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GOVERNMENT NOTICE

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT

No. R. 1730

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REGULATIONS CONCERNING BY-ELECTIONS AND VOTERS' ROLLS

Under the powers vested in me by section 10L of the Local Government Transition Act, 1993 (Act No. 209 of 1993), I, Mohamed Valli Moosa, after consultation with the members of the executive councils responsible for local government and the South African Local Government Association, hereby make the regulations set out in the Schedule.

Given under my hand at Midrand on the Ninth day of December 1997.

M. V. MOOSA

Minister for Provincial Affairs and Constitutional Development

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CHAPTER 1**DEFINITIONS AND APPLICATION****Definitions**

- 1 (1) In these regulations, unless the context otherwise indicates :
- (i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993);
 - (ii) "address" means a mode of identification of a place which is sufficiently precise to permit a person contemplated in regulation 3 who is ordinarily resident within the area of jurisdiction of a municipality, or under law liable for the payment of assessment rates, rent, service charges or levies to the municipality concerned, to be enrolled in an updated voters' roll and to exercise his or her vote at a voting station in a ward in which such place is situated;
 - (iii) "advertise" means publish;
 - (iv) "by-election" means a by-election in terms of these regulations to fill a vacancy in the office of a councillor elected to represent a ward.
 - (v) "by-election material" means any form, declaration or item referred to in regulation 35;
 - (vi) "by-election period" means the period from nomination day to the close of voting stations;
 - (vii) "candidate" means any person in terms of regulation 21(3) whose nomination has been accepted and in respect of whom a vote will be held;
 - (viii) "chief executive" means the person appointed by the council of a municipality as its chief executive officer or town clerk and includes any person acting lawfully in his or her stead irrespective of the designation of the post occupied by such person;
 - (ix) "consolidated voters' roll " means a consolidated voters' roll signed and certified in accordance with the provisions of the provincial election regulations;
 - (x) "Constitution" means the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);
 - (xi) "council" means the council of a municipality;

- (xii) "day" means a period of twenty-four consecutive hours commencing at midnight and including a Saturday, Sunday or public holiday referred to in the Public Holidays Act, 1994 (Act 36 of 1994);
- (xiii) "district council" means a service council, sub-regional council, regional council or district council referred to in section 10(3)(i) of the Act;
- (xiv) "election" means the election contemplated in section 9(1) of the Act;
- (xv) "election officer" means the returning officer and any officer referred to in regulation 26;
- (xvi) "provincial election regulations" mean regulations made under section 9(2) of the Act;
- (xvii) "former voters' roll" means the voters' roll certified and signed in accordance with the provisions of the provincial election regulations and includes a supplementary voters' roll, consolidated voters' roll and an unplaced voters' roll;
- (xviii) "identity document" means :
 - (a) an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act 72 of 1986) or any other applicable law of the Republic, as the case may be : Provided that an acknowledgement of receipt of an application for an identity document issued by the Director-general of the Department of Home Affairs shall be deemed to be an identity document only for purposes of registration for the by-election;
 - (b) a reference book issued in terms of the repealed Blacks (Abolition of Passes and co-ordination of Documents) Act, 1952 (Act 67 of 1952);
 - (c) an identity document referred to in section 13 of the Population Registration Act, 1950 (Act 30 of 1950);
 - (d) a valid travel document issued in terms of any law of the Republics of Transkei, Bophuthatswana, Venda and Ciskei; or
 - (e) a valid book of life issued by the former republic of :
 - (i) Ciskei in terms of Act 15 of 1981; or

- (ii) Transkei in terms of Act 24 of 1976; or
- (iii) Bophuthatswana in terms of Act 12 of 1978; or
- (iv) Venda in terms of Act 6 of 1980;

(xix) "identity number" means the official number recorded on an identity document;

"local" in relation to a party means a party which operates an office or has an address within the area of jurisdiction of the municipality;

"local council" means a municipality as defined in section 1(1) of the Act;

"metropolitan local council" means a municipality as defined in section 1(1) of the Act;

(xxiii) "Minister" means the Minister for Provincial Affairs and Constitutional Development;

(xxiv) "municipality" includes a local council, a metropolitan local council, a representative council, a rural council and a district council;

(xxv) "name" in relation to an updated voters' roll or former voters' roll means a surname followed by a name or names ordinarily prefixed thereto;

(xxvi) "nomination day" means the day determined for the nomination of candidates in terms of regulation 20(2)(b);

(xxvii) "official language" means any language declared to be an official language in terms of Section 3(5) of the Constitution;

(xxviii) "ordinarily resident" in relation to any person, means resident at the home or place where he or she normally lives and to which he or she returns regularly after any period of temporary absence;

(xxix) "party" means any local organisation, body or voluntary association which has objects and purposes which, among others, have relevance to local government matters and includes a

political party which has been registered in terms of Chapter IV of the Electoral Act, 1993 (Act 202 of 1993);

(xxx) "Premier" means the Premier as contemplated in Section 144(1) of the Constitution and includes the competent authority designated by him or her for the purposes of the administration of the Act;

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

(xxxii) "representative council" means a transitional representative council defined in section 9A of the Act;

(xxxiii) "returning officer" means the person appointed in terms of regulation 25(1) and includes any election officer lawfully acting in his or her stead.

(xxxiv) "rural council" means a transitional rural council defined in section 9A of the Act;

(xxxv) "security forces" means the South African Police Service in terms of the Police Act, 1995 (No 68 of 1995) and the South African National Defence Force in terms of the Defence Act, 1957 (No 44 of 1957);

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

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

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

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

and "serve" has an equivalent meaning;

- (xxxvii) "supplementary voters' roll" means a supplementary voters' roll signed and certified in accordance with the provisions of the provincial election regulations;
- (xxxviii) "updated voters' roll" means an updated voters' roll signed and certified in accordance with the provisions of regulation 10(1);
- (xxxix) "unplaced voters' roll" means an unplaced voters' roll signed and certified in accordance with the provisions of the provincial election regulations;
- (xxxx) "voters' roll officer" means the person appointed in terms of regulation 4(2) and includes any person lawfully acting in his or her stead;
- (xxxxi) "voting station" means any place referred to in regulation 36(1)(a);

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

Application

- (3) (a) Where a vacancy in a ward occurs on or after 1 January 1998, it shall be filled by way of a by-election conducted in terms of these regulations.
- (b) Where a vacancy in a ward occurred before 1 January 1998, but has not been filled before that date, it shall be filled by way of a by-election conducted in terms of these regulations, and the declaration of the vacancy in accordance with regulation 2(3) shall be deemed to have been made on 1 January 1998.
- (c) These regulations come into effect on 1 January 1998.

CHAPTER 2

VACANCIES

- 2 (1) A councillor representing a ward shall cease to hold office when he or she dies, resigns from office in writing or ceases to hold the qualifications required for nomination or by-election or is disqualified or removed from office in terms of any law or by court order, and in the event of such a vacancy having occurred, a by-election shall be held in terms of these regulations : Provided that if such a vacancy occurs within 6 months before the end of the term of the municipal council such by-election shall not be held unless :
- (a) the total number of vacancies in the municipality will render impossible a quorum at a council meeting; and
 - (b) there is, in the opinion of the Premier, adequate time within which to hold such a by-election.
- (2) (a) Within 7 days after the chief executive becomes aware of a vacancy in terms of subregulation (1), he or she shall report such vacancy in writing to the mayor or, if the councillor in respect of whom the vacancy has occurred is the mayor, to the deputy mayor.
- (b) If both the mayor and deputy mayor are councillors in respect of whom vacancies have occurred, the chief executive shall carry out the duties imposed on the mayor or deputy mayor in terms of this regulation.
- (3) (a) Where the mayor or deputy mayor, as the case may be, is satisfied that a vacancy in terms of subregulation (1) has occurred, he or she shall, within 7 days after receipt of the report of the chief executive referred to in subregulation (2)(a), endorse and sign his or her concurrence on such report, and the chief executive shall forthwith declare that such a vacancy has occurred and affix a notice to that effect in a conspicuous place at the municipal office and shall report such vacancy to the next ordinary meeting of the council.

- (b) (i) Where the mayor or deputy mayor, as the case may be, refuses or fails to endorse and sign his or her concurrence in terms of subparagraph (a), the chief executive shall report the circumstances thereof in writing to the next ordinary meeting of the council which may direct the chief executive to declare the vacancy and to proceed in terms of this regulation.
- (ii) Upon being so directed the chief executive shall forthwith declare that such a vacancy has occurred and affix a notice to that effect in a conspicuous place at the municipal office.

CHAPTER 3**QUALIFICATION OF VOTERS****Franchise**

3 (1) Any natural person who is :

- (a) (i) a South African citizen; or
- (ii) not such a citizen but who in terms of an Act of Parliament has been accorded the right to exercise the franchise; and
- (b) of or over the age of 18 years on the day of the by-election determined in terms of these regulations; and
- (c) ordinarily resident within the area of jurisdiction of a municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the municipality concerned,

shall be entitled to be included in the updated voters' roll of that municipality.

- (2) Notwithstanding the provisions of subregulation (1), no person shall be entitled to be included in the updated voters' roll of a municipality or be entitled to vote in a by-election, if he or she is :
 - (a) subject to an order of court declaring him or her to be of unsound mind or mentally disordered or affected;
 - (b) detained as a mentally ill patient under the Mental Health Act, 1973 (Act 18 of 1973), or any other applicable law of the Republic, as the case may be;
 - (c) detained under the Prevention and Treatment of Drug Dependency Act, 1992 (Act 20 of 1992), or any other applicable law of the Republic, as the case may be; or
 - (d) detained in a prison after being convicted and sentenced without the option of a fine in respect of any of the following offences irrespective of any other sentence in respect of any offence not mentioned hereunder which is served concurrently with the first mentioned sentence :

- (i) murder, robbery with aggravating circumstances and rape; or
- (ii) any attempt to commit any offence referred to in subparagraph (i).

(3) For the purposes of subregulation (1)(c) :

(a) the word "liable" means liable in respect of an address within the area of jurisdiction of such municipality delimited in terms of section 8(2) of the Act and shall not include any larger area of jurisdiction established in terms of any other law; and

(b) the word "jurisdiction" means jurisdiction delimited in terms of section 8(2) of the Act.

(4) (a) A person who is included in the updated voters' roll of a municipality shall be entitled to vote in a by-election in the ward where his or her name has been placed from the updated voters' roll.

(b) A person shall be entitled in any such by-election to exercise only one vote.

CHAPTER 4

UPDATED VOTERS' ROLL

Obligation to Update Roll

- 4 (1) (a) Every municipality which is required to hold a by-election shall :
- (i) make an updated voters' roll in accordance with these regulations; and
 - (ii) conduct the by-election on the basis of that updated voters' roll.
- (b) With the prior concurrence of the Minister, the Premier may in writing oblige a municipality which is not required to have a by-election to make an updated voters' roll in accordance with these regulations.

Voters' Roll Officer

- (2) (a) Every municipality shall designate or appoint :
- (i) an officer within its employment as its voters' roll officer who shall be responsible on its behalf to ensure the preparation, certification and signature of an updated voters' roll in accordance with these regulations; and
 - (ii) when required, such employees or other person or persons as may be necessary to assist therewith.
- (b) The chief executive officer shall be the voters' roll officer in the absence of such an appointed or designated officer.

Invitation to Enrol

- (3) Every municipality
- (a) to which subregulation (1)(a) applies shall not later than 7 days after the date of the declaration of the vacancy in terms of regulation 2(3) or deemed declaration in terms of regulation 1(3)(b); or

- (b) to which subregulation (1)(b) applies shall not later than 7 days after receipt of the written request, publish a notice that it proposes to make an updated voters' roll and call upon any natural person who is entitled in terms of regulation 3 to be included in such updated voters' roll to claim, within 20 days starting on the day after the date of publication of the notice, to be included in that updated voters' roll.
- (4) Such notice shall be published with or at the same time as the notice required in terms of regulation 6(1).

Claim for Enrolment

- (5) (a) Any natural person who is entitled to be included in the updated voters' roll shall make a claim in accordance with form ER1 to be enrolled as a voter in the municipality to which the form relates and shall provide the information required on that form.
- (b) Every person whose name appears on the former voters' roll of the municipality shall be deemed to have honestly made and delivered a claim in accordance with form ER1 to be enrolled as a voter in the municipality to which that former roll relates, and to have provided the information required on form ER1.
- (c) Any other claim which is made and which contains in writing the information required in form ER1 shall be a lawful claim and shall be taken into account by the voters' roll officer.
- (d) The voters' roll officer may include in the preliminary updated voters roll the names and particulars of any person in respect of whom a claim on form ER1 has not been made or received, but whose particulars provide information required for regulation 5(2)(c), (d) and (e) and on the face of such particulars satisfy the voters' roll officer that such person is qualified in terms of regulation 3 to be enrolled as a voter.
- (e) A claim in a form substantially in accordance with form ER1 :
- (i) received before the date of publication of the notice referred to in regulation 4(3); or

- (ii) received after the 20 day claim period referred to in regulation 4(3) and shown to the satisfaction of the voters' roll officer to have been completed by the claimant and entrusted to another person, party or agency not later than the end of that period to deliver to the voters' roll officer;

shall be a lawful claim and shall be taken into account by the voters' roll officer.

(f) Any claim which :

- (i) has no surname;
- (ii) has an incomplete or no identity number;
- (iii) identifies no known address or district within the municipality;
- (iv) relates to an address or district outside the municipality; or
- (v) is illegible,

may be rejected by the voters' roll officer and not included in the preliminary updated voters' roll, but shall be retained for inspection by the revision court.

Personal Presence

- (6) Nothing herein contained shall be construed as requiring any person to be physically or personally present at any place or office in order to lodge a claim for his or her enrolment as a voter, or as precluding any person from posting by ordinary mail such claim to the voters' roll officer at the address specified on form ER1 for the municipality.

Addresses

- (7) Where no address exists for the purpose of making a claim and inclusion in the updated voters' roll, the municipality shall cause such an address to be determined or identified.

Indemnity

- (8) Where any person applying to be enrolled as a voter makes a claim in accordance with these regulations and certifies or otherwise signifies as the basis of qualification or entitlement to such claim that he or she pays or

is liable for the payment of assessment rates, rent, service charges or levies, such certification or signification of payment or liability for payment shall not found or be used as evidence in respect of any legal action, claim or prosecution by a municipality or any other person or persons whatsoever.

Preparation of the Preliminary Roll

5 (1) (a) Every municipality to which regulation 4(1) applies shall cause to be prepared by its voters' roll officer a preliminary updated voters' roll.

(b) Such roll shall be compiled in accordance with these regulations.

(2) The preliminary updated voters' roll shall at least :

(a) identify

(i) the name of the municipality, and

(ii) the year and month

to which the roll relates;

(b) have every page numbered consecutively;

(c) contain the name in alphabetical order according to surnames, and the identity number of each person who :

(i) is on the former voters' roll, or

(ii) is not on the former voters' roll but who has made a claim in accordance with these regulations to enrol as a voter;

(d) state the address or district to which each claim relates;

(e) identify for each name the basis of qualification or entitlement; and

(f) clearly identify every person in paragraph (c) whom the voters' roll officer on the face of written information available to him or her has

reason to believe is either qualified or not qualified to be enrolled as a voter in terms of regulation 3.

(3) Where a claim:

- (a) contains the name and identity number of the claimant;
- (b) identifies the basis of qualification or entitlement of such claimant; and
- (c) does not specify an address, but refers to the name of the municipality, or to a suburb, township or similar locality (referred to as the "district") within the jurisdiction of the municipality but which is not sufficient to place the claimant in a ward,

such claim and all other such claims shall be contained in a separate section of the preliminary updated voters' roll, compiled in accordance with subregulation (2), and called the unplaced voters' section.

- (4) For the purpose of subregulations (2)(c) and (f) the preliminary updated voters' roll may be divided into parts and may consist of separate documents.

(5) When any claimant :

- (a) is under law liable for the payment of assessment rates, rent, service charges or levies in respect of more than one address; or
- (b) is so liable in respect of an address other than the place at which he or she is ordinarily resident; or
- (c) is ordinarily resident at more than one place

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

Claims and Objections

- 6 (1) The voters' roll officer shall publish a notice, with or at the same time as the notice required in terms of regulation 4(3), not later than 7 days after the date of the declaration of a vacancy in terms of regulation 2(3), or deemed declaration in terms of regulation 1(3)(b), or receipt of a written request in terms of regulation 4(3)(b) :
- (a) stating that a copy of the preliminary updated voters' roll and any claim received in terms of regulation 4(5)(e)(ii) may be inspected at the office or offices of the municipality during normal office hours and at such other place or places as the voters' roll officer may appoint during not less than normal office hours, including Saturday, Sunday and any public holiday, during an identified period of 10 days starting not later than 26 days after the date of publication of the notice;
 - (b) calling upon every person whose name does not appear in such roll and who believes that he or she is entitled to be enrolled as a voter and every person who has any objection to the enrolment of any person whose name appears in such roll or in respect of whom a claim has been received in terms of regulation 4(5)(e)(ii) :
 - (i) to lodge a written claim or objection, in the prescribed forms ER1 or ER2, which shall be available at such office or place specified in paragraph (a); or
 - (ii) in respect of any person who is unable to write, to appear in person at a stated place and time to lodge an oral claim or objection,
with the voters' roll officer not later than 22:00 on the last day of the 10 day inspection period identified in subregulation (1)(a);
 - (c) stating that a list setting out the name of and particulars relating to every claimant, objector and person in respect of whom an objection has been lodged in terms of paragraph (b) may be inspected at the office of the municipality during normal office hours and at such other place or places appointed in paragraph (a) during not less than normal office hours including Saturday, Sunday and any public holiday, during an identified

period of seven days starting not later than 41 days after the date of publication of the notice;

(d) calling upon every person who has an objection to the enrolment of any person whose name appears in the list referred to in paragraph (c) :

(i) to lodge a written objection, in the prescribed form ER2; or

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

with the voters' roll officer not later than 22:00 on the last day of the seven day inspection period specified in subregulation (1)(c);

(e) stating :

(i) that where a claimant does not supply an address or information which is sufficient to permit the claimant to be placed in the ward for which the by-election is to be held, the name of such claimant will be included in an unplaced voters' roll;

(ii) that a claimant whose name is included in an unplaced voters' roll will not be entitled or permitted to vote in the ward for which the by-election is to be held;

(iii) that the preliminary unplaced voters' roll is open for inspection; and

(iv) that every claimant whose name is on the preliminary unplaced voters' roll is invited to submit not later than 22:00 on the last day of the 10 day inspection period specified in subregulation (1)(a) a further claim or additional information which is sufficient to permit the voters' roll officer to place him or her as a voter in the ward for which the by-election is to be held;

(f) fixing one or more days, not later than 30 days after the expiry of the 10 day inspection period referred to in subregulation (1)(a), and one or more places, for sitting of the revision court to hear such claims and objections :
Provided that at least one such day shall be a Saturday or Sunday and at

least one such place shall be in an area referred to in regulation 16(1)(b) of the provincial election regulations.

