) elilungiselwe ukuvota ngokwale ndlela ichazwe kumgaqo 18; kubekho nephetshana lokuvota elinye ngokwalaa fomu ing-ER3(B) kugunyaziwe wexeshana ngamnye ngoluya hlobo luchazwe kumgaqo 19.

Izifezekiso zokutyujwa nokunyulwa

- 21 (1) Nawuphi na umntu ogama libhalisiweyo kuluhlu lwabavoti olufanelekileyo ngokomgaqo 2, uya kuba nelungelo lokuba angatyunjwa anyulwe njengelungu lekhasile kagunyaziwe wexeshana ngaphandle kokuba:

(a) ulilungu leNdlu yoWiso-mthetho yesizwe, lendlu yeeNgwevu okanye lendlu yoWiso-mthetho yePhondo;

(b) akafanelekanga ukuba anyulwe njengelungu leNdlu yoWiso-mthetho yeSizwe ngokwemiqathango yecandelo 42(1) loMgaqosiseko, oko ke kukuthi, xa ngaba:

(i) ngexesha lonyulo utsala isigwebo eisngaphezu kweenyanga ezilishumi elinesibini entolongweni isisigwebo esingenafayini;

(ii) nanini na emva komhla we-9 Matshi 1994 ubeye wafunyanwa enetyala apha kwiRiphabliki, okanye ngaphandle kwe- Riphabliki ukuba ngaba elo tyala ebelenzile beliya kuba lityala nalapha kwiRiphabliki, natyala elo ibe lityala aligwetyelwe isigwebo esingaphezu kweenyanga ezilishumi elinesibini, isigwego esingenafayini, ngaphandle kokuba ke uye wafumana ukuxolelwa: Kuqondakale kambe ke ukuba akukho mntu uya kuthathwa njengomntu ofunyenwe enetyala de sibe sigqityiwe isibheni sakhe ngeso sigwebo, okanye ke, ukuba akukabikho sibheni sifakiweyo, de libe lidlule ixesha lokuba kungafakwa isibheni.

(iii) utshone ematyaleni (ezikwelithini) akavela nangunwele engenandlela yokuba nebuyambo;

(iv) akemanga kakuhle ngokwasengqondweni kunjalo nje ufunyaniswe enjalo yinkundla esemthethweni nefane lekileyo; okanye

(v) unesikhundla esinenzuzo phantsi kweRiphabliki : kuqondakala ke kambe ukuba aba bantu balandelayo abasayi kuthathwa njengabantu abanezikhundla ezinenzuzo phantsi kweRiphabliki ngokwalo mhlathi:

(aa) iSekela-Mongameli, uMphathiswa okanye iSekela-Mphathiswa;

- (bb) umntu ofumana ipenshini ehlawulwa ngemali karhulumente okanye ngemali evela kwingxowa encediswa ngurhulumente
 - (cc) umantyi okanye umxabisi; okanye
 - (dd) ilungu lekhansile, lebhodi, lekomiti okanye isigqeba esiyelele kwezi, esisekwe ngumthetho okanye phantsi komthetho okanye yikomiti yeNdlu yoWiso-mthetho yesizwe, elifumana umvuzo ongadlulanga kumvuzo eliwufumanela ubulungu beNdlu yoWiso-mthetho yeSizwe.
- (c) uye wafunyanisiwa yinkundla esemthethweni nefanelekileyo ukuba akakufanelanga ukuba anganyulwa;
- (d) ngentsimbi yesithathu malanga (15:00) kusuku olwandulela olu lokutyunjwa ubesenetyala analo kuloo gunyaziwe wexeshana leentlawulo zobuhlali, lerenti, leentlawulo zeenkondo zokuhlala okanye naziphi na iintlawulo, libe elo tyala sele linangaphezulu kweenyanga ezintathu likhona; okanye
- (e) ungumsebenzi waloo gunyaziwe wexeshana okanye nawuphi na omnye ugunyaziwe wexeshana : Kuqondakale ke kambe ukuba ikhansile elawulayo exelwe kwicandelo 49 loMgaqo-siseko isenokumkhululela nawuphi na kwaba bantu xa ithe yabona yaneliseka ukuba ukumkhululela oko kungaba luncedo eluntwini, kwaye ke xa etyunjwa kufuneka ubungqina bokuba ukhululelwe ukuba angatyunjwa.
- (2) (a) Akukho mntu uya kuthi etyunjelwe ukuba makazigqatse kwiwadi ethile, aze aphinde atyunjelwe ukuzigqatsa kwenye iwadi, kwaye akukho mntu uya kuthi etyunjelwe ukuba azigqatse kuluhlu lweqela elithile aze aphinde atyunjelwe ukuzigqatsale elinye iqela, kwakulo gunyaziwe wexeshana mnye nakolo nyulo lunye;

(b) (i) Ngaphandle kwaxa kuyile meko ikumhlathana (ii) akukho mntu uya kuthi etyunjelwe ukuba anyulwe njengelungu likagunyaziwe wexeshana, aze aphinde atyunjelwe ukunyulwa njengelungu lomnye ugunyaziwe wexeshana.

(ii) Nakubeni kukho le miqathango ikumhlathana (i), umntu angatyunjelwa ukunyulwa njengelungu lesigqebana sexeshana sesixeko nanjengelungu lekhangile yexeshana esikuyo eso sigqebana.

ISAHLUKO 6

UKUBHALISWA NOKUTYUNJWA

Unyulo ngekqubo yomelo ngokwenani leevoti nangokweewadi

22 (1) (a) I-40% yamalungu kagunyaziwe wexeshana aya kunyulwa ngokwenkqubo yomelo ngokwenanani leevoti njengoko kuchaziwe apha kule migaqo; kwaye ke

(b) I-60% yamalungu ekhangile yexeshana yedolophu okanye esigqebana sexeshana sesixeko aya kunyulwa ngohlobo lokuba ilungu ngalinye liya kumela iwadi yaloo khansile yexeshana yedolophu okanye yeso sigqebana sexeshana sesixeko.

Isaziso malunga noktyumbo nobhaliso

23 (1) Lusakuba lubekiwe usuku lonyulo lokuqala yiNkulumbuso ngokwemiqathango yecandelo 9 loMthetho lo, igosa elibanjisiweyo liya kuthi, ngesaziso esikhutshwe kungasalanga ngaphantsi kweentsuku ezilikhulu phambi kolo suku luthle lwabekwa:

(a) lazise ngomhla wonyulo nangeeyure zokuvota njengoko zichongiwe hmgqo 45(1);

(b) libeke imini yotyumbo njengoko ixelwa kumgaqo 26(2) nakumgaqo 29(4),

mini leyo ingasayi kuba kwiintsuku ezingaphantsi kwamashumi amane phambi komhla wonyulo;

- (c) lixele umhla nexesha ekufaneleke ukuba libethe engenisiwe ngawo amagama abo batyunjiweyo kwigosa elibanjisiweyo ngokweemfuno zomgaqo 29, lize licele ukuba angeniswe loo magam abatyunjwa, lixele nenani lezithuba ezifanele kuvalwa;
 - (d) lixele nendawo eziya kwamkelelwa kuyo ligosa elibanjisiweyo ezi zicelo nala magama aba batyunjwa kuthethwe ngawo kumhlathi(c) nakumhlathi (d) ngentla apha
- (2) (a) Ngokubhekisele kunyulo oluya kuqhutyelwa izigqebana zexeshana zesixekok nezekhansile yexeshana yesixeko, igosa elibanjisiweyo lesixeko liya kudlana iindlebe nezo zigqebana, kuze ke kuthi kungasalanga ngaphantsi kweentsuku ezilikhulu elinamashumi amabini(120) phambi komhla wonyulo, bathi ngemvumelwano eyamnkeleke mkacala babeke amaxesha afanayo nemihla efanayo ngeziya njongo zomgaqo 23(1)(b), (c), (d) no-(e), mvumelwano leyo iya kuthi izibophelele ezo zigqebana.
- (b) Xa kuthe ke kwangabikho mvumelwano ngomtgaqo 23(2)(a) igosa lonyulo lwesixeko liya kuthi likhawuleze lazise iNkulumbuso eya kuthi ke yona ibeke amaxesha nemihla ngokokubona kwayo.

Ubhaliso lwamaqela : Unyulo ngenkqubo yomelo ngokwenani leevoti

- 24 (1) Iqela ngalinye elinenjongo yokuthatha inxaxheba kunyulo olungenakqubo yomelo ngokwenani leevoti:
- (a) liya kuthi ingadlulanga intsimbi yeshumi elinambini (emini emaqanda) yosuku lwamashumi amane (40) phambi komhla wokungeniswa kwamagama abatyunjwa lizise isicelo esibhaliweyo sokubhalisa iqela elo, kwigosa elibanjisiweyo elifanelekileyo; kwaye ke

- (b) liya kufaka nezi zinto zilandelayo kwisicelo eso sixelwe kumhlathi (a):
- (i) igama leqela elo, uphawu lwalo okanye imbasa yalo mayibekho efunwayo ngokomgaqo 36(5)(b) ukuba mayibekho ivele phaya kwiphetshana lokuvota;
 - (ii) uphawu lweqela elo okanye imbasa eliyisebenzisayo ekwiphepha elilodwa, icace kakuhle ibe nakho ukuba ingaprintwa okanye ikhutshelwe ngombala omhlophe nomnyama.
 - (iii) i-adresi yeqela elo apha kwingingqi yolawulo kagunyaziwe wexeshana lowo sifakwa kuyek isicelo eso;
 - (iv) umgaqo-siseko xa iliqela elingabhaliswangwa ngokwe-Electoral Act ka-1993 (Act 202 ka-1993);
 - (v) iinombolo zezazisi nee-adresi zamalungu ekomkiti eqela elo apha kkuloo ngingqi ahlala kwingingqi yolawulo yaloo gunyaziwe wexeshana sifakwa kuye isicelo eso;
 - (vi) uluhlu lwabazigqatsileyo kunyulo olu beqela elo, uluhlu olo oluya kuqulatha inani labo bazigqatsileyo elingasayi kuba ngaphezulu kwenani lezihlalo ezifanele kuzaliswa ngokomgaqwana 22 (1)(a), kunye namagama apheleleyo, nenombolok yesazisi ne-adresi yomtyunjwa ngamnye kwakunye nesivumo esivela kumtyunjwa ngokwefomnu engu-ER4';
 - (vii) idiposithi eyimali okanye eyitshekhi eqinisekiswa ebhankini eqingqwe ligosa elibanjisiweyo kungasalanga ngaphantsi kweentsuku ezingamashumi amahlanu anesihlanu phambi komhla wokungeniswa kwamagama abatyunywa, diposithi leyo eya kuba luqikelelo olukufutshane lwe-1% yenani labavoti abakuluhlu lwabavoti olubalwe ngokweeranti; zize ziyekwe iisenti ezisecaleni, okanye ke ibe ngama- R500.00, kuthathwa ke eyona ingaphezulu kunenye, kwaye ke loo dipozithi ingabuyiselwa ngokwemiqathango yomgaqwana (3) ngezantsi apha; kwakunye

- (viii) negama ne-adresi yommeli weqela elo ogunyaziswe ngokusesikweni.
- (2) Zingadlulanga iiyure ezingamashumi amabini anesine emva kwalaa yure ixelwe kumgaqwana (1), igosa elibanjisiweyo liya kuthi lixhome kulaa ndawo yotyumbo ixelwe kumgaqo 23 (1)(e) ngaphandle uluhlu olubonisa igama ne-adresi yeqela ngalinye ekufunyenwe isicelo salo sokubhaliswa, kwakunye noluhlu lwalo lwabo bazigqatsileyo, lize ke liliyeke olo luhlu luxhonyiwe de kube semini emaqanda (yintsimbi yeshumi elinambini emini) ngalo mhla wokungena kwamagama abatyunjiweyo.
- (3) lisakuba lisifumene isicelo sokubhaliswa esixelwe kumgaqo 24(1), igosa elibanjisiweyo liya kuthi liqinisekise oku kulandelayo:
- (a) ukuba ngaba iqela elo line-adesi elapha kule ngingqi yolawulo yalo gunyaziwe wexeshana singeniswe kuye isicelo;
 - (b) ukuba ngaba umgaqo-siseko weqela elo uyahambelana nenkcazo yeqela enikwe kumgaqo 1; okanye
 - (c) iqela elo libhalisiwe na ngokwemiqathango yoMthetho oyi-Electoral Act ka-1993 (Act 202 ka-1993); kwakunye nokuba
 - (d) ngaba balo bakuluhlu lwabazigqatsileyo bakhona na kuluhlu lwabavoti baloo gunyaziwe wexeshana singeniswe kuye isicelo nokuba ngaba abavumelekanga na ukuba batyunjwe ngokomgaqo 21.
- (4) (a) Igosa elibanjisiweyo liya kuthi zingadlulanga iintsuku ezisixhenxe emva komhla wonyulo libuyisele idiposithi yeqela elifumemne kolo nyulo iivoti ezingekho ngaphantsi kwe-25% yeevoti ebeziqingqelwe esihlalo esibekwe ngokomgaqo 74(2) okanye ngokomgaqo 78(2) diposithi leyo ibikhutshwe ngokomgaqwana (1)(b)(vii) okanye yeqela elithe lafumana iivoti ezaneleyo ukuba zilenze libe nelungelo lokumelwa kwisihlalo esivulelekileyo.

(b) Iqela elingafanelekanga ukuba lingabuyiselwa idiposithi yalo ngokomgaqwana(3)(a) liya kutshonelwa yiloo diposithi, iphelele kugunyaziwe wexeshana lowo belenze kuye isicelo.

Ukukhatywa kwezicelo

25 Igosa elibanjisiweyo liya kuthi, kwintusku ezingekho ngaphantsi kwamashumi amathathu (30) phambi komhla wokungena kwamagama abatyunjwa ngesaziso esibhaliweyo lazise umfaki-sicelo ukuba siyakhatywa isicelo sakhe ebesenze ngokomgaqo 24 ukuba ngaba:

(a) eso sicelo asinayo ngokupheleleyo inkcazo kunye nedipozithi ezichazwe kumgaqo 24(1)(b); okanye

(b) iqela elo aliphumelelanga ngokupheleleyo ukuba lingathathwa njengeqela elihambelanayo nenkcazo yeqela ekumgaqo 1; okanye

(c) iqela elo alina-adresi apha kwingingqi yolawulo kagunyaziwe wexeshana lowo sifakwe kuye isicelo; okanye

(d) omnye umntu okanye abanye abantu apha kuluhlu lwabaziqatsileyo beli qela akafanelekanga ngokomgaqo 21 okanye akakho kuluhlu lwabavoti olufanelekileyo; okanye

(e) igama lomnye umntu okanye amagama abanye abantu apha kuluhlu lwabazigqatsileyo beli qela avela nakuluhlu lwelinye okanye lwamanye amaqela evunyiwe ngokwefomu engu-ER 4 yaloo gunyaziwe wexeshana; okanye

(f) uphawu okanye imbasa yalo ikhatyiwe ngenxa yeziya zizathu zixelwe kumgaqo 29(5)(f), (g) okanye (h):

Kuqondakale kambe ke ukuba apho isicelo sikhatyiwe phantsi kwimihlathi (a), (c), (d), (e) okanye (f), igosa elibanjisiweyo liya kuthi ngento ebhaliweyo linike iqela elo ithuba lokuba lisilungise isiphoso eso kwiintusku ezingekho ngaphantsi kwesihlanu phambi

komhla wotyumbo ngokuthi linike igosa elo loo nkcazo ilungisiweyo okanye loo adresi okanye loo dipozithi okanye ngokufaka igama lomnye umntu ofanelekileyo okanye amagama abanye abantu abafanelekileyo okanye ngokwenza naziphi na izilungiso ezifanelekileyo, kuze ke kuthi zisakuba zenziwe ngokwanelisayo zonke ezi zilungiso igosa elibanjisiweyo lisamkele isicelo eso lilibhalise iqela elo: Kodwa ke icace indawo yokuba apho lithe iqela alaphumelela khona ukusilungisa isiphoso ngokomhlathan (d), (e) okanye (f) qha, igosa elibanjisiweyo liya kumkhamba umntu okanye abantu okanye ngokwemiqathango yomgaqo 90(1)(e)(iii). uphawu okanye imbasa yeqela, kodwa lisamkele sona isicelo neqela elo lilibhalise.

- 26 (1) Igosa elibanjisiweyo liya kuzamkela zonke izicelo libhalise onke amaqela ayifezekisayo imiqathango yomgaqo 24.
- (2) Ngentsimbi yeshumi elinambini (emini emaqanda) ngalo mhla wotyumbo igosa elibanjisiweyo liya kuthi, kulaa ndawo yotyumbo kuthethwe ngayo kumgaqo 23(1)(e), lazise esidlangalaleni:
- (a) amagama amaqela azicelo zawo zikhatyiweyo ngokomgaqo 25;
- (b) amagama amaqela azicelo zawo zamkelweyo naya kuthi avotelwe ke;
- (c) amagama abantu abazigqatsileyo abamkelwayo kuluhlu lweqela ngalinye elikumhlathi (b); lize ke
- (d) libeke emboniselweni okanye livelise uphawu okanye imbasa yeqela ngalinye, ukuba ikhona, ethe yamkelwa ligosa elibanjisiweyo okanye ethe yamkelwa yikomiti yonyulo ngokomgaqo 90(1)(e)(iii).
- (3) Utyumbo lweqela oluthe lwaziswa ngomgaqwana (2) alunakuphinda lurhoxiswe.

Ukupapashwa

- 27 (1) Igosa elibanjisiweyo liya kuthi zingaphelanga iintsuku ezilishumi elinesithandathu (16) emva koluya suku lotyumbo, nasemva kokuba izicelo zobhaliso ngokomgaqo

24(1) zithe zaqwalaselwa ngokomgaqo 24, 25 no-26, lipapashe:

- (a) amagama apheleleyo nee-adresi zamaqela abhalisiweyo;
- (b) iimpawu okanye iimbasa, ukuba zikhona, zamaqela ebhalisiweyo; kunye
- (c) noluhlu lwabo bazigqatsileyo;

lize ke lixhome ikopi yeso saziso ngaphandle kulaa ndawo yotyumbo kuthethwe ngayo kumgaqo 23(1)(e).

- (2) Isicelo seqela ngalinye elibhalisiweyo siya kuvuleleka ukuba abantu bangasihlola kwiintusku ezisixhenxe emva kwalaa mhla wokupapasha uxelwe kumgaqwana (1), ukuqalela ngentsimbi yesi-08:00 ukuya kweyesi-17:00 kulaa ndawo yotyumbo ixelwe kumgaqo 23(1)(e).

- (3) Ukuba ngaba igosa elibanjisiweyo alingomlawuli oyintloko, liya kuthi lise ikopi yeso saziso kumlawuli oyintloko.

28 Igosa elibanjisiweyo lesixeko kunyulo lwekhansile yexeshana yesixeko lenze le misebenzi yegosa elibanjisiweyo ngokwemigaqo 23 ukuya kowe-27, kwaye ke xa kuthethwa ngegosa elibanjisiweyo kuya kuba kubhekiswa kwelo gosa libanjisiweyo lesixeko.

Utyumbo kunyulo lweewadi

29 (1) Akukho umntu ufanele ukuba azigqatse nakuluphi na unyulo lwewadi ingakhange izaliswe ifomu esesikweni engufomu ER5 yaza yasayinwa:

- (a) ngumntu lowo uzigqatsileyo okanye ngummeli wakhe amgunyazise ngento ehaliweyo eya kuthi ihambe nephepha lotyumbo eli, iqinisekisa ukuba lowo uzigqatsileyo uyalwamkela utyumbo lwakhe;

- (b) ubuncinane linani labavoti elibekwe ngokomgaqwana (9), abamagama abo akhoyo kuluhlu lwabavoti baloo wadi, ngaphandle kwalo umntu uzigqatsileyo okanye ummeli wakhe;

yeza yasiwa kwigosa elibajisiweyo ingadlulanga intsimbi yeshumi elinambini yale mini kusele iintsuku ezingamashumi amane (40) phambi komhla wotyumbo, ihamba nophawu okanye imbasa yolowo uzigqatsileyo, ikwiphepha elilodwa icace kakuhle inokukwazi ukuba ingakhutshelwa leyo ekufuneka ukuba ngokomgaqo 36(2) ivele phaya kwiphetshana lokuvota.

- (2) Akukho phepha lotyumbo okanye zinkcukacha zikulo ziya kuthi, emva kokuba iphepha elo lingenisiwe kwigosa elibanjisiweyo ngokomgaqwana (1), ziboniswe okanye zixelelwe omnye umntu ligosa elibanjisiweyo, ngaphandle kwegosa lonyulo phambi kwalaa yure ixelwe kumgaqwana (1).
- (3) Ziya kuthi zingaphelanga iiyure ezingamashumi amabini amane (24) emva kwalaa yure ixelwe kumgaqwana (1) igosa elibanjisiweyo lixhome ngaphandle kule ndawo yotyumbo ixelwe kumgaqo 23(1)(e) uluhlu lwamagama nee-adresi zabo bonke abantu ekufunyenwe amaphepha otyumbo abo, luhlale luxhonyiwe de kube yintsimbi yeshumi elinambini ngalaa hla wotyumbo
- (4) Ngentsimbi yeshumi elinambini ngomhla wotyumbo igosa elibanjisiweyo liya kuthi kulaa ndawo yotyumbo ixelwe kumgaqo 23(1)(e) lazise esidlangalaleni:
 - (a) amagama abantu abazigqatsile zaza izicelo zotyumbo lwabo lazikhaba phantsi komgaqwana (5);
 - (b) amagama abantu abazigqatsileyo zaza izicelo zotyumbo lwabo zamkelwa, nekuthathwa ukuba banyulwe ngokufanelekileyo phantsi komgaqwana (6);
 - (c) amagama abantu abazigqatsileyo zaza izicelo zotyumbo lwabo zamkelwa nabaya kuthi ke bavotelwe ngokomgaqwana (7);
 - (d) igama lenkokeli yomthonyama (inkosi) yabo bantu basalandela umthetho wemveli nabahlala kumhlaba okwiningqi yolawulo kagunyaziwe wexeshana lowo, nkosi leyo ifanele kuba lilungu lekhangsile ngenxa yesihlalo sayo lize ke

- (e) lixhome emboniselweni uphawu okanye imbasa, ukuba ikhona, yomntu ngamnye ozigqatsileyo owamkelweyo ligosa elibanjisiweyo okanye yikomiti ngokomgaqo 90(1)(e)(ii).