(2) The voters' roll officer shall :

(a) not later than five days after the expiry of the 10 day inspection period referred to in subregulation (1)(a), prepare a list setting out the name of and particulars relating to every claimant, objector and person in respect of whom an objection has been lodged under subregulation (1)(b); and

(b) not later more than five days after the expiry of the seven day inspection period mentioned in subregulation (1)(c), prepare a list setting out the name and particulars relating to every objector and person in respect of whom an objection has been lodged under subregulation (1)(d).

(3) The voters' roll officer shall lodge with the revision court objections to the enrolment of all claimants whom such officer has reason to believe are not entitled to be enrolled as voters.

(4) The voters' roll officer shall, not less than five days before the day fixed for the sitting of the revision court, serve a notice on :

(a) every person whose name appears on the roll or a list of claimants contemplated by subregulation (2) and to whose enrolment an objection has been lodged;

(b) the objector concerned; and

(c) any claimant for enrolment as a voter whose claim has been objected to or rejected by the voters' roll officer;

setting out the grounds of such objection or rejection, the date on which it will be considered by the revision court, and inviting each such person, claimant and objector to attend; and stating that such objection will not be considered by the revision court unless such objector attends such sitting and every other sitting of the revision court to which consideration of such objection is adjourned : Provided that where the address of a claimant or objector is not sufficiently precise to permit such service, the voters' roll officer shall in respect of any one or more claimants or objectors publish a notice substantially in

accordance with the provisions of this subregulation or where such publication cannot be effected owing to limitations on the availability of a newspaper or newspapers, display such notice at the municipal office closest to the address of the claimant or objector or such other place closer thereto and freely accessible to the general public.

(5) Non-receipt of a notice or defect in the publication of any notice referred to in subregulation (4) shall not invalidate the updated voters' roll or any proceeding or decision of the revision court.

(6) The Premier may with due regard to the date of the by-election, direct a voters' roll officer to increase the number or the locality of places or sittings referred to in subregulations (1)(a) or (1)(f).

Constitution of Revision Court

7 (1) (a) There is hereby established for each province a revision court with the powers, functions and duties set out in these regulations.

(b) Notwithstanding the provisions of paragraph (a) above the Premier may authorise and establish more than one revision court for the province or in respect of each roll or any part of each roll.

(2) A revision court shall consist of three persons appointed by the Premier, not later than the end of the 20 day claim period referred to in subregulation 4(3), at least one of whom shall be an advocate, attorney or other legally qualified person who shall be the presiding officer of the court.

(3) The Premier shall further appoint alternates to take the place of any member of a revision court who is absent or incapacitated and shall determine the order of precedence of such alternates : Provided that at least one such alternate shall comply with the qualifications prescribed for the presiding officer referred to in subregulation (2).

(4) (a) No person shall be appointed or accept appointment as a member of such court if he or she :

(i) is the holder of an office in a party;

- (ii) is on the party list of a party which has been allocated one or more seats on a municipality in terms of the provincial election regulations;
- (iii) is a member or councillor or employee of the municipality concerned; or
- (iv) is not eligible to be enrolled as a voter for a municipality in terms of regulation 3.

(b) A member of such a court shall cease to be a member thereof and shall vacate his or her seat if he or she :

- (i) becomes disqualified for appointment as a member of such a court;
- (ii) tenders his or her resignation to the Premier; or
- (iii) dies,

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

(5) A revision court shall determine the manner in which it shall conduct its business.

(6) Whenever a change in the membership of a revision court takes place any partly-heard claim or objection shall, at the request of the applicable claimant or objector, be dealt with from the beginning.

(7) Unless otherwise determined by the Premier, administrative work incidental to the performance of the functions of a voters' roll officer and a revision court shall be performed by the chief executive of the municipality concerned or by one or more officials of such municipality duly appointed in writing and acting under the jurisdiction and control of such chief executive.

- (8) Members of a revision court shall be remunerated on such basis as shall be determined by the Premier not later than the time referred to in sub-regulation (2).

Powers, Functions and Duties of Revision Court

- 8 (1) On the day or days and at the place or places fixed in terms of regulation 6(1)(f) or 6(6) the revision court shall sit to consider and determine claims and objections to the enrolment of persons as voters.
- (2) (a) Not later than 18 days after the seven day inspection period referred to in regulation 6(1)(c) the revision court shall cause an updated voters' roll to be prepared containing the names of persons qualified to be enrolled as voters for the by-election and such roll shall at least :
- (i) contain the identity number of each person claiming enrolment;
 - (ii) be in alphabetical order according to surnames;
 - (iii) state the address or district to which the claim relates;
 - (iv) identify the basis of qualification or entitlement;
 - (v) identify the name of the municipality;
 - (vi) have every page numbered consecutively;
 - (vii) be dated.
- (b) Where the revision court includes in the updated voters' roll in accordance with subregulation (3) a claimant, or more than one claimant, who did not specify an address or district sufficient to place the claimant in a ward, but who can be placed within the jurisdiction of the municipality, all such names and particulars shall be contained in a separate section of the updated voters' roll, compiled in accordance with paragraph (a), and called the unplaced voters' section.

(c) Every page of an updated voters' roll and where applicable, of every section thereof, shall be numbered consecutively and shall identify the name of the municipality and the year to which it relates.

(3) The revision court shall :

(a) include in the updated voters' roll the name of every claimant :

(i) whom it is satisfied is entitled to be enrolled; or

(ii) to whose enrolment no objection was lodged; or

(iii) who notwithstanding any objection is shown to its satisfaction to be entitled to be enrolled as a voter;

(b) exclude from the updated voters' roll the name of every claimant :

(i) in respect of whom an objection was lodged; and

(ii) who is shown to its satisfaction not to be entitled to be enrolled as a voter; and

(c) correct any error or supply any omission which may appear to it to have occurred in any entry in the roll with regard to the particulars required in terms of regulation 8(2)(a).

(4) The revision court shall not consider any claim or objection unless :

(a) such claim or objection has been lodged in accordance with these regulations; and

(b) (i) in the case of any claim or objection referred to in regulation 6(1)(b) such claim or objection was received by the voters' roll officer before the expiry of the period referred to therein;

(ii) in the case of any objection contemplated by regulation 6(1)(d) such objection was received by the voters' roll officer before the expiry of the period referred to therein;

- (iii) failing compliance with subparagraph (i) or (ii), the revision court is satisfied that there are exceptional circumstances relating to the late submission of the document concerned warranting the consideration of the claim or objection; and
- (c) in the case of any person to whose enrolment an objection has been lodged, the objector attends every sitting of the revision court at which the objection is to be considered to substantiate such objection.

Hearings

- 9 (1) The voters' roll officer shall be entitled to attend and shall be heard in the presence of a claimant or objector at all sittings of the revision court.
- (2) Any person whose claim or objection may be considered by the revision court and any person opposing any such claim or objection shall be entitled to be heard in person or by a representative authorised thereto in writing and to give and call oral evidence.
- (3) All evidence given before the revision court shall be given on oath or affirmation administered by the presiding officer.
- (4) Sittings of the revision court shall be open to the public and the press.
- (5) Subject to the provisions of these regulations the revision court may adjourn from time to time as it may deem expedient.
- (6) If no claims or objections in terms of regulations 6(1)(b), 6(1)(d) or 6(3) are lodged within the periods referred to in such provisions the voters' roll officer shall, by notice posted at the offices of the municipality, forthwith cancel the sitting of the revision court.

Certification and Signature of Roll

- 10 (1) (a) The roll as produced by the revision court in terms of regulation 7 shall be certified and signed by the presiding officer of such court by noon not later than 18 days after the seven day inspection period referred to in subregulation 6(1)(a) and such roll shall thereupon be the updated voters' roll for the municipality concerned until a new updated voters' roll has been lawfully made in terms of these regulations or until it is replaced by

another voters' roll compiled in terms of the Electoral Commission Act, 1996.

- (b) Certification and signature in terms of (a) above shall be done in such a manner or with such accompanying description and documentation also signed by the presiding officer as shall identify the roll and its extent.

- (2) Any document purporting to be the updated voters' roll as certified and signed by the presiding officer of the revision court in terms of subregulation (1) or a true copy of such roll certified by the chief executive by the issue of a certificate to that effect shall, unless it is proved that such document is not such updated voters' roll or such a true copy, as the case may be, be conclusive proof that the persons whose names appear therein are entitled to exercise any right conferred on voters by these regulations.

- (3) The updated voters' roll so certified shall be deposited at the offices of the municipality and shall be open for inspection by members of the public during the normal office hours of the municipality or during such extended hours and times as such municipality may determine by resolution.

- (4) Any voter or candidate or party may obtain a copy of the updated voters' roll or that part thereof applicable to the ward in respect of which the by-election is to be held at such prices as the municipality may determine by resolution.

Division into Wards

- (1) An updated voters' roll as certified and approved shall be divided into a part or parts according to the ward or wards in respect of which a by-election is to be held and shall not be further subdivided unless prior written authorisation by the Premier has been obtained.
- (2) An updated voters' roll which is divided into parts shall comply with the requirements of regulation 8(2)(a) and (c) in respect of each part.
- (3) A voter shall vote in a ward or part thereof at the voting station where his or her name appears in the updated voters' roll for such ward or part thereof.

Conversion and Division of Roll

- 12 (1) Where an updated voters' roll has been certified and signed in accordance with regulation 10(1) and the area of jurisdiction to which it relates is thereafter in terms of the Act delimited or re-delimited :

(a) by the division of such area to or into one or more municipalities; or

(b) by the exclusion therefrom of part of such area; or

(c) by the inclusion therein of an area in respect of which the whole or part of another updated voters' roll has been certified and signed in terms of subregulation (1),

such roll may be converted or divided in terms of this regulation into a part or parts which shall correspond to the area or areas as delimited or re-delimited.

- (2) (a) A roll converted or divided in terms of subregulation (1) shall contain the provisions required in regulation 8(2).

(b) Where two or more updated voters' rolls are converted in whole or in part into a single updated voters' roll and in consequence thereof the name of a voter will be included more than once in any such single roll, the provisions of regulation 5(5) shall apply.

(c) Where the name of a claimant has been excluded, deleted or removed from an updated voters' roll by a revision court for the reason that such claimant was entitled to be included only once in such updated voters' roll, and where such roll is divided into more than one updated voters' role in terms of subregulation (1) and such claimant thereupon becomes eligible to be included in more than one such roll, the name and particulars of such claimant shall be so included.

- (3) (a) Where in the opinion of the Premier it is necessary or desirable to give effect to the provisions of subregulation (1) the Premier shall constitute in writing a revision court to control and direct the conversion or division of such roll and to audit and ensure the correctness and the accuracy thereof.

- (b) The chairperson and members of the revision committee shall be appointed in writing by the Premier.
- (c) In the event that any conversion or division in terms of subregulation (1) affects the area of jurisdiction of more than one certified and signed updated voters' roll, any appointment in terms of subregulation (3)(a) shall be deemed to include and require the simultaneous conversion or division of all such affected rolls separately.
- (4) Any court appointed in terms of subregulation 3(a) shall :
- (a) have all the rights conferred upon an appointee in terms of regulation 79(1)(c) and (d);
 - (b) sign and certify the completion, correctness and accuracy of the roll as converted or divided in terms of this regulation; and
 - (c) report the performance of its duties in writing to the Premier immediately upon completion of the appointment within such time as the Premier may specify.
- (5) Upon signature and certification in terms of subregulation (4)(b) such roll shall be deemed to be the updated voters' roll in terms of regulation 10(1) for the municipality to which it relates and shall supersede and exclude any other updated voters' roll relating to the whole or part of such area.
- (6) The provisions of these regulations relating to any roll which has been signed and certified in terms of regulation 10(1) shall apply to any roll signed and certified in terms of subregulation (4)(b).

Omission

- 13 No omission of the name of a person from the updated voters' roll shall invalidate such roll or any by-election held in terms of these regulations.

Expenditure on Updated Voters' Roll

- 14 A municipality may incur such expenditure as it may consider necessary in terms of these regulations for the by-election and in connection with the making,

revision or adjustment of any updated voters' roll by it or any legal proceedings arising therefrom.

Agency

- 15 (1) The Premier may after consultation in writing with the municipalities or bodies concerned authorise or direct any municipality or other body or bodies or person or persons to prepare an updated voters' roll or to undertake in whole or in part the conduct and management of a by-election in terms of these regulations as the agent for or on behalf of a municipality and to perform in whole or in part the duties imposed on such municipality in terms of these regulations.
- (2) Any directive by the Premier in terms of subregulation (1) above may include such directives and other arrangements as the Premier may deem necessary or desirable to give effect to the preparation of such an updated voters' roll and shall include directions relating to the apportionment and recovery of costs.

Offences

16 Any person who :

- (a) furnishes any false information in any claim or objection lodged in terms of regulation 4,5, 6 or 7 or in regard to any particulars required for the making of an updated voters' roll;
- (b) refuses or fails to furnish any information in regard to any such particulars;
- (c) gives false evidence before or interrupts or disturbs the proceedings of a revision court; or
- (d) treats a revision court with contempt,

shall be guilty of an offence and liable to the penalty specified in Chapter 16 of these regulations.

CHAPTER 5

QUALIFICATIONS : VOTING AND NOMINATIONS

Voting According to Wards

- 17 Every voter whose name appears in the updated voters' roll and who has been placed in the ward for which the by-election is being held shall be entitled to cast a vote for the vacancy for a councillor which exists in such ward.

Ballot Papers

- 18 There shall be one ballot paper in accordance with form ER3 for the purpose of voting in the manner provided in regulation 17.

Qualifications for Nomination and By-Election

- 19 (1) Any person who is enrolled in the updated voters' roll as contemplated in regulation 3, and who is a South African citizen, shall be entitled to be nominated and elected as a member of the council of a municipality unless :
- (a) he or she is a member of the National Assembly, the Senate or a provincial legislature;
 - (b) he or she is disqualified to be elected as a member of the National Assembly in terms of section 42(1) the Constitution, namely if he or she :
 - (i) at the time of the by-election is serving a sentence of imprisonment of more than 12 months without the option of a fine;
 - (ii) at any time after 9 March 1994 was convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon : Provided that no person shall be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

- (iii) is an unrehabilitated insolvent;
 - (iv) is of unsound mind and has been so declared by a competent court;
 - (c) he or she is disqualified to be elected by any competent court;
 - (d) at 15:00 on the day immediately preceding nomination day, he or she is indebted to the municipality concerned in respect of any assessment rates, rent, service charges or any other moneys for a period longer than three months; or
 - (e) he or she is an employee of the municipality concerned or any other local government : Provided that the Premier may exempt any such person if satisfied that such exemption is in the public interest and proof of such exemption accompanies the nomination.
- (2) Notwithstanding anything to the contrary herein contained the provisions of subregulation (1)(d) shall apply only in respect of indebtedness prior to 15:00 on the day immediately preceding nomination day.
- (3) No person shall be nominated as a candidate :
- (a) who holds office as a councillor; or
 - (b) who is nominated as a candidate for a ward in respect of the same or any other municipality for the purposes of a by-election; or
 - (c) whose name is on the party list of a party which has been allocated one or more seats on a municipality in terms of the provincial election regulations.

CHAPTER 6**BY-ELECTION DAY, NOMINATIONS AND ELECTION COMMITTEE****Notice Regarding By-election Day and Nominations**

20 (1) A by-election shall be held not more than 136 days after the declaration referred to in regulation 2(3), or deemed declaration in terms of regulation 1(3)(b), or the death of a candidate in terms of regulation 21(8), or insufficient nominations in terms of regulation 21(7).

(2) The returning officer shall :

(a) determine by-election day; and

(b) by notice published not later than 7 days after the declaration referred to in regulation 2(3), or deemed declaration in terms of regulation 1(3)(b), or the death of a candidate in terms of regulation 21(8) or insufficient nominations in terms of regulation 21(7) :

(i) give notice of the date of the by-election and the hours of voting as prescribed by regulation 40(1);

(ii) determine and specify the date of nomination day contemplated by regulation 21(3) which day shall be not less than 30 days and not more than 35 days before by-election day;

(iii) specify that not later than noon on a date which shall be not less than 44 days and not more than 49 days before by-election day nominations of candidates for the by-election shall be delivered to the returning officer in compliance with regulation 21(1), invite such nominations and indicate the number of vacancies to be filled; and

(iv) designate the place at which nominations referred to in subparagraph (iii) above will be received by the returning officer.

(3) (a) The date determined by the returning officer for the purposes of :

subregulation (2)(a), (2)(b)(iii) and 21(4)(ii) shall not, save with the prior concurrence of the Premier, fall on a Friday, Saturday, Sunday or public holiday;

(b) Where, because of the provisions of paragraph (a), a date or dates cannot be determined which fall within the respective time period specified in subregulation (1) or (2)(b)(iii) or 21(4)(ii), the returning officer in the notice referred to in subregulation (2)

(i) shall extend the last day of the offending time-period to the first available date; and

(ii) may similarly extend one or more subsequent time-periods; and

(iii) shall immediately advise the Premier in writing of all such changes.

Nomination Procedure

21 (1) No person may become a candidate at a by-election unless a nomination paper in the prescribed form ER4 duly completed and signed by :

(a) the proposed candidate or his or her agent duly authorised thereto in writing, which authority shall accompany the nomination paper, confirming such candidate's acceptance of the nomination; and

(b) at least the number of voters determined in terms of subregulation (9) whose names are included in the updated voters' roll for that ward other than such proposed candidate or agent;

is delivered to the returning officer not later than noon not less than 44 days and not more than 49 days before by-election day, accompanied, on a separate page clearly identifiable for and capable of printing or reproduction in black and white, by the distinguishing mark or symbol of the candidate which in terms of regulation 31(2) is required to appear on the ballot paper and which symbol may include a photograph of such candidate capable of printing or reproduction in black and white.

Publication

- (2) Not less than 42 days and not more than 47 days before by-election day the returning officer shall post outside the place of nomination referred to in subregulation 20(2)(b)iv) a list showing the name and address of each person in respect of whom a nomination has been received and keep such list so posted until noon on nomination day.
- (3) At noon on nomination day the returning officer shall, at the place of nomination referred to in regulation 20(2)(b)(iv) publicly declare :
 - (a) the names of the proposed candidates whose nominations have been rejected by him or her in terms of subregulation (4);
 - (b) the name of a candidate whose nomination has been accepted and who is, in terms of subregulation (5), deemed to have been duly elected;
 - (c) in accordance with subregulation (6), the name of the candidates whose nominations have been accepted and in respect of whom a vote will be held; and
 - (d) display the distinguishing mark or symbol of each candidate, if any, accepted by the returning officer or adjudicated by the election committee in terms of regulation 73(1)(e)(iii).

Rejection and Rectification

- (4) The returning officer shall reject :
 - (a) the nomination of any person proved to his satisfaction not to be eligible as a candidate in terms of regulation 19;
 - (b) any nomination in respect of which the requirements of subregulation (1) have not been complied with;
 - (c) the nomination of any person in respect of whom the returning officer has, before the declaration is made in terms of subregulation (3), received a communication in writing, signed by such person and witnessed by at least two other persons, that he or she has withdrawn his or her candidature;

- (d) in the event of more than one by-election, the nomination in terms of these regulations of a person nominated for more than one ward if more than one of such nominations complies with the requirements of subregulation (1);
- (e) the nomination of a person who, to the knowledge of the returning officer, died after delivery of his or her nomination paper in terms of subregulation (1) but before the declaration is made in terms of subregulation (3);
- (f) a distinguishing mark or symbol which is or purports to be the distinguishing mark or symbol of a party, in the absence of an accompanying written and signed authorisation by the duly authorised representative of such party;
- (g) distinguishing marks or symbols which are identical or which are not clearly and easily distinguishable, save where all proposed candidates submitting such marks or symbols agree in writing to the joint use thereof; and
- (h) a distinguishing mark or symbol which is indecent, abusive, misleading, sacrilegious or otherwise likely to cause offence or which is materially similar to a cross or tick :

Provided that no nomination shall be rejected on the grounds of any defect contemplated by paragraph (b), (d), (f), (g) or (h) unless :

- (i) the returning officer has, not less than 7 days before nomination day, served on the person concerned a written notice informing him or her of such defect; and
- (ii) such person has failed :
 - (aa) to remedy such defect; and
 - (bb) if such defect has been remedied, to furnish proof to the satisfaction of the returning officer that such defect has been remedied,

not later than noon on a date as specified by the returning officer which shall be not less than 31 days and not more than 36 days before by-election day : Provided further that where such person fails to rectify a defect in terms of paragraph (f), (g) or (h) the returning officer shall, subject to the provisions of regulation 73(1)(e)(iii), reject the distinguishing mark or symbol concerned and shall otherwise accept the nomination.

(5) (a) If the number of candidates for a ward where nominations have been accepted is equal to or less than the number of vacancies in the ward, such candidate or candidates shall be deemed to have been elected, and any remaining vacancy or vacancies shall be filled by way of a further by-election in terms of these regulations.

(b) If insufficient nominations to fill the remaining vacancies referred to in paragraph (a) are accepted for the further by-election referred to in the said subregulation, the returning officer shall, within seven days of the declaration made in terms of subregulation (3) in respect of such further by-election, notify the Premier in writing thereof and the Premier may thereupon either direct that a further by-election shall be held to fill the balance of the remaining vacancies or may appoint persons as councillors to fill such balance and any person so appointed shall for all purposes be deemed to be a councillor.

(6) If the number of candidates whose nominations have been accepted exceeds the number of vacancies in the ward the returning officer shall immediately by notice posted outside the place of nomination referred to in regulation 20(2)(b)(iv), and shall within 7 days after nomination day, publish the full names of each candidate together with his or her distinguishing mark or symbol, if any, in respect of whom a vote will be held on by-election day.

(7) If no nominations are accepted, the vacancy or vacancies shall be filled by way of a further by-election in terms of these regulations.

(8) The returning officer shall, on being satisfied that a candidate in terms of subregulation (3)(c), has died before the day of the by-election, terminate all

proceedings and by notice published in the press withdraw all notices issued under this chapter in respect of the ward concerned, whereupon the date of such publication shall be deemed to be the date of declaration and a by-election shall be held for the ward concerned.

- (9) The returning officer shall for the purposes of subregulation (1)(b) above not less than 54 days before by-election day determine in respect of each ward and make available a number representing an accurate estimate of two percent of the voters on the updated voters' roll for each such ward.

Confidentiality

- 22 No nomination paper or any particulars contained therein shall, after the delivery of such nomination paper to the returning officer in terms of regulation 21(1), be disclosed by the returning officer to any person other than an election officer prior to the hour referred to in regulation 21(3).

Agents and Messengers

- 23 (1) Every candidate in a by-election shall, not less than 14 days before by-election day, advise the returning officer in writing in accordance with applicable form ER8 of the names, if any, of agents and messengers appointed in terms of regulation 29(1).
- (2) The name of any duly appointed agent may be withdrawn or replaced by similar notice to the returning officer not later than noon on the second day before by-election day.

Voting Stations

- 24 (1) Not less than 21 days before by-election day each returning officer shall publish a list of voting stations and their addresses and shall maintain a copy of such list at a place or places determined by him or her or by the election committee contemplated in regulation 73 for public information until the day after by-election day : Provided that after consultation at his or her request with such election committee such list may be added to by the returning officer and published and maintained in like manner not less than 14 days before by-election day.

- (2) The Premier may not less than 14 days before by-election day direct the returning officer to increase the number or the locality of voting stations referred to in subregulation (1).

CHAPTER 7**APPOINTMENT, POWERS AND DUTIES OF ELECTION OFFICERS****Appointment and Responsibilities**

- 25 (1) (a) The chief executive shall ex officio be the returning officer of the municipality concerned in respect of a by-election which shall be held to fill any vacancy in terms of these regulations unless by resolution of the meeting referred to in regulation 2(3) adopted by a majority of at least two thirds of all its members, the council appoints another person as returning officer.
- (b) The municipality shall confirm the appointment of the returning officer in writing not later than seven days after such appointment.
- (2) The returning officer for a municipality shall be responsible for the administration, organisation, supervision and conduct of the by-election for such municipality.
- (3) (a) The municipality shall, subject to the maintenance of essential services, permit the returning officer to recruit and appoint or second such of its employees for such period or periods and in such capacity or capacities as he or she may reasonably require as being necessary for the proper preparation and conduct of the by-election.
- (b) Such employees shall be granted for this purpose by the municipality concerned permission to be absent from their normal place of work on full pay without prejudice to any other condition of employment plus for a period of not more than two days any fees as may be determined by such municipality in terms of regulation 77.
- (c) The returning officer may recruit and appoint from outside the employment of the municipality such additional persons as he or she may deem essential at not more than the fees determined for any other election officer in regulation 77: Provided that any such recruitment shall be within the limits of any general or specific financial provision which shall have been made in advance by the municipality.

- (d) Nothing herein contained shall be construed as prohibiting the municipality from making such additional provisions or arrangements as it may deem necessary in respect of employment or staffing for the proper preparation and conduct at the by-election.
- (e) The chief executive as returning officer shall, in addition to his or her normal remuneration and conditions of employment, be granted for a period of not more than two days any fee as may be determined by such municipality in terms of regulation 77.
- (f) Where the municipality appoints in terms of subregulation (1) another person as returning officer it shall at the same time as such appointment determine by a majority of at least two thirds of all its members his or her remuneration and conditions of employment which may include for a period of not more than two days any fee as may be determined by such municipality in terms of regulation 77.

Election Officers : Appointment

- 26 (1) (a) The returning officer shall, subject to the provisions of subregulation (8), appoint such election officers as he or she may deem necessary for the effective and proper conduct of the by-election and may in his or her discretion withdraw any appointment so made.
- (b) The Code of Conduct for Election Officers set out in Schedule 2 to these regulations shall be deemed to be a term and condition of appointment for every election officer, including the returning officer.
- (2) No person shall be appointed or accept appointment as an election officer who :
- (a) is a candidate at the by-election;
 - (b) is a member or councillor of a municipality or is on the party list of a party which has been allocated one or more seats on a municipality in terms of the provincial election regulations;

- (c) has been directly or indirectly engaged with or without remuneration by any party or candidate in connection with the by-election;
- (d) is the holder of an office in a party; or
- (e) fails to make a declaration in terms of form ER9.

Numbers and Designations

- (3) In determining the number of election officers to be appointed in terms of this regulation, the returning officer shall, in the case of any voting station referred to in regulation 36(3)(c)(i), (ii) and (iii), appoint a presiding officer and fourteen other election officers : provided that :
 - (a) where an authorisation as contemplated in regulation 36(3)(c) is granted, the number of election officers shall be at least one presiding officer and a commensurate number of election officers;
 - (b) where the number of persons on a updated voters' roll referred to in regulation 36(3)(c)(i), (ii) and (iii) is substantially below the numbers contemplated in such regulations, the returning officer may authorise a lesser number of election officers one of whom shall be a presiding officer; and
 - (c) in each voting station in a ward delimited in terms of regulation 16(1)(b) of the provincial election regulations and in the circumstances contemplated in paragraph (a), the returning officer shall in addition to any other appointments of election officers which he or she must make in terms of these regulations, appoint a deputy presiding officer.
- (4) (a) The returning officer shall where appropriate designate one election officer or more as a deputy returning officer, presiding officer, deputy presiding officer, voting officer, translation officer or voter's assistant contemplated in subregulation (5), counting officer, and/or other election officer : Provided that any election officer may be given more than one designation.
- (b) The returning officer may designate one or more deputy presiding officers in respect of a voting station.

(5) The returning officer shall ensure :

- (a) that sufficient election officers fluent in the official language are readily available at all times during voting at every voting station;
- (b) that sufficient election officers are specifically appointed, and allocated to assist illiterate, blind or disabled voters in terms of regulation 53;
- (c) that every election officer is given adequate training and instructions for the effective and efficient performance of his or her duties and responsibilities in terms of these regulations; and
- (d) that every election officer is given full and adequate opportunity to read, or where such officer cannot read, to have read to him or her, the Code of Conduct for Election Officers in Schedule 1.

(6) In the appointment and designation of election officers the returning officer shall make positive and affirmative endeavours to ensure racial and gender representativity.

(7) Election officers appointed in terms of this regulation shall be under the control and carry out the instructions of the returning officer.

(8) The returning officer or the presiding officer may in respect of any polling station falling under his or her jurisdiction, management or control :

- (a) at any time instruct any election officer to stop work or to leave any voting station or place for the counting of votes for such period or periods as such returning officer or presiding officer may specify; and
- (b) any such instruction may include a directive to such election officer to report directly or not later than a specified time to another identified voting station or place for the counting of votes or office or official of the municipality.

Certificate of Appointment

- 27 (1) The returning officer shall issue to each election officer a certificate of appointment in accordance with applicable form ER5 and such letter of appointment shall :

- (a) in the case of a presiding officer, be enclosed at the close of voting in envelope ER6 in accordance with regulation 57(3);
 - (b) in the case of a voting officer or other election officer designated to a voting station, be handed for signature to the responsible presiding officer not later than the time at which such voting or other election officer first enters the voting station, and thereafter retained by such voting officer or other election officer until such time as it is required by the presiding officer for enclosure in envelope ER6 in accordance with regulation 57(3);
 - (c) in the case of a counting officer, be handed for signature to the returning officer not later than the time at which such counting officer first enters the place for the counting of votes, and thereafter retained by such counting officer until such time as it is required for enclosure in applicable envelope ER29 in accordance with regulation 67(2)(b); and
 - (d) in the case of any other election officer, be handed for signature to the returning officer at a time and place specified by such returning officer, and thereafter retained by such election officer until such time as it is required by the returning officer or for enclosure in applicable envelope ER29 in accordance with regulation 67(2)(b).
- (2) Every election officer shall, subject to any direction issued by the returning officer, exercise such powers and perform such duties and functions as are conferred and imposed on him or her by these regulations or as may be assigned to him or her by the returning officer.
- (3) (a) Whenever the returning officer is absent or incapacitated or fails or refuses to act the deputy returning officer shall exercise the powers and perform the duties and functions conferred and imposed by law on the returning officer.
- (b) Where two or more deputy returning officers have been designated the returning officer shall at the time of such designation rank them in order of seniority.

Election Officers to be Impartial

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

Agents and Messengers

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

Provided that only one agent and one messenger of any candidate shall at the same time be allowed in the voting station and provided further that agents and messengers shall be included on the updated voters' roll of a municipality.

- (2) (a) Every candidate in a by-election shall, not less than 14 days before by-election day advise the returning officer in writing in accordance with applicable form ER8 of the names, if any, of agents and messengers appointed in terms of subregulation (1).
- (b) The name of any duly appointed agent may be withdrawn or replaced by similar notice to the returning officer not later than noon on the second day before by-election day.

Declarations

- 30 (1) Every election officer shall make a declaration in accordance with form ER9, in the case of :

- (a) the returning officer or a deputy returning officer, before a commissioner of oaths;
 - (b) a presiding officer, before the returning officer, a deputy returning officer or a commissioner of oaths; and
 - (c) any other election officer, before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths.
- (2) The declaration contemplated by subregulation (1) shall :
- (a) in the case of the returning officer, be enclosed in applicable envelope ER29 in accordance with regulation 67(2)(b);
 - (b) in the case of a presiding officer, be handed to the returning officer when such presiding officer is supplied with his by-election material in terms of regulation 35, for enclosure in applicable envelope ER29 in accordance with regulation 67(2)(b);
 - (c) in the case of any other election officer and in the case of any person contemplated in subregulation (3), be handed to the returning officer at a time and place specified by such returning officer, for enclosure in applicable envelope ER29 in accordance with regulation 67(2)(b) or, if no time and place is so specified, be handed to :
 - (i) the presiding officer when such person first enters a voting station, for enclosure in envelope ER6 in accordance with regulation 67(2)(b); or
 - (ii) the returning officer when such person first enters the place for the counting of votes, for enclosure in applicable envelope ER29 in accordance with regulation 67(2)(b).
- (3) Every other person who is entitled to be present in a voting station or the place for the counting of votes otherwise than as a voter or as a police officer on duty, shall make a declaration in accordance with form ER8 before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths, which form shall be dealt with in accordance with subregulation (2)(c) above.

CHAPTER 8

PREPARATIONS FOR BY-ELECTION

Printing Ballot Papers for Wards

- 31 (1) Immediately after the declaration in terms of regulation 21(4) by the returning officer of the names of candidates whose nomination for election in a ward has been accepted and in respect of whom a vote will be held on by-election day the returning officer shall cause to be printed in accordance with form ER3 for use in a by-election according to wards, a sufficient number of ballot papers on white paper.
- (2) Each ballot paper printed in terms of subregulation (1) shall :
- (a) contain the name of each candidate in alphabetical order of the surnames as stated on the nomination forms and, if there are two or more candidates with the same surname, in alphabetical order of their other names; and
 - (b) contain adjacent to the name of each such candidate the distinguishing mark or symbol, if any, of that candidate as displayed in accordance with regulation 21(3)(d); and
 - (c) have the counterfoil numbered with the consecutive number of such counterfoil on the face of the counterfoil.
- (3) When there is more than one by-election in a municipality, a separate series of ballot papers with consecutive numbers on each counterfoil shall be printed for each ward.

Ballot Boxes

- 32 (1) The returning officer shall before by-election day provide or cause to be provided a sufficient number of ballot boxes.
- (2) Every ballot box shall :
- (a) have a lid attached thereto;

- (b) have an aperture large enough to permit the insertion therein of ballot papers;
- (c) be so constructed and be made of such material that ballot papers cannot be removed therefrom without opening the lid thereof;
- (d) be provided with a lock or other device for locking it when closed;
- (e) be clearly marked on the outside with a number or symbol which is unique to that box and which cannot be readily removed or obliterated; and
- (f) be clearly and securely marked on the outside in such a manner as to permit independent identification :
 - (i) of the name of the municipality to which it relates; and
 - (ii) of the ward to which it relates.