(5) Igosa elibanjisiweyo liya kukhaba:

- (a) utyumbo lwakhe nawuphi na umntu elithe lazanelisa ukuba akafanelekanga azigqatse ngokomgaqo 21;

- (b) naluphi na utyumbo olungayifezekisanga imiqathango yomgaqwana (1);

- (c) utyumbo lwakhe nawuphi na umntu elithe igosa elibanjisiweyo lafumana into ebhaliweyo esuka kuye, phambi kokuba lwenziwe oluya lwaziso luxelwe kumgaqwana (4), isayinwe nguye kunye namangqina amabini ubuncinane, isithi uyarhoxa ekuzigqatsani;

- (d) utyumbo lomntu ekuthe kanti utyunjwe kwiiwadi ezingaphezu kwesinye zogunyaziwe wexeshana omnye xa ngaba utyumbo olo luyayifezekisa imiqathango yomgaqwana (1);

- (e) utyumbo lomntu othe, ngokokwazi kwegosa elibanjisiweyo, wabhubha emva kokuba iphepha lakhe lotyumbo lingenisiwe ngokomgaqwana (1), kodwa ke phambi kokuba lwenziwe oluya lwaziso luxelwe kumgaqwana (4);

- (f) uphawu okanye imbasa ekuthiwa yeyeqela elo kube kungekho nto ikhoyo ibhaliweyo yasayinwa ngummeli ogunyazisiweyo weqela elo;

- (g) iimpawu okanye iimbasa ezifanayo ezingakwaziyo ukwahluleka lula; kunye

- (h) nophawu okanye nembasa ekrwada, nethukayo, nelahlekisayo, nengcolisa izinto ezingcwele okanye enokuthi irhuqise umrhaji okanye eyelela kakhulu

kumnqamlezo okanye uphawu lomkorekisho:

Kodwa ke kuqondakale ukuba akukho lutyumbo luya kukhatywa ngenxa yezi zizathu zixelwe kwimihlathi (b), (d), (f), (g) okanye (h) ngaphandle kokuba:

(i) igosa elibanjisiweyo lithe zingaphelanga iintsuku ezingamashumi amathathu phambi komhla wotyumbo, lamazisa umntu lowo ngento ebhaliweyo malunga nesizathu eso sokukhatywa kwakhe; nangaphandle kokuba

(ii) loo mntu akaphumelelanga:

(aa) ukuyilungisa loo nto ibingunobangela wokukhatywa kwakhe;

(bb) loo mntu akaphumelelanga ukunika ubungqina obulanelisayo igosa elibanjisiweyo bokuba loo nto ilungisiwe, yakuba ilungisiwe,

zingaphelanga iintsuku ezintlanu zokusebenza (zaphakathi evekini) phambi komhla wotyumbo : Kuqondakale kambe ke ukuba apho athe umntu akaphumelela ukuyilungisa loo nto ngokomhlathi (f), (g) okanye (h), igosa elibanjisiweyo liya kuthi ngokomgaqo 90(1)(e)(iii) lilukhabe uphawu okanye imbasa leyo, kodwa lilwamkele utyumbo lona.

(6) (a) Ukuba ngaba inani labantu abazigqatsileyo baza bamkelwa kwiwadi ethile liyalingana okanye lingaphantsi kwezithuba ezikhoyo kuloo wadi, abo bantu baya kuthathwa ngokuba banyuliwe kuze ke kuthi zingaphelanga iintsuku ezingamashumi alithoba (90) emva kwalaa mhla wonyulo, kuqhutywe unyulo-valo-sikhewu ngohlobo oluyelele kakhulu kolu luchazwe kule migaqo, ngenjongo yokuvala ezi zithuba zisaseleyo.

(b) Ukuba ngaba amagama amkelweyo okuvala ezi zithuba zixelwe apha kumhlathi (a) akaneli, igosa elibanjisiweyo liya kuthi zingaphelanga iintsuku ezisixhenxe emva kolwaziso olwenziwe ngokomgaqwana (4) malunga nonyulo-valo-sikhewu olo, lazise iNkulumbuso ngento

ebhaliweyo, ize ke yona iNkulumbuso iyalele ukuba makuqhutywe olunye unyulo-valo-sikhewu lokuzalisa ezi zithuba zisaseleyo okanye ingasuka ityumbe abanye abantu njengamalungu ekhansile okuvala ezo zithuba, kwaye ke abo bantu batyunjwe ngolo hlobo baya kuthathwa njengamalungu ekhansile apheleleyo ngeenxa zonke.

(7) Ukuba ngaba inani labantu abazigqatsileyo lwaza lwamkelwa utyumbo lwabo lingaphezulu kwenani lezithuba ezikhoyo, igosa elibanjisiweyo liya kuthi ngesaziso esixhonywe ngaphandle kwendawo yonyulo exelwe kumgaqo 23(1)(e), zingaphelanga iintsuku ezilishumi elinesithandathu emva komhla wotyumbo, likhawuleze lipapashe amagama apheleleyo omntu ngamnye ozigqatsileyo kunye nophawu okanye imbasa yakhe, ukuba ikhona, ingabantu abo abaya kuthi ke bavotelwe ngomhla wonyulo.

(8) Igosa elibanjisiweyo, lisakuba lizanelisile ukuba lowo ebezigqatsile ngokomgaqwana (4)(c) ubhubhile phambi komhla wonyulo, liya kuvala yonke inkqubo lize ke ngesaziso esikhutshwe kumaphephandaba lirhoxise zonke izaziso ebezikhutshwe phantsi kwesi sahluko kuloo wadi ichaphazelekayo, kuze ke kuthi zingaphelanga iintsuku ezingamashumi alithoba (90) ukusukela kulaa umhla wonyulo kuqhutywe unyulo-valo-sikhekhu ngohlobo olufana kakhulu naluchzwa kule migaqo : Kuqondakale kambe ke ukuba oko kumiswa neso saziso azisayi kutolikwa njengezivalo okanye ezimisa ezinye iinkqubo zonyulo eziqhubayo ngeli xesha, notyumbo lwamalungu esigqebana sexeshana sesixeko atyunjelwa ukuya kwikhansile yexeshana yesixeko.

(9) Igosa elibanjisiweyo liya kuthi ngokomgaqwana (1)(b) ngentla apha zingaphelanga iintsuku ezingamashumi amahlanu aneshlanu phambi komhla wotyumbo, kwiwadi nganye libeke inani eliyi-2% yabavoti abakuluhlu lwabavoti kwiwadi nganye lize lilazise elo nani ebantwini.

UKUMISELWA, AMAGUNYA NEMISEBENZI YAMAGOSA ONYULOUkumiselwa nemisebenzi

- 30 (1) (a) Umlawuli oyintloko ngenxa yesihlalo sakhe uya kubaligosa elibanjisiweyo laloo gunyaziwe wexeshana wakhe ngaphandle kokuba ugunyaziwe lowo uye wathi ngesigqibo sekhansile esamkelwe zizahlulo zesithathu ezibini(2/3) ubuncinane zamalungu onke, wabeka omnye umntu njengosa elibanjisiweyo kungasalanga ngaphantsi kweentsuku ezilikhulu elinamashumi asibhozo phambi kwalaa mhla wonyulo umiswe yiNkulumbuso ngokwecandelo 9 loMthetho lo.
- (b) Ugunyaziwe wexeshana uya kuthi aqinisekise ngento ebhaliweyo ukubekwa ngenxa yesihlalo okanye okuyenye indlela kwegosa elibanjisiweyo zingadlulanga iintsuku ezisixhenxe emva kokubekwa oko.
- (2) Igosa elibanjisiweyo lekhansile yexeshana yedolophu liya kuthi libe noxanduva lokwenza umsebenzi we-ofisi, lokuququzelela, lokuba liliso nelokuqhuba unyulo kuloo khansile yexeshana yedolophu.
- (3) Igosa elibanjisiweyo elibekwe kwisigqebana sexeshana sesixeko liya kwenza oku:
- (a) liya kuba noxanduva lokwenza umsebenzi we-ofisi, lokuququzelela, lokuba liliso nelokuqhuba unyulo kweso sigqebana sexeshana sesixeko nakuloo khansile yexeshana yesixeko ngokwenkqubo yomelo ngokwenanai leevoti kweso sigqebana sexeshana sesixeko;
- (b) liya kuqinisekisa ukuba unyulo lwekhansile yexeshana yesixeko luya kuqhutyelwa kwakweziya zitishi zokuvota beziqhubela unyulo lwesigqebana sexeshana sesixeko; kwaye
- (c) liya kwenza neminye imisebenzi elinokuthi liyinikwe phantsi kwale migaqo.
- (4) Igosa elibanjisiweyo elibekwe kwikhansile yexeshana yesixeko liya kwenza oku

- (a) liya kwenza izaziso zokuba makufakwe izicelo zokubhaliswa kwamaqela nezokubhaliswa kwamaqela ebhaliselwa unyulo lwekhansile yexeshana yesixeko ngokwemiqathango 23 ukuya kowe 27, lize ke lizamkele ezo zicelo ukufika kwazo liziphonononge;
- (b) liya kuprinta lihambise amaphepha okuvota olo nyulo liwase kwigosa elibanjisiweyo lesigqebana sexeshana sesixeko ngasinye ngokwemiqathango yemigaqo 36(4) ukuya kowe-36(6), nongakweyomgaqo 40(3);
- (c) liya kuthi lamkele into evela kwigosa elibanjisiweyo lesigqebana sexeshana sesixeko ngasinye ngokomgaqo 77 okanye kwisekela lalo ngokomgaqo 81 exela ukuba lithini inani labavotileyo, lisithini na inani leevoti zeqela ngalinye;
- (d) liya kuqwalasela iziphumo zonyulo kwikhansile yexeshana yesixeko ngokwekqubo yomelo ngokwenani leevoti phantsi komgaqo 78;
- (e) liya kuqwalasela ngokwale migaqo inani labo batyunjwayo elifunwayo labavela kwisigqebana sexeshana sesixeko besiya kwikhansile yexeshana yesixeko, liqwalasele neziphumo zolo tyumbo ngokwemigaqo 84 ikuya kowe-88;
- (f) liya kwenza ke neminye imisebenzi elinokuthi liyinikwe phantsi kwale migaqo.
- (5) (a) Ngenjongo yokuba ziqhube zonke iinkonzo ezifunekayo, ugunyaziwe wexeshana uya kuthi avumele igosa elibanjisiweyo ukuba ligaye okanye liqeshe okanye lithathe apha kubasebezni bakagunyaziwe lo, abantu bokusebenza ixesha elithile okanye amaxesha athile kwizithuba elibona ziyimfuneko apha kulo msebenzi wokulungiselela nokuqhuba unyulo
- (b) Abo basebenzi baya kuthi ke bavunyelwe ngugunyaziwe wexeshana lowo ukuba bangakhuleleka ukuba bangabikho kuleya misebenzi yabo yesiqhelo

kodwa ke behlawulwa ngokupheleleyo naphantsi kwalaa miqathango yengqesho bebekade besebenza phantsi kwayo, baze ke ngesithuba esingadlulanga kwiintsuku ezimbini banikwe nenye intlawulo enokuthi ibekwe ngugunyaziwe wexeshana lowo ngokomgaqo 93.

- (c) Igosa elibanjisiweyo linakho ukuba lingagaya liqeshe abantu abangasebenzi apha kugunyaziwe wexeshana lo, abangabanye xa libona kukho imfuneko yoko, kodwa ke intlawulo yabo abo bantu ingabi ngaphezulu kule inikwa amanye amagosa ovoto.
- (d) Akukho nto kwezi ziqulathwe apha kufuneka itolikwe njengento emthintelayo ugunyaziwe wexeshana ukuba enze amalungiselelo angamanye abona eyimfuneko malunga nokuqeshwaq kwabantu kumsebenzi wokulungiselelwa nokuqhutywa konyulo kakuhle.

Amagosa onyulo

- 31 (1) Igosa elibanjisiweyo liya kuthi liqeshe amagosa onyulo elibona efuneka ukuze uqhube kakuhle lo msebenzi wonyulo, kwaye ke liya kuthi ngokubona kwalo kuyimfuneko, limyekise lowo belimqeshile.
- (2) Akukho mntu uya kuqeshwa okanye ufanele ukwamkela ukuqeshwa njengegosa lonyulo ukuba:
 - (a) uzigqatsile apha elunyulweni
 - (b) utyunjwe njengelungu likagunyaziwe wexeshana okanye ukuluhlu olongezelelweyo lwabo baza kufakwa kugunyaziwe wexeshana.
 - (c) uye wabotshwa ngendlela ethe ngqo okanye engathanga ngqo liqela elithi okanye ngumntu othile ozigqatsileyo ukuba alenzele okanye amenzele umsebenzi onxulumene nonyulo olu nokuba uyahlawulwa okanye akahlawulwa na ngaloo msebenzi; okanye

- (d) unesihlalo anaso asibambileyo kwiqela elithile.
- (3) (a) Apho kufanelekileyo, igosa elibanjisiweyo liya kuthi libeke igosa lonyulo okanye amagosa onyulo kwisithuba okanye kwizithuba zobusekela gosa elibanjisiweyo, esobugosa elongameleyo, esobugosa lovoto, igosa eliguqulayo/elitolikayo, umncedisi wabavoti ekuthethwa ngaye kumgaqwana (4), igosa lokubala, okanye/kunye neline igosa lonyulo : Kuqondakale ke kambe ukuba igosa lonyulo linokunikwa izithuba ezingaphezulu kwesinye.
- (b) Igosa elibanjisiweyo lesigqebana sexeshana sesixeko liya kuthi libeke isekela-gosa elongameleyo elinye nangaphezulu kwisitishi sovoto.
- (4) Igosa elibanjisiweyo liya kuqinisekisa:
- (a) ukuba ngalo lonke ixesha kwisitishi sovoto kukho amagosa onyulo aneleyo akwaziyo ukuluthetha kakuhle ulwimi lolawulo; nokuba
- (b) kukho amagosa aneleyo aqeshelwe, ukuncedisa abantu abangakwaziyo ukufunda nokubhala abaziimfama nabakhubazekileyo ngokwemigaqo 53, 58, no-59.
- (5) Xa liqesha naxa libeka amagosa onyulo igosa elibanjisiweyo liya kuqinisekisa ukuba lizenza zonke iinzame zokuba iintlanga ezahlukeneyo zimelwe kakuhle kwabo baqeshwayo okanye babekwayo ngokunjalo nangokobuni amacala omabini ameleke kakuhle.
- (6) Le miqathango yalo mgaqo iya kubhekisela nakwigosa elibanjisiweyo lesixeko nakubeni kunakuthi kutshintshwe phaya naphaya.
- (7) Amagosa onyulo aqeshwe phantsi kwalo mgaqo aya kuthi abe ngaphantsi kolawulo lwelo gosa beliwaqesha, kwaye aya kuhamba ngokwemiyalelo yalo.

32 (1) Igosa elibanjisiweyo liya kuthi linike igosa lonyulo ngalinye ileta yengqesho ngokwalaa fomu ifanelekileyo ingu-ER6, ize ke loo leta yengqesho:

- (a) xa iligosa elangameleyo, ifakwe kwimvulphu ER7 xa kugqitywa kuvota ngokwemiqathango yomgaqo 62(3);
- (b) xa iligosa lokuvota okanye elinye nje igosa lonyulo elibekwe kwisitishi sovoto esithile igqithiselwe kwigosa elangameleyo elifanelekileyo ukuba liyisayine phambi kokuba lifike ixesha lokuba elo gosa lokuvota okanye lonyulo lingene okokuqala kwisitishi sovoto, ize ke emva koko igosa lokuvota okanye lonyulo elo lisoloko liyiphethe apha kulo de kufike ixesha lokuba ifunwe ligosa elangameleyo xa liza kuyifaka kwimvulophu ER7 ngokomgaqo 62(3);
- (c) xa iligosa lokubala, igqithiselwe kwigosa elibanjisiweyo ukuba liyisayine phambi kokuba lifike ixesha lokuba igosalokubala lingene okokuqala kwindawo yokubalela iivoti, ize ke emva koku igosa lokubala elo lisoloko liyiphethe apha kulo de kufike ixesha lokuba ifunwe xa iza kufakwa kwimvulophu ER29 ngomgaqo 72(2)(b); ize ke
- (d) xa iligosa lonyulo elilelinye igqithiselwe kwigosa elibanjisiweyo ukuba liyisayine ngexesha nakwindawo exelwe lelo gosa libanjisiweyo, ize ke emva koko igosa elo lonyulo lisoloko liyiphethe apha kulo de kufike ixesha lokuba ifunwe ligosa elibanjisiweyo elo xa liza kuyifaka kwimvulaphu ER 29 ngokomgaqo 72(2)(b).

(2) Igosa lonyulo ngalinye liya kuthi lisebenzisa loo magunya liwanikiweyo, lenze naloo misebenzi ibekiweyo layinikwa ngokwale migaqo naleyo inikwe ligosa elibanjisiweyo, ngaphandle ke kwaxa igosa elibanjisiweyo lithe lakhupha imiyalelo eyeminye.

(3) (a) Nanini na xa igosa elibanjisiweyo linokuthi lingabikho, okanye

likhubazeke, okanye lingaphumeleli okanye lale ukusebenza, isekela-gosa elibanjisiweyo iya kuba lilo elenza imisebenzi ebinikwe igosa elibanjisiweyo ngokomthetho.

- (b) Xa kuthe kwabekwa amagosa angamasekela egosa elibanjisiweyo amabini okanye ngaphezulu, igosa elibanjisiweyo liya kuthi ngelo xesha lokubekwa kwawo liwamise ngokulandelelana kwawo ngobukhulu kwesi sibalo.

Amagosa onyulo makangabi nacala

- 33 Onke amagosa onyulo kufanele ukuba ngalo lonke ixesha, xa esebenzisa amagunya awanikiweyo naxa esenza imisebenzi yawo, angabi nacala alikhethayo, ngokunjalo nendlela aziphatha ngayo, nolusu lwawo nendlela athetha ngayo kufuneka zingaxeliukuba anecala alikhethayo.

Abameli nabathunywa

- 34 (1) Nawuphi na umntu ozigqatsele unyulo kwiwadi ethile nogama lakhe livelayo kwiphepha lokuvota leso sitishi sovoto angaqesha:
- (a) ummeli oza kummela okanye oza kuhamba naye xa esiza kweso sitishi sovoto naxa esiya kwindawo ekubalelwa kuyo iivoti;
- (b) abameli abangadlulanga kwisibini kwisitsihi sovoto ngasinye;
- (c) Ummeli okanye umthunywa omnye oya kuthi abekho kwindawo yokubalela iivoti; kunye
- (d) nomthunywa omnye kwisitishi sovoto ngasinye:

Kuqondakale kambe ke ukuba kuya kuvunyelwa ummeli okanye umthunywa omnye womntu ozigqatsileyo ngamnye ngexesha, nokuba abameli nabathunywa baya kufakwa kuluhlu lwabavoti bakagunyaziwe wexeshana.

- (2) Imiqathango yomgaqo 34(1) iya kulandelwa ngawo onke amaqela abhaliselwa unyulo namagama awo avelayo phaya kwiphepha lokuvota lesi sitishi sovoto, nakubeni ke kunokutshintshwa phaya naphaya: Kuqondakale kambe ke ukuba xa kuthethwa ngommeli ngokubanzi kuya kuba kuxelwa ummeli weqela.
- (3) (a) Umntu ngamnye ozigqatsileyo neqela ngalinye kunyulo olu baya kuthi zingaphelanga iintsuku ezilishumi elinesine phambi komhla wonyulo, bazise igosa elibanjisiweyo ngento ebhaliweyo ngokwefomu engu-ER 28, ngamagama abameli nabathunywa abaqeshwe ngokomgaqo 34(1) ukuba bakhona.
- (b) Igama lakhe nawuphi na ummeli othe waqeshwa lisenokuthi lirhoxiswe okanye kufakwe elomnye endaweni yalo ngesaziso esikwabhaliweyo esithunyelwa kwigosa elibanjisiweyo inga dlulanga intsimbi yeshumi elinambini emini ngalo mhla wonyulo,
- (4) Apho kusetyenziswa isitishi sovoto esinye okanye indawo enye isetyenziselwa unyulo lwekhansile yexeshana yesixeko nolwezigqebana sexeshana sesixeko, le miqathango iya kuthi ilandelwe isetyenziselwa unyulo ngalunye ngokwahlukeneyo.

Izifungo zokugcina amahlebo

- 35 (1) Umntu ngamnye onelungelo lokuba abekhona kwisitishi sovoto okanye kwindawo yokubala iivoti, ongenguye umvoti nje okanye ipolisa elisemsebenzini, uya kwenza intetho esisifungo ngokwefomu engu-ER9:
- (a) xa iligosa elibanjisiweyo iya kuba sisifungo esenziwe phambi komfungisi osemthethweni;
- (b) xa iligosa elongameleyo iya kwenziwa loo ntetho isisifungo phambi kwegosa elibanjisiweyo, kwesekela lalo okanye phambi komfungisi osemthethweni:
- (c) xa ingomnye umntu nje, iya kwenziwa phambi kwegosa elibanjisiweyo,

kwesekela lalo, kwegosa elongameleyo okanye phambi komfungisi osemthethweni.