Official Mark and Instruments

33 (1) The returning officer shall before by-election day :

- (a) decide on the official mark or marks to be placed on ballot papers;
 - (b) provide a sufficient number of instruments for placing such official mark or marks on ballot papers; and
 - (c) place each instrument in a separate applicable envelope ER10 and seal every such envelope with his official seal before handing it to a presiding officer in terms of regulation 35.
- (2) The returning officer shall not communicate to any person whatsoever any particulars of the official mark or marks decided upon by him.

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

34 The returning officer shall before by-election day :

- (a) determine the place or places, date and time for the counting of votes, which shall commence not later than 09:00 on the day immediately following the by-election, and give written notice thereof to every candidate and general agent;
- (b) notify each presiding officer on form ER11 of the place or places where ballot boxes and other by-election material are to be delivered to such returning officer after the closing of voting stations; and
- (c)
 - (i) appoint in writing a deputy returning officer to act on his or her behalf in any case where such returning officer has decided that a place or places for the counting of votes will not be under his or her direct supervision and control; and
 - (ii) notify in writing each such deputy returning officer of the place to which the result of the count in accordance with regulation 70 and by-election material is to be delivered to such returning officer after the completion of counting.

Provision of By-Election Material

35 (1) The returning officer shall not later than 17h00 on the day before election day supply to each presiding officer the following by-election material for use at his or her voting station :

- (a) a list of the candidates for the ward allocated to such presiding officer;
- (b) a list of candidate agents and messengers whose names appear in respect of his or her voting station on the applicable form ER8 handed in terms of regulation 29 and in respect of whom a form ER8 has been handed in terms of regulation 30.
- (c) one copy of the applicable part of the updated voters' roll containing the names of the voters entitled to vote at his or her voting station;
- (d) a copy of these regulations;

- (e) three copies of each poster referred to in regulation 41;
 - (f) a sufficient number of ballot boxes as required, identified and marked in terms of regulation 32;
 - (g) a sufficient supply of ballot papers;
 - (h) a sufficient supply of instruments for placing the official mark on ballot papers each in a separate envelope ER10;
 - (i) one official seal;
 - (j) a sufficient supply of forms, envelopes and labels ER6 and ER12 up to and including applicable form ER25;
 - (k) a sufficient number of pens or pencils for marking ballot papers;
 - (l) a sufficient supply of pencils, pencil sharpeners, rulers, cutting instruments, ink and ink pads, envelopes, sealing wax or other sealing materials, matches, tapers, brown paper, cardboard boxes or containers, bags, sealing tape, string, paste, drawing pins, candles, rope or tape and other materials necessary for maintaining the identity of the inner perimeter of the voting area, and where considered appropriate by the returning officer, one or more functioning, battery operated torch; and
 - (m) a sufficient supply of marking liquid and ultra violet lights for the purpose of regulation 49(3) and shall determine and ensure at the time of delivery that such ultra violet lights are in working order and where necessary shall provide batteries for the operation of such lights.
- (2) Each presiding officer shall immediately in the presence of the returning officer enter on the applicable form ER20 the counterfoil numbers of ballot papers received by such presiding officer and shall give a receipt to the returning officer for the by-election material supplied to him or her in terms of subregulation (1), including thereon the sequence of serial numbers on the counterfoils of the ballot papers received and the numbers or symbols in terms of regulation 32(2)(e) of ballot boxes supplied to him or her and shall retain a duplicate of such receipt signed by the returning officer.

CHAPTER 9**CONTROL, PREPARATION AND OPENING OF VOTING STATION****Voting Areas**

- 36 (1) A voting area shall comprise :
- (a) a voting station being a place designated by the returning officer within which a voter shall be allowed to cast his or her vote;
 - (b) an inner perimeter around the voting station bounded by a circumference with a radius of 500 metres, or such shape or lesser radius or area as practical circumstances may necessitate, so designated and with boundaries clearly demarcated by the returning officer :
 - (i) within which persons shall be allowed for the purposes of voting;
 - (ii) within which all political activity other than voting shall be prohibited;
 - (iii) from which persons other than those provided for in regulation 37(1), (2) and (3) shall be excluded; and
 - (c) a controlled area around the voting station bounded by a circumference with a radius of 1 000 metres, or such shape or lesser radius or area as practical circumstances may necessitate, so designated by the returning officer in respect of which a presiding officer may prohibit all political activity other than voting.
- (2) For the purposes of subregulation (1)(b)(ii), political activity includes :
- (a) the wearing or display of any armlet, rosette, or other apparel designed or intended to identify a particular person with a particular candidate, party or symbol;
 - (b) the display or distribution of any poster, placard, banner, pamphlet, circular or letter intended or calculated to influence a voter to vote for a specific candidate or party;

- (c) the making of any announcement, delivery of any speech or reading aloud any speech, article or letter intended or calculated to influence a voter to vote for a specific candidate or party; and
 - (d) canvassing of support for any candidate or party;
 - (e) the wearing or display of any clothing or apparel by any election officer appointed in terms of regulation 26 or any candidate, agent, representative or messenger appointed in terms of regulation 29, which identifies any such person with a particular candidate or party.
- (3) (a) The returning officer shall subject to the provisions of these regulations determine the number and location of voting stations within the ward having due regard to the number of voters, accessibility, security, availability of suitable premises and other relevant factors influencing the successful and proper conduct of the by-election.
- (b) Not less than one voting station shall be determined for each ward or for each part of a ward.
- (c) Unless specifically authorised to the contrary by the returning officer :
- (i) no voting station in a ward delimited in terms of regulation 16(1)(b) of the provincial election regulations shall be intended for more than 750 enrolled voters;
 - (ii) no voting station in a ward delimited in terms of regulation 16(1)(a) of the provincial election regulations shall be intended for more than 1 500 enrolled voters; and
 - (iii) no voting station in the area of a rural council or a representative council shall be intended for more than 750 enrolled voters.

Certain Powers in Respect of Voting Area

- (4) The presiding officer appointed to a voting station shall have the power to :
- (a) take such steps and give such directions as may be necessary for the orderly conduct of voting and the effectual conduct of the by-election and

compliance with these regulations, including control of the number of voters to be admitted at a time to the voting station and the inner perimeter;

(b) exclude or evict from the voting station and the inner perimeter all persons except those permitted in terms of regulation 42; and

(c) exclude or evict from the voting station and the inner perimeter any person who is in possession of any firearm other than a police officer or member of the security forces on duty.

(5) Subject to regulation 37, no person shall enter or remain in a voting station or inner perimeter without the permission of the presiding officer.

(6) The presiding officer shall take all reasonable steps for the protection of persons and property and for preventing any violence or disturbance in the voting area.

(7) The powers conferred by subregulation (4)(a) and (b), (5) and (6) shall not be so exercised as to prevent any person who is entitled to vote from having an opportunity to cast his or her vote.

(8) The provisions of this regulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the presiding officer by any other regulation.

Combined Voting Stations

(9) (a) Subject to the provisions of subparagraph (b) the returning officer may designate a single voting area or building or structure to accommodate the voting stations from two or more wards within a municipality.

(b) Any designation by the returning officer in terms of subparagraph (a) shall be subject to the prior written concurrence and approval of a majority of the members of the Election Committee in terms of regulation 73(1)(e)(ii).

(c) In arriving at any decision in terms of subparagraph (b) the Election Committee shall require and consider a written report from the returning officer and shall satisfy itself :

(i) that such designation is necessary and desirable in the common interest of registered voters affected thereby;

(ii) that such designation does not unfairly discriminate against or disadvantage any particular voter, candidate or party;

(iii) that the designated voting area is freely accessible and safe for every registered voter without fear, intimidation or undue inconvenience;

(iv) that the building or structure concerned can and will comply with the provisions of subparagraph (d); and

(v) that the designation takes into account any other relevant factors including the number of voters and the availability of suitable alternative voting areas, buildings or structures.

(d) Any building or structure designated in terms of subparagraph (a) shall be capable of being divided or demarcated in such a manner as to permit each ward and its corresponding voting station :

(i) to be clearly identified and accessible; and

(ii) to be managed and conducted by the returning officer for the purposes of the by-election,

as a ward and voting station which is legally and physically separate and distinct from every other ward and voting station in the municipality and in such building or structure, save in respect of any common entrance to or exit from such building or structure.

(10) (a) The returning officer shall ensure that any designation is made, conducted and managed in accordance with the provisions of any concurrence or approval given in terms of subregulation (9) and in accordance with the provisions of subregulation (9)(d).

- (b) The returning officer shall advise the Premier in writing immediately of any such concurrence or approval, which shall be without prejudice to the provisions of subregulation (4).
- (11) (a) Subject to the provisions of subparagraph (b) the returning officer for a district council, representative council or rural council may with the concurrence of the municipality concerned designate a building or structure within that municipality for the purposes of a voting station or combined voting station or place of counting for a by-election in respect of such council.
- (b) The provisions of regulation 36(11)(b), (c) and (13) shall apply mutatis mutandis to any such designation.
- (12) Where there is no Election Committee in respect of such a municipality in subregulation (10), (11) and (12) any reference thereto shall be construed as a reference to the Premier.

Persons Who May Enter Voting Stations

- 37 (1) Only the following persons may enter a voting station or inner perimeter designated in terms of regulations 36(1)(a) and (b) :
- (a) the returning officer;
- (b) duly appointed election officers;
- (c) police officers or members of the security forces on duty;
- (d) the candidates;
- (e) any person whose name appears in respect of such voting station in the list referred to in regulation 35(1)(b); and
- (f) voters for the purpose of voting at such voting station; or
- (g) a person permitted to do so for the purposes of regulation 53(1).

- (2) Only persons referred to in subregulation 1(a) to (e) inclusive may enter a voting station before the time at which voting is due to commence or remain therein after the close of voting.
- (3) Notwithstanding the provisions of this regulation the returning officer may in writing authorise other named or specific persons with specific responsibilities to enter a voting station or an inner perimeter of such station on such terms as such officer may deem necessary or appropriate.
- (4) All persons entitled or authorised to enter a voting station or inner perimeter including police officers on duty, candidates and agents, shall be subject to the authority, control and directives of the presiding officer : Provided that nothing herein contained shall be construed as permitting the returning officer or a presiding officer to exclude from the voting station or inner perimeter a police officer or any duly authorised member of the security forces on duty.

Equipment and Furniture for Voting Stations

- 38 (1) The returning officer shall ensure that the following equipment and furniture is provided within each voting station before the time at which voting is due to start:
 - (a) a sufficient number of tables and chairs for election officers and in the opinion of the returning officer a reasonable number of tables and chairs for common use by agents of the candidates; and
 - (b) a sufficient number of voting compartments each with a writing surface; and
 - (c) ballot boxes in terms of regulation 35(1)(f).
- (2) The returning officer shall not provide equipment or furniture outside the voting station to any candidate, party or agent.

Arrangement Within a Voting Station

- 39 (1) Each voting station shall be arranged in such a manner that :
 - (a) at the entrance to the voting station and/or inner perimeter there shall be one or more election officers to check that each person wishing to enter

- the voting station and/or inner perimeter is in possession of an identity document; and
- (b) thereafter, upon admission to the voting station, the voter shall be directed to an adjacent place where a ballot paper can be issued for the by-election and where the vote for such by-election shall be cast and deposited by the voter; and
 - (c) thereafter the voter shall be directed to an adjacent exit separated from the entrance; and
 - (d) there shall be one or more election officers or police officers on duty at such exit to ensure that no person shall enter through such exit.
- (2) Where a person referred to in subregulation (1)(a) does not produce the identity document required in terms thereof, such person shall not be permitted to enter the voting station or, if entry has been made, shall be escorted directly out of the voting station from the exit by a by-election officer or police officer on duty.

Voting Hours and Arrival at Voting Station

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

Poster Outside Voting Station

- 41 The presiding officer shall, before voting is due to commence, place in a conspicuous position outside the voting station :

- (1) poster ER14 stating that it is a voting station for the by-election, the hours of voting, the name of the municipality, the ward and voting station for which voting will take place; and
- (2) poster ER13 stating that smoking or the lighting of matches or lighters is prohibited in the voting station.

Preparation of Voting Compartments

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

Sealing of Ballot Boxes

- 43 (1) The presiding officer shall, in the presence of a member of the security forces, before voting is due to start but not more than thirty minutes before such time :
- (a) ensure and confirm that all the ballot boxes have been provided in terms of regulation 38(1)(c) and are marked in accordance with regulation 32(2)(e) and (f);
 - (b) select one appropriate box and comply with the provisions of subparagraphs (c) to (f) inclusive;
 - (c) Show persons present inside the voting station that the ballot box is empty;
 - (d) close and lock the ballot box;
 - (e) secure the lid of the ballot box firmly and with sealing wax impressed with his or her seal, seal the ballot box and seal the key, if any, to the side of the box in such a manner that such lid cannot be opened nor such key removed without the seal being broken or damaged; and

- (f) permit the candidates or the agents present to affix their seals to the ballot box if they so desire.
- (2) In the event of a ballot box selected and dealt with in terms of subparagraph (b) requiring replacement during the course of the day owing to the number of ballot papers placed therein the presiding officer shall :
- (a) advise such candidates and agents who may be present of such fact and that it is his or her intention to replace a ballot box;
 - (b) select an appropriate ballot box as a replacement therefore;
 - (c) comply with the provisions of subregulation (1)(c) to (f) inclusive;
 - (d) set aside the ballot box to be replaced;
 - (e) replace such box with the box referred to in subregulation (2)(b) and (c); and
 - (f) immediately comply with the provisions of regulations 57(1)(a) to (d) inclusive and subregulation (5) in respect of the ballot box which has been replaced.
- (3) In the event of additional ballot boxes being delivered thereafter to the voting station and being accepted by the presiding officer, such officer shall immediately upon such delivery ensure and confirm that all such ballot boxes are marked in accordance with regulation 32(2)(e) and (f).
- (4) After the ballot boxes have been sealed they shall not :
- (a) be opened except as provided for in regulation 72(2); or
 - (b) be removed from the voting station except as provided for in regulation 58(1).
- (5) The presiding officer shall place or set aside each ballot box in a conspicuous position where it can at all times be seen by him or her or by any other election officer deputed thereto by him.

Opening of Voting Station and Official Mark Envelopes

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

CHAPTER 10

CONDUCT OF VOTE

Periodic Inspection of Voting Station and Voting Compartments

- 45 (1) The presiding officer shall periodically during the course of the by-election cause the voting station to be inspected to ensure that the provisions of these regulations are being complied with and that :
- (a) the posters referred to in regulation 41 are still in position and have not been damaged or defaced;
 - (b) the voting compartments are still arranged as required by regulation 42(a); and
 - (c) the ballot boxes are still in the position required by regulation 43(5).
- (2) The presiding officer shall periodically during the course of the by-election cause each voting compartment to be inspected when it is not occupied to ensure that :
- (a) the form ER12 is still in position and has not been damaged or defaced;
 - (b) a pen or properly sharpened pencil is still attached to the writing surface; and
 - (c) no other notice, paper sign, writing or symbol is in such voting compartment.
- (3) The presiding officer shall periodically during the course of the by-election cause the inner perimeter to be inspected to ensure that the provisions of these regulations are being complied with and that the boundaries of such inner perimeter are correctly and clearly demarcated.

Admission to Voting Compartments

- 46 Subject to the provisions of regulations 45(2) and 53, no person other than a voter wishing to vote shall enter a voting compartment and not more than one voter shall be in a voting compartment at any one time.

Interference with Voters

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

Questions to Voters

- 48 (1) The presiding officer may, and if so requested by any candidate or agent, shall put to a person applying for a ballot paper the questions set out in form ER15 in the presence of not less than two candidates or agents, and where the presiding officer deems it appropriate may explain the import and content of form ER15.
- (2) The presiding officer may at his discretion record on form ER15 the answers of the person concerned and require such person to make and sign or mark the declaration.
- (3) No person contemplated by subregulation (1) shall be permitted to vote unless he or she answers the first question distinctly and absolutely in the affirmative and the second and third questions distinctly and absolutely in the negative and, when so required by the presiding officer, makes and signs or marks the declaration with his or her mark.
- (4) No enquiry other than that contemplated by subregulation (1) shall be made at any casting of a vote as to the right of any person to vote.
- (5) Where a person referred to in subregulation (1) refuses or fails to answer a question or make and sign or mark a declaration as required in subregulation (3) such person may be directed by the presiding officer to leave the voting station and shall thereupon be escorted directly out of the voting station from the exit by
an election officer or police officer on duty.
- (6) When a person applies to an election officer for a ballot paper in the name of a particular voter and a line has already been drawn through the name and number of the voter concerned in the updated voters' roll or such election officer has reason to believe that a ballot paper has already been issued in such name, the presiding officer shall put to the person applying for the ballot

paper the questions set out in form ER15, record on form ER15 the number of the counterfoil of any ballot paper issued and the answers of the person concerned, and require such person to make and sign the declaration, and the provisions of subregulations (3) to (5) inclusive shall apply mutatis mutandis.

Issue of Ballot Papers

49 (1) An election officer to whom a person applies for a ballot paper, shall request the person to display his or her identity document and to state his or her name and address, and shall satisfy himself or herself that :

- (a) such person's name and identity number appears in the updated voters' roll for that voting station; and
- (b) a ballot paper for which application is being made, has not already been issued at that voting station in the name of the voter concerned.

(2) If an election officer is satisfied in terms of subregulation (1), or if the presiding officer so directs, the election officer shall :

- (a) establish in the manner set out in subregulation (3)(b) whether such voter bears an identification mark of the kind administered in terms of subregulation (3)(a); and
- (b) having established that such voter does have such a mark, proceed no further in terms of these regulations, but report the matter forthwith to the presiding officer for attention in terms of subregulation (8) or (9); or
- (c) having established that such voter does not have such mark, require such voter to comply with the provisions of subregulation (3).

(3) The election officer concerned shall request such voter :

- (a) to mark with an identification mark, one or more fingers of such voter's left or right hand, by dipping such finger or fingers into a marking liquid so many times as may be necessary; and thereafter

- (b) to place such finger or fingers under an ultra violet light in order that the election officer may ascertain whether the voter bears such identification mark.
- (4) Immediately the voter has complied with the provisions of subregulation (3) and bears the identification mark the election officer shall, in respect of such voter, proceed with the provisions of subregulation (5);
- (5) The election officer shall :
 - (a) call out the identity number and name of the voter concerned as stated in the updated voters' roll;
 - (b) draw a line through the name and identity number of the voter concerned in the updated voters' roll to indicate that a ballot paper has been issued in such name; or
 - (c) tear out each such ballot paper and mark it with the official mark in the space provided on the back thereof;
 - (d) fold such ballot paper once lengthwise and then once crosswise so that the official mark is on the outside;
 - (e) unfold such ballot paper and hand it to the appropriate voter; and
 - (f) direct the voter to proceed to an unoccupied voting compartment for the purpose of voting.
- (6) When a voter :
 - (a) refuses to comply with the provisions of subregulation (3) on the grounds that he or she has a religious, conscientious or medical objection to such a mark or process; or
 - (b) suffers from a physical defect which, in the opinion of the presiding officer, makes the application of subregulation (3) impractical;

the provisions of regulation 48 shall be applied mutatis mutandis by the presiding officer to such voter, and the election officer shall, if so directed by

the presiding officer, thereafter immediately proceed with the provisions of subregulation (5).

(7) A voter who :

(a) subject to subregulation (6), refuses to comply with a request in terms of regulation (3); or

(b) has an identification mark as envisaged in subregulation (2)(a);

shall not be issued with a ballot paper and shall be ordered by the presiding officer to leave the voting station and the inner perimeter forthwith.

Assistance to Voters by Election Officers

50 An election officer may :

(a) direct a voter to a voting compartment or to a subsequent ballot table;

(b) inform a voter that directions for guidance are posted inside the voting compartment;

(c) in any case deemed appropriate by him or her inform a voter that such voter may request assistance by an election officer referred to in regulation 26(5) or assistance in terms of regulation 53 and direct such voter to such officer;

(d) instruct a voter where to deposit a ballot paper after such voter has exercised his vote; or

(e) direct a voter to the exit of the voting station after such voter has completed the voting process.

Marking and Disposal of Ballot Papers

51 (1) A voter to whom a ballot paper has been issued shall :

(a) immediately proceed to an unoccupied voting compartment;

(b) when inside such compartment without delay secretly place a cross, or clear mark of intention by means of mark or writing other than a cross, on the ballot paper :

- (i) in the case of a ward by-election which has one vacancy in the square opposite the name and symbol of the candidate for whom he or she wishes to vote; or
 - (ii) in the case of a ward by-election which has more than one vacancy, in the square opposite the name and symbol of one or more candidates for whom he or she wishes to vote but not exceeding the number of vacancies in such ward by-election.
 - (c) fold the ballot paper so that the official mark is on the outside;
 - (d) show the official mark on the ballot paper to the presiding officer or to any other election officer deputed thereto by such presiding officer and put such ballot paper in the appropriate ballot box; and
 - (e) immediately leave the voting station through the exit.
- (2) No ballot paper shall be removed from the voting station except as provided in regulation 58(1).

Inspection of Ballot papers and Ballot Papers without Official Mark

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

Illiterate, Blind or Disabled Voters

- 53 (1) Upon request to the presiding officer by a voter :
- (a) who is unable to obtain a ballot paper in the manner contemplated by regulation 49 or is unable to vote in the manner contemplated by regulation 51 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled; and

- (b) who is accompanied or assisted by another person who has attained or who in the opinion of the presiding officer, appears to have attained the age of eighteen years,

the presiding officer shall, if he or she is satisfied that such voter so desires, grant permission to such voter to obtain a ballot paper or papers and vote with the aid and in the presence of such other person only, and, in such event, everything done by such other person at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned, shall be deemed to have been done by such voter.

- (2) If any voter is unable to obtain a ballot paper in the manner contemplated by regulation 49 or is unable to vote in the manner contemplated by regulation 51 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled, and, if an application has not been made in terms of regulation 55(1), the presiding officer or his duly authorised representative shall, at the request of such voter and in the presence only of not less than two agents as may be present :

- (a) obtain a ballot paper in terms of regulation 49 for such voter;
- (b) mark the vote of such voter on the ballot paper in the manner directed by such voter;
- (c) fold such ballot paper as required by these regulations; and
- (d) put such ballot paper in the appropriate ballot box.

- (3) Everything done by an officer in terms of subregulation (2) at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned shall be deemed to have been done by such voter.

Objection to Voter

- 54 (1) Any candidate, candidate's agent or voter may, by declaration on oath or affirmation made in accordance with form ER16 before the presiding officer, object to a person in the voting station exercising any vote on the

grounds that such person is not the voter in whose name such person has applied for or been issued with a ballot paper.

- (2) The presiding officer shall forthwith :
 - (a) read the declaration contemplated by subregulation (1) to the person exercising or attempting to exercise the vote; and
 - (b) request such person to make a declaration on oath in accordance with the form ER17 before the presiding officer; and
 - (c) where the presiding officer deems it appropriate may explain the import and content of form ER16 and ER17.
- (3) If the person exercising or attempting to exercise the vote makes the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall permit such person to exercise his vote in accordance with these regulations.
- (4) If the person exercising or attempting to exercise the vote refuses to make the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall prohibit the issue of a ballot paper to such person or, if a ballot paper has already been issued to such person but has not yet been disposed of as provided in regulation 51(1)(d), impound and cancel such ballot papers and endorse thereon and on the counterfoils thereof the reason for such cancellation.
- (5) The presiding officer shall set aside all declarations contemplated by subregulations (1) and (3) and all ballot papers impounded and cancelled in terms of subregulation (4), in the applicable envelope ER18.
- (6) The presiding officer shall administer any oath contemplated by this regulation.

Spoilt Ballot Papers

- 55 (1) If any voter spoils a ballot paper he or she may return it to the presiding officer who shall, if he or she is satisfied that such ballot paper was inadvertently spoilt, issue to such voter a fresh ballot paper.
- (2) The presiding officer shall, if he or she issues a fresh ballot paper :
- (a) cancel the spoilt ballot paper and :
- (i) endorse on the applicable updated voters' roll next to the name of the voter that such ballot paper has been cancelled and that a fresh ballot paper has been issued; and
- (ii) endorse on the spoilt ballot paper the number of the fresh ballot paper counterfoil in the following manner :
- "See fresh counterfoil No....."
- and
- (b) set aside the spoilt ballot paper in the applicable envelope ER18.

CHAPTER 11**CLOSE OF VOTING AND MAKING UP AND DELIVERY OF
BY-ELECTION MATERIAL****Close of Voting**

- 56 (1) The presiding officer shall ensure that :
- (a) the doors of the voting station are closed at the time at which voting is due to close, save and except to such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation 36(1)(b); and
 - (b) no person is admitted into the voting station after the time at which voting closes, save and except such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation 36(1)(b).
- (2) The presiding officer shall permit every person who is inside such inner perimeter at the time when voting closes and who is entitled to vote, to exercise his rights to vote.

Making up of By-Election Material

- 57 (1) The presiding officer shall, in the presence of a member of the security forces and the persons present in the voting station and immediately after every person contemplated by regulation 56(2) has exercised his or her vote:
- (a) close the aperture in every ballot box;
 - (b) seal every such closed aperture with his official seal;
 - (c) seal any locking device, or tie and seal any key to the box, in such a manner that it cannot be used to open the box without breaking such seal;
 - (d) permit candidates or agents each to affix a seal to any such aperture if so desired;
 - (e) complete and sign applicable form ER20;

- (f) separate the counterfoils of the used ballot papers from unused ballot papers and their counterfoils and for this purpose divide any partly used ballot paper book into two.
- (2) The presiding officer shall then, in the presence of a member of the security forces and the persons present in the voting station, enclose the material specified in the first column of the following Table in the applicable envelopes specified in the second column of the said Table and paste or tie or otherwise deal with each envelope so that it is securely closed :

TABLE		
MATERIAL		ENVELOPE
(a)	Forms ER5 and ER8	ER6
(b)	Forms ER15, ER16 and ER17 plus impounded, spoilt and cancelled ballot papers	ER18
(c)	Unused ballot papers and counterfoils }	ER19
(d)	Counterfoils of used ballot papers }	
(e)	Marked copies of the voter's roll }	
(f)	Form ER20	ER21
(g)	Instruments for marking ballot papers with official mark	ER25

- (3) The presiding officer shall thereupon, in the presence of a member of the security forces the persons present in the voting station :
- (a) seal envelope ER6, applicable envelopes ER18, ER19, ER21, and ER25 with his official seal and permit the candidates or agents each to affix a seal thereto if so desired;
- (b) retain applicable envelopes ER21 and ER25 separately;
- (c) enclose envelope ER6, applicable envelopes ER18 and ER19 in the single bag or container supplied for this purpose, affix applicable label.

ER23 thereto and seal such single bag or container with his official seal and permit the candidates or candidates' agents each to affix a seal thereto if so desires; and

- (d) thereafter enclose his official seal in applicable envelope ER24 paste down the flap of such envelope so that it is securely closed and sign such envelope.
- (4) The presiding officer shall securely enclose all remaining unused stationery, forms, cutting instruments, sealing wax and similar by-election material in the single box or container supplied for this purpose and affix applicable label ER22 thereto.
- (5) The Premier may direct in writing that after compliance with the provisions of subregulations (1) to (4) inclusive, the presiding officer shall, in the presence of that member of the security forces who will accompany him or her in terms of regulation 58(2) :
 - (a) complete and sign form ER20A which shall immediately thereafter be signed as a witness by such member of the security forces; and
 - (b) together with such member of the security forces, hand such form to the returning officer upon delivery of the by-election material to the returning officer in terms of regulation 58(2).
 - (c)

Delivery of By-Election Material to Returning Officer

- 58 (1) The presiding officer shall, immediately after complying with the provisions of regulation 57 remove from the voting station and deliver and accompany all ballot boxes and materials included with applicable form ER21, ER22, ER23, ER24 and ER25 into the hands of the returning officer or deputy returning officer at the place fixed in terms of regulations 34(a) and 34(b) and to this end shall, subject to the obligations of any law, proceed to such place without wilful delay, deviation or interruption, save if accompanied by the member of the security forces with the concurrence of that person.
- (2) The presiding officer shall, without prejudice to his or her obligations in terms of subregulation (1), permit such candidates and agents who are immediately available and ready, to follow him or her and shall, if required in accordance

with regulation 57(5), permit a member or members of the security forces on duty to accompany him or her to the place fixed in terms of regulations 34(a) and 34(b).

(3) The returning officer or deputy returning officer shall be present at the place fixed in terms of regulations 34(a) and 34(b) from the time at which voting stations are due to close and shall issue a receipt to the presiding officer for the by-election material contemplated by subregulation (1), including a statement of :

(a) the numbers or symbols of ballot boxes in terms of regulation 32(2)(e), which shall be compared by both such officers with the receipt issued under regulation 35(2) and form ER20A if required, and in respect of which any discrepancy shall be noted and signed by both such officers; and

(b) any seals or fastenings which are not intact on any ballot box and envelopes ER21, ER24 and ER25, which shall similarly be noted and signed by both such officers.

(4) Immediately after compliance with the provisions of subregulations (1), (2) and (3) the returning officer shall hold all such by-election material in a place of safe and secure custody until such time as he or she authorises the release thereof for the purpose of counting.

CHAPTER 12**COUNTING OF VOTES AND DECLARATION OF RESULT****Control of Place for the Counting of Votes**

- 59 (1) (a) The returning officer shall be in charge of the place for the counting of votes and shall take such steps and give such directions to persons present therein as may be necessary for the proper conduct of the count.
- (b) The returning officer shall have the power to exclude or evict from the place for the counting of votes all persons except those permitted in terms of subregulation (2).
- (c) Subject to subregulation (2) no person shall enter or remain in a place for the counting of votes without the permission of the returning officer.
- (d) The provisions of this subregulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the returning officer by any other provision of these regulations.
- (2) Only the following persons may be present in the place for the counting of votes :
- (a) the returning officer;
 - (b) the presiding officer or officers;
 - (c) election officers duly appointed for the counting of votes;
 - (d) police officers on duty;
 - (e) every candidate for a ward;
 - (f) any person whose name appears as an agent to be present at the counting of votes in terms of regulation 29(1)(a) and (c) on a form ER8 duly surrendered in terms of regulation 30(2)(c) and in respect of whom a form ER8 has been duly surrendered in terms of regulation 30(2)(c); and

(g) persons delivering ballot boxes and other by-election material in terms of regulation 58.

(3) Notwithstanding the provisions of this regulation the returning officer may in writing authorise other named or specific persons with specific responsibilities to enter a place for the counting of votes on such terms as such officer may deem necessary or appropriate.

(4) Without derogating from the generality of the foregoing all persons entitled or authorised to enter a place for the counting of votes including police officers on duty, candidates and agents shall be subject to the authority, control and directives of the returning officer.

Requisites for the Counting of Votes

60 The returning officer shall take into the place for the counting of votes :

- (a) a copy of the Act; and these regulations;
- (b) his or her official seal;
- (c) sufficient copies of applicable forms ER26 to ER31 inclusive; and
- (d) the applicable receipt or receipts issued in terms of regulation 58(3); and
- (e) sealing wax or other sealing materials, matches, tapers, candles, pencils, pencil sharpeners, paper, brown paper, bags, cardboard boxes, string, paste and cutting instruments.

Counting

61 (1) In the conduct of counting for an by-election the provisions of regulations 63 to 67 inclusive shall be complied with separately in respect of ballot papers from each ward and in the event of more than one by-election from each voting station within each ward.

(2) The returning officer shall not commence the counting of votes for any ward or voting station until the ballot boxes and all other by-election material from all voting stations, if any, from such ward have been delivered to him or her.

Duties and Functions of Counting Officers

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

Checking of By-Election Material

- 63 The returning officer shall deal separately with the by-election material received from each voting station and ward as follows :

- (a) Open applicable envelope ER24 containing the official seal used by the presiding officer.
- (b) With such candidates or agents as may desire to do so, examine the ballot boxes, applicable envelopes ER21 and ER25 referred to in regulation 57(3)(a), and the parcel under applicable label ER22 and ER23 in order to ascertain whether the seals and fastenings are intact and to ascertain the unique number or symbol on each ballot box.
- (c) Make a record of any seals or fastenings which are not intact and any discrepancy in respect of such unique number or symbol compared with the receipt referred to in regulation 58(3).
- (d)
 - (i) Open applicable envelope ER21 containing the applicable form ER20;
 - (ii) Compare the counterfoil numbers of ballot papers entered on such form ER20 with the statement on the receipt of counterfoil numbers made in terms of regulation 35(2);
 - (iii) Note and endorse the result of such comparison with his or her signature on such form ER20 and display the result to such agents or candidates who may be present; and
 - (iv) Proceed forthwith to comply with the next provisions of these regulations.

Procedure for Counting Votes

- 64 After compliance with the provisions of regulation 63, the returning officer shall:
- (1) place the ballot boxes in a visible group;

- (2) open and empty each ballot box.
- (3)
 - (a) set apart any material from every box opened and emptied in terms of subregulation (2) which is not a ballot paper for that by-election to be dealt with in terms of regulation 66;
 - (b) unfold the ballot papers and place them with their backs upwards;
 - (c) set apart all such ballot papers as do not bear the official mark to be dealt with in terms of regulation 66;
 - (d) count with their backs upwards the number of all such ballot papers and compare the total so counted with the total as reflected on the applicable form ER20;
 - (e) note and endorse with his or her signature on the applicable form ER20 the comparison of totals in terms of subparagraph (d); and display the result to such agents or candidates who may be present; and
 - (f) proceed forthwith to comply with the next provisions of these regulations.

Counting of Votes

- 65 (1) The returning officer shall, after the provisions of regulations 64 have been complied with, deal as follows with the ballot papers for the ward concerned, which have not been set apart in terms of regulation 64(3)(a) and (c) :
- (a) Turn all such ballot papers face upwards;
 - (b) Set apart to be dealt with in terms of regulation 66 all such ballot papers which :
 - (i) give votes for more candidates than the number of vacancies, or
 - (ii) are unmarked; or
 - (iii) are ambiguous or doubtful as regards the vote or votes marked thereon; or

- (iv) are otherwise subject to rejection in terms of regulation 66(1).
 - (c) In respect of ballot papers not set apart in terms of paragraph (b) count the votes given for each candidate.
- (2) After the ballot papers have been turned face upwards in terms of subregulation (1)(a) they shall be kept face upwards.