(2) Le ntetho ifungelweyo kubhekiswa kuyo apha kumgaqwana (1):

(a) xa iligosa elibanjisiweyo iya kuba sisifungo esenziwe phambi komfungisi osemthethweni

(b) xa iligosa elongameleyo, igosa elo liya kuthi liyinike igosa elibanjisiweyo xa igosa elongameleyo elo linikwa izinto zakhe zokuvotisa ngokomgaqo 40, ukuze ifakwe kwimvulophu engu-ER ngomgaqo 72(2)(b);

(c) xa ingumntu ozigqatsileyo, ummeli okanye umthunywa, iya kunikwa igosa elibanjisiweyo ngokomgaqo 34(3) kunye nefomu efanelekileyo engu-ER28, ukuze ifakwe kwimvulophu engu-ER29 ngokomgaqo 72(2)(b);

(d) xa ingomnye umntu nje iya kunikwa igosa elibanjisiweyo ngexesha nakwindawo ethe yabekwa kigosa elibanjisiweyo elo, ukuze ifakwe kwimvulophu engu-ER29 ngokomgaqo 72(2)(b) okanye ukuba akukho xesha okanye ndawo ibekiweyo, inikwe

(i) igosa elongameleyo xa muntu lowo engena okokuqala kwisitishi sovoto ukuze ifakwe kwimvulophu ER7 ngokomgaqo 72(2)(b); okanye

(ii) igosa elibanjisiweyo xa umntu lowo engena okokuqala kwindawo yokubala iivoti ukuze ifakwe kwimvulophu engu-ER29 ngokomgaqo 72(2)(b).

ISAHLUKO 8

AMALUNGISELELO ONYULO

Ukuprintwa kwamaphepha okuvota eewadi

36 (1) Kamsinyane nje emva kokuba kwenziwa esiya saziso senziwa ngokomgaqo 29(4)

ligosa elibanjisiweyo lisazisa ngamagama abantu abazigqatsileyo aza amkelwa amagama abo kutyumbo lonyulo kwiiwadi zabo, naya kuthi ke avotelwe ngomhla wonyulo, igosa elibanjisiweyo liya kuthatha amanyathelo okuba kuprintwe inani elaneleyo lamaphepha okuvota anombala omhlophe aya kusetyenziswa eziwadini, ngokwefomu engu-ER3(A).

(2) Iphepha lokuvota ngalinye eliprintwa ngomgaqo 36(i):

(a) liya kuqulatha amagama abo bazigqatsileyo ngokokulandelelana koonobumba bokuqala beefani zabo njengoko kuxeliwe kwiifomu zotyumbo, kuze ke kuthi apho kukho abantu abazigqatsileyo ababini nangaphezulu abaneefani ezifanayo, kusetyenziswe oonobumba bokuqala bamagama abo;

(b) liya kuthi libe namaphetshana asalayo namanani alandelelanayo abhalwe apha ngaphandle kuwo.

(3) Iwadi nganye iya kuba namaphepha okuvota oprintwayo enamanani alandelelanayo akhoyo kula maphetshana asalayo.

Ukuprintwa kwamphepha okuvota omelok ngokwenani leevoti

(4) Kamsinyane nje emva kokwenziwa kwesiya saziso senziwe ngokomgaqo 26(2) ligosa elibanjisiweyo samagama amaqela atyumbo lwawo lwamkelweyo naya kuthi avotelwa ngalaa mhla wovoto;

(a) igosa elibanjisiweyo liya kuthatha amanyathelo okuba kuprintwe ngokwefomu engu-ER(B), inani elaneleyo lamaphepha okuvota anombala otyheli, aya kusetyenziswa kunyulo oluya kuba ngenkqubo yomelo ngokwenani leevoti lwekhansile yexeshana yedolophu okanye yesigqebana sexeshana sesixeko;

(b) igosa elibanjisiweyo lesixeko liya kuthi lithathe amanyathelo okuba kuprintwa ngokwefomu engu-ER3(B) inani elaneleyo lamaphepha okuvota anombala oluhlaza, aya kusetyenziswa kunyulo oluya kuba ngenkqubo

yomelo ngokwenani leevoti lwekhansile yexeshana yesixeko.

(5) Iphepha lokuvota ngalinye eliprintwe ngokomgaqo 36(4)(a) nomgaqo 36(4)(b):

(a) liya kuqulatha amagama amaqela achaphazelekayo njengoko kuxeliwe kwiifomu zotyumbo, elandelelaniswe ngokoonobumba bokuqala, kuze ke kuthi apho kukho amaqela amabini okanye ngaphezulu afanayo ngegama lokuqala, kulandelelaniswe ngokoonobumba bokuqala bamanye amagama, kuze kuthi apho kukho amaqela amabini okanye ngaphezulu aqala ngoonobumba abafanayo kulandelelaniswe ngokoonobumba besibini okanye besithathu, ukuba kukho imfuneko yko;

(b) liya kuthi ecaleni kwegama leqela ngalinye liqulathe uphawu okanye imbasa yeqela elo, ukuba ikhona, eboniswa ngokomgaqo 26(2)(d)

(c) libe nephethshana elisalayo elinenai ukuqalela kwisinye, elibhalwe apha ngaphandle kulo.

(6) Ugunyaziwe ngamnye uya kuba namaphepha okuvota aprintwayo enamanani alandelelanayo akhoyo kula maphethshana asalayo.

(7) Ngokobhekisele kumgaqo 36(5)(a), unobumba wokuqala koluya luhlu lulandelelanayo ngokoonobumba bokuqala uya kuhamba ngokwegama leqela elitsalwe kuqala ngomgaqo 73(1)(b)(i) ukuya ku-73(1)(b)(iii) ligosa elibanjisiweyo kukho abameli abagunyazisiweyo angekho ngaphantsi kwesiqingatha saloo maqela abhalisiweyo, okanye ukuba ngaba aliphumeleli eli nani ukuba khona emva kokuba bekuthunyelwe izimemo ezibhaliweyo, kukho abo bakhoyo abameli kunye namangqina angekho ngaphantsi kwesihlanu angenacala amenywe ligosa elibanjisiweyo, ukuba kukho imfuneko yoko.

Libhokisi zokuvota

37 (1) Igosa elibanjisiweyo liya kuthi likhuphe okanye lithathe amanyathelo okuba

kukhutshwe ibhokisi zokuvota ezaneleyo.

(2) Ibhokisi yokuvota nganye:

- (a) iya kuba nesiciko esineehenjisi;
- (b) iya kuba nesikroba esinokukwazi ukungena amaphepha okuvota;
- (c) iya kwenziwa ngohlobo lokuba ,ngenxa yento eyenziwa ngayo, amaphepha okuvota akuyo akangekhe akhutshwe ngaphandle kokuba kuvulwe isiciko sayo esi;
- (d) iya kuba neqhaga lokuyitshixa okanye enye indlela yokuyitshixa xa ivaliwe;
- (e) iya kubhalwa ngokucacileyo apha ngaphandle inani layo okanye imbasa yayo efana yodwa nengenakususwa lula; kwaye ke (f) iya kubhalwa cacileyo nangendlela ekhuselekileyo apha ngaphandle, ngohlobo lokuba lubonakale lula nakubani na:
 - (i) igama logunyaziwe wexeshana wayo
 - (ii) iwadi yayo;
 - (iii) njengebhokisi yokuvota edibeneyo yonyulo ngokweewadi nangokomelo ngokwenani leevoti; okanye
 - (iv) njengebhokisi yokuvota eyenzelwe kuphela unyulo lomelo ngokwenani leevoti lwekhansile yexeshana kyesixeko

Uphawu olusesikweni nezixhobo

38 (1) Phambi komhla wonyulo igosa elibanjisiweyo:

- (a) liya kugqiba ngophawu okanye iimpawu eziya kusetyenziswa kumaphepha okuvota;

(b) likhuphe izixhobo ezaneleyo zokubeka olo phawu okanye ezi mpawu kumaphepha okuvota; kwaye ke

(c) liya kufaka isixhobo ngasinye kwimvulophu engu-ER10, lize ke imvulophu nganye liyitywine ngetywina elisesikweni phambi kokuba liyidlulisele kwigosa elongameleyo ngokomgaqo 40.

(2) Igosa elibanjisiweyo alisayi kuxelela mntu tu naphantsi kwayo nayiphi na imeko ngophawu okanye iimpawu elithe lagqiba ngazo;

Ukubekwa kwexesha nendawo yokubalela nendawo emazisiwe kuyo izinto zonyulo

39 Phambi komhla wonyulo igosa elibanjisiweyo:

(a) liya kubeka indawo okanye iindawo, umhla nexesha lokubalwa kweevoti, balo olo luya kuqala ingadlulanga intsimbi yethoba kusasa ngale mini isemva kwale yonyulo kanye, lize ke lazise umntu ngamnye ozigqatsileyo ngamnye, kwiqela ngalinye nakumququzeleli-jikelele ngamnye;

(b) liya kwazisa igosa elangomeleyo ngalinye ngefomu engu-ERii ngendawo okanye ngeendawo apho iibhokisi zokuvota nezinye izinto zokuvota zifanele ukusiwa kuyo okanye kuzo kwigosa elibanjisiweyo elo emva kokuvalwa kwezitishi zovoto;

(c) (i) liya kuqesha ngento ebhaliweyo isekela-gosa elibanjisiweyo ukuba lisebenze endaweni yalo nakuyiphi na into apho elithe lagqiba khona ukuba indawo okanye iindawo zokubalela iivoti azisayi kuba phantsi kweliso nolawulo lwalo;

(ii) liya kwazisa isekela-gosa elibanjisiweyo ngalinye ngento ebhaliweyo malunga nendawo apho iziphumo zabalo ziya kusiwa khona ngokomgaqo 81 nalapho izinto ziya kusiwa khona kulo emva kokuba kugqityiwe ukubala.

Ukukhutshwa kwezinto zonyulo

40 (1) Iya kuthi ingadlulanga intsimbi yesi-17h00 ngalo mhla wandulela umhla wonyulo

igosa elibanjisiweyo linike igosa elongameleyo ezi zinto zonyulo zilandelayo ziza kusetyenziswa kwisitishi sovoto salo:

- (a) uluhlu lwabantu abazigqatsileyo kuloo wadi inikwe lona igosa elongameleyo elo;
- (b) uluhlu lwamaqela athatha inxaxheba kunyulo olu;
- (c) uluhlu lwabantu abazigqatsileyo nabaququzeleli bamaqela nabathunywa abamagama abo avelayo kwifomu engu-ER 8 yeso sitishi sovoto ethe yangeniswa ngokomgaqo 34 nabangeniselwe ifomu engu-ER 9 ngokomgaqo 35.
- (d) ikopi enye yoluhlu lwabavoti okanye inxenye yalo efanelekileyo enamagama abavoti abanelungelo lokuvota kwisitishi sovoto salo;
- (e) ikopi enye yale migaqo;
- (f) iikopi ezintathu zepowusta nganye kweziya kuthethwa ngazo kumgaqo 46;
- (g) iibhokisi zokuvota ezaneleyo ezifunekayo ezibhaliweyo zaphawulwa ngokomgaqo 37;
- (h) amaphepha okuvota aneleyo;
- (i) izixhobo ezaneleyo zokubeka uphawu olusesikweni kumaphepha okuvota, isixhobo ngasinye sifakwe kwimvulophu ER10;
- (j) itywina elinye elisesikweni;
- (k) iifomu ezaneleyo, imvulophu ezaneleyo iileyibheli ezaneleyo ezingu ER 7 no-ER12 ukuya kutsho kwiifomu ezifanelekileyo ezingu-ER25;

- (l) iintsiba neependile ezaneleyo zokuphawula amaphepha okuvota;
- (m) iipensile ezaneleyo nezinto zokulola iipensile ezaneleyo, izixhobo zokusika, i-inki yokugximfuza neephedi zokugximfiza; umthwebaba wokutywina okanye ezinye izinto zokkuktywinam, umatsisi, iiteyipu zokuvala, iphepha elimdaka, iikhadibhodi okanye izinto zokufaka, iingxowa, iteyipu yokutywina, ithwayini ipeyisti, iipini zokuxhoma, amakhandlela, intambo okanye iteyipu nezinye ke izinto ezifunekayo ukuba zisoloko zikho nezizezokuyenza le ndawo ingaphakathi kuvotelwa kuyo ifana yodwa, ukuze ke igosa elibanjisiweyo libona kuyimfuneko kubekho itotshi okanye ithotshi ezisebenza ngebhetri.

(2) Igosa elongameleyo ngalinye liya kuthi, kukho igosa elibanjisiweyo, lifake iinombolo zamaphetshana asalayo xa kuqhawulwe amaphepha okuvota eliwafulmeneyo kwifomu efanelekileyo engu-ER20, lize ke lenze irisithi liyinike igosa elibanjisiweyo risithi leyo eyeyezinto zokuvota elithe lazinukwa ngokomgaqwana (i), ekukho kuyo naluhlu lweenombolo ezizodwa zamaphetshana asalayo ezifakwe kumaphepha okuvokota eliwafulmeneyo neenombolo ezizodwa zamaphetshana asalayo ezifakwe kumaphephana okuvota eliwafulmeneyo neenombolo okanye iimbasa zeebhokisi zokuvota ebelizinikiwe ngomgaqo 37(2)(e), lize ke ligcine idyuplikhethi yaloo risithi isayinwe ligosa elibanjisiweyo.

(3) (a) Igosa elibanjisiweyo lesixeko liya kuthi, ingekabethi intsimbi yeshumi elinambini (emini emaqanda) ngalo mhla wandulela owonyulo, linike igosa elibanjisiweyo lesigqebana sexeshana sesixeko ngalinye amaphepha okuvota aneleyo ngokwemigaqo 36(4)(b), 5 no-6 anani liya kuthi lixelwe kwigosa elibanjisiweyo lesixeko elo lingadlulanga eliya xesha lokwamkelwa nokubhaliswa kwamaqela ngokomgaqo 26.

(b) Igosa elibanjisiweyo ngalinye liya kunika igosa elibanjisiweyo lesixeko irisithi ekukho kuyo noluhlu lwamanani awodwa alandelelanayo aziinombolo zamaphetshana asalayo kwakuqhawulwa amaphepha okuvota eliwaniweyo ngokomgaqwana (3)(a), lize ke ligcine idyuplikhethi yaloo

risithi isayinwe ligosa elibanjisiweyo lesixekko.

ISAPHLUKO 9

UKULAWULWA, UKULUNGISWA NOKUVULWA KWESITISHI SOVOTO

Ingingqi yokuvota

41 (1) Ingingqi yokuvota iya kuba nezi zinto zilandelayo:

(a) isitishi sovoto esiya kuba yindawo ekhethwe ligosa elibanjisiweyo apho umvoti aya kuvunyelwa ukuba afake ivoti yakhe;

(b) umhlaba ongaphakathi ojikelezwe ngumda nobukhulu bawo buya kuba ziimitha ezingama-500, okanye ke okuma kwawo okanye nobukhulu bawo buya kuba kangokuvuma kwemeko yaloo ndawo, noya kuba ukhethwe ligosa elibanjisiweyo yaza naloo mida yawo yabekwa kwalilo:

(i) apho ke baya kuthi abantu bavunyelwe ukungena baze kuvota

(ii) apho kungasayi kuvunyelwa msebenzi wopolitiko uqhube ngaphandle kwalo wovoto;

(iii) apho bangasayi kuvunyelwa bangene abanye abantu abangengabo abaya bakhankanywa kumgaqo 42(1)(2) no-(3);

(c) indawo elawulwayo ejileleze isitishi sovoto eso ejikelezwe ngumda nobukhulu bayo buziimitha ezili-1000, okanye ekuma kwayo okanye ebukhulu bayo buya kuba kangokuvuma kwemeko yaloo ndawo, neya kuthi ikhethwe ligosa elibanjisiweyo, apho ke ligosa elongameleyo linokuthi lithintelele ukuqhubeka kwawo nawuphi na umsebenzi wopolitiko ongenguwo lo wovoto.

(2) Ngokomgaqwana (1)(b)(ii), umsebenzi wopolitiko ubandakanya oku kulandelayo:

(a) ukunxitywa okanye ukubekwa emboniselweni kwamabhantana afakwa ezingalweni okanye iirozethi ezenzelwe ukuba zibonise ukuba umntu lowo uzifakileyo uzibandakanya naliphi na iqela okanye nayiphi na imbasa;

(b) ukubekwa emboniselweni okanye ukuhanjiswa kwayo nayiphi na ipowusta, iplakhadi, ibhanile(iflegi), iphepha-nkcazo(pamphlet), ileta ejikeleziswayo okanye isetyhula, eyenzelwe ukuba ibe neempembelelo kubavoti ukuba mabavotele umntu othile okanye iqela elithile;

(c) ukwenziwa kwesaziso, kwentetho okanye ukufundwa ngokuvakalayo kwentetho ebhaliweyo, inqaku okanye ileta eyenzelwe ukuba ibe neempembelelo kubavoti kukuba mabavotele umntu othile okanye iqela elithile;

(d) nokugayela umntu ozigqatsileyo okanye iqela elithile

(3) (a) Igosa elibanjisiweyo liya kuthi ngokwemiqathango yale migaqo, libeke inani lezitishi zovoto neendawo eziza kuba kuzo kwiwadi nganye, loo nto ke liyenza ngokujonga inani labavoti kuloo wadi, ukufikeleleka kwayo loo ndawo, ukukhuseleka kwayo ukufumaneka kwayo kwakunye nezinye izinto ezinokuthi zibe negalelo kwimpumelelo yokuqhutywa konyulo.

(b) Ubuncinane iwadi nganye okanye inxenye yayo iya kuba naso isitishi sovoto esinye esibekelwayo.

(c) Xa kungekho nto ibhaliweyo isisigunyaziso esivela kwiNkulumbuso sigunyazisa ukuba kuqhutywe ngenye indlela:

(i) akukho sitishi sovoto kwiwadi emiselwe ngokomgaqo 16(1)(b) siya kuthi sinikwe inxenye yoluhlu lwabavoti enabavoti ababhalisiweyo abangaphezulul kwama-2 500

(ii) akukho sitishi sovoto kwiwadi emiselwe ngokomgaqo 16(1)(a) siya kuthi sinikwe inxenye yoluhlu lwabavoti enabavoti

ababhalisiweyo abangaphezulu kwama-4 000.

- (4) Igosa elibanjisiweyo lesigqebana sexeshana sesixeko liya kuqinikekisa ukuba isitishi sovoto ngasinye simiselwe sasetyenziselwa unyulo lwesigqebana sexeshana sesixeko kunye nolwekhansile yexeshana yesixeko.
- (5) Igosa elibanjisiweyo liya kuqinisekisa ukuba iyalandelwa imiqathango yomgaqo 3(6)
- (6) Kuya kuthi kungasalanga zintsuku zingaphantsi kwamashumi amathandathu phambi komhla wonyulo, igosa elibanjisiweyo lipapashe uluhlu lwezitishi zovoto nee-adresi zazo, lize ligcine ikopi yolo luhlu windawo okanye kwiindawo ezikhethwe lilo oknaye yikomiti yonyulo exelwa kumgaqo 90 ngenjongo yokwazisa abantu de udlule umhla wonyulo: Kuqondakale kambe ke ukuba emva kokudlana iindlebe naloo komiti yonyulo, olo luhlu kungongezwa kulo ligosa elongameleyo luphinde lupapashwe njengangaphambili kungasalanga ngaphantsi kweentsuku ezingamashumi amane(40) phambi komhla wonyulo
- (7) INkulumbuso ingathi, kungasalanga ngaphantsi kweentsuku ezingamashumi amane(40) phambi komhla wonyulo iyalele igosa elibanjisiweyo ukuba landise inani okanye iindawo zezitishi zovoto ezikhankanywa kumgaqwana (3)

Amagunya athile malunga nengiqgi yokuvota

- (8) Igosa elongameleyo eliqeshwe kwisitishi sovoto esithile liya kuba negunya:
 - (a) lokuthatha amanyathelo afanelekilwyo linike nemiyalelo enokuthi ibe yimfuneko ukuze luqhube kakuhle uvoto nonyulo nemigaqo le ilandelwe, into leyo eya kubandakanya nolawulo lwenani labavoti abaya kuvunyelwa ukuba bangene kwisitishi sovoto nakumhlaba ongaphakathi kuso;
 - (b) lokwalela nokukhuphela ngaphandle kwisitishi sovoto bonke abantu abangengabo aba bavumelekileyo ngokomgaqo 42.
- (9) Akukho mntu uya kungena okanye uya kuhlala kwisitishi sovoto okanye kumhlaba ongaphakathi kuso ngaphandle kwemvume yegosa elongameleyo, nakukbeni kuya

kuhanjwa ngomgaqo 42.

- (10) Igosa elongameleyo liya kuthatha onke amanyathelo afanelekileyo okukhusela abantu nezinto nawokuthintela naluphi na udlame okanye isiphithi-phithi apha kule ndawo yovoto.
- (11) Amagunya anikwe ngokomgaqwana (8),(9) no-(10) akasayi kusetyenziselwa ukuthintela umntu onelungelo lokuvota ukuba afumane ithuba lokuvota.
- (12) Imiqathango yalo mgaqo ayisayi kutolikwa njengenciphisa amagunya nemisebenzi enikwa igosa elongameleyo ngomnye umgaqo.

Abantu abanokungena kwisitishi sovoto

- 42 (1) Abantu abanokungena kwisitishi sovoto okanye kumhlaba waso esibekwe ngokwemigaqo 41(1)(a) no-(b) ngaba balandelayo kuphela:
- (a) igosa elibanjisiweyo;
 - (b) amagosa onyulo abekwe ngokusesikweni;
 - (c) amapolisa asemsebenzini;
 - (d) abantu abazigqatsileyo;
 - (e) nawuphi na umntu ogama lakhe livelayo kuluhlu lwesitishi, okanye
 - (f) nabavoti abaze ngenjongo yokuza kuvota kweso sitishi; okanye
 - (g) umntu othe wavunyelwa ukuba ngene ngeenjongo zomgaqo 58(1).
- (2) Ngabantu abachazwe kumgaqwana 1(a) ukuya ku-(e) kuphela abanokungena kwisitishi sovoto phambi kokuba uvoto luqalise okanye abanokuhlala apho nasemva kokuba uvoto luvaliwe
- (3) Nakubeni ikho le miqathango yalo mgaqo, igosa elibanjisiweyo lisenokuthi

lingunyazise ngento ebhaliweyo abanye abantu abaxeliweyo ukuba bangene apha kwisitishi sovoto okanye kumhlaba waso ngenjongo yokwenza imisebenzi ethile, ngokwezibakala elithe lazibeka igosa elo ngokokubona kwalo kuyimfuneko okanye kufanelekile.