Returning Officer to Decide on Ballot Papers Set Apart

- 66 (1) The returning officer shall, with such candidates or agents as may desire to do so, scrutinise every ballot paper set apart in terms of regulations 64(3)(a) and (c), or 65(1)(b) and shall, after considering the submissions made by any such candidate or agent, reject and not count any ballot paper which :
- (a) does not bear the official mark;
 - (b) gives votes for more candidates than the number of vacancies,
 - (c) is unmarked;
 - (d) contains a vote which is void because it is so marked that the returning officer cannot determine for which candidate or candidates or party the vote or votes was cast;
 - (e) is not a ballot paper for that by-election; or
 - (f) on a balance of probability was not issued in the voting station concerned.
- (2) The returning officer shall not reject any ballot paper merely because there is thereon a mark other than a cross, or writing, or a signature.
- (3) The returning officer shall endorse :
- (a) the word "rejected" on every ballot paper rejected by him or her in terms of subregulation (1); and

- (b) the words "rejection objected to" or "acceptance objected to", as the case may be, on every ballot paper in respect of which a candidate or agent objects to his decision.

- (4) The returning officer shall ensure that the votes counted in terms of regulation 65(1)(c) are adjusted by the addition of any vote which has been accepted by the returning officer in terms of this regulation, whether or not the acceptance of the ballot paper concerned has been objected to.

Closing the Counting

- 67 (1) Immediately after compliance with the provisions of regulation 66(4) the returning officer shall in the presence of such candidates or agents who may be present :

- (a) (i) complete and sign form ER30 in respect of each voting station, ward or municipality for which he or she is responsible;

- (ii) place each form ER30 in its applicable ER31 and seal such envelope with his or her official seal;

- (b) enclose the counted ballot papers in one parcel or container, attach label ER27 as the case may be to such parcel or container and seal such parcel with his or her official seal;

- (c) enclose the rejected ballot papers in one parcel or container, attach label ER28 as the case may be and seal such envelope with his or her official seal; and

- (d) replace each form ER20 in its applicable envelope ER21 and reseal such envelope with his or her official seal.

- (2) The returning officer shall thereafter :

- (a) remove the contents of the containers under applicable labels ER22, ER24 and ER25 for disposal or future use;

- (b) place envelope ER6, containing forms ER5 and ER8, handed to him or her in terms of these regulations, all applicable forms ER5, ER8 and

form ER9 containing his or her own declaration of secrecy in applicable envelope ER29 and seal such envelope with his or her official seal; and

(c) place all applicable envelopes or containers ER21, ER23, ER27, ER28, ER29 and ER31 in a bag or box; affix applicable label ER33 to such bag or box and seal such bag or box with his or her official seal.

(3) The returning officer may use two or more bags or boxes for the purposes of subregulation (2)(c) if he or she considers this to be necessary or desirable and shall in such event ensure that :

(a) the by-election material for by-election by wards, and for each ward voting station and sub-station is kept together; and

(b) a record is kept of each bag or box containing :

(i) the appropriate by-election material in paragraph (a) above; and

(ii) applicable envelope ER29.

(4) The returning officer shall be responsible for the safe custody of all by-election documents used in the vote and shall retain such documents for a period of one year from the day of the vote after which date they shall, unless a superior court otherwise directs, be destroyed.

(5) When the returning officer is not the chief executive, the returning officer shall deliver all by-election material and documents into the custody of such chief executive to whom the provisions of regulation 67(4) shall apply mutatis mutandis.

CHAPTER 13

DETERMINATION OF RESULT

VOTING ACCORDING TO WARDS

Declaration of Result : Wards

68 (1) The returning officer shall, immediately after the provisions of regulation 67 (1) to (3) inclusive have been complied with :

(a) (i) in the case of a ward by-election which has one vacancy ascertain which candidate has been elected by a majority of votes; and

(ii) in the case of a ward by-election which has more than one vacancy ascertain which candidates have been elected by establishing :

(aa) the number of vacancies;

(bb) the number of votes cast for each candidate in sequence of descending numerical order;

and by designating one vacancy to each candidate in such sequence until all vacancies for that ward have been so designated;

(b) in the event of the number of votes for two or more candidates being equal, determine by lot which of such candidates shall be elected in the following manner :

(i) record the names of the candidates, for whom there was an equality of votes, on separate pieces of paper of the same size, shape and appearance, fold them so that they look identical and place them in an empty ballot box in the presence of the candidates or their agents;

(ii) close the ballot box and shake it and without looking therein draw one of the pieces of paper from the ballot box and, in the presence

of the candidates or their agents, show such piece of paper to the candidates or their agents and sign such piece of paper;

(iii) announce the name of the candidate whose name appears on such piece of paper.

(c) complete applicable form ER26;

(d) declare the result of the by-election outside the place where the votes were counted or some other place as he or she may by notice in the press have designated by announcing the ward, the number of votes for each candidate in that ward, and the candidate or candidates duly elected; and

(e) thereafter transmit such report or form or forms as the Premier may prescribe in writing to such place or places and in such manner as the Premier may require; and

(f) in any instance where the returning officer is not the chief executive, deliver a certified copy of completed applicable form ER26 to the chief executive.

(2) The returning officer shall post a copy of the completed applicable form ER26 at the office or offices of the relevant municipality not later than two days after the declaration of the result and shall serve a copy thereof on the Premier not later than seven days after the declaration of the result.

(3) The returning officer shall not later than seven days after the declaration referred to in subregulation (1)(d) publish or cause to be published the name and applicable ward of every candidate elected.

(4) Any candidate elected to represent a ward of a municipality shall be disqualified with effect from 22:00 on by-election day from being designated as a party representative on a party list for that municipality.

ASSUMPTION AND TERM OF OFFICE

69 Any persons elected as a councillor in terms of these regulations shall upon announcement in terms of regulation 68(1)(d) forthwith assume office as a

councillor for the council concerned from the date of the by-election until the next election of the council concerned takes place, subject to the provisions of regulation 2(1).

DEPUTY RETURNING OFFICER

Functions and Transmittal of Results and Totals

- 70 (1) Where the returning officer has decided that a place for the counting of votes will not be under his or her direct supervision and control, and has appointed a deputy returning officer in terms of regulation 34(c) to act on his or her behalf, any reference to the returning officer in regulations 58 to 67(3) inclusive shall be construed as a reference to the applicable deputy returning officer.
- (2) The deputy returning officer shall, after compliance with the provisions of regulations 58 to 67(3) inclusive, announce the result of such count outside the place where the votes were counted by announcing the name of each candidate and the number of votes cast in respect of each such candidate.
- (3) The deputy returning officer shall immediately thereafter deliver or cause to be delivered to the returning officer at the place specified in terms of regulation 34(c) :
- (a) the result of the count in accordance with subregulation (2) on form ER32 together with form ER30; and
 - (b) all by-election material and documents into the custody of the returning officer.
- (4) The returning officer shall upon receipt of all relevant forms ER32 and ER30 comply with the provisions of regulation 68(1)(a).

CHAPTER 14**CLOSING DURING BY-ELECTION DAY****Closing and Re-opening of Voting Station**

71 (1) The returning officer by declaration in terms of subregulation (3) may close a voting station on the day of the by-election in the event of :

- (a) public unrest, disturbance or riot;
- (b) flood, storm, earthquake or other natural calamity;
- (c) permanent strike or walk-out;

- (d) structural collapse, fire or similar damage; or
- (e) irrecoverable administrative failure,

which prevents the management and conduct of voting at such voting station, or which constitutes a danger or threat of danger to the safety of election officers within the voting area of such station.

(2) A voting station which is closed in terms of subregulation (1) remain closed for the day.

(3) (a) Where the returning officer has been informed by the presiding officer or has otherwise received information that one or more of the circumstances set out in subregulation (1) exist in respect of a voting station, and the returning officer has taken such steps as may be necessary or appropriate to satisfy himself or herself as to the correctness of such information, the returning officer may declare such voting station closed.

(b) In making such a declaration the returning officer shall :

- (i) publicly announce to such persons who may be present:

(aa) that the voting station has been closed;

- (bb) that voting for such station has been adjourned;
 - (cc) that such adjourned voting will take place on another day at a date, time and place to be notified; and
 - (dd) that the count in respect of such ward shall be postponed until after completion of such adjourned voting; and
- (ii) shall immediately post a notice with the content set out in (i)(aa) to (dd) above inclusive at the place designated in terms of regulation 20(2)(b)(iv) for the receipt of nominations and applications, and at the place determined in terms of regulation 34(a) for the counting of votes.

Voting Station which has Not Opened

- (4) Where a voting station has not opened to voters for the purpose of voting, and such voting station is declared closed in terms of subregulation (1) the presiding officer shall, in so far as may be feasible :
 - (a) publicly announce to such persons who may be present :
 - (i) that the voting station has been closed;
 - (ii) that voting for such station has been adjourned; and
 - (iii) that such adjourned voting will take place on another day at a date, time and place to be notified;
 - (b) close the entrance to and exit from such station;
 - (c) place at the entrance of the voting station a notice with the content set out in paragraphs (a)(i) to (iii) inclusive;
 - (d) give such instructions as may be necessary to election officers who may be present, with due regard to their safety and security;
 - (e) ensure that by-election material supplied to him or her in terms of regulation 35 is placed in one or more appropriate containers sealed by him or her, and is at all times safely and securely maintained and is

delivered as soon as possible to the place specified in regulation 34(b) or if this is not feasible to such other place designated by the returning officer : Provided that such officer shall, in respect of such material, give priority to and make any special arrangements as may be necessary and appropriate to ensure the safety, security and delivery of all ballot papers and updated voters' rolls; and

- (f) permit candidates and agents who are immediately available and ready to follow him or her to the place of delivery.

Voting Station which has Opened

- (5) Where a voting station has been opened to voters for the purpose of voting, and such voting station is declared closed in terms of subregulation (1), the presiding officer shall, in so far as may be feasible :

- (a) publicly announce to such persons who may be present :

- (i) that the voting station has been closed;
- (ii) that voting for such station has been adjourned; and
- (iii) that such adjourned voting will take place on another day at a date, time and place to be notified;

- (b) close the entrance to and exit from such station;

- (c) place at the entrance of the voting station a notice with the content set out in paragraphs (a)(i) to (iii) inclusive;

- (d) give such instructions as may be necessary to election officers who may be present, with due regard to their safety and security;

- (e) comply with the provisions of regulations 57 and 58; or

- (f) where, by virtue of the circumstances necessitating the closure of the voting station, compliance with the provisions of regulation 57 and 58 is not possible, the presiding officer shall in the presence of such persons who may be in the voting station :

- (i) (aa) close and seal the aperture in every ballot box which contains any ballot paper or papers; and
- (bb) seal any locking device, or tie and seal any key to the box in such a manner that it cannot be used to open the box without breaking such seal;
- (ii) secure and seal in one or more containers not less than :
 - (aa) all unused ballot papers and counterfoils of used ballot papers;
 - (bb) all impounded, spoilt or cancelled ballot papers;
 - (cc) all marked copies of the updated voters' roll or updated voters' rolls;
- (iii) also permit any candidate and agent who may be present, to affix a seal to any such aperture, locking device or key, or container;
- (g) ensure that all by-election material in paragraphs (d) or (e) is at all times safely and securely maintained and delivered as soon as possible to the place specified in regulation 34(b) or if this is not feasible to such other place designated by the returning officer; and
- (h) permit such candidates and agents who are immediately available and ready to follow him or her to the place of delivery.

Receipt of Materials

Voting Station which has Not Opened

- (6) Upon receipt of ballot boxes and by-election materials in terms of subregulation (4)(e) the returning officer shall with such candidates or agents as may desire to do so immediately :
 - (a) compare the sequence of serial numbers on the counterfoils of the ballot papers received by the returning officer with the sequence of such numbers stated on the receipt issued to the returning officer by the presiding officer in terms of regulation 35(2);

- (b) note and endorse the result of such comparison with his or her signature on the form ER20 issued to the presiding officer in terms of regulation 35(1)(j), or, if no such form has been delivered, on a new form ER20 also endorsed to that effect and display the result to such agent or candidates who may be present; and
- (c) place such ballot papers with such form ER20 in a bag or box marked :

ADJOURNED BY-ELECTION : BALLOT PAPERS

Municipality:

Ward:

Voting Station:

Date: Signature:

Returning Officer

and seal such bag or box with his or her official seal.

- (d) place such roll or rolls in a bag or box marked :

ADJOURNED BY-ELECTION : VOTERS' ROLL

Municipality:

Ward:

Voting Station:

Date: Signature:

Returning Officer

and seal such bag or box with his or her official seal.

- (e) place items (c) and (d) in a bag or box marked :

ADJOURNED BY-ELECTION

BALLOT PAPERS AND VOTERS' ROLL

Municipality:

Ward:

Voting Station:

Date: Signature:

Returning Officer

and seal such bag or box with his or her seal and retain such box in safe custody until the contents thereof are reissued to the presiding officer for the conduct and management of the adjourned by-election in terms of subregulation (13); and

- (f) issue a receipt to the presiding officer for all other by-election materials delivered to the returning officer in terms of subregulation (4).

Receipt of Materials

Voting Station which has Opened

- (7) Upon receipt of ballot boxes and by-election materials in terms of subregulation (5)(g) the returning officer shall with such candidates or agents as may desire to do so immediately :

- (a) examine the ballot boxes in order to ascertain whether the seals and fastenings are intact;

- (b) make a record of any seals or fastenings which are not intact;

- (c) make a record of the number or symbol on every received ballot box in terms of regulation 32(2)(f);

- (d) compare the sequence of serial numbers on the counterfoils of the ballot papers received by the returning officer with the sequence of such numbers stated on the receipt issued to the returning officer by the presiding officer in terms of regulation 35(2);

- (e) note and endorse the result of such comparison with his or her signature on the form ER20 issued to the presiding officer in terms of regulation 35(1)(j), or, if no such form has been delivered, on a new form ER20 also endorsed to that effect and display the result to such agent or candidates who may be present; and

- (f) place such ballot papers with such form ER20 in a bag or box marked :

ADJOURNED BY-ELECTION : BALLOT PAPERS

Municipality:

Ward:

Voting Station:
 Date: Signature:
 Returning Officer

and seal such bag or box with his or her official seal.

- (g) make a record of seals or absence thereof on every other box or container and a note of the contents of each such box or container;
- (h) make a record of the number of impounded, spoilt or cancelled ballot papers; place such impounded spoilt or cancelled ballot papers in an envelop marked :

ADJOURNED BY-ELECTION

IMPOUNDED, SPOILT OR CANCELLED BALLOT PAPERS

Municipality:
 Ward:
 Voting Station:
 Date: Signature:
 Returning Officer

- (i) examine the updated voter' roll from such voting station to ascertain whether such roll is complete and correct in all respects in terms of number and pages and note and endorse the result of such examination with his or her signature on the first outer page of each such roll and display the result to such agent or candidate who may be present;
- (j) place such roll in a bag or box marked :

ADJOURNED BY-ELECTION : UPDATED VOTERS' ROLL

Municipality:
 Ward:
 Voting Station :
 Date: Signature:
 Returning Officer

and seal such bag or box with his or her official seal.

- (k) place items (f), (h) and (j) in a bag or box marked :

**ADJOURNED BY-ELECTION
BALLOT PAPERS AND UPDATED VOTERS' ROLL**

Municipality:

Ward:

Voting Station:

Date: Signature:

Returning Officer

and seal such bag or box with his or her seal and retain such box in safe custody until the contents thereof are reissued to the presiding officer for the conduct and management of the adjourned by-election in terms of subregulation (13); and

- (l) issue a receipt to the presiding officer for all other by-election materials delivered to the returning officer in terms of subregulation (4).

Adjourned By-Election

- (8) (a) Whenever a voting station is closed in terms of subregulation (1) the returning officer shall immediately :

- (i) report such closure and the circumstances thereof to the Premier and to the Minister for Provincial Affairs and Constitutional Development; and
- (ii) subject to the provisions of subregulations (11) and (14) recommend a day being not more than five (5) days after the date of his or her declaration of closure in terms of subregulation (1) or which an adjourned by-election shall be held.

- (b) The Premier may, after due consideration of such circumstances, extend the period of the by-election in terms of regulation 80(1), and shall in the event of making such an extension, at the same time determine a day on which an adjourned by-election shall be held and which shall be not more than five (5) days after the date of the declaration of closing in terms of subregulation (1).

- (c) The returning officer shall thereupon publish a notice of such adjourned by-election stating the date determined by the Premier under paragraph

(b), the specific locality of the voting station at which the vote will be held, and that such by-election shall be conducted from 07:00 to 22:00 on that day in accordance with the provisions of these regulations, and inviting voters in terms of subregulation (6) who did not vote prior to the closure of the voting station in terms of subregulation (1) to vote at the adjourned by-election.

Entitlement to Vote

- (9) Where a voting station is closed in terms of subregulation (1) and an adjourned by-election is held in terms of subregulation (8) only those voters who were entitled to vote at such voting station and who did not do so prior to the closing thereof shall be entitled and permitted to vote at such an adjourned by-election.

Counting of Votes

- (10) Subject to the provisions of subregulation (11), whenever an by-election in a voting station is adjourned in terms of subregulation (1), the returning officer in conducting the counting of votes for the municipality in question, shall :

- (a) (i) comply with the provisions of regulation 61(2), and to that end shall not count the votes cast at such by-election in any voting station within the ward to which the adjourned by-election relates, until the adjourned by-election shall have been completed and the provisions of such regulation have been met; and

- (ii) ensure that :

- (aa) ballot boxes received from all voting stations (including the closed station) in the ward in question; and

- (bb) all other by-election material received from every voting station in the ward in question.

remain sealed and in safe custody until the adjourned by-election shall have been completed and the counting of votes in that ward is undertaken in terms of these regulations : Provided that by-election material other than ballot boxes received from the closed voting station shall be dealt with in terms of subregulation (5).

- (b) comply with the provisions of regulations 58 to 67(3) inclusive in respect of all wards other than a ward referred to in paragraph (a);
- (c) after compliance with the provisions of regulations 58 to 67(3) inclusive, complete each applicable form ER30 and ER32 and announce the result of the such count outside the place where the votes were counted by announcing :
 - (i) the name of the ward and the name of each candidate in respect of which the by-election in that ward has been adjourned and in respect of which the count will not be held until such adjourned by-election has been concluded and completed;
 - (ii) that no persons has not yet been elected and that the formal declaration of the result of the by-election and the name of the candidates who have been elected will be made after the count for the adjourned by-election has been completed;
- (d) after the conduct of the count for the ward in respect of which the by-election has been adjourned and after compliance with the provisions of regulations 58 to 67(3) in respect of such ward complete the count of the by-election result.

Common Voters' Roll and Loss of Security

- (11) Where a voting station is closed in terms of regulation (1) and in respect of such station :
 - (a) the seals on one or more ballot boxes containing ballot papers have been broken in such a manner that the contents of a box could have been interfered with; or
 - (b) used or unused ballot papers, or counterfoils, or one or more marked updated voters' roll have been partially or wholly destroyed or lost; or
 - (c) one or more updated voters' roll were not exclusive to such station for the purpose of voting thereat but were of a kind used in common with

one or more other voting stations, and an adjourned by-election cannot be held within the period specified in subregulation (8); or

- (d) the returning officer is otherwise satisfied that there has been any irregularity in relation to any matter relating to the by-election material referred to above;

the by-election shall be adjourned in terms of regulation 80(1) to a future date and conducted in terms of subregulation (12).

- (12) (a) Where a by-election is adjourned in terms of subregulation (11) such adjourned by-election shall be held in respect of the area of jurisdiction to which the affected by-election material relates, namely in that ward.

- (b) Where the affected by-election material referred to in subregulation (11) comprises used or unused ballot papers, all ballot papers required for the adjourned by-election shall be reprinted : provided that notwithstanding the provisions of regulation 31(1) ballot papers for use in an adjourned by-election according to wards shall be on green paper.

- (c) The date of a by-election adjourned in terms of subregulation (11) shall be determined by the Premier acting in consultation with the returning officer concerned and shall, notwithstanding the provisions of regulation 80(1), be held not later than twenty one (21) days after the date on which the voting station was closed.

- (d) The provisions of subregulation (8)(c) shall apply to a by-election held in terms of paragraph (c) above.

Conduct of Adjourned By-Election

- (13) Where a by-election is adjourned in terms of subregulation (1) and the day on which an adjourned by-election shall be held has been determined in terms of subregulation (8)(b) or (12)(c), the preparations for and the conduct of such adjourned by-election shall, subject to time provisions of these subregulations, be held mutatis mutandis in accordance with the provisions of these regulations relating to a by-election.

Permanent Closure of Voting Station

(14) Whenever a voting station is closed in terms of subregulation (1) and -

(a) such station was issued with one or more updated voters' roll not exclusive to such station for the purpose of voting thereat, but were all of a kind issued in common with one or more other voting stations; and

(b) the election committee and the Premier upon the recommendation of the returning officer are jointly satisfied :

(i) that an alternative voting station was within close proximity to the closed station;

(ii) that voters' might reasonably have been expected :

(aa) to be aware of such alternative station; and

(bb) to have transferred to such alternative station for the purpose of voting; and

(c) the returning officer has received all by-election materials as required in terms of subregulations (4)(e) or (5)(g) and the circumstances set out in subregulation (11)(a) to (d) inclusive are not applicable;

the returning officer may, notwithstanding the provisions of subregulation (8)(b), recommend that an adjourned by-election in respect of such voting station be not held and the Premier may, notwithstanding the provisions of subregulation (8)(b), decline to adjourn and extend the period of the by-election in respect of such station and declare such by-election closed and completed.

(15) The returning officer shall forthwith publish a notice of any by-election closed and completed in terms of subregulation (14).

(16) For the purposes of regulation 49A, and notwithstanding the provisions of regulation 1(1)(xxiv) the returning officer means the person appointed in terms of regulation 30(1) and includes any election officer acting lawfully in his or her stead and under the express and specific authority of the returning officer for the purposes of regulation 49A.

CHAPTER 15

GENERAL

Opening or Inspection of By-Election Material

- 72 (1) If the returning officer at any time prior to sealing the by-election material in the bag or box referred to in regulation 67(2)(c) has reason to suspect any irregularity in connection with any matter relating to the by-election or any failure to comply with these regulations he or she shall, in writing advise each candidate and general agent thereof, invite such persons to be present at a stated time and place, and in the presence of such candidates or agents as are present :
- (a) open the parcel or envelope concerned;
 - (b) make a record in duplicate of any such irregularity or non-compliance;
 - (c) retain one copy of such record and place the other copy in the parcel or envelope concerned;
 - (d) re-make such parcel or re-close such envelope;
 - (e) seal such parcel or envelope with his or her official seal; and
 - (f) permit the candidates or agents to affix their seals thereto if they so desire.
- (2) No sealed bag or box referred to in regulation 67(2)(c) or any parcel or envelope therein shall be opened and no person shall be allowed to inspect any by-election document except under the order of a superior court on its being satisfied by evidence on oath that the inspection or production thereof is required for the purpose of instituting or maintaining a prosecution for an offence or for the purpose of proceedings questioning the validity of a by-election or by-election result and any such order may be made subject to such conditions as such court may deem expedient, necessary or desirable.

- (3) Where an order has been made for the production by the returning officer of any document, parcel, envelope, bag or box in his or her custody relating to any specific by-election :
- (a) the production by such returning officer of any such document, parcel, envelope, bag or box in the manner directed by such order or in accordance with a rule of court shall be conclusive evidence that such document, parcel, envelope, bag or box relates to such by-election; and
 - (b) any endorsement appearing on any document, parcel, envelope, bag or box produced by him or her shall be evidence of the contents of such document, parcel, envelope, bag or box being what they are stated to be by such endorsement.

Election Committee

- 73 (1) (a) A municipality shall establish an election committee not more than 30 days after the declaration of the vacancy in terms of regulation 2(3) which will function until 23:59 on the day of the by-election for such municipality or such later date as may be determined by the Premier.
- (b) Such committee shall consist of three persons at least one of whom shall be a legally qualified person who shall be the presiding officer, and three alternates appointed by resolution of the council adopted by a majority of not less than two thirds of all its members: Provided that the Premier may, upon written application by the municipality concerned and upon being satisfied that there is no suitable legally qualified person, approve in writing the appointment by the municipality of some other suitably qualified person who shall be the presiding officer, and an alternate.
 - (c) No person shall be appointed as a member of such committee if he or she :
 - (i) is the holder of an office in a party;
 - (ii) is an employee of the municipality concerned;
 - (iii) is not eligible to be enrolled as a voter for a municipality in terms of regulation 3;

- (iv) is a candidate at the by-election;
 - (v) is a councillor of a municipality or is on the party list of a party which has been allocated one or more seats on a municipality in terms of the provincial election regulations; or
 - (vi) is a member of a revision court referred to in regulation 7.
- (d) A member of such a committee shall cease to be a member thereof and shall vacate his seat if he or she :
- (i) becomes disqualified for appointment as a member of such a committee;
 - (ii) tenders his resignation to the chief executive; or
 - (iii) dies
- and any vacancy so arising shall be filled from the appropriate alternate appointment, or in the absence thereof as soon as possible by the municipality with a person who has substantially the same qualifications as his or her predecessor.
- (e) Such committee shall :
- (i) attempt to resolve any dispute or complaint resulting from a decision taken by a voters' roll officer or a returning officer that has been brought to its attention by such officer or by an aggrieved person or party;
 - (ii) consider and advise in respect of any matter submitted to it by the voters' roll officer or the returning officer;
 - (iii) adjudicate and decide not later than noon on nomination day any conflict or complaints regarding the distinguishing mark or symbol of a person in terms of regulations 21(1); or 21(4)(f), (g) or (h); and

- (iv) consider and advise the returning officer not later than 21 days before by-election day of the manner in which voters in any ward or wards should be informed of their appropriate voting stations :

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

- (f) Members of such committee shall be remunerated on such basis as may be determined by the Premier not later than the date of its appointment in terms of paragraph (b) or, failing which, by resolution of the municipality.
- (g) In the event of any dispute arising with respect to the by-election which is not excluded from the jurisdiction of the committee by virtue of the provisions to paragraph (e) :
 - (i) the presiding officer of the committee may at his or her own instance and shall forthwith on the referral of the returning officer or an aggrieved party :
 - (aa) direct a member or members or alternate member or members of the election committee to attempt to resolve the dispute through conciliation; or
 - (bb) subject to the availability of financial provision therefor or at no cost to the committee or the municipality appoint an independent mediator approved and accredited by the election committee to attempt to resolve the dispute through conciliation; and
 - (ii) impose such time-limits in respect thereof as he or she may deem necessary : provided that if any dispute is unresolved 24 hours after the commencement of attempts to resolve it by conciliation the election committee shall forthwith meet to adjudicate and decide the dispute.

Right of Access to Voters for Canvassing and Voter Education

74 (1) In this regulation :

"canvasser" means a candidate or a duly authorised representative of such a candidate;

"canvassing" means political canvassing, campaigning, soliciting of membership or support or providing transport to or from campaign meetings or voting stations;

"educator of voters" means a person who is authorised to conduct voter education under the auspices of any organisation or company which has been approved in writing or duly contracted by the Premier to conduct voter education in the province;

"lawful occupier" means the person who is the apparent owner or lawful occupier of the private area or room or dwelling house concerned or who is apparently in charge of the public area concerned; and

"voter" means a person whose name is included on the signed and certified updated voters' roll of a municipality.

(2) Any canvasser or educator of voters shall have reasonable access to any public or private area where voters live or work or which they frequent for the purposes of canvassing or conducting voter education from the day on which the by-election date for the relevant municipality is announced until the close of voting stations in the area of jurisdiction of that municipality : Provided that the Premier may in writing authorise any person to have such right of access if this is deemed necessary to achieve any of the objects of these Regulations and further provided that such authorisation shall state the purpose of such access.

(3) At any time before entering an area referred to in subregulation (2) or when entering that area or on request of the lawful occupier any person referred to in subregulation (2) shall :

(a) supply proof of his or her full name and inform the lawful occupier, if the latter is within the private or public area concerned or otherwise readily

available, that he or she will be or is entering the area concerned for purposes of canvassing or voter education; and

(b) if he or she :

(i) is a candidate give the name of the municipality where he or she will be contesting the by-election;

(ii) is a representative of a candidate present a letter from the candidate appointing him or her as a representative and stating the municipality where the candidate will be contesting the by-election;

(iii) conducts voters' education present a letter from the organisation on behalf of whom the voters' education is conducted and a certified copy of written approval by the Premier.

(iv) is any other person referred to in regulation 74(2), present the authorisation or a certified copy of same to the lawful occupier or his or her representative.

(4) No person referred to in regulation 74(2) shall :

(a) enter a room or dwelling house except with the consent of the lawful occupier or in the absence thereof, of any voter who is present in the room or dwelling house at the time of the visit;

(b) engage in canvassing or voter education of an employee during his or her working hours or conduct any other activity as described by an authority granted in terms of regulation 74(2) without the consent of the employer or his or her agent.

(5) Without derogating from the general right of access afforded by this regulation any person referred to in regulation 74(2) shall comply with such reasonable measures of security normally applicable to visitors entering the area referred to in subregulation (2).

Bills and Placards

75 During the by-election period :

- (a) every bill, placard, poster, pamphlet, circular or other printed matter having reference to the by-election shall bear upon the face thereof the name and address of the printer and publisher thereof;
- (b) no person shall print, publish or post or cause to be printed, published or posted or in any other manner disseminate any such printed matter which fails to bear upon the face thereof the name and address of the printer and publisher;
- (c) the proprietor and publisher of every newspaper or magazine shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his or her newspaper or magazine which originated from a candidate, party or agents or supporters, the insertion of which is, or is to be, paid for, or for which any reward or compensation, or promise of reward or compensation, is or is to be made;
- (d) the articles or paragraphs referred to in paragraph (c) shall include all such text as may prima facie appear to be intended or calculated to affect the result of the by-election, and shall include any paid advertisement or report of the speech of a candidate, if the insertion thereof is, or is to be, paid for;
- (e) every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this regulation referred to as an "election article") which, prima facie, is intended or calculated to affect the result of the by-election, is inserted in any newspaper or otherwise produced and is published in the Republic, shall bear at the foot thereof the full name and address of the person or persons by whom such by-election article was written or produced : Provided that :
 - (i) any such by-election article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, shall also bear the full name of the editor;
 - (ii) in the case of any such by-election article which is written jointly by two or more persons, it shall be sufficient for the purposes of this regulation if the report as a whole bears the full names and addresses of the persons by whom it was written; and

(iii) in the case of headlines to any by-election article which is inserted in any newspaper as aforesaid, and of bills, placards or posters having reference thereto and which are issued in the ordinary practice of a newspaper or magazine, it shall be sufficient for the purposes of this regulation if the full names and addresses of the persons by whom such headlines, bills, placards and posters were written, are published in the issue of the newspaper in which such by-election article is inserted; and

(f) subject to the provisions of the proviso to paragraph (e)(iii), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any by-election article which fails to comply with the provision of paragraph (e).

Indemnity

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

Fees Payable to Election Officers

77 (1) Every council shall, at its first ordinary meeting after notice of the day of by-election has been given in terms of regulation 20(2) determine by resolution the fees to be paid to election officers: Provided that such fees shall not be decreased before any final payment has been made in terms of such resolution.

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

Returning Officer: 1 - 10 000 registered voters :	R 400,00
10 001 - 50 000 registered voters :	R 600,00
50 001 - 100 000 registered voters :	R 800,00
100 001 - 250 000 registered voters :	R1 000,00

250 001 upwards registered voters :	R1 250,00
Deputy Returning Officer :	70% of the
above	
Presiding Officer :	R240,00
Deputy Presiding Officer :	R200,00
Any other Election Officer :	R160,00
Counting Officer :	R120,00

Forms, Labels and Envelopes

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

Power to Act in Default and Recovery of Expenditure

- 79 (1) (a) If a municipality revision court or any person fails within a period and in accordance with conditions, if any, specified by the Premier to commence, enforce or carry out any provision of these regulations, or to take any decision or resolution required in terms thereof, or to comply with any direction of the Premier contemplated by these regulations, the Premier may commence, enforce or carry out such provisions or directions and for such purpose and failure, may in writing authorise any authority, body or person to take all steps and measures necessary in connection therewith.

- (b) Any expenditure incurred in respect of a municipality by the Premier under paragraph (a) above shall be recoverable from such municipality or body and the certificate of the provincial accountant or person acting in such capacity shall be prima facie proof of the correctness thereof.
- (c) In order to ensure that the by-election is or will be conducted in accordance with these regulations, the Premier may, without prejudice to any other right or power which he or she may have, in writing appoint any authority, body or person who shall have the right to require any municipality or revision court to provide a written report from time to time as the Premier or such authority, body or person, as the case may be, deems necessary or expedient in his or her sole discretion in respect of the by-election or any part thereof.
- (d) The Premier, authority, body or person contemplated in paragraph (c) shall have the right to conduct inspections at or in the offices of any municipality or revision court to ascertain the state of affairs in respect of the by-election or any part thereof and to peruse and make extracts from files, books, registers and records which may have a bearing on the by-election.
- (e) Any authority, body or person appointed in terms of paragraph (c) shall submit a written report to the Premier when required by the Premier, setting out the state of affairs in respect of the by-election or any part thereof in one or more municipality or revision court and shall make recommendations in respect thereof.
- (f) Where a returning officer, voters' roll officer or any election officer dies, resigns, becomes incapacitated or otherwise absents himself or herself from the performance of his or her functions, power or duties, and the municipality or returning officer does not or cannot immediately replace or re-appoint such officer, the Premier may forthwith authorise or appoint any authority, body or person to the position of such returning officer, voters' roll officer or election officer.
- (2) If a municipality, revision court or any person fails or appears likely to fail to carry out or complete within the period specified in these regulations any provision or requirement which is a necessary preliminary or prerequisite to conducting the by-election, the Premier may conditionally or otherwise extend

or review such period : Provided that no such extension or renewal shall be granted without the concurrence of the Minister which would prevent or prejudice or be detrimental to the holding of the by-election not more than 136 days after the declaration of the vacancy referred to in regulation 2(3).

Powers of Premier to Extend Time Limits

- 80 (1) Subject to regulation 79(2) the Premier may by notice in the Provincial Gazette, either in respect of specified municipality or in respect of municipalities generally, alter any date or time or extend any period prescribed in terms of these Regulations whether for the performance or completion of any act or function or the exercise of any right, if he or she is satisfied that circumstances exist which make such performance, completion or exercise within the prescribed period or by the prescribed date or time either impossible or unreasonably difficult.
- (2) The Premier may alter the date or time or extend the period referred to in (1) before or after the expiry of such date, time or period.

Powers of Court

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

Validation

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

Voter not to be Required to Disclose how he or she Votes

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

Secrecy

- 84 Every election officer, police officer, candidate, or candidate's agent and messenger who is present at a voting station or at the counting of votes shall maintain the secrecy of the voting.

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

- 85 (a) No person shall during the period 48 hours prior to 23:59 on the day of the by-election hold or take part in any public demonstration, march, public meeting or rally of a political nature.
- (b) The holding of or participation in any activity referred to in paragraph (a) shall be an offence.

CHAPTER 16**OFFENCES AND PENALTIES****Interference with By-Election Proceedings**

86 Any person who :

- (a) refuses or fails to give effect to any direction, instructions or order lawfully issued by or on behalf of the voters' roll officer, the returning officer or any election officer;
 - (b) refuses or fails to leave a voting station or inner perimeter or place for the counting of votes when so ordered in terms of regulation 36 or 59;
 - (c) enters or remains in a voting station or inner perimeter or place for the counting of votes in contravention of regulation 37 or 59;
 - (d) obstructs or hinders any election officer or candidate's agent in the execution of his or her lawful duties,
- shall be guilty of an offence.