- (4) Bonke abantu abanelungelo lokungena nabangunyaziswe ukuba bangene kwiziko lovoto okanye kumhlaba walo, ekubandanyeka kubo amapolisa asemsebenzini, abantu abazigqatsileyo nabaququzeleli, baya kuba phantsi kolawulo negunya nemiyalelo yegosa elongameleyo.

- 43 (1) Igosa elibanjisiweyo liya kuqinisekisa ukuba ezi zinto zokusebenza zilandelayo kunye nale fenitshala ilandelayo, zikhona kwisitishi sovoto ngasinye phambi kokuba uvoto luqale:

(a) iitafile nezitulo ezaneleyo zamagosa anyulo nabaququzeleli babantu abazigqatsileyo namaqela;

(b) amagunjana okuvota aneleyo lize ke igunjana ngalinye libe nendawo ekunokubhalelwa phezu kwayo; kunye

(c) neebhokisi zokuvota ngokomgaqo 40(1)(g)

- (2) Igosa elibanjisiweyo alisayi kunika mntu uzigqatsileyo okanye umququzeleli, izinto zokusebenza nefenitshala ngaphaya kwamasango esitishi sovoto.

Ucwangciso kwisitishi sovoto

- 44 (1) Isitishi sovoto ngasinye siya kucwangciswa ngolu hlobo:

(a) esangweni elingena kwisitishi sovoto nokuba/okanye kumhlaba waso kuya kubakho igosa lonyulo elinye okanye nangaphezulu, eliya kujonga liqinisekise ukuba umntu ngamnye onqwenela ukungena apho unaso na isazisi;

(b) emva koko, lisakuba limngenisile kwisitishi sovoto, kuqala umvoti lowo uya kwalathiswa indawo ekwalapha kufutshane apho aya kunikwa

amaphepha okuvota onyulo lwamalungu ekhansile eziwadini nawonyulo lwamalungu ekhansile lwenkqubo yomelo ngokwenani leevoti kwikhansile yexeshana yedolophu okanye kwisigqebana sexeshana sesixeko, alathiswe nendawo eluqhutyelwa kuyo unyulo olo apho umvoti aya kuyifaka khona ivoti yakhe;

(c) emva koko, ngokwemiqathango yomgaqo 44(3) umvoti uya kwalathiswa indawo yokuphuma ukuqinisekisa ukuba uphuma kwenye indawo engeyiyo le ebengene ngayo;

(d) kuya kubakho igosa lonyulo elinye okanye nangaphezulu kwelinye okanye ipolisa elisemsebenzini kwisango eliphumayo ukuqinisekisa ukuba akukho mntu ungena ngelo sango lokuphuma.

(2) Xa athe umntu okhankanywe kumgaqwana 44(1)(a) akasikhupha isazisi esi sifunwayo, loo mntu akasayi kuvunyelwa ukuba angene kweso sitishi sovoto, okanye ukuba ubesengene uya kukhatshelwa ngaphandle kwamasango esitishi sovoto eso ligosa lonyulo okanye lipolisa elisemsebenzini.

(3) Apho unyulo lwekhansile yexeshana yesixeko luqhutyelwa kwitishi sovoto kunye nesonyulo lwesigqebana sexeshana sesixeko:

(a) umvoti uya kufaka ivoti yakhe ngokomgaqo 44(1)(b), aze ke emva koko alathiswe laa ndawo ixelwe kumgaqo 44(3)(b);

(b) indawo eliya kukhutshwa kuyo iphepha lokuvota nalapho kuya kuvotelwa khona kufakwe kuyo ivoti ngumvoti kolo nyulo lwekhansile yexeshana yesixeko, iya kuthi geqe ilandele le ixelwe kumgaqo 44 (1)(b), kodwa ibe kwindawo enganeno kweli sango lokuphuma kumgaqo 44(1)(c);

(c) zonke izinto zonyulo ezikhankanywe kumgaqo 40 nezikhutshelwe loo khansile yexeshana yesixeko, ngalo lonke ixesha ziya kugcinwa zilondolozwe ligosa elongameleyo zahlukene nezinye ezikwakweso sitishi

sovoto de zithathwe zisiwe elugcinweni ligosa elibanjisiweyo elifanelekileyo;

Amaxesha okuvota nawokufika kwisitishi sovoto

- 45 (1) Amaxesha okuvota iya kuba ngu-07:00 ukuya ku-22:00 ngomhla wonyulo.
- (2) Igosa elongameleyo, amagosa ovoto kunye nalo naliphi na igosa lonyulo athe ayalelwa njalo ligosa elibanjisiweyo, aya kuba phaya kwisitishi sovoto kwisithuba semizuzu engamashumi amathandathu (iyure) phambi kokuba luqale uvoto;

Iipowusta ezingaphandle kwesitishi sovoto

- 46 Phambi kokuba uvoto luqale igosa elongameleyo liya kubeka kwindawo esekuhleni apha ngaphandle kwesitishi sovoto:
- (1) ipowusta engu-ER14(A) echaza ukuba loo ndawo sisitishi sovoto sonyulo olo, ichaze amaxesha okuvota, ixele igama likagunyaziwe wexeshana lowo, ixele iwadi nesitishi sovoto apho luya kuqhuba khona uvoto ngokweewadi;
- (2) apho kufanelekileyo, nepowusta engu-ER14(B) echaza ukuba indawo leyo isisitishi sovoto ixele igama lekhansile yexeshana yesixeko, ixele iwadi nesitishi sovoto apho luya kuqhuba khona uvoto lwenkqubo yomelo ngokwenani leevoti;
- (3) nepowusta engu-ER13 exela ukuba akuvumelekanga ukutshaya okanye ukulayita umatshisi okanye iidoshana zokulayita apha kwisitishi sovoto.

Ukulungiswa kwamagunjana okuvotela

- 47 Phambi kokuba uvoto luqale, igosa elongameleyo:

- (a) liya kulungisa igunjana lokuvotela khona ukuze kungabikho mntu
- (i) unokungena okanye unokuphuma engakhange abonwe ligosa elongameleyo okanye nalilo naliphi na elinye igosa lonyulo elinikwe loo msebenzi ligosa elongameleyo; okanye
- (ii) unokubona ukuba uvota njani na omnye umntu;

(b) liya kuncamathisela ifomu engu-ER12(A) no-(B) ngaphakathi kwigunjana lokuvotela ngalinye liyijongise kweli cala angena kulo umvoti;

(c) liya kubeka usiba okanye ipensile elolwe kakuhle, ibotshelelwe ngethwayini kule ndawo yokubhalela kwigunjana ngalinye.

Ukutywinwa kweebhokisi zokuvota

48 (1) Phambi kokuba uvoto luqale, kodwa kungasalanga mizuzu ingaphezulu kunamashumi amathathu, igosa elongameleyo;

(a) liya kuqinisekisa ukuba zonke iibhokisi zokuvota zikhutshiwe ngokomgaqo 43(1)(c) kwaye ziphawulwe kakuhle ngokomgaqo 37(2)(e) no-(f);

(b) liya kubonisa abantu abakhoyo apha ngaphakathi kwisitishi sovoto ukuba ibhokisi nganye ayinanto ngaphakathi;

(c) liya kuyivala liyitshixe ibhokisi nganye;

(d) liya kusivalisisa isiciko sebhokisi nganye lize ke liyitywinele ngetywina lalo litywinele nesitshixo, ukuba sikhona, apha ecaleni kwibhokisi leyo ngohlobo lokuba isiciko eso singabi nakuvuleka okanye isitshixo eso singabi nakususwa kungakhange kwaphulwe okanye konakaliswe umtywino lowo;

(e) liya kuvumela abantu abazigqatsileyo okanye abaququzeleli babo abakhoyo ukuba bafake awabo amatywina kwibhokisi nganye, ukuba banomnqweno wokukwenza oko.

(2) Xa kunokwenzeka kubekho iibhokisi zokuvota ezinokuthi zongezwe ziziswe kwesi sitishi sovoto emva kwayo yonke le nto, zize zamkelwe ligosa elongameleyo, uya kufuneka nakuzo kulandelwe le nkqubo ikumgaqo 48(1)(a) ukuya ku -(e) zifika nje, kunjalo nje igosa elongameleyo liya kukhe lisivale isitishi sovoto eso logama kwenziwa oku de kugqitywe.

(3) Emva kokuba iibhokisi zitywiniwe:

- (a) azisayi kuvulwa, ngaphandle kwaxa zivulwa ngokomgaqo 69; okanye
 - (b) azisayi kususwa apho kwisitishi sovoto ngaphandle kwaxa zisuswa ngokomgaqo 63(1).
- (4) Igosa elongameleyo liya kuthi ibhokisi nganye liyibeke kwindawo esekuhleni, apho iya kuthi ngalo lonke ixesha liyibone okanye ibonwe lelinye igosa lonyulo elinikwe loo msebenzi ligosa elongameleyo.

Ukuvulwa kwesitishi sovoto neemvulophu ezinophawu olusesikweni

- 49 (1) Igosa elongameleyo liya kuqinisekisa ukuba isitishi sovoto sivula ngeli xesha lufanele ukuqala ngalo uvoto.
- (2) Igosa elongameleyo liya kuthi ngeli xesha lokuqala kovoto livule iimvulophu ezininzi ezinezixhobo zokubeka uphawu olusesikweni kumaphepha okuvota kangangoko kuyimfuneko.

ISAHLUKO 10

UKUQHUTYWA KOVOTO

Ukumana kuhlolwa isitishi sovoto.

- 50 (1) Igosa elongameleyo liya kuthi ngeli xesha lokuqhuba konyulo limana lithatha amanyathelo okuba kuhlolwe isitishi sovoto ukuqinisekisa ukuba imiqathango ekule migaqo iyalandelwa nokuba:
- (a) eziya powusta zixelwe kumgaqo 46 azonakaliswanga kunjalo nje zisesezindaweni ebezibekwe kuzo;
 - (b) amagunjana okuvotela asemi ngoluya hlobo luchazwe kumgaqo 47(a); nokuba

(c) iibhokisi zokuvota zisemi ngoluya hlobo bezibekwe ngalo luchazwe kumgaqo 48(4).

(2) Igosa elongameleyo liya kuthi ngeli xesha lokuqhuba konyulo limana lithatha amanyathelo okuba kuhlolwe igunjana lokuvotela ngalinye xa lingenamntu ukuqinisekisa ukuba:

(a) laa fomu ingu-ER12(A) no-(B) isekulaa ndawo ibixhonywe kuyo, kwaye ayikonakali;

(b) usiba okanye ipensile elolwe kakuhle isabotshelelwe phaya kulaa ndawo yokubhalela; nokuba

(c) akukho saziyo simbi okanye sayini yephepha, okanye nto ibhaliweyo okanye mbasa ikhoyo apho kwelo gunjana lokuvotela.

(3) Igosa elongameleyo liya kuthi ixesha lokuqhuba konyulo limana lithatha amanyathelo okuba kuhlolwe umhlaba wesitishi sovoto esi ukuqinisekisa ukuba imiqathango ekule migaqo iyalandelwa nokuba imida yawo iphawulwe kakuhle nangokucacileyo.

Ukuvunyelwa ukungena kumagumbana okuvotela

51 Nakubeni kuya kulandelwa imiqathango yemigaqo 50(2) nowe-58, akakho omnye umntu oya kuvunyelwa ukuba angene kwigunjana lokuvota ngaphandle kwalowo ungumvoti, kwaye akusayi kuvunyelwa kungene abavoti abangaphezu komnye ngexesha kwigunjana lokuvotela.

Ukuphithikezana nabavoti

52 Akukho mntu uya kuya emvotini, okanye amphithikeze okanye athethe naye okanye amncedise, ukusukela kwixesha lokunikwa kwakhe iphepha lokuvota okanye amaphepha okuvota umvoti lowo de kuye ekufakeni kwakhe iphepha lokuvota elo ebhokisini okanye amaphepha okuvota lawo ezibhokisini, ngaphandle kwabo bavumelekileyo ngokwale migaqo.

Imibuzo kubavoti

- 53 (1) Igosa elongameleyo, xa linokuthi licelwe ngumntu ozigqatsileyo okanye ngumququzeleli, lisenokuthi lowo wenza isicelo sephepha lokuvota limbuze laa mibuzo ikwifomu engu-ER15, oko likwenza kukho abantu abazigqatsileyo okanye abaququzeleli abangaphezulu komnye, ukuze apho igosa elongameleyo libona kukho imfuneko likucacise okuqulathwe yile fomu ingu-ER15 kunye nenjongo yako.
- (2) Xa libona kufanelekile, igosa elongameleyo lisenokuzibhala phantsi iimpendulo zaloo mntu apha kufomu ER15 lize ke limcele ukuba enze uphawu okanye ayisayinele loo ntetho ayenze ngeempendulo zakhe.
- (3) Akukho mntu kwaba baxelwe kumgaqwana (1) uya kuvunyelwa ukuba avote ngaphandle kokuba aphenndule umbuzo wokuqala evuma ngokucacileyo, nowesibini nowesithathu ngokucacileyo elandula, aze ke athi akuba eyalelwe njalo ligosa elongameleyo enze uphawu okanye asayinele le ntetho iziimpendulo zakhe.
- (4) Akukho mibuzo yimbi iya kuphinda ibuzwe malunga nelungelo lokuvota lomntu, ngaphandle kwaleya ikumgaqwana (1).
- (5) Apho lo mntu kuthethwa ngaye kumgaqo 53(1) esala okanye engaphumeleli ukuphendula umbuzo okanye ukwenza uphawu nokusayina ngokomgaqo 53(3), igosa elongameleyo lingamyalela ukuba emke apho kwisitishi sovoto, aze ke akhatshelwe ngaphandle kwamasango esitishi sovoto eso ligosa lonyulo okanye lipolisa elisemsebenzini.
- (6) Xa umntu esenza isicelo sephepha lokuvota kwigosa lonyulo ngegama lomvoti othile kuze kuthi kanti sekukrwelwe umgca kwelo gama phaya kuluhlu lwabavoti, okanye igosa lonyulo elo linesizathu sokukrokrela ukuba elo gama beselilikhutshelwe iphepha lokuvota, igosa elibanjisiweyo liya kuthi limbuze laa mibuzo ikwifomu engu-ER15 lowo wenza isicelo, libhale phantsi apha kufomu ER15 inombolo yephetshana elisalayo lephepha lokuvota kunye neempendulo zomntu lowo, lize ke limcele ukuba enze asayinele intetho esisivakaliso, kuze ke kulandelwe laa migaqwana (3) ukuya ku-(5) kusenokwenziwa iinguqulelo phaya

naphaya.

Ukukhutshwa kwamaphepha okuvota

54 (1) Igosa lonyulo ekwenziwa kulo isicelo sephepha lokuvota liya kumcela umfaki-sicelo lowo ukuba akhuphe isazisi sakhe, azixele igama, axele ne-adresi yakhe, lize ke lizanelise ukuba:

(a) xa iliphepha lokuvota kunyulo lwamalungu ekhansile eewadi, igama laloo mntu likhona kuluhlu lwabavoti beso sitishi sovoto;

(b) xa iliphepha lokuvota kunyulo lwenkqubo yomelo ngokwenani leevoti lwamalungu ekhansile, igama laloo mntu liyavela kuluhlu lwabavoti baloo gunyaziwe wexeshana;

(c) nokuba eli phepha lokuvota licelwayo belingekakhutshwa kweso sitishi sovoto egameni laloo mvoti.

(2) Ukuba ke igosa lonyulo lizanelisile ngokomgaqo 54(1), okanye xa igosa elongameleyo liyalela njalo, igosa lonyulo liya kuthi, kwiphepha lokuvota ngalinye;

(a) libize inombolo eyodwa negama lomvoti lowo njengoko likuluhlu lwabavoti;

(b) liyibahle loo nombolo iyodwa phaya kwiphetshana elisalayo xa kuqhawulwe iphepha lokuvota;

(c) likrwele umgca phezu kwelo gama naloo nombolo yaloo mvoti phaya kuluhlu lwabavoti ukubonisa ukuba:

(i) elo gama sele lilikhutshelwe iphepha lokuvota; okanye

(ii) apho kusetyenziswa uluhlu lwabavoti olunye lokukhupha amaphepha okuvota kunyulo lwamalungu ekhansile eewadi nolwamalungu ekhansile kwinkqubo yomelo ngokwenani leevoti

kwikhansile yexeshana yesixeko okanye kwisigqebana sexeshana sesixeko, amaphepha okuvota akhutshelwe elo gama mabini;

- (d) liliqhawule elo phepha lokuvota liliphawule ngophawu olusesikweni kwisithuba esilungiselelwe oko apha ngemva;
- (e) lilisonge kube kanye ngobude balo ipha lokuvota elo, liphinde lilisonge kube kanye ngobubanzi balo khona ukuze uphawu olu lube ngaphandle;
- (f) lilisombulule iphepha lokuvota elo, lize ke lilinike umvoti lowo.

Ukuncediswa kwabavoti ngamagama onyulo

55 Igosa lonyulo:

- (a) lisenokumalathisa umvoti kwigunjana lokuvotela okanye kwitafle elandelayo ukuba makaye apho;
- (b) lisenokumxelela umvoti ukuba kukho izikhokelo ezixhonywe ngaphakathi kwigunjana lokuvotela;
- (c) apho libona kufanelekile lisenokumxelela umvoti ukuba angacela uncendo kwigosa lonyulo ngokomgaqo 58 lize ke limbonise loo mvoti igosa anokuya kulo;
- (d) lisenokumyalela umvoti ukuba makalifake phi na iphepha lakhe lokuvota akugqiba ukuvota; okanye
- (e) lisenokumayalela umvoti ukuba makasishiye isitishi sovoto eso akuba egqibile ukuvota.

Ukuphawulwa nokuhanjiswa kwamaphepha okuvota

56 (1) Umvoti onikwe iphepha lokuvota okanye amaphepha okuvota:

- (a) uya kukhawuleza aye kungena kwigunjana lokuvotela;
- (b) akuba engaphakathi kwigunjana lokuvotela uya kukhawuleza afake

unongxabalaza okanye uphawu olucacileyo olungenguye unongxabalaza apha kwiphepha lokuvota kwibloko esecaleni kwegama nembasa yelo qela anqwenela ukulivotela kunyulo lomelo ngokwenani leevoti;

(c) uya kulisonga iphepha lokuvota elo ngohlobo lokuba uphawu olusesikweni lube ngaphandle;

(d) uya kubonisa igosa elongameleyo uphawu olo lukwiphepha lokuvota okanye kumaphepha okuvota okanye naliphi na elinye igosa lonyulo eligunyaziswe ligosa elongameleyo ukuba lenze umsebenzi walo, aze ke elo phepha lokuvota alifake kwibhokisi yokuvota efanelekileyo;

(e) uya kuthi ke emva kwako konke oku akhawuleze asishiye isitishi sovoto eso ngesango eliphumayo.

(2) Akukho phepha lokuvota liya kususwa apha kwisitishi sovoto ngaphandle kwaphantsi komgaqo 63(1).

Ukuhlolwa kwamaphepha okuvota angenalo uphawu ngokusesikweni

57 (1) Xa igosa lonyulo lithandabuza ukuba iphepha lokuvota eliphethwe ngumntu othile liphepha ebelinikwe yena ngokusemthethweni, linakho ukuba lithi kumntu lowo makakhe alibonise elo phepha lokuvota kwakhona khona ukuze uphawu olusesikweni lube nokubonakala kakuhle.

(2) Igosa elongameleyo liya kuthatha amanyathelo okuba kubekwe uphawu kwiphepha lokuvota ngalinye ebelingalifakwanga, ukuba ngaba lizanelisile ukuba elo phepha lokuvota belikhutshwe ngokusesikweni labe lingekafakwa kwibhokisi yabavoti.

Abavoti abangakwaziyo ukubhala nokufunda, abangaboniyo okanye abakhubazekileyo

58 (1) Xa athe wacela kwigosa elongameleyo umvoti:

(a) ongakwaziyo ukufumana iphepha lokuvota ngolu hlobo luchazwe kumgaqo 54 okanye ongakwaziyo ukuvota ngolu hlobo luchazwe kumgaqo 56 kuba

engakwazi ukufunda nokubhala, eyimfama, egula okanye enokunye ukukhubazeka;

- (b) okhatshwe okanye oncediswa ngomnye umntu oseleyigqibile iminyaka elishumi elinesibhozo ubudala okanye okhangeleka eyigqibile ngokokubona kwegosa elongameleyo, igosa elongameleyo, xa lithe laneliseka ukuba loo mvoti umnqwenela njalo, liya kumnika imvume yokuba afumane iphepha lokuvota okanye amaphepha okuvota avote ngokuncediswa ngulowo ahamba naye kuphela, kuze kuthi kwimeko elolu hlobo yonke into eyenziwe ngemvume yomvoti lo, ithathwe ngokuba yenziwe ngumboti lo ngokwakhe.

- (2) Ukuba umvoti akakwazi ukufumana iphepha lokuvota ngolu hlobo luchazwe kumgaqo 54 okanye akakwazi ukuvota ngolu hlobo luchazwe kumgaqo 56 kuba engakwazi ukufunda ukubhala, eyimfama, egula okanye enokunye ukukhubazeka, kwaye ukuba akukho sicelo senziweyo ngokomgaqo 58(1), igosa elongameleyo okanye ummeli walo ogunyazisiweyo, liya kuthi ngokucelwa nguloo mvoti, kukho abaququzeleli abangaphezulu komnye:

- (a) lilithathe iphepha lokuvota okanye amaphepha okuvota ngomgaqo 54, lilithathele loo mvoti;
- (b) lenze uphawu lokuvota kwelo phepha lokuvota okanye kuloo maphepha okuvota ngokokuyalelwa ngumvoti lowo;
- (c) lilisonge iphepha lokuvota elo okanye liwasonge amaphepha okuvota lawo ngokwemiqathango yale migaqo
- (d) lize ke lilifake iphepha lokuvota elo okanye amaphepha okuvota lawo kwibhokisi yokuvota efanelekileyo.

- (3) Yonke into eyenziwe ligosa ngokomgaqwana (2) liyenza ngokucelwa okanye ngemvume yomvoti lowo, enxulumene nokuvota komvoti lowo, iya kuthathwa ngokuba yenziwe ngumvoti lowo.

Ukuchaswa komvoti

- 59 (1) Nawuphi na umntu ozigqatsileyo okanye umququzeleli wakhe okanye umvoti, angathi ngentetho efungelweyo okanye ngobungqina obunikwe ngefomu engu-ER16 phambi kwegosa elongameleyo, achase ukuvota komnye umntu olapha kwisitishi sovoto phantsi kwesizathu sokuba esithi loo mntu akanguye lo ucelelwa okanye unikwe amaphepha okuvota.
- (2) Igosa elongameleyo liya kuthi ngokukhawuleza:
- (a) lifundele loo mntu ubezama ukuvota le ntetho okanye obu bungqina bukumgaqwana (1);
 - (b) lize ke limvumele loo mntu ukuba makenze eyakhe intetho efungelweyo ngokwefomu engu-ER17 phambi kwegosa elongameleyo;
 - (c) lize ke lithi apho libona kufanelekile, igosa elongameleyo licacise okuqulathwe ziifomu ER16 no- ER17, licacise neenjongo zako.
- (3) Ukuba ngaba lo mntu ubezama ukuvota uyayenza le ntetho ifungelweyo phantsi komgaqwana (2)(b) kwakamsinyane nje emva kokuba ecelwe ukuba makenjenjalo, igosa elongameleyo liya kumvumela ke loo mntu ukuba angavota ngokwale migaqo.
- (4) Ukuba ngaba lo mntu ubezama ukuvota uyala ukuyenza le ntetho ifungelweyo ngokomgaqwana (2)(b) kwakamsinyane emva kokuba eceliwe ukuba makenze njalo, igosa elongameleyo liya kwala ukuba loo mntu akhutshelwe iphepha lokuvota okanye amaphepha okuvota ebeselewanikiwe kodwa engekfakwa ngokomgaqo 56(1)(d), liya kulithatha lilicime okanye liwacime loo maphepha lize ke libhale apha kuwo naphaya kumaphetshana aseleyo xa ebeqhawulwa isizathu sokucinywa kwawo.
- (5) Igosa elongameleyo liya kuzibeka bucala zonke iintetho ezifungelweyo ezenziwe phantsi kwemigaqwana (1) no-(3) namaphepha okuvota acinyiweyo athathwa ngokomgaqwana (4) zifakwe kwimvulophu efanelekileyo engu-ER18.

kwiimvulophu ezi zichazwe kwikholam yesibini yo Ludwe, liyivale okanye
liyiqhine okanye lenze nantoni na kwimvulophu nganye ukuqinisekisa ukuba
ivaleke ngokupheleleyo:

<u>ULUDWE</u>		
<u>IZINTO ZOKUVOTA</u>		<u>IMVULOPHU</u>
(a)	iiFomu ER6 no-ER9	ER7
(b)	iiFomu ER15, ER17 no-ER17 kunye namaphepha okuvota onakalisiweyo aza acinywa	ER18
(c)	Amaphepha okuvota angasebenzanga namaphetshana asalayo }	ER19
(d)	Amaphetshana asalayo amaphepha okuvota asetyenzisiweyo Iikopi }	
(e)	eziphawulweyo zoluhlu lwabavoti }	
(f)	iFomu engu-ER20	ER21
(g)	Izixhobo zokuphawula amaphepha okuvota ngophawu olusesikweni	ER25

(3) Igosa elongameleyo liya kuthi ke emva koko, bekho bebona aba bantu bakhoyo apha kwisitishi sovoto:

(a) litywine imvulophu ER7 neemvulophu ezifanelekileyo ezingu-ER18, ER19, ER21 no-ER25 ngetywina elisesikweni, lize ke livumele umntu ngamnye ozigqatsileyo okanye umququzeleli ukuba afake elakhe itywina kwimvulophu nganye, ukuba unqwenela njalo;

(b) lizigcine zahlukene iimvulophu ER21 no-ER25;

(c) lifake imvulophu ER7 neemvulophu ezifanelekileyo ezingu-ER18 no-ER19 kwingxowa enye okanye kwinto yokufaka enye ebikhutshelwe lomsebenzi, libeke y ileyibheli engu-ER23 kuyo, liyitywine ingxowa leyo okanye into yokufaka leyo ngetywina lalo elisesikweni, lize ke livumele abantu abazigqatsileyo okanye abameli babo ukuba bafake awabo amatywina.

(d) emva koko lifake itywina lalo elisesikweni kwimvulophu efanelekileyo engu-ER24, lize ke liyivale imvulophu leyo kakuhle, liyisayine imvulophu

leyo.

- (4) Igosa elongameleyo liya kuvalela kakuhle zonke izinto zokubhala nezokubhalela ezingasebenzanga, iifomu, izixhobo zokusika, umthwebeba (iweksi) yokutywina nazo zonke izinto zonyulo ezilolo hlobo ezingasebenzanga, kwibhokisi okanye kwinto yokufaka ebikhutshelwe lo msebenzi, lize ke libeke ileyibheli engu-ER22 kuyo.
- (5) Kunyulo lwekhansile yexeshana yesixeko nolwesigqebana sexeshana sesixeko, imiqathango yomgaqo 51(1), (2), (3) no-4 iya kulandelwa ngokwahlukeneyo ligosa elongameleyo, nangokulandelelanayo ukuba kuyimfuneko, kuloo khansile nakweso sigqebana.

Ukubuyiselwa kwezinto zokuvota kwigosa elibanjisiweyo

- 63 (1) Igosa elongameleyo liya kuthi kwakamsinyane lisakuba likwenze konke oku kukomgaqo 62, lisuse apha kwisitishi zonke iibhokisi zokuvota nezinto zokuvota ezifakwe neefomu ER21, ER22, ER23, ER24 no-ER25, lihambe nazo lizise kwigosa elibanjisiweyo okanye kwisekela lalo kwindawo exeliweyo ngokomgaqo 39(b).
- (2) Igosa elongameleyo liya kuthi, lingalususanga phofu emagxeni olo xanduva olubekwa ngumgaqwana (1), livumele abo bantu bazigqatsileyo okanye abo baququzeleli bafumanekayo bekulungele ukuba bahambe nalo ukuya kule ndawo ixelwe ngokomgaqo 39(b).
- (3) Igosa elibanjisiweyo okanye isekela lalo liya kubakho kule ndawo ixelwe ngokomgaqo 39(b) ukusukela kwixesha lokuba zivale izitishi zovoto, kanjalo liya kwenza irisithi linike igosa elongameleyo eya kuba yeyezi zinto zokuvota zixelwe kumgaqwana (1), nenkcazo yeenombolo okanye iimbasa zeebhokisi zokuvota ngokomgaqo 37(2)(e), eziya kuthi zithelekiswe ngaloo magosa nerisithi ebikhutshwe phantsi komgaqo 40(2), nekuya kuthi ke kubhalwe phantsi nakuphi na ukungadibani kwazo, zisayinelwe ngamagosa lawo omabini.

ISAHLUKO 12

UKUBHALWA KWEVOTI NOKWAZISWA KWEZIPHUMO

Ukulawulwa kwendawo yokubala iivoti

- 64 (1) (a) Igosa elibanjisiweyo liya kuba ngumlawuli wendawo yokubalela iivoti, laye ke liya kuthatha nawaphi na amanyathelo linike abantu abakhoyo nayiphi na imiyalelo elibona iyimfuneko ekuqhutyweni kakuhle kobalo olo.
- (b) Igosa elibanjisiweyo liya kuba negunya lokuthintela okanye lokukhupha bonke abantu apho kwindawo yokubalela iivoti, ngaphandle kwabo bavumelekileyo ngokomgaqwana (2).
- (c) Nakubeni kuya kuhanjwa ngokomgaqwana (2), akukho mntu uya kungena okanye ahlale kwindawo yokubalela iivoti ngaphandle kwemvume yegosa elibanjisiweyo.
- (d) Imiqathango yalo mgaqwana ayisayi kutolikwa njengenciphisa amagunya nemisebenzi enikwa igosa elibanjisiweyo yeminye yale migaqo.
- (2) Abantu abanokuthi babekho kwindawo yokubalela iivoti ngaba balandelayo:
- (a) igosa elibanjisiweyo;
- (b) igosa elongameleyo okanye amagosa ongameleyo;
- (c) amagosa onyulo aqeshelwe ukubala iivoti;
- (d) amapolisa asemsebenzini;

- (e) nawuphi na umntu ozigqatsileyo ewadini;
 - (f) nawuphi na umntu ogama lakhe livelayo njengomququzeleli ofanele kubakho ekubalweni kweevoti ngokomgaqo 34(1)(a) no-(c) kwifomu engu-ER8 ethe yangeniswa ngomgaqo 35(2)(c) nothe wangeniselwa ifomu engu-ER9 ngokomgaqo 35(2)(c);
 - (g) abantu abazise iibhokisi zokuvota kunye nezinye izinto zokuvota ngokomgaqo 63.
- (3) Nakubeni ikho imiqathango yalo mgaqo, igosa elibanjisiweyo lisenokugunyazisa ngento ebhaliweyo abanye abantu abaxeliweyo okanye abanemisebenzi ethile ukuba bangene kwindawo yokubalela iivoti phantsi kwemiqathango elinokuthi igosa elo liyibeke ngokokubona kwalo kufanelekile.
- (4) Engasuswanga nje onke la malungelo aba bantu baxelwe ngentla apha, kuya kufuneka kwaziwe ngokucacileyo ukuba bonke aba bantu banelungelo lokungena okanye bagunyaziswe ukuba bangangena kwindawo yokubalela iivoti, kudibanisa namapolisa asemsebenzini, abantu abazigqatsileyo nabaququzeleli, baya kuba phantsi kwegunya, nolawulo nemiyalelo yegosa elibanjisiweyo.

Izinto ezifunekayo xa kubalwa iivoti

65 Igosa elibanjisiweyo liya kuya nezi zinto zilandelayo kwindawo yokubalela iivoti:

- (a) ikopi yoMthetho lo; uMgaqo-siseko; uMthetho oyi -Electoral Act ka-1993 (Act 202 ka-1993); kunye nale migaqo;
- (b) itywina lalo elisesikweni;
- (c) iikopi ezaneleyo zezi fomu: ER26 ukuya ku-ER31;

(d) irisithi efanelekileyo okanye irisithi ezifanelekileyo ebezikhutshwe ngokomgaqo

40(2);

(e) umthwebeba wokutywina okanye ezinye izinto zokutywina, umatshisi, amakhandlela eweksi, amakhandlela, ipensile, izinto zokulola iipensile; iphepha, iphepha elimdaka ngebala; iikhadibhodi, ithwayini, ipeyisti nezixhobo zokusika.

Ubalo

66 (1) Xa kuqhutywa ubalo kunyulo lwekhansile yexeshana yedolophu okanye lwesigqebana sexeshana sesixeko imiqathango yemigaqo 68 ukuya ku-72 iya kulandelwa ngokwahlukeneyo:

(a) ngokubhekisele kumaphepha okuvota avela kwiwadi nganye nakwisitishi sovoto ngasinye kwiwadi nganye;

(b) nangokubhekisele kumaphepha okuvota onyulo lwamalungu ekhansile eziwadini nakumaphepha okuvota kunyulo lwenkqubo yomelo ngokwenani leevoti kwisitishi sovoto ngasinye sewadi kuthethwa ngayo kumhlathi (a).

(2) Xa kuqhutywa ubalo kunyulo lwekhansile yexeshana yesixeko imiqathango yemigaqo 68 ukuya ku-72 iya kulandelwa ngokwahlukeneyo kwisitishi sovoto sesixeko ngasinye okanye kwisitishana sovoto sesixeko ngasinye, ukuba sikhona.

(3) Igosa elibanjisiweyo alisayi kuqalisa ukubala iivoti zayo nayiphi na iwadi okanye naso nasiphi na isitishi sovoto de zibe zifike zonke iibhokisi zokuvota nezinye izinto zokuvota ezivela kuzo zonke izitishi zovoto ezikuloo wadi.

Imisebenzi yamagosa okubala

67 Igosa elibanjisiweyo linokuyalela naliphi na igosa lonyulo ukuba lenze omnye okanye eminye imisebenzi exelwe kule migaqo, phofu ke likwenza oko phantsi kolawulo lwegosa elibanjisiweyo.

Ukujongisiswa kwezinto zonyulo

68 Igosa elibanjisiweyo liya kuzijonga ngokwahlukeneyo izinto zovoto ezivela kwiiwadi ezahlukeneyo, ngolu hlobo :

(a) Liya kuvula imvulophu engu-ER24 enetywina elisesikweni ebelisetyenziswa ligosa elongameleyo.

(b) Apho abantu abazigqatsileyo okanye abaququzeleli benokuthi bafune njalo, liya kuzihlola iibhokisi zokuvota, iimvulophu ER21 no-ER25 ezixelwe kumgaqo 62(3)(a), nepasile eneleyibheli engu-ER23, ngenjongo yokuqinisekisa ukuba amatywina nezinye izinto zokuvala zisemi kakuhle ngohlobo ebezilulo.

(c) Liya kubhala zonke izinto zokuvala namatywina angasemanga kakuhle ngohlobo abelulo ngaphambili.

(d) (i) Liya kuvula imvulophu ER21 enefomu engu-ER20;

(ii) Liya kuthlekisa iinombolo zamaphetshana asalayo amaphepha okuvota akule fomu ER20 kunye noko kubhalwe kwirisithi ngokomgaqo 40(2);

(iii) Liya kubhala phantsi iziphumo zolo thelekiso lisayine ifomu ER20 leyo, lize libabonise abantu abazigqatsileyo okanye abaququzeleli abakhoyo iziphumo ezo;

(iv) Liya kuqhuba ukwenza ezinye izinto ezilandelayo elifanele kuzenza ngokwale migaqo.

Inkqubo yokubalwa kweevoti

69 Emva kokuba lizenze zonke izinto ezixelwe kumgaqo 68, igosa elibanjisiweyo liya kuzivula iibhokisi zonke likhuphe konke okungaphakathi kuzo:

(1) lithi ke ukuba lunyulo lwesigqebana sexeshana sesixeko okanye lwekhansile yexeshana yedolophu, lahlule amaphepha okuvota abe wodwa awonyulo

ngokweewadi, abe wodwa awonyulo lwenkqubo yomelo ngokwenani leevoti; lize ke emva koko

- (2) (a) libekele bucala yonke enye into ephuma aphoengelophepha lokuvota, ngokunjalo nelinye iphepha lokuvota elikhangeleka njengebelifanele ukufakwa kwenye ibhokisi efanele kusetyenzwa ngokomgaqo 71;
- (b) liwavule la maphepha okuvota liwabeke phantsi liwaqubudile, umva wangaphezulu;
- (c) liwabeke bucala amaphepha okuvota angenalo uphawu olusesikweni njengaya kusetyenzwa phantsi komgaqo 71;
- (d) liwabale onke la maphepha okuvota ngoku aqutyudiweyo, lithelekise ke elo nani lilifumeneyo nelo libhalwe kwifomu ER20;
- (e) lisayine ifomu ER20 leyo lisayinela iziphumo zolu thelekiso luxelwa kumhlathana (d); lize libabonise abantu abazigqatsileyo okanye abaququzeleli abakhoyo iziphumo zolo thelekiso;
- (f) lize ke liqhube ukwenza ezinye izinto ezilandelayo elifanele kuzenza ngokwale migaqo.

Ukubalwa kwevoti

70 (1) Igosa elibanjisiweyo, liya kuthi emva kokuba lizenze zonke izinto ezixelwe kumgaqo 69, lenze oku kulandelayo kumaphepha okuvota ewadi leyo, la abengabekelwanga bucala ngokomgaqo 69(2)(a) no-(c) :

- (a) Liwaguqule onke loo maphepha okuvota;
- (b) Liwabekele bucala onke lamaphepha okuvota alandelayo, khona ukuze ajongwe phantsi komgaqo 71 :

- (i) aneevoti zabantu abazigqatsileyo abangaphezu kwezithuba ezikhoyo, okanye ezingaphezu kweqela elinye;
 - (ii) angaphawulwanga; okanye
 - (iii) angacacanga kakuhle okanye athandabuzekayo ngokwevoti okanye ngokweevoti ezenziweyo kuwo; okanye
 - (iv) afanele ukwaliwa ngokomgaqo 71(1).
- (c) kula maphepha angabekelwanga bucala ngokomhlathi (b), liya kubala iivoti :
- (i) zomntu ozigqatsileyo ngamnye kunyulo ylwamalungu ekhansile eewadi;
 - (ii) zeqela ngalinye kunyulo lwenkqubo yomelo ngokwenani leevoti.
- (2) Akuba amaphepha okuvota eguqulwe ngokomgaqwana (1)(a), aya kuyekwa ehleli ngolo hlobo.

Igosa elibanjisiweyo lifanele ukwenza isigqibo ngala maphepha okuvota abekwe bucala

- 71 (1) Igosa elibanjisiweyo kunye nabantu abazigqatsileyo okanye abaququzeleli abafunayo, baya kuqwalasela iphepha lokuvota ngalinye ngokomgaqo 69(2)(a) no-(c) okanye ngokomgaqo 70(1)(b), lize ke lithi lakuba liphulaphule inkcazo enikwe nguye nawuphi na umntu ozigqatsileyo okanye umququzeleli, lilikhabe elo phepha lingalibali ukuba :
- (a) alunalo uphawu olusesikweni;
 - (b) lineevoti zabantu abazigqatsileyo abangaphezu kwezithuba ezikhoyo okanye

ezingaphezu kweqela elinye;

(c) aliphawulwanga;

(d) linevoti engenakwamkelwa kuba ngokohlobo eyenziwe ngalo igosa elibanjisiweyo alikwazi ukuyibona ukuba kanye kanye yeyowuphi na umntu okanye yeyeliphi na iqela;

(e) liphepha lokuvota lolunye unyulo; okanye

(f) liqondakala cacileyo ukuba belingakhutshwanga kweso sitishi sovoto.

(2) Igosa elibanjisiweyo alisayi kulikhaba iphepha lokuvota ngenxa yokuba uphawu olukulo lungengonongxabalaza okanye mbhalo okanye msayino.

(3) Igosa elibanjisiweyo liya kubhala :

(a) eli gama "likhatyiwe" kwiphepha lokuvota ngalinye elilikhabileyo phantsi komgaqwana (1);

(b) la magama "ukukhatyiwa kuphikisiwe" okanye "ukwamkelwa kuphikisiwe" - loo nto ifanelekileyo ngokwelo phepha - xa kuthe kwabakho umntu ozigqatsileyo okanye umququzeleli othe wasigatya isigqibo sakhe.

(4) Igosa elibanjisiweyo liya kuqinisekisa ukuba iivoti ezibaliweyo ngokomgaqo 71(1)(c) ziyalungiswa ngokuthi kongezwe nayiphi na ivoti ethe yamkelwa ligosa elibanjisiweyo ngokwalo mgaqo, nokuba ukwamkelwa kwelo phepha lokuvota bekuye kwaphikiswa okanye akukhange kuphikiswe.

Ukuvalwa kobalo

72 (1) Kamsinyane nje emva kokuba kwenzwe konke oku kuxelwe kumgaqo 71(4) igosa elibanjisiweyo liya kuthi, bekho bebona abo bantu bazigqatsileyo okanye baququzeleli bakhoyo :

- (a) (i) lizalise lisayine ifomu engu-ER30 ngesitishi sovoto ngasinye, iwadi nganye okanye loo gunyaziwe wexesha uphantsi kolawulo lwalo;
- (ii) lifake ifomu ER30 nganye kwimvulophu efanelekileyo engu-ER3 liyitywine loo mvulophu ngetywina lalo elisesikweni;
- (b) lifake amaphepha okuvota abaliweyo kwipasile enye okanye into yokufaka enye, lize ke libeke ileyibheli engu-ER27 kuloo pasile okanye kuloo nto yokufaka, lize ke liyitywine loo pasile ngetywina lalo elisesikweni;
- (c) lifake amaphepha okuvota akhatyiweyo kwipasile enye okanye kwinto yokufaka enye, libeke ileyibheli engu-ER28, liyitywine loo mvulophu ngetywina lalo elisesikweni;
- (d) libuyisele ifomu engu-ER20 nganye kwimvulophu engu-ER21 liphinde liyitywine loo mvulophu ngetywina lalo elisesikweni.
- (2) Emva koko igosa elibanjisiweyo :
- (a) liya kuthatha konke okukwizinto zokufaka ezineeleyibheli ER22, ER24 no-ER25 ukuba zilahlwe okanye zigcinelwe ukuphinda zisetyenziswe kwixesha elizayo;
- (b) liya kufaka imvulophu ER7 eneefomu ER6 no-ER9 ebeliyinikwe ngokwale migaqo zonke iifomu ER6, ER8 no-ER9 enesibhambathiso sokugcina ihlebo kwimvulophu engu-ER29 lize ke liyitywine loo mvulophu ngetywina lalo elisesikweni;
- (c) lifake zonke iimvulophu okanye izinto zokufaka ezingoo-ER21, ER23, ER27 ER28, ER29 no-ER30 engxoweni okanye ebhokisini, lize ke libeke ileyibheli engu-ER30 kuloo ngxowa okanye kuloo bhokisi, lize ke liyitywine ngetywina lalo elisesikweni.

(3) Igosa elibanjisiweyo lisenokusebenzisa iingxowa okanye iibhokisi ezimbini ukwenza oku kuxelwe kumgaqwana (2)(c) xa libona kukho imfuneko yoko, lize ke lithi xa lenjenjalo liqinisekise ukuba :

(a) izinto zonyulo ngokweewadi, nezesitishi sovoto okanye zesitishana sovoto sewadi nganye zigcinwa kunye;

(b) izinto zonyulo lwenkqubo yomelo ngokwenani leevoti zigcinwa kunye;

(c) izinto zovoto zesitishi sovoto sesixeko ngasinye zigcinwa kunye;

(d) kugcinwa irekhodi yengxowa okanye yebhokisi nganye:

(i) enezinto zokuvota ezixelwe kwimihlathi (a), (b) no-(c) apha ngentla;

(ii) enemvulophu ER29.

(4) Igosa elibanjisiweyo liya kuba noxanduva lokugcina zonke iimpepha-ncwadi ebezisetyenziswa apha eluvotweni, lize lizigcine isithuba esingangonyaka ukuqalela kulaa mhla wovoto, ekuya kuthi lakuphela eli xesha zitshatyaliliswe, ngaphadle kokuba inkundla ephakamileyo iyalela ngolunye uhlobo.

(5) Ukuba ngaba igosa elibanjisiweyo alingomlawuli uyintloko, liya kuthi libuyisele zonke izinto zonyulo kunye neempepha-ncwadi kumlawuli oyintloko, oya kuthi ke yena ahambe ngokwemiqathango yomgaqo 72(4); kambe ke kutshintshwe apha naphaya ngokwemfuneko.

UKUPHONONONGWA KWEZIPHUMO**UKUVOTA NGOKWEEWADI****Ukwaziswa kweziphumo: Iiwadi**

73 (1) Emva kokwenza konke oku kuxelwe kumgaqo 72(1) ukuya ku-(3), igosa elibanjisiweyo :

(a) liya kuqinisekisa ukuba ngaba nguwuphi na umntu okanye ngabaphi na abantu abafumene ezona voti zininzi;

(b) xa zithe iivoti zabantu ababini okanye ngaphezulu zalingana, liya kukhangela ukuba ngabaphi na kwabo bantu abaya kunyulwa, ngolu hlobo lulandelayo :

(i) liya kubhala phantsi amagama abo bonke aba bantu abalingana ngeevoti kumaphetshana ahlukeneyo alinganayo nami ngokufanayo, efana nangenkangeleko, liwasonge ngokufanayo aze kufana lize ke liwafake ebhokisini engenanto bekho bebona abantu abazigqatsileyo okanye abaququzeleli;

(ii) liya kuyivala ibhokisi leyo liyihlukuhle lize ke lithi lingajonganga litsale iphetshana libe linye, lize ke elo phetshana lilitsalileyo, bekho bebona abantu abazigqatsileyo okanye abaququzeleli, libabonise abantu abazigqatsileyo okanye abaququzeleli, lize ke lilisayine elo phetshana;

(iii) lazise igama laloo mntu litsaliweyo iphepha lakhe.

(c) liya kuzalisa ifomu engu-ER26;

(d) liya kuthi lazise iziphumo zonyulo ngaphandle kule ndawo bezibalelwa

kuyo iivoti okanye ke kwenye indawo okanye elithe layazisa ngamaphephandaba, ngokuthi lixele iwadi, inani leevoti ezifunyenwe ngumntu ngamnye obezigqatsile kuloo wadi kunye nabantu abanyuliweyo;

(e) nanini na apho igosa elibanjisiweyo lingengomlawuli uyintloko, liya kusa ikopi eqinisekisiweyo yefomu engu-ER26 kumlawuli oyintloko.

(2) Igosa elibanjisiweyo liya kuxhoma ikopi yefomu ER26 ezalisiweyo kwi-ofisi okanye kwii-ofisi zaloo gunyaziwe wexeshana zingadlulanga iintusku ezimbini emva kokwaziswa kweziphumo lize ke lithathe enye ikopi liyise kwiNkulumbuso zingaphelanga iintsuku ezisixhenxe emva kokwaziswa kweziphumo.

(3) Ziya kuthi zingadlulanga iintsuku ezisixhenxe emva kokwaziswa kwezi ziphumo zixelwe kumgaqwana (1)(d) igosa elibanjisiweyo lipapashe okanye lithathe amanyathelo okuba kupapashwe igama lomntu ngamnye onyuliweyo kunye newadi yakhe.

UVOTO NGENKQUBO YOMELO NGOKWENANI LEEVOTI

IKHANSILE YEXESHANA YEDOLOPHU OKANYE ISIGQEBANA SEXESHANA SESIXEKO

Ukubekwa kwenani eliqingqiweyo

74 (1) Xa igosa elibanjisiweyo lijonga iziphumo zomelo ngokwenani leevoti, liya kuqwalasela iziphumo zovoto lomelo ngokwenani leevoti zekhansile yexeshana yedolophu okanye zesigqebana sexeshana sesixeko.

(2) Inani eliqingqiweyo leevoti ngesihlalo ngasinye liya kufunyanwa ngokwahlula inani leevoti ezenziweyo zonke ngenani lezihlalo ezifanele kuzaliswa kumelo ngokwenani leevoti kunye nesinye size ke isiphumo soku sidibene nesinye eyekwa amanani azizahlulo zamanani angaphelelanga (amaqhezu/fractions) sibe linani

leevoti eliqingqiweyo ngesihlalo ngasinye.

Ukwahlulwa kwezihlalo

75 (1) Inani leevoti ezifunyenwe liqela elithile liya kwahlulwa ngenani leevoti eliqingqiweyo ngesihlalo ngasinye size ke isiphumo, kulandelwa umgaqwana (2), sibe linani lezihlalo eziya kunikwa elo qela.

(2) Ukuba ngaba isiphumo sale ndlela kubalwe ngayo apha kumgaqwana (1) sinenani eligqithileyo, elo nani ligqithe ngalo liya kuthi likhuphisane namanye amanani akwagqithileyo kwamanye amaqela okanye kwelinye iqela, zize ke izihlalo ebezingekakhutshwa zinikwe elo qela okanye loo maqela achapazelekayo ngokokulandelelana kwamanani lawo bekugqithwe ngawo.

(3) Abameli beqela, ngokwenani lezihlalo ezifunyenwe lelo qela ngokwemigaqwana (1) no-(2), baya kuthathwa kuluhlu lwelo qela ngokokulandelelana kwawo kuluhlu olo.

(4) Xa iqela linabantu abazigqatsileyo abambalwa kunabo linelungelo lokuba nabo, elo qela ke :

(a) liya kunikwa abameli abaleliya nani likuluhlu lwalo;

(b) liya kulahlekelwa zeziya zihlalo zingaphezulu kunenani abalinikiweyo labameli ngoluhlu lwabo.

(5) Xa ke iqela lithe lalahlekelwa zizihlalo ngolu hlobo lukumgaqwana (4) :

(a) kuya kubekwa inani eliqingqiweyo elitsha :

(i) ngokuthi inani leevoti ezenziweyo kuthatyathwe kulo eliya nani leevoti zamaqela onke zixelwe kumgaqwana (4), lahlulwe ngezi zihlalo ziseleyo kudibene nesinye eziseza kunikwa amanye

amaqela;

- (ii) isiphumo solo lwahlulo sidibene nesinye, eyekiwe amanani azizahlulo zamanani angaphelelanga, siya kuba linani eliqingqiweyo elitsha.

- (b) ulwabiwo ngokutsha lwabameli bamanye amaqela luya kuthi lwenziwe ngokwemigaqwana (1), (2) no-(3).

- (6) Xa iqela linelungelo lokufumana inani elongezelelweyo labameli ngokomgaqwana (5) noluhlu lwalo lwabantu abazigqatsileyo lungenanani laneleyo, laa ndlela ichazwe kumgaqwana (4) nomgaqwana (5) iya kuphinda ilandelwe de bonke abameli babe banikiwe izihlalo ezingenamntu.

- (7) (a) Nawuphi na umntu ozigqatsileyo onyulelwe ukuba amele iwadi yekhansile yexeshana yedolophu okanye isigqebana sexeshana sesixeko uya kuthi ngentsimbi ye-22:00 ngalo mhla wonyulo aphelelwe lilungelo lokuba anganyulwa ngokwenkqubo yomelo ngokwenani leevoti kwikhansile yexeshana yedolophu enye okanye kwisigqebana sexeshana sesixeko esinye.

- (b) Igosa elibanjisiweyo liya kuthi xa lilandela imigaqwana (1) ukuya ku-(6) nomgaqo 76 umntu othe waphelelwa lilungelo lokunyulwa limthathe ngokungathi igama lakhe alikhange libekho kwa-ukubakho kuluhlu lwabantu abazigqatsileyo belo qela.

- 76 (1) Emva kokuba lizenzile zonke izinto ezifunwa kumgaqo 75, igosa elibanjisiweyo

- (a) liya kuqinisekisa ukuba nguwphe na umntu okanye ngabaphi na abantu

abanyuliweyo phantsi kwenkqubo yomelo ngokwenani leevoti;

- (b) liya kuzalisa iifomu ER26;
 - (c) liya kwazisa iziphumo zonyulo ngaphandle kuloo ndawo bezibalelwa kuyo iivoti okanye kwenye indawo elithe layazisa ngamaphephandaba ngokuxela inani leevoti ezifunyenwe liqela ngalinye nabantu abakuluhlu lweqela ngalinye abathe banyulwa ngokwale migaqo;
 - (d) xa igosa elibanjisiweyo lingengomlawuli uyintloko, liya kusa ikopi yefomu ER26 ezalisiweyo kumlawuli oyintloko.
- (2) Igosa elibanjisiweyo liya kuxhoma ikopi yefomu ER26 ezalisiweyo kwi-ofisi okanye kwii-ofisi zaloo gunyaziwe wexeshana zingadlulanga iintsuku ezimbini emva kokwaziswa kweziphumo, lize ke lithathe enye ikopi liyise kwiNkulumbuso zingaphelanga iintsuku ezisixhenxe emva kokwaziswa kweziphumo.
- (3) Ziya kuthi zingadlulanga iintusuku ezisixhenxe emva kokwaziswa kweziphumo ezixelwe kumgaqwana (1)(c), igosa elibanjisiweyo lipapashe okanye lithathe amanyathelo okuba kupapashwe igama lomntu ngamnye onyuliweyo kunye neqela lakhe.

IKHANSILE YEXESHANA YESIXEKO

UKUQWALASELWA KOVOTO NOKUBEKWA KWENANI ELIQINGQIWEYO

Ukuthunyelwa nokwamkelwa kwamanani abaliweyo

- 77 (1) Xa ilunyulo olungenkqubo yomelo ngokwenani leevoti lwekhansile yexeshana yesixeko, igosa elibanjisiweyo liya kuthi, emva kokuba kwenziwe konke

okufunwa ngumgaqo 72 okanye 81 lazise iziphumo zolo balo ngaphandle kule ndawo ichazwe kumgaqo 39, ngokuxela inani leevoti ezifunyenwe liqela ngalinye kwingingqi yolawulo yalo.

(2) Kwakamsinyane nje emva kokuba zenziwe zonke izinto ezifunwa kumgaqo 77(1), igosa elibanjisiweyo liya kusa okanye liya kuthatha amanyathelo okuba kusiwe ngefomu ER34 kwigosa elibanjisiweyo leso sixeko inani leevoti ezifunyenwe liqela ngalinye kwingingqi yolawulo yalo, kunye nekopi efanelekileyo yefomu ER30.

(3) Indawo eziya kusiwa kuyo iifomu ER30 no-ER34 apha kummandla wekhansile yexeshana yesixeko iya kukhethwa ligosa elibanjisiweyo lesixeko eso lize ke lazise igosa elibanjisiweyo ngalinye ngefomu ER35 ingadlulanga intsimbi yeshumi elinambini emini emaqanda kolu suku lwandulela umhla wonyulo.

(4) Igosa elibanjisiweyo lesixeko liya kubakho kule ndawo kuthethwa ngayo kumgaqo 77(3) kwisithuba esingekho ngaphantsi kweeyure ezisibhozo phambi kokuba izitishi zovoto zivale, lize ke likhuphe irisithi ngezinto zonyulo ezithe zabuyiswa ngokomgaqo 77(2) liyinike igosa elibanjisiweyo elo belizisile.

Ukubekwa kwenani eliqingqiweyo

78 (1) Lisakuba lizifumene ezi fomu ER30 no-ER34 zixelwe kumgaqo 77 kwigosa elibanjisiweyo ngalinye laloo mmandla waloo khansile yexeshana yesixeko igosa elibanjisiweyo lesixeko liya kuzalisa ifomu ER30 ngaloo mmandla wesixeko, lize ke lithi xa liqwalasela iziphumo zonyulo ngenkqubo yomelo ngokwenani leevoti, liqwalasele iziphumo zekhansile yexeshana yesixeko zonyulo lwenkqubo yomelo ngokwenani leevoti.

(2) Inani eliqingqiweyo leevoti liya kufunyanwa ngokwahlula inani leevoti ezenziweyo ngenani lezihlalo ezifanele kuzaliswa kunyulo lwenkqubo yomelo ngokwenani leevoti, kunye nesinye, size ke isiphumo solo lwahlulo kunye nesinye ziyekwe izahlulo zamanani angaphelelanga, sibe linani eliqingqiweyo.

- (3) Imiqathango yemigaqo 75 ukuya ku-76 iya kulandelwa ligosa elibanjisiweyo lesixeko, kambe kukho iinguqulelo phaya naphaya, kwaye ke apho kuthethwa ngegosa elibanjisiweyo kuya kuba kubhekiswa kwigosa elibanjisiweyo lesixeko elo.

UKONGEZELELA KULUHLU NEZITHUBA EZIVULEKILEYO

- 79 Eniva kokuba lixeliwe inani lezihlalo zeqela ngalinye aza namagama abameli belo qela axelwa, elo qela linakho ukuba livale naso nasiphi na isithuba esinokuthi sivuleke kweli xesha liphakathi kolu nyulo kunye nolulandelayo, longezelele kuluhlu ekuthethwa ngalo kumgaqo 24(1)(b)(vi) ngokwemiqathango yale migaqo: Kuqondakale kambe ke ukuba igama lomntu onesihlalo njengelungu lekhansile laloo gunyaziwe lumele yena uluhlu olo, akanakho ukuba angafakwa kolu luhlu.

UKUQALISA EMSEBENZINI NEXESHA LOKUBA SEZIHLALWENI

- 80 Nawuphi na umntu othe wanyulwa njengelungu lekhansile uya kuthi kusakwenziwa isaziso ngokomgaqo 73(1)(d) no-76(1)(c), nalapho kuyimfuneko aqalise kwangoko emsebenzini wakhe wokuba lilungu lekhansile kuloo khansile yakhe isithuba esiyiminyaka emithathu ukuqalela ngalaa mhla wonyulo de kube lixesha lokubamba unyulo olulandelayo lwaloo khansile.

ISEKELA-GOSA ELIBANJISIWEYO

Imisebenzi nokuthunyelwa kweziphumo namanani afunyenweyo

- 81 (1) Xa lithe igosa elibanjisiweyo lagqiba ekubeni indawo ethile yokubalela iivoti ayizi kuba phantsi kweliso lalo nolawulo lwalo, laza lagqiba okokuba libeke isekela-gosaelibanjisiweyo ngokomgaqo 39(c) ukuba libe sisandla salo, apho kuthethwa ngegosa elibanjisiweyo kwimigaqo 63 ukuya ku-72(3), kuya kuba

kubhekiswa kwisekela-gosa elibanjisiweyo elo.

(2) Lisakuba lizenze zonke izinto ezifunwa kwimigaqo 63 ukuya ku-72(3), isekela-gosa elibanjisiweyo liya kuthi lazise iziphumo zolo balo ngaphandle kuloo ndawo bezibalelwa kuyo iivoti ngokuthi lixele.:

(a) xa ilunyulo lwamalungu ekhansile eewadi, igama lomntu obezigqatsile ngamnye nenani leevoti azifumeneyo;

(b) xa ilunyulo lwenkqubo yomelo ngokwenani leevoti lukagunyaziwe wexeshana, inani leevoti ezifunyenwe liqela ngalinye kugunyaziwe wexeshana ngamnye.

(3) Isekela-gosa elibanjisiweyo liya kuthi kwakamsinyane emva koko lise kwigosa elibanjisiweyo kuloo ndawo ibixelwe ngomgaqo 39(c) :

(a) iziphumo zobalo ngokomgaqwana (2)(a) no-(b) kwifomu ER 32 nganye kunye nefomu efanelekileyo engu-ER30;

(b) zonke izinto zokuvota neempepha-ncwadi zokuvota elugcinweni lwegosa elibanjisiweyo.

(4) Lisakuba lizifumene zonke iifomu ER32 no-ER30 igosa elibanjisiweyo :

(a) liya kugqibezela ubalo lweziphumo zayo yonke loo ngingqi yalo, ngokuthi lidibanise onke amanani alapho kuzo ngokokuhambelana kwawo;

(b) liya kufezekisa imiqathango yomgaqo 71(1)(a);

(c) lize ke liqhube ngokwemiqathango yemigaqo 73 kuya ku-77.

UKUZALISWA KWEZIHLALO ZABANYULIWEYO OKANYEABATYUNJIWEYO

- 82 (a) Ilungu lekhangsile elinyulwe kuluhlu lweqela liyakuphelelwa esihlalweni salo xa lithe labhubha okanye labhala lisithi liyarhoxa kwisihlalo salo, liyayeka ukuziphumeza izifezekiso ezifunekayo ukuze umntu atyunjwe okanye anyulwe okanye liyaphelelwa okanye liyachithwa kwesikhundla eso salo ngumthetho okanye ngumyalelo wenkundla, okanye liyayeka ukuba lilungu leqela elalibhaliswe kuluhlu lwalo njengomntu ozigqatsileyo welo qela, kuze ke umlawuli oyintloko wekhansile kwakamsinyane emva koko abeke umntu ogama lakhe liphezulu kuluhlu oluxelwe kumgaqo 27 okanye ke olunye uluhlu olongezelelweyo njengoko kuxelwa kumgaqo 79, njengomntu oya kuba ngummeli welo qela kwikhansile.
- (b) Xa kunokuthi kwenzeke ukuba kubekho isithuba esivuleke ngokolu hlobo luxelwe kumhlathi (a), kube kungekho luhlu lufana nolu luxelwe kumgaqo 27, kungekho nolu longezelelweyo okanye, ukuba baye baphela abantu kwezi zintlu okanye iqela elo selabhanga, eso sithuba ke siya kuyekwa sivuleke sinjalo, singavalwa.
- 83 Ilungu lekhangsile elimele iwadi okanye isigqebana sexeshana sesixeko liya kuphelelwa esihlalweni salo xa lithe labhubha, okanye labhala lisithi liyarhoxa kwisihlalo salo, okanye liyayeka ukuziphumeza izifezekiso ezifunekayo ukuze umntu atyunjwe okanye anyulwe okanye liyaphelelwa okanye liyachithwa kwesikhundla eso salo ngumthetho okanye ngumyalelo wenkundla, kwaye ke xa kuthe kwavuleka isithuba ngolu hlobo kuya kubakho unyulo-valo-sikhewu ngokwale migaqo, kuze kuthi ke kambe kwenziwe iinguqulelo phaya naphaya.

ISAHLUKO 15ABATYUNJELWA IKHANSILE YEXESHANA YESIXEKO ZIZIGQEBANAIpesenti namanani aqingqiweyo

- 84 I-60% yamalungu ekhangsile yexeshana yesixeko aya utyunjwa zizigqebana zexeshana zesixeko kumalungu azo, ngokomlinganiselo wenani labavoti ababhalisiweyo kwingingqi yolawulo yezo zigqebana zexeshana zesixeko: Kuqondakale kambe ke ukuba isigqebana

ngasinye ebuncinaneni siya kuba nalo ilungelo lokuba nommeli omnye.

85 (a) Ziya kuthi zingaphelanga iintsuku ezisixhenxe emva kokukhutshwa okokugqibela kweziphumo zonyulo ngokwemigaqo 73(1)(d) no-76(1)(c) lwamalungu ezigqebana zexeshana zesixeko, igosa elibanjisiweyo lesixeko liyalele umlawuli oyintloko wesigqebana ngasinye ukuba makabize intlanganiso yeso sigqebana zingadlulanga iintsuku ezili-14 emva kokukhutshwa kokugqibela kweziphumo zonyulo, ngenjongo yokutyumba amalungu aza kuya kumela eso sigqebana kwikhansile yesixeko, ngolu hlobo:

(i) Inani leevoti eliqingqiweyo liya kufunyanwa ngokwahlula inani labavoti abakuluhlu lwabavoti lwazo zonke izigqebana zexeshana zesixeko ngenani lezihlalo ezityunjelwayo kunye nesinye, size ke isiphumo solo lwahlulo sidibene nesinye, ziyekwe izahlulo zamanani angaphelelanga, sibe linani leevoti eliqingqiweyo lesihlalo ngasinye kuloo khansile yexeshana yesixeko.

(ii) Inani lezihlalo eziya kunikwa isigqebana sexeshana sesixeko ngomhlathana (iv), liya kuthi, kulandelwe umhlathana (iii), lifunyanwe ngokwahlula inani labavoti bebonke abakuluhlu lwabavoti beso sigqebana sexeshana sesixeko ngenani leevoti eliqingqiweyo lesihlalo ngasinye ebelifunyenwe ngokomhlathana (i).

(iii) Apho isiphumo sobalo olwenziwe ngokomhlathana (ii) siphuma nenani elisisahlulo sika-1 kwisigqebana esithile, eso sigqebana siya kunikwa isihlalo esinye, singaphindi sibe nenxaxheba kubalo nakulwabiwo olwenziwa ngokomhlathana (v).

(iv) Apho isiphumo sobalo olwenziwe ngokomhlathana (ii) nolunye ulwabiwo ngokomhlathana (iii) siphuma nenani elingaphezulu kwenani lezihlalo ezabelwe eso sigqebana sexeshana sesixeko, elo nani ligqithe ngalo liya kukhuphisana namanye amanani agqithileyo akhoyo kwezinye izigqebana zexeshana zesixeko okanye kwesinye isigqebana sexeshana sesixeko

ezikuloo khansile yexeshana yesixeko, kwaye nazo naziphi na izihlalo okanye isihlalo ebesingabiwanga ngokomgaqo (2), ziya kwabelwa eso sigqebanaokanye ezo zigqebana ngokokulandelalana kwala manani kugqithe ngawo.

(v) Umyinge wezihlalo ezabelwe isigqebana sexeshana ngokwemihlathana (ii) no-(iii), uya kubonisa inani lezihlalo zeso sigqebana kwikhansile yexeshana yesixeko.

(vi) Ukuba ngaba kusekho amanye amanani agqithileyo emva kobalo lwesibini oluxelwe kumhlathana (iv) akasayi kuhoywa; emva koko ubalo lwatyunjelwe ikhansile yexeshana luya kuvalwa.

(b) Akukho mntu uya kutyunjwa enesihlalo anaso kwikhansile yexeshana yesixeko.

86 Igosa elibanjisiweyo lekansile yexeshana yesixeko elo liya kuthi kulo miyalelo uxelwe kumgaqo 85 lixelele isigqebana ngasinye malunga nenani elichanekileyo lezihlalo esinelungelo lokuba nazo ngokomgaqo 85.

87 Apho isigqebana sexeshana sesixeko singathumelanga gama okanye magama ngokomgaqo 85 zingekapheli iintsuku ezingamashumi amathathu (30) ukusukela kulaa mhla kwakukhutshwa ngawo iziphumo zonyulo okokugqibela ekuthethwe ngazo kumgaqo 85(a), igosa elibanjisiweyo lesixeko liya kukhawuleza lazise iNkulumbuso enokuthi ke yona isebenzise imiqathango yomgaqo 95.

88 Zingaphelanga iintsuku ezingamashumi amathathu anesihlanu (35) emva kokukhutshwa kokugqibela kweziphumo zonyulo ezixelwe kumgaqo 85(a), igosa elibanjisiweyo lesixeko laloo khansile yexeshana yesixeko kumntu ngamnye otyunjiweyo:

(a) liya kumazisa ngokuphumelela kotyumbo lwakhe;

(b) liya kupapasha uluhlu lwawo onke amagama amalungu ekhansile nezigqebana azimeleyo;

(c) ni liya kubhalela iNkulumbuso liyazise ngako konke oku.

ISAHLUKO 16

APHA NAPHAYA NGOKUBANZI

Ukuvulwa okanye ukuhlolwa kwezinto zonyulo

89 (1) Ukuba ngaba igosa elibanjisiweyo lithe nanini na phambi kweli xesha lokutywinelwa kwezinto zonyulo kulaa ngxowa okanye bhokisi ixelwe kumgaqo 72(2)(c), lanesizathu sokukrokrela ukuba ikhona into engahambanga kakuhle malunga nayo nayiphi na into enxulumene nonyulo liya kubhalela umntu ngamnye obezigqatsile limxelele, ngokunjalo nomququzeleli-jikelele neqela lakhe, libameme ukuba ngexesha elithile, kwindawo ethile babekhona lize ke lithi bekhona bebona abo bantu okanye abo baququzeleli:

(a) livule loo pasile naloo mvulophu;

(b) libhale phantsi kwiphepha elinedyuplikethi yonke into engahambanga ngendlela okanye engenziwanga;

(c) ligcine enye ikopi, lize enye liyifake kuloo pasile okanye mvulophu;

(d) liphinde liyenze ngokutsha loo pasile okanye liyivale ngokutsha loo mvulophu;

(e) liyitywine loo pasile okanye loo mvulophu ngetywina lalo elisesikweni;

(f) lize ke livumele abo bantu bazigqatsileyo okanye abaququzeleli ukuba bafake awabo amatywina, ukuba banqwenela njalo.

(2) Akukho ngxowa okanye bhokisi kwezi zixelwe kumgaqo 72(2)(c) okanye pasile

ezikuloo khansile yexeshana yesixeko, kwaye nazo naziphi na izihlalo okanye isihlalo ebesingabiwanga ngokomgaqo (2), ziya kwabelwa eso sigqebanaokanye ezo zigqebana ngokokulandelalana kwala manani kugqithe ngawo.

(v) Umyinge wezihlalo ezabelwe isigqebana sexeshana ngokwemihlathana (ii) no-(iii), uya kubonisa inani lezihlalo zeso sigqebana kwikhansile yexeshana yesixeko.

(vi) Ukuba ngaba kusekho amanye amanani agqithileyo emva kobalo lwesibini oluxelwe kumhlathana (iv) akasayi kuhoywa; emva koko ubalo lwatyunjelwe ikhansile yexeshana luya kuvalwa.

(b) Akukho mntu uya kutyunjwa enesihlalo anaso kwikhansile yexeshana yesixeko.

86 Igosa elibanjisiweyo lekansile yexeshana yesixeko elo liya kuthi kulo miyalelo uxelwe kumgaqo 85 lixelele isigqebana ngasinye malunga nenani elichanekileyo lezihlalo esinelungelo lokuba nazo ngokomgaqo 85.

87 Apho isigqebana sexeshana sesixeko singathumelanga gama okanye magama ngokomgaqo 85 zingekapheli iintsuku ezingamashumi amathathu (30) ukusukela kulaa mhla kwakukhutshwa ngawo iziphumo zonyulo okokugqibela ekuthethwe ngazo kumgaqo 85(a), igosa elibanjisiweyo lesixeko liya kukhawuleza lazise iNkulumbuso enokuthi ke yona isebenzise imiqathango yomgaqo 95.

88 Zingaphelanga iintsuku ezingamashumi amathathu anesihlanu (35) emva kokukhutshwa kokugqibela kweziphumo zonyulo ezixelwe kumgaqo 85(a), igosa elibanjisiweyo lesixeko laloo khansile yexeshana yesixeko kumntu ngamnye otyunjiweyo:

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(b) liya kupapasha uluhlu lwawo onke amagama amalungu ekhansile nezigqebana azimeleyo;

(c) liya kubhalela iNkulumbuso liyazise ngako konke oku.

ISAHLUKO 16

APHA NAPHAYA NGOKUBANZI

Ukuvulwa okanye ukuhlolwa kwezinto zonyulo

89 (1) Ukuba ngaba igosa elibanjisiweyo lithe nanini na phambi kweli xesha lokutywinelwa kwezinto zonyulo kulaa ngxowa okanye bhokisi ixelwe kumgaqo 72(2)(c), lanesizathu sokukrokrela ukuba ikhona into engahambanga kakuhle malunga nayo nayiphi na into enxulumene nonyulo liya kubhalela umntu ngamnye obezigqatsile limxelele, ngokunjalo nomququzeleli-jikelele neqela lakhe, libameme ukuba ngexesha elithile, kwindawo ethile babekhona lize ke lithi bekhona bebona abo bantu okanye abo baququzeleli:

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(b) libhale phantsi kwiphepha elinedyuplikethi yonke into engahambanga ngendlela okanye engenziwanga;

(c) ligcine enye ikopi, lize enye liyifake kuloo pasile okanye mvulophu;

(d) liphinde liyenze ngokutsha loo pasile okanye liyivale ngokutsha loo mvulophu;

(e) liyitywine loo pasile okanye loo mvulophu ngetywina lalo elisesikweni;

(f) lize ke livumele abo bantu bazigqatsileyo okanye abaququzeleli ukuba bafake awabo amatywina, ukuba banqwenela njalo.

(2) Akukho ngxowa okanye bhokisi kwezi zixelwe kumgaqo 72(2)(c) okanye pasile

okanye mvulophu ilapho kuzo iya kuvulwa, kwaye akukho mntu uya kuvunyelwa ukuba ahlole naziphi na iimpepha-ncwadi zonyulo ngaphandle koyalelwe yinkundla ephakamileyo ukuba angakwenza oko xa ithe yazanelisa ngobungqina obufungelweyo ukuba ukuhlolwa oko okanye ukuziswa kwayo kuyimfuneko xa kukho injongo yokusa ematyaleni lowo okanye abo banobutyala okanye ngenjongo yokuvelisa indawo yokungabikho mthethweni konyulo olo okanye kweziphumo zonyulo olo, kwaye ke umyalelo ololo hlobo usenokuhamba neminye imiqathango enokuthi inkundla leyo ibone ifanelekile, iyimfuneko okanye inqweneleka.

(3) Xa kuthe kwakhutshwa umyalelo wenkundla wokuba igosa elibanjisiweyo malize nalo naliphi na iphepha-ncwadi, ipasile, imvulophu, ingxowa okanye ibhokisi eselugcinweni lwalo enxulumene nonyulo oluthile:

- (a) ukuza kwelo gosa libanjisiweyo nalo naliphi na elo phepha-ncwadi, pasile mvulophu, ngxowa okanye bhokisi ngokolu hlobo kuyalelwa ngalo nguloo myalelo wenkundla okanye ngokwesigqibo senkundla, kuya kuba bubungqina obupheleleyo bokuba elo phepha-ncwadi, pasile mvulophu ngxowa okanye bhokisi, inxulumene nolo nyulo;
- (b) nayiphi na into ebhaliweyo kwelo phepha-ncwadi, kuloo pasile, kuloo mvulophu, kuloo ngxowa okanye kuloo bhokisi liyikhuphileyo iya kuba bubungqina bezinto eziqulethwe lelo phepha-ncwadi, yiloo pasile, yiloo mvulophu, yiloo ngxowa okanye yiloo bhokisi, ezixelwe nguloo mbhalo.

Ikomiti yonyulo

- 90 (1) (a) Ugunyaziwe wexeshana uya kumisela ikomiti yonyulo eya kuthi isebenze ngaloo maxesha anokuthi ugunyaziwe wexeshana okanye iNkulumbuso iwabeke, kodwa ke kungekho emva kwentsimbi yeshumi elinambini ezinzulwini zobusuku ngale mini ixelwe kwicandelo 9(1) loMthetho lo.
- (b) Loo komiti iya kuba namalungu amathathu, aze omnye kuwo ubuncinane abe ngumntu oqeqeshwe kwezomthetho oya kuthi abe ligosa elongameleyo, kunye namalalela amathathu amiselwe ngesigqibo sekhansile esamkelwe

sisininizi esingekho ngaphantsi kwezahlulo zezithathu ezibini (2/3) zamalungu ewonke.

(c) Akukho mntu uya kunyulwa ukuba abe lilungu lale komiti ukuba:

- (i) unesihlalo kwiqela elithile;
- (ii) ulilungu okanye ilungu lekhansile okanye ungumsebenzi waloo gunyaziwe;
- (iii) akafanelekanga ukuba angabhaliswa njengomvoti waloo gunyaziwe wexeshana phantsi komgaqo (2);
- (iv) ungumntu ozigqatsileyo okanye ukhona kuluhlulweqela elithile lonyulo; okanye
- (v) ulilungu lenkundla yophononongo exelwe kumgaqo 5.

(d) Ilungu lale komiti liya kuphelelwa bubulungu balo kuyo lisishiye isihlalo salo ukuba:

- (i) lithe laphelelwa lilungelo lokuba lingabekwa njengelungu lale komiti;
- (ii) libhalela umlawuli oyintloko limxelela ukuba liyarhoxa kwisihlalo salo;
- (iii) liyabhubha kuze kuthi ke nasiphi na isithuba esivela ngolu hlobo sivalwe ngelalela elifanelekileyo okanye ke kuthi ukuba alikho, sikhawuleze sivalwe ngugunyaziwe wexeshana lowo ngomntu ofanelekileyo osondele kakhulu kulo uyekileyo ngoqeqesho.

(e) Le komiti:

- (i) iya kuzama ukusombulula nayiphi na imbambano okanye

isikhalazo esivele ngenxa yesizathu esithathwe ligosa loluhlu lwabavoti esithe seziswa kuyo lelo gosa okanye ngulowo unesikhalazo okanye liqela;

- (ii) iya kuqwalasela icebise ngawo nawuphi na umbandela othe waziswa kuyo ligosa loluhlu lwabavoti okanye ligosa elibanjisiweyo;
- (iii) iya kulamla ikhuphe isigqibo ingadlulanga intsimbi yeshumi elinambini emini emaqanda ngalo mhla wotyumbo, kuyo nayiphi na impixano okanye izikhalazo ezinxulumene nophawu olulodwa okanye imbasa yeqela okanye yomntu ngokomgaqo 24(1)(b)(i) no-(ii); 25(1)(f); 29(1); okanye 29(1)(f),(g) okanye (h); kananjalo.
- (iv) iya kuqwalasela icebise igosa elibanjisiweyo malunga nendlela amabaziswe ngayo abavoti bewadi okanye beewadi ngezitishi zovoto :

Kambe ke kuqondakale ukuba ikomiti le ayisayi kuthatha okanye iqwalasele nawuphi na umbandela osemagunyeni enkundla yophononongo nongumsebenzi wenkundla yophononongo; kananjalo kuqondakale ukuba kwezi zinto zilapha akukho iya kutolikwa njengenciphisa okanye ephazamisana nokufezekiswa kwemisebenzi yegosa loluhlu lwabavoti okanye yegosa elibanjisiweyo, echazwe ngokwale migaqo.

- (f) Amalungu ale komiti aya kuthi ahlawulwe ngolo hlobo iya kuthi iNkulumbuso igqibe kulo ingaphelanga laa mini yokumiselwa kwayo ngokomhlathi (b) okanye, kungenjalo, ngesigqibo sikagunyaziwe wexeshana.

Amaxwebhu axhonywayo neeplakhadi

91 Ngexesha lonyulo:

- (a) onke amaxwebhu axhonywayo, iiplakhadi, iipowusta, amaphepha-nkcazo, iisetyhula okanye ezinye izinto eziprintiweyo ezinxulumene nonyulo olu, ziya kuba negama ne-adresi yomprinti neyomshicileli apha ngaphandle;
- (b) akukho mntu uya kuprinta okanye ashicilele okanye axhome okanye athathe amanyathelo okuba kuprintwe okanye, nangayiphi na indlela ahambise nantoni na eprintiweyo engenalo apha ngaphandle igama ne-adresi yomprinti nomshicileli;
- (c) Umnini-phephandaba okanye umshicileli wephepha ngalinye okanye imagazini nganye uya kuthi athathe amanyathelo okuba kuprintwe eli gama lithi isibhengezo'' njengesihloko senqaku ngalinye okanye somhlathi ngamnye okwiphepha-ndaba lakhe okanye imagazini yakhe ovela kumntu ozigqatsileyo, kwiqela elithile okanye kubaququzeleli balo okanye kubaxhasi balo, oza kuhlawulelwa ukufakwa kwawo okanye ekuza kuphuma intlawulo okanye imbuyekezo ngawo, okanye othenjiswe intlawulo okanye intlawulo ngawo;
- (d) la manqaku okanye le mihlathi ikhankanywe kumhlathi (c) iya kubandakanya zonke izinto ezibhaliweyo ezikhangeleka zinenjongo yokuba nempembelelo kwiziphumo zonyulo, kwaye ziya kubandakanya naso nasiphi na isibhengezo okanye ingxelo ngentetho yomntu ozigqatsileyo, ukuba ngaba ukufakwa ephepheni kuza kuhlawulelwa.
- (e) ingxelo nganye, ileta nganye, inqaku ngalinye uxwebhu oluxhonywayo ngalinye, iiplakhadi nganye, ipowusta nganye, isetyhula nganye, ikhathuni nganye okanye nayiphi na into eprintiweyo (eza kuthi apha kweli candelo ibizwe ''njengenqaku lonyulo'') ekhangeleka inenjongo yokuba nempembelelo kwiziphumo zonyulo, efakwe nakuliphi na iphephandaba okanye equlunqwe yashicilelwa apha kwiRiphabliki, iya kuthi phaya emazantsi ayo ibe negama elipheleleyo ne-adresi yomntu okanye yabantu ababhale elo nqaku okanye abaliqukunqileyo elo nqaku: Kuqondakale kambe ke ukuba:
 - (i) naliphi na inqaku elilolu hlobo elifakwe nakuliphi na iphephandaba, njengoko likhankanyiwe ngentla apha, nelithe laneenguqulelo ezenziwe

iGosa Lobalo: R 120,00

(c) Kwikhansile yexeshana yesixeko:

iGosa eLibanjisiweyo leSixeko: R 1 500,00

iSekela-Gosa eLibanjisiweyo leSixeko: R 1 000,00

Iifomu, ileyibheli neemvulophu

94 (1) (a) Iifomu, ileyibheli neemvulophu ekuthethwa ngazo apha kule migaqo ziya kufana kakhulu nale mizekeliso ihamba nale migaqo, kwaye eli

gama lithi "imvulophu" liya kubhekisela nakwingxowa okanye ibhokisi eyenza loo msebenzi wenziwa yimvulophu.

(2) Apha kule mizekeliso apho kushiye khona isithuba sokuzalisa nayiphi na ingcombolo eya kuthi ifane kuyo yonke ingingqi yolawulo kagunyaziwe wexeshana okanye iwadi, loo ngcombolo isenokuthi ifakwe xa kuprintwa ifomu leyo, okanye ileyibheli leyo okanye imvulophu leyo.

(3) Nayiphi na indawo apha kumzekeliso, eyenzelwe ukuba isetyenziswe kuphela kwingingqi yolawulo yogunyaziwe wexeshana othile owahlulwe waziiwadi isenokushiya xa kuprintwa ifomu, ileyibheli okanye imvulophu leyo iza kusetyenziswa kwingingqi kagunyaziwe wexeshana ongahlulwanga waziiwadi.

(4) Kusenokuthi xa kuprintwa ifomu, ileyibheli okanye imvulophu, kulungiselelwe nendawo yokunika ingcombolo engaboniswa apha kumzekeliso wayo, xa kuqondwa ukuba ngahle ifuneke okanye inqweneleke ukuze luqhube kakuhle unyulo.

(5) Ingcombolo efunwa kwileyibheli okanye kwimvulophu ethile isenokuthi, ngokokubona kwegosa elibanjisiweyo, ibhalwe ngomatshini wokuchwetheza okanye ibhalwe cacileyo ngesandla.

Igunya lokuthatha inyathelo ngotyeshelo nokubuyiselwa kweendleko

- 95 (1) (a) Ukuba ngaba ugunyaziwe wexeshana, isigqeba solawulo lwedolophu, inkundla yophononongo, okanye nabani na akaphumeleli ukuba ngelo xesha libekiweyo okanye ngokwaloo miqathango ibekiweyo, ukuba ikho, yiNkulumbuso, aqale, asebenze okanye enze nayo nayiphi na into exelwe kule migaqo, okanye ukuba athathe isigqibo esifunekayo ngokwale migaqo, okanye enze oko bekuyalelwe yiNkulumbuso ngokwale migaqo, iNkulumbuso isenokuthi iziqale, izisebenzise okanye izenze ezo zinto okanye loo miyalelo, kwaye ke ngoku kungaphemeleli iNkulumbuso isenokubhalela nawuphi na ugunyaziwe, isigqeba okanye umntu ukuba makathathe onke amanyathelo ayimfuneko.
- (b) Nayo nayiphi na indleko ethe iNkulumbuso yangena kuyo ngenxa kagunyaziwe wexeshana othile okanye isigqeba solawulo lwedolophu phantsi komhlathi (a) ngentla apha, iya kubizwa kuloo gunyaziwe okanye kweso sigqeba kwaye ke isiqinisekiso somenzi -zincwadi wephondo okanye somntu owenza lo msebenzi, siya kuba bubungqina bokuba akukho y azamo kuloo ndleko ixeliweyo.
- (2) Ukuba ngaba ugunyaziwe wexeshana, isigqeba solawulo lwedolophu, inkundla yophononongo okanye nabani na, akaphumeleli okanye ukhangeleka engazi kuphumelela ukwenza okanye ukugqiba, ngeli xesha libekiwe ngokwale migaqo, nantoni na eyimfuneko efanele kufezekiswa kuqala ukuze luqhutywe unyulo, iNkulumbuso isenokuthi ilandise okanye ilivandlakanye ngokutsha elo xesha phantsi kwemiqathango ethile: Kuqondakale kambe ke ukuba olo vandlakanyo nalo lwandiso azisayi kuthintela okanye zikuchaphazele kakubi okanye zikubeke emngciphekweni ukuqhutywa konyulo ngalaa mhla ubekwe nguMphathiswa ngokwecandelo 9 loMthetho lo.
- (3) Indleko esithe sangena kuyo isigqebana sexeshana sesixeko ekuqhutyweni konyulo lukagunyaziwe wexeshana wesixeko ziya kuthi zibuyselwe nguloo gunyaziwe wexeshana wesixeko, kwaye ke isiqinisekiso segosa lezemali eliyintloko kweso sigqebana sesixeko okanye somntu owenza lo msebenzi siya kuba bubungqina

bokuba akukho mpazamo kuloo ndleko ixeliweyo.

Amagunya enkundla

96 Nakuyiphi na ingxoxo echotshelwe ukuphikisa ukuba semthethweni konyulo okanye kweziphumo zonyulo, inkundla, ngaphandle kwaxa ilutshintsha olo nyulo okanye iyalela ukuba makuphindwe kuqhutywe olunye unyulo endaweni yalo isenokuthi:

(a) ithabathe kwezi voti bezasiswe ligosa elibanjisiweyo njengezifunyenwe ngumntu othile okanye liqela elithile, elo nani leevoti ekucaca ukuba, ngokokubona kwenkundla, zifakwe kuloo mntu okanye kwelo qela ngendlela yobuqhetseba okanye ngolwaphulo lwale migaqo okanye lwalo nawuphi na omnye umthetho;

(b) ilungise naziphi na iziphoso ezenziwe ligosa elibanjisiweyo phaya ekubalweni kweevoti okanye ekunikweni kwazo okanye ekwamkelweni okanye ekuchithweni kwamaphepha okuvota, ize ke izibalo okanye izithabathe ezo voti bezifanele ukubalwa okanye ukuthatyathwa ngokwale migaqo; ize ke.

(c) ithathe namanye amanyathelo ikhuphe neminye imiyalelo ebona ifanelekile, ilungile kanjalo.

Ukwamkelwa njengokusemthethweni

97 Akukho lonyulo luya kuchitha njengolungekho mthethweni okanye luya kutshitshiswa yinkundla ngenxa yempazamo okanye yotyeshelo lwale migaqo okanye ngenxa yayo nayiphi na into ebekwayo ngokwale migaqo, ukuba ngaba unyulo olu lufumaniseka ukuba ubukhulu becala luqhutywe ngokwemiqathango equlethwe apha kule migaqo, naxa ngaba loo mpazamo okanye olo tyeshelo alukhange luzichaphazele iziphumo zonyulo olu.

Umvoti akasayi kucelwe ukuba axele ukuba uvote njani na

98 Nakuyiphi na ingxoxo echotshelweyo enxulumene nonyulo akukho mntu kuya kufunwa ukuba makaxele igama lomntu amvoteleyo okanye leqela alivoteleyo.

Ukugcinwa kwamahlebo

99 Igosa lonyulo ngalinye, ipolisa, umntu ozigqatsileyo, umququzeleli womntu ozigqatsileyo

okanye umququzeleli kwakunye nomthunywa weqela, abakhoyo kwisitishi sovoto okanye ekubalweni kweevoti baya kuyigcina ezifubeni zabo yonke into enxulumene nendlela eluhambe ngayo uvoto.

Uthintelo lwezinye izinto zopolitiko ngamaxesha athile phambi kovoto nangethuba kuqhuba uvoto

- 100 (a) Kwiiyure ezingamashumi amane anesibhozo(48) phambi kwentsimbi yeshumi elinambini ezinzulwini zobusuku uya kuququzelela indibano okanye uya kuthatha inxaxheba kwindibano esesidlangalaleni yokubonisa nokuvakalisa ukunganeliseki, umgcelele, intlanganiso esesidlangalaleni okanye irali enxulumene nezopolitiko.
- (b) Iya kuba lityala ukuququzelela okanye ukuthatha inxaxheba nakuyiphi na kwezi zinto zikumhlathi (a).

ISAHLUKO 17

AMATYALA NEZOHLWAYO

Ukuphithikezana nenkqubo yonyulo

101 Nabani na:

- (a) owalayo okanye ongaphumeleliyo ukwenza oko akuyalelweyo kuyalelwe ngokusemthethweni ligosa loluhlu lwabavoti okanye egameni lalo, ligosa elibanjisiweyo okanye egameni lalo okanye lilo naliphi na igosa lonyulo;
- (b) owalayo okanye ongaphumeleliyo ukumka esitishini sovoto okanye kumhlaba ongaphakathi kuso okanye kwindawo yokubalela iivoti ekubeni ebeyalelwe njalo ngokomgaqo 41 okanye 64;
- (c) ongena okanye ohlala kwisitishi sovoto okanye kumhlaba ongaphakathi kuso okanye kwindawo yokubalela iivoti, etyeshela umgaqo 42 okanye 64;
- (d) othintela okanye ophazamisana nalo naliphi na igosa lonyulo okanye umququzeleli weqela okanye womntu obezigqatsile, lisenza umsebenzi walo, uya kuba wenze

ityala.

Ukudizwa kwamahlebo

102 Nabani na:

- (a) owaphula umgaqo 52 okanye 99;
- (b) ozama ngokungekho mthethweni, loo nto eyenza ngqo okanye eyenza mayana, ukuncedisa omnye umntu ukuba aqinisekise ukuba ngaba ubani uzimisele ukuvotela bani na okanye uvotele bani na;
- (c) uza ngendlela ethe ngqo okanye mayana, okhukulisa okanye ozama ukukhukulisa omnye umntu obenikwe iphepha lokuvota ukuba makalivelise elo phepha ngoku selenze uphawu lokuvota khona ukuze kubonakale igama okanye amagama omntu okanye abantu abavoteleyo;
- (d) owenza uphawu okanye umbhalo kwiphepha lokuvota elingelilo eli ebelinikiwe, ngenjongo yokuba aziwe umntu ovote ngalo;
- (e) odiza okanye odlulisa ingcombolo athe wayifumana malunga nokuba kwiphepha elithile kuvotelwe bani na okanye oobani na, ngaphandle kokuba oko ukwenz axa ephendula umbuzo awubuzwe ngokusemthethweni kwinkundla yamatyala efanelekileyo; okanye
- (f) owaphula ngokungekho mthethweni itywina okanye nantoni na ekuqiniswe ngayo okanye ovula nangayiphi na indlela okanye osusa izinto ezisebhokisini, epasileni okanye emvulophini ekuthethwe ngazo kwimigaqo 56(2), 62, 72 okanye 73 uya kuba wenze ityala.

Iimpembelelo ezingafanelekanga

103 (1) Nabani na othi ngendlela ethe ngqo okanye mayana asebenzise okanye owenza

kusetyenziswe okanye othembisa ukusebenzisa okanye ukwenza kusetyenziswe nalo naluphi na utyhalo ngesixhanti, izigalo okanye ungungcuthekiso ngokobuni, okanye owenzakalisa okanye othembisa ukwenzakalisa, ukonakalisa okanye ukwenza into ebeka omnye umntu okanye into emngciphekweni:

(a) ngenjongo yokunyanzela, yokurhebesha okanye yokuphembelela nabani na:

(i) Ukuba makavotele, okanye makangavoti kwa-ukuvota okanye makavotele okanye umntu othile nakanjani na; okanye

(ii) ukuba makaye okanye makathathe inxaxheba okanye makangayi okanye makangathati nxaxheba kuyo nayiphi na intlanganiso yezopolitiko, umngcelele, indibano yokuvakalisa ukunganeliseki okanye kuyo nayiphi na into enxulumene nezopolitiko, okanye makangaxhasi iqela elithile okanye umntu othile nangayiphi na indlela; okanye

(b) ngenxa yokuba umntu othile :

(i) evotele, ezame ukuvotela okanye engavotelanga iqela elithile okanye umntu othile tu, okanye ngendlela ethile; okanye

(ii) eye okanye ethathe inxaxheba okanye engayanga okanye engathathanga nxaxheba kwintlanganiso ethile yezopolitiko, umngcelele, indibano yokuvakalisa ukunganeliseki, okanye kuyo nayiphi na into enxulumene nezopolitiko, okanye kuba engaxhasanga iqela elithile okanye umntu othile,

uuya kuba wenze ityala.

(2) Nabani na okhukulisa, ophembelela okanye owenza ukuba kuthundezwe omnye

umntu othile ukuba makavote elunyulweni, kodwa esazi ukuba loo mntu akanalo ilungelo lokuvota kolo nyulo, uya kuba wenze ityala.

- (3) Nabani na othi ngendlela ethe ngqo okanye mayana, ngokunyazela okanye ngezoyikiso:

(a) aphithikeze okanye athintele okanye enze izoyikiso zokuthintela okanye zokuphithikeza nawuphi na umvoti ekusebenziseni ilungelo lakhe lokuvota; okanye

(b) nangayiphi na indlela adudulele iziphumo zonyulo kwicala elithile, uya kuba wenze ityala.

- (4) Nabani na othi, ngendlela ethe ngqo okanye mayana, ngokunyazela, ngezoyikiso okanye ngenye nje indlela, anyanzelise okanye akhukulise nawuphi na umvoti osele evotile kolo nyulo:

(a) ukuba makamxelele okanye axelele umntu othile igama leqela okanye lomntu amvoteleyo; okanye

(b) ukuba makavelise iphepha lakhe lokuvota avote ngalo khona ukuze azise loo mntu okanye omnye umntu, igama leqela okanye lomntu amvoteleyo,

uya kuba wenze ityala.

Ukunyoha

- 104 (1) Nawuphi na umntu othi, ngendlela ethe ngqo okanye mayana:

(a) amkele okanye angene kwimvumelwano enentlawulo, eza kuye okanye eya komnye umntu, ngenjongo yokuba yena okanye loo mntu, avotele okanye ovume ukuvotela, okanye angavoteli okanye avume ukungavoteli umntu

okanye iqela elithile tu, okanye ngendlela ethile; okanye

(b) emva konyulo, amkele intlawulo ethile, eza kuye okanye eya komnye umntu, ngenxa yokuba ethe wakhukulisa okanye waphembelela umntu othile ukuba makavotele okanye makangavoteli iqela okanye umntu othile;

(c) anike, aboleke okanye enze kufumaneka okanye avume ukunika, okanye athembise ukunika, ukuboleka okanye ukwenza kufumaneka intlawulo eya kumvoti othile okanye kumntu othile ngenjongo yokukhukulisa okanye yokuphembelela omnye umntu ukuba:

(i) makavotele okanye makangavoteli iqela elithile okanye umntu othile tu, okanye ngendlela ethile; okanye

(ii) makaye okanye makathathe inxaxheba okanye makangayi okanye makangathathi inxaxheba kuyo nayiphi na intlanganiso yezopolitiko, umngcelele, indibano yokuvakalisa ukunganeliseki okanye kuyo nayiphi na into enxulumene nezopolitiko, okanye makangaxhasiiqela elithile okanye umntu othile nangayiphi na indlela; okanye

(d) anike, aboleke okanye enze kufumaneka okanye avume okanye athembisa ukunika ukuboleka okanye ukwenza kufumaneka intlawulo eya kumvoti othile okanye komnye umntu nje, ngenxa yokuba evotele okanye engavotelanga iqela elithile okanye umntu othile, nangayiphi na indlela;

uuya kuba wenze ityala.

(2) Nawuphi na umntu othe ngenxa yokuba amkele intlawulo wavotela okanye akavotela iqela elithile okanye umntu othile tu, okanye nangayiphi na indlela, uya kuba wenze ityala.

umntu othile ukuba makavote elunyulweni, kodwa esazi ukuba loo mntu akanalo ilungelo lokuvota kolo nyulo, uya kuba wenze ityala.

- (3) Nabani na othi ngendlela ethe ngqo okanye mayana, ngokunyazela okanye ngezoyikiso:

(a) aphithikeze okanye athintele okanye enze izoyikiso zokuthintela okanye zokuphithikeza nawuphi na umvoti ekusebenziseni ilungelo lakhe lokuvota; okanye

(b) nangayiphi na indlela adudulele iziphumo zonyulo kwicala elithile, uya kuba wenze ityala.

- (4) Nabani na othi, ngendlela ethe ngqo okanye mayana, ngokunyazela, ngezoyikiso okanye ngenye nje indlela, anyanzelise okanye akhukulise nawuphi na umvoti osele evotile kolo nyulo:

(a) ukuba makamxelele okanye axelele umntu othile igama leqela okanye lomntu amvoteleyo; okanye

(b) ukuba makavelise iphepha lakhe lokuvota avote ngalo khona ukuze azise loo mntu okanye omnye umntu, igama leqela okanye lomntu amvoteleyo, uya kuba wenze ityala.

Ukunyoba

- 104 (1) Nawuphi na umntu othi, ngendlela ethe ngqo okanye mayana:

(a) amkele okanye angene kwimvumelwano enentlawulo, eza kuye okanye eya komnye umntu, ngenjongo yokuba yena okanye loo mntu, avotele okanye ovume ukuvotela, okanye angavoteli okanye avume ukungavoteli umntu

okanye iqela elithile tu, okanye ngendlela ethile; okanye

(b) emva konyulo, amkele intlawulo ethile, eza kuye okanye eya komnye umntu, ngenxa yokuba ethe wakhukulisa okanye waphembelela umntu othile ukuba makavotele okanye makangavoteli iqela okanye umntu othile;

(c) anike, aboleke okanye enze kufumaneke okanye avume ukunika, okanye athembise ukunika, ukuboleka okanye ukwenza kufumaneke intlawulo eya kumvoti othile okanye kumntu othile ngenjongo yokukhukulisa okanye yokuphembelela omnye umntu ukuba:

(i) makavotele okanye makangavoteli iqela elithile okanye umntu othile tu, okanye ngendlela ethile; okanye

(ii) makaye okanye makathathe inxaxheba okanye makangayi okanye makangathathi inxaxheba kuyo nayiphi na intlanganiso yezopolitiko, umngcelele, indibano yokuvakalisa ukunganeliseki okanye kuyo nayiphi na into enxulumene nezopolitiko, okanye makangaxhasiiqela elithile okanye umntu othile nangayiphi na indlela; okanye

(d) anike, aboleke okanye enze kufumaneke okanye avume okanye athembisa ukunika ukuboleka okanye ukwenza kufumaneke intlawulo eya kumvoti othile okanye komnye umntu nje, ngenxa yokuba evotele okanye engavotelanga iqela elithile okanye umntu othile, nangayiphi na indlela; uya kuba wenze ityala.

(2) Nawuphi na umntu othe ngenxa yokuba amkele intlawulo wavotela okanye akavotela iqela elithile okanye umntu othile tu, okanye nangayiphi na indlela, uya kuba wenze ityala.

Ukuzenza omnye umntu

105 Phaya elunyulweni, nabani na:

- (a) ocela iphepha lokuvota egameni lomnye umntu, nokuba usaphila okanye wabhubha okanye akakho kwa-ukubakho umntu onjalo;
- (b) ovota egameni lomnye umntu, ngaphandle kwaxa ehamba ngokomgaqo 58;
- (c) othe selevotile ngolu hlobo luchazwe apha kule migaqo waphinda wavota okanye wacela iphepha lokuvota kwakolu nyulo lunye; okanye
- (d) ovotayo ezazi kodwa ukuba akanalo ilungelo lokuvota kolo nyulo,

uya kuba wenze ityala.

Uthintelo lokuphithikezana nobhaliso lwabavoti nezinto zonyulo

106 (1) Nabani na osusa, otshabalalisa, ofihla okanye owonakalisa okanye oncedisa ekususweni, ekutshatyalalisweni, ekufihlweni okanye ekonakalisweni kwazo naziphi na izinto zokubhaliswa kwabavoti okanye zonyulo, uya kuba wenze ityala, ngaphandle kokuba oko ukwenza phantsi kwemiqathango yale migaqo.

- (2) Nabani na ofumana okanye owamkela komnye umntu isicelo esikwifomu ER1 okanye isicelo esikwifomu esondele kakhulu kwifomu ER1, uya kuqinisekisa ukuba eso sicelo siziswe ngexesha kwigosa loluhlu lwabavoti kule adresi ixeliweyo okanye ifunwa kwifomu ER1 waloo gunyaziwe wexeshana kwaye nabani ongaphumeleliyo ngabom ukwenza njalo, uya kuba wenze ityala.

Uthintelo lokuprintwa, ukwenziwa nokukhutshwa okungagunyaziswanga kwezinto zonyulo

107 Nabani na othi, ngendlela ethe ngqo okanye mayana, aprinte, enze okanye akhuphe okanye enze ukuba kuprintwe, kwenziwe okanye kukhutshwe naziphi na izinto zonyulo

ezinxulumene nolu nyulo uya kuba wenza ityala, ngaphandle kokuba oko ukwenza phantsi kwemiqathango yale migaqo.

Uthintelo lokuphithikezana nokugaya namaphulo okufumana iivoti

108 Nabani na:

- (a) othi ngendlela ethe ngqo okanye mayana, athintele ukuqhutywa kwayo nayiphi na intlanganiso yezopolitiko, umngcelele, indibano yokuvakalisa ukunganeliseki okanye nayiphi na into enxulumene nezopolitiko okanye athintele omnye umntu ekuyeni okanye ekuthabatheni inxaxheba kwez zinto, konke oku ekwenza ngokusebenzisa okanye ngokoyikisa ngokusebenzisa utyhalo ngesixhanti, izigalo, ungungcuthekiso ngokobuni okanye ngenye nje indlela;
- (b) odala uqhushululu oluphazamisayo ngenjongo yokuthintelaiqela elithile okanye umntu ozigqatsileyo othile, ukuba aqhube intlanganiso yezopolitiko;
- (c) ophithikeza okanye othintela okanye owenza izoyikiso zokuphithikeza okanye zokuthintela ilungelo lakhe nawuphi na umntu ozigqatsileyo okanye ummeli weqela okanye womntu ozigqatsileyo, lokuba afikelele, ngale ndlela nangala maxesha abekiweyo, kubavoti bayo nayiphi na ingingqi nokuba kukwindawo eyeyomntu wonke okanye enomntu ongumniniyo ngenjongo yokuqhuba ugayo lwabavoti, namalungu nabaxhasi; okanye
- (d) ophithikeza okanye othintela okanye owenza izoyikiso zokuphithikeza okanye zokuthintela naliphi na ilungu okanye ummeli kagunyaziwe wexeshana ukuba afikelele, ngale ndlela nangala maxesha abekiweyo, kubavoti bayo nayiphi na ingingqi, nokuba kukwindawo eyeyomntu wonke okanye enomntu ongumniniyo, ngenjongo yokuqhuba ubhaliso lwabavoti,

uya kuba wenze ityala.

Uthintelo lokwenza iinkcazo zobuxoki okanye lokupapasha inkcazo yobuxoki

109 Nabani na:

- (a) owenza inkcazo yobuxoki okanye onika inkcukacha yobuxoki kwinkcazo efunwa ngokwemiqathango yale migaqo esazi ukuba loo nkcazo okanye loo nkcukacha ibubuxoki okanye engenamihlaba ibambekayo emenza ukuba akholelwe ukuba kuyinyaniso oko akwenzayo okanye akunikayo; okanye
- (b) opapasha, ophinda okanye ohambisa nangayiphi na indlela, inkcazo yobuxoki ngenjongo:
 - (i) yokuphazamisa okanye yokuthintela unyulo;
 - (ii) yokudala ubutshaba okanye uloyiko khona ukuze akwazi ukududulela inkqubo okanye iziphumo zonyulo kweli cala lifunwa nguye; okanye
 - (iii) odudulela inkqubo okanye iziphumo zonyulo kwelinye icalauya kuba wenze ityala.

Amanye amatyala

110 (1) Nabani na:

- (a) owenza awakhe amaphepha okuvota ngobuqhetseba okanye olwakhe uphawu azenzela ngobuqhetseba, okanye otshabalalisa naliphi na iphepha lokuvota okanye uphawu olusesikweni, ngokungekho mthethweni;
- (b) okhuphela omnye umntu naliphi na iphepha lokuvota ngaphandle kokugunyaziswa;
- (c) ofaka kwibhokisi yokuvota naliphi na iphepha lokuvota elinguzenzele okanye naliphi na iphepha lokuvota elingelilo eli agunyaziswe ngumthetho ukuba makalifake kuloo bhokisi yokuvota;

- (d) othatha ngokungekho mthethweni naliphi na iphepha lokuvota okanye enye nje into yonyulo emke nazo apha kwisitishi sovoto; okanye
- (e) otshabalalisa ngokungekho mthethweni, okanye othatha, ovula okanye owenza nantoni na kulo naliphi na iphepha lokuvota okanye ibhokisi yokuvota esetyenzesela unyulo olu ngelo xesha; okanye
- (f) otshaya okanye olayita umatshisi okanye idosha okanye nayiphi na into elumekeka lula, kwisitishi sovoto, ngaphandle kokuba oko ukwenza ngemvume xa esenza umsebenzi okanye eqhuba ilungelo ngokwale migaqo; okanye
- (g) otyeshela okanye ongaphumeleliyo ekuthobeleni imiqathango yemigaqo 12, 91 okanye 101; okanye
- (h) owaphula nawuphi na kule migaqo,

uya kuba wenze ityala.

- (2) Nabani na onika inkcazo yobuxoki xa ephendula umbuzo obuzwa ngokwemigaqo 53 okanye 59 okanye kwintetho esisifungo kwimigaqo 53 okanye 59, uya kuba wenze ityala, ngaphandle kokuba unika ubungqina obubonisa ukuba ngenene ebengazi ukuba ibubuxoki loo nkcazo.

Izohlwayo

- 111 (1) Nawuphi na umntu ofunyaniswe enetyala kula matyala axelwe kwesi Sahluko, uya kuthi, ukuba ufunyenwe enetyala ngokwaphula nawuphi na umqathango:

- (a) womgaqo 103(1),(3) okanye (4) okanye 105, 107, 108(a) okanye 109(b), anikwe isigwebo esiyifayini engadlulanga kuma-R100 000 okanye esokuvalwa entolongweni ithuba elingadlulanga kwiminyaka emihlanu, okanye zozibini ezi zigwebo, ifayini nokuvalwa;

- (b) womgaqo 104, anikwe isigwebo esiyifayini engadlulanga kuma-R80 000 okanye esokuvallelwa entolongweni ithuba elingadlulanga kwiminyaka emine, okanye zozibini ezi zigwebo, ifayini nokuvallelwa;
 - (c) womgaqo 103(2), 102, 106 okanye 108(b),(c) okanye (d), anikwe isigwebo esiyifayini engadlulanga kuma -R60 000 okanye esokuvallelwa entolongweni ithuba elingadlulanga kwiminyaka emithathu okanye zozibini ezi zigwebo, ifayini nokuvallelwa;
 - (d) womgaqo 101(d) okanye 109(a), anikwe isigwebo esiyifayini engadlulanga kuma-R40 000 okanye esokuvallelwa entolongweni ithuba elingadlulanga kwiminyaka emibini, okanye zozibini ezi zigwebo, ifayini nokuvallelwa;
 - (e) womgaqo 101(a),(b) okanye (c), anikwe isigwebo esiyifayini engadlulanga kuma-R20 000 okanye esokuvallelwa entolongweni isithuba esingadlulanga kwiinyanga ezilishumi elinesibini okanye zozibini ezi zigwebo, ifayini nokuvallelwa.
- (2) Nabani na othe wafunyanwa enetyala phantsi kwale migaqo uya kunikwa isigwebo esiyifayini engadlulanga kuma-R40 000 okanye esokuvallelwa entolongweni isithuba esingadlulanga kwiminyaka emibini, okanye zozibini ezi zigwebo, ifayini nokuvallelwa.

Ulwaphulo-mthetho luya kudluliselwa kuMtshuthisi kaRhulumente

112 Emva konyulo ngalunye igosa elibanjisiweyo liya kwazisa umtshutshisi karhulumente ngalo naliphi na utyeshelo lwale migaqo, olwenzekileyo nekuthiwa lwenzekile.

ISIAHLUKO 18

UKUSETYENZISWA KWEMIGAQO

Iikomiti eziQuquzelelayo neMibutho eKhululelweyo

- 113 Imiqathango yale migaqo, ngokubhekisele kwindlela eyichaphazela ngayo ikhansile yexeshana yedolophu, iya kuyichaphazela kwangokunjalo ikomiti eququzelelayo yolawulo lwedolophu esekwe ngokweCandelo 7 loMthetho lo, ngokunjalo nesigqeba solawulo lwedolophu esithe sakhululelwa ngokweCandelo 5 loMthetho lo.

Izihlonyelelwa

- 114 Izihlonyelelwa ezihamba nale migaqo ziya kufundwa kunye nale migaqo njengento enye.

Isithuba esiphambi kwesexeshana nesithuba sexeshana

- 115 Le migaqo iya kusebenza ngesithuba esiphambi kwesexeshana nangesithuba sexeshana njengoko kuchazwa kwiCandelo 1(i)(iv) loMthetho lo.

Isihloko esifutshane

- 116 Le migaqo iya kubizwa ngokuba yiMigaqo yoNyulo loLawulo lweeDolophu ngeXeshana leNguqu 1994 (Local Government Transition Election Regulations 1994).

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