Infringement of Secrecy

87 Any person who :

- (a) contravenes regulation 47 or 84;
- (b) unlawfully attempts to ascertain or directly or indirectly aids any other person to ascertain for which candidate or candidates or party any person intends to vote or has voted;
- (c) directly or indirectly induces or attempts to induce any person to whom a ballot paper has been issued to display his or her ballot paper after he or she has marked it, in such a manner as to disclose the name or names of the candidate or candidates or party for whom he or she has voted;
- (d) places upon any ballot paper, other than the ballot paper issued to him or her, any mark or writing whereby the person who records his vote thereon may be identified;

- (e) except in reply to a question lawfully put to him or her in the course of proceedings in a competent court, discloses or communicates any information he or she may have obtained as to the candidate or candidates or party for whom a vote has been given on any ballot paper; or
- (f) unlawfully breaks the seal or fastening on or in any other manner opens or removes any of the contents of a ballot box, parcel or envelope referred to in regulations 51(2), 57, 67 or 68,

shall be guilty of an offence.

Undue Influence

- 88 (1) Any person who, directly or indirectly, uses or procures the use of, or threatens to use or procure the use of, any force, violence or sexual harassment, or inflicts or threatens to inflict any injury, damage, loss or disadvantage to or upon any other person or property :
- (a) with intent thereby to compel, induce or influence any person :
 - (i) to vote or refrain from voting, either at all, or for any party or any candidate, or in any other manner; or
 - (ii) to attend or participate in, or to refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any party or any candidate; or
 - (b) on account of any person having :
 - (i) voted, attempted to vote or having refrained from voting, either at all, or for any party or any candidate, or in any other manner; or
 - (ii) attended or participated in, or having refrained from attending or participating in, any such political meeting, march, demonstration, or other event of a political nature, or from lending support as aforesaid,

shall be guilty of an offence.

(2) Any person who induces, influences or procures any other person to vote in the by-election, in the knowledge that such other person is not entitled to vote in the by-election concerned, shall be guilty of an offence.

(3) Any person who, directly or indirectly, by duress or intimidation :

(a) impedes or prevents or threatens to impede or prevent the free exercise of the franchise by any voter; or

(b) in any manner influences the result of any by-election,

shall be guilty of an offence.

(4) Any person who, directly or indirectly, by duress, intimidation or otherwise, compels or induces any voter who has already voted at the by-election :

(a) to inform such or any other person of the name of the party or the candidate for which the voter has voted; or

(b) to display the ballot paper on which such voter has marked his or her vote, in such a manner as to make known to such or any other person the name of the party or the candidate for which the voter has voted,

shall be guilty of an offence.

Bribery

89 (1) Any person who, directly or indirectly :

(a) accepts or contracts for any valuable consideration, for himself or herself or for any other person, in order that he or she or such other person votes or agrees to vote, or refrains or agrees to refrain from voting, either at all or for any party or any candidate or in any other manner; or

(b) after the by-election, accepts any valuable consideration, for himself or herself, or for any other person, on account of having induced or influenced any person to vote or refrain from voting as aforesaid;

(c) gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any voter, or to or for any other person, in order to induce or influence any person :

(i) to vote or refrain from voting, either at all or for any party or any candidate or in any other manner; or

(ii) to attend or participate in, or refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any party or candidate; or

(d) on account of any person having voted or refrained from voting, either at all or for any party or any candidate or in any other manner, gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any other voter, or to or for any other person,

shall be guilty of an offence.

(2) Any person, who, in consequence of his or her acceptance of any valuable consideration, votes or refrains from voting, either at all or for any party or any candidate or in any other manner, shall be guilty of an offence.

Personation

90 Any person who, at any voting area referred to in regulation 36(1) during the by-election :

(a) applies for a ballot paper in the name of any other person, whether living, dead or fictitious;

(b) save as provided in regulation 53, casts a vote in the name of any other person;

(c) having voted in the manner provided in these regulations, again votes or applies for a ballot paper in the same by-election; or

(d) votes in the knowledge that he or she is not entitled to vote in the by-election concerned,

shall be guilty of an offence.

Prohibition on Interference with Voter Registration and By-Election Material

- 91 (1) Any person who removes, destroys, conceals or mutilates or assists the removal, destruction, concealment or mutilation of any voter registration material or by-election material, save under the provisions of these regulations, shall be guilty of an offence.
- (2) Any person who receives or accepts from any other person a claim on form ER1 or a claim in a form substantially in accordance with form ER1 shall ensure that such claim is delivered timeously to the voters' roll officer at the address specified or required on form ER1 for the applicable municipality and any person who wilfully or negligently fails to do so shall be guilty of an offence.

Prohibition on Unauthorised Printing, Manufacture and Supply of By-Election Material

- 92 Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of any by-election material in connection with the by-election, save on the authority of a municipality, shall be guilty of an offence.

Prohibition in Interference with Free Political Canvassing and Campaigning

- 93 Any person who in relation to the by-election :
- (a) directly or indirectly, by the use or threat of force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting, march, demonstration or other event of a political nature, or any other person from attending or participating therein;
 - (b) creates a material disruption with the intention of preventing a party or a candidate from holding a public political meeting;
 - (c) impedes or prevents or threatens to impede or prevent the right of access provided in regulation 74; or

- (d) impedes or prevents or threatens to impede or prevent any member or representative of the municipality to gain access, in the manner and during time or period prescribed, to voters in any particular area, whether public or private, for the purposes of conducting voter registration,

shall be guilty of an offence.

Prohibition on Making Intentional False Statements or Publishing False Information

94 Any person who :

- (a) makes a false statement or furnishes false particulars in any statement which is required in terms of these regulations in the knowledge of such statement or particulars being false or without reasonable grounds for believing the same to be true; or
- (b) publishes, repeats or disseminates in any manner whatsoever false information with the intention of :
- (i) disrupting or preventing the by-election;
- (ii) creating hostility or fear in order to influence the process or outcome of the by-election; or
- (iii) otherwise influencing the process or outcome of the by-election,

shall be guilty of an offence.

Other Offences

95 (1) Any person who :

- (a) forges or counterfeits or unlawfully destroys or alters any ballot paper or the official mark thereon;
- (b) without due authority supplies any ballot paper to any person;
- (c) puts into a ballot box any forged or counterfeit ballot paper or any ballot paper other than the ballot paper which he or she is authorised by law to put into such ballot box;

- (d) unlawfully takes out of the voting station any ballot paper or other by-election material; or
- (e) unlawfully destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of an by-election; or
- (f) smokes, or save as permitted in order to exercise a duty or right in terms of these regulations, lights a match or lighter or any inflammable substance in a voting station; or
- (g) other than a police officer or member of the security forces on duty, enters or remains in a voting station or the inner perimeter of a voting area in possession of a firearm;
- (h) contravenes or fails to comply with the provisions of regulations 16, 75 or 85(a); or
- (i) commits any contravention of these regulations,

shall be guilty of an offence.

- (2) Any person who makes a false statement in reply to a question asked in terms of or in a declaration referred to in regulations 48, or 54 shall be guilty of an offence unless he or she proves that he or she did not know that such statement was false.

Penalties

- 96 (1) Any person convicted of any of the offences referred to in this Chapter shall, if convicted of a contravention of any provision of :
- (a) regulations 88(1), (3) or (4) or 90, 91, 93(a) or 94(b), be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
 - (b) regulation 89, be liable to a fine not exceeding R80 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment;

- (c) regulation 87, 88(2), 85 or 93(b), (c) or (d), be liable to a fine not exceeding R60 000 or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment;
 - (d) regulation 86(d) or 94(a), be liable to a fine not exceeding R40 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment; or
 - (e) regulations 58(1) or 86(a), (b) or (c), be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.
- (2) Any person convicted of an offence under these regulations, shall, unless another penalty is specifically prescribed, be liable to a fine not exceeding R40 000 or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

Contraventions to be Reported to Public Prosecutor

- 97 The returning officer shall report to the public prosecutor any apparent or alleged contravention of these regulations as soon as possible after he or she becomes aware of such apparent or alleged contravention.

CHAPTER 17**ELECTORAL CODE OF CONDUCT, SUBSCRIBERS,
ENFORCEMENT AND ADMINISTRATION****Definitions**

98 (1) For the purposes of regulations 98 to 138 inclusive and Schedule 2, 3, 4 and 5, unless the context otherwise indicates :

- (a) "candidate" means any person whose name is publicly declared in terms of regulation 21(2)(b), (c) or (d); and save where the context otherwise requires, includes a proposed candidate;
- (b) "candidate representative" means any person specified in regulation 99(1)(c)(ii) to (v) inclusive;
- (c) "day" means a period of twenty-four consecutive hours commencing at midnight and excluding a Saturday, Sunday or public holiday referred to in the Public Holidays Act, 1994 (Act 36 of 1994);
- (e) "Premier" means the Premier as contemplated in Section 144(1) of the Constitution exercising and performing all powers and functions assigned to him or her by regulation 101 in consultation with the Executive Council of the province;
- (f) "prescribed" means prescribed by these regulations;
- (g) "proposed candidate" means any person in respect of whom a nomination paper is delivered in terms of regulation 21(1) or amended in terms of regulation 21(5);
- (h) "representative" means a candidate representative;
- (i) "Secretary" means the person designated as such in terms of regulations 116 and 117 or his or her authorised representative; and
- (j) "supporter" means a person or organisation whose name is shown as a member or financial subscriber in an official list of local, provincial or national members or financial subscribers of a party or who is otherwise

shown to be a supporter of or financial subscriber to a party or candidate.

Subscribers to Electoral Code of Conduct, Penalties and Sanctions

99 (1) The Electoral Code of Conduct (hereinafter referred to as "the Code") in Schedule 2 to these regulations :

- (a) shall be deemed to be subscribed to by every candidate as a condition of application for registration or delivery and receipt of a nomination; and by every party which or candidate or traditional leader who by way of word or deed directly or indirectly organises or participates in preparations for or in campaigning or public debate in relation to the by-elections;
- (b) shall, within the area of jurisdiction of the municipality to which such by-election relates, be binding on :
 - (i) such party;
 - (ii) every office-bearer, and
 - (iii) any other member, representative or supporter of such party;
- (c) shall, within the area of jurisdiction of the municipality in respect of which his or her nomination paper relates, be binding on :
 - (i) such candidate;
 - (ii) every agent authorised by such candidate in terms of regulation 21(1);
 - (iii) every agent or messenger appointed by such candidate in terms of regulation 23;
 - (iv) every person who has signed such candidate's nomination paper in terms of regulation 21(1) or any amended or remedied nomination paper in terms of regulation 21(5); and
 - (v) any other representative or supporter of such candidate; and

(d) shall be binding from the date of declaration of the vacancy in terms of regulation 2(3) until the declaration of the result in terms of regulation 68.

(2) Subject to regulation 109, any party which or any candidate or candidate representative who infringes any provision of the Code shall, upon a finding that any such provision has been so infringed, be liable to one or more of the following penalties or sanctions, of which any or all may be suspended on specified conditions :

(a) in the case of a party which or candidate or representative who has infringed a provision of the Code :

(i) a formal warning;

(ii) a fine not exceeding R100 000;

(iii) an order prohibiting such party, candidate or representative whether permanently or for a specified period, from utilising any media time, including any such television or broadcasting services as have been or may be made available to such party, candidate or representative for by-electoral purposes;

(iv) an order prohibiting such party, candidate or representative :

(aa) from holding or organising particular public meetings, demonstrations or marches, or any kind of such meetings, demonstrations or marches;

(bb) from entering the jurisdiction of the municipality or any part thereof or any ward or wards therein for purposes of canvassing for membership, or for any other by-electoral purpose;

(cc) from erecting placards or banners, or from publishing and distributing campaign literature;

(dd) from publishing or distributing campaign literature and by-electoral advertising,

or limiting the rights of such party, candidate or representative to do so;

(v) an order prohibiting such party, candidate or representative from receiving, whether wholly or partly, foreign funding, including an order requiring the repayment within a specified period, of any such funding or any part of such funding already received;

(b) in the case of a party, candidate or representative who has infringed the provisions of the Code :

(i) by any act or omission involving violence or intimidation in relation to, or involving the obstruction or prevention of free or safe access by any party, candidate, representative or voter;

(aa) an order excluding such party, candidate or representative from any area, including any ward or voting station within which such infringement took place;

(bb) an order cancelling in respect of the candidate, his or her nomination form in terms of regulation 21(1), or acceptance of nomination in terms of regulation 21(3)(c), or elected in terms of regulation 21(3)(b), and consequently cancelling the right of any such candidate to participate in the by-election in the area to which such infringement relates; or

(cc) an order comprising more than one order in terms of subparagraphs (i)(aa) or (bb) above;

(ii) by any fraudulent act by virtue of which votes have been obtained, an order reducing the number of votes counted in favour of that candidate by a specified number of votes.

Presumptions in Relation to Acts Performed or Failures to Perform Certain Acts

100 If in any proceedings in terms of these regulations it is proved that any act contemplated in regulation 115 has been performed by a candidate representative or that such representative failed to perform any such act :

- (a) in the exercise of his or her powers or in the performance of his or her duties or functions as such representative, such act shall be deemed to have been performed by that candidate or it shall be deemed that such candidate has failed to perform such act; or
- (b) in carrying on the business of or furthering or endeavouring to further the interests of candidate, such candidate, and every other person who was at the time of the performance of such act or the failure to perform such act such candidate's representative shall be deemed to have performed or to have failed to perform such act, unless it is proved that such other person did not take part in the performance of, or the failure to perform, such act and that such candidate or other person, as the case may be, could not have prevented it.

Establishment and Constitution of Electoral Tribunals

- 101 (1) The Premier may by proclamation establish such number of Electoral Tribunals as he or she may consider necessary and shall delimit and incorporate in such proclamation the area or areas of jurisdiction of such Tribunal or Tribunals.
- (2) An Electoral Tribunal established in terms of subregulation (1) shall upon such proclamation have all the powers, duties and functions of an Electoral Tribunal in terms of these regulations.
- (3) An Electoral Tribunal shall consist of one person, designated as the presiding officer and appointed to that office by the Premier, who shall be an attorney, advocate, or academic lawyer at a university with not less than five years' experience in one or more such capacities, or a retired judge.
- (4) Where by reason of absence or incapacity a presiding officer is unable to complete the hearings of a complaint, that hearing shall be commenced de novo before another presiding officer.

Powers, Duties and Functions of Electoral Tribunals

- 102 (1) An Electoral Tribunal hearing any matter falling within its jurisdiction, shall enquire into the matter in the prescribed manner, consider it and make such decision or give such order or orders as in its opinion is fair and just.

(2) An Electoral Tribunal finding any person or party guilty of contravening or failing to comply with any provision of the Code, may impose any such penalty or sanction as may be prescribed in terms of these regulations as it may consider appropriate in the circumstances.

(3) An Electoral Tribunal shall have such other powers, duties and functions as may be prescribed.

Establishment and Constitution of Electoral Appeal Tribunals

103 (1) The Premier shall establish one Electoral Appeal Tribunal with jurisdiction in respect of the province or more Electoral Appeal Tribunals with jurisdiction in respect of areas determined and incorporated in such proclamation as he or she may consider necessary.

(2) An Electoral Appeal Tribunal established in terms of subregulation (1) shall upon such proclamation have all the powers, duties and functions of an Electoral Appeal Tribunal in terms of these regulations.

(3) An Electoral Appeal Tribunal shall consist of three persons appointed by the Premier of whom :

(a) the chairperson shall be an attorney, advocate or academic lawyer at a university with not less than ten years' experience in one or more such capacities or a retired judge;

(b) one shall be a attorney, advocate or academic lawyer at a university with not less than five years' experience in one or more such capacities or a retired judge;

(c) one shall be a suitable person, who may or may not be legally qualified or experienced.

(4) The decision of the majority of the members of an Electoral Appeal Tribunal shall be a decision of such Tribunal.

Powers, Duties and Functions of Electoral Appeal Tribunals

- 104 (1) An Electoral Appeal Tribunal hearing any matter falling within its jurisdiction, shall enquire into the matter in the prescribed manner, consider it and make such decision or give such order or orders as in its opinion is fair and just.
- (2) An Electoral Appeal Tribunal finding any person or party guilty of contravening or failing to comply with any provision of the Code, may impose any such penalty or sanction as may be prescribed as it may consider appropriate in the circumstances.
- (3) An Electoral Appeal Tribunal hearing any appeal or reviewing any decision shall enquire into the matter in the prescribed manner, consider it and confirm, vary or set aside the decision, order, penalty or sanction of an Electoral Tribunal, or make such other decision or give such other order or orders or impose such other penalty or sanction as in its opinion such Electoral Tribunal ought to have made, given or imposed.
- (4) An Electoral Appeal Tribunal shall have such other powers, duties and functions as may be prescribed.

Appeal and Review

- 105 (1) Any claimant or respondent may appeal to the Electoral Appeal Tribunal against any decision, order, penalty or sanction made, given or imposed in respect of such claimant or respondent by Electoral Tribunal, within the period and in the manner prescribed.
- (2) Any claimant or respondent may bring any decision of any Electoral Tribunal under review before the Electoral Appeal Tribunal within the period and in the manner prescribed.

Representation in Proceedings of Tribunals

- 106 (1) Any natural person who is a claimant or respondent to any proceedings in a Tribunal shall appear in person in such Tribunal and may represent himself or herself or may appoint a representative in writing.
- (2) Any other person or party which is a claimant or respondent to any proceedings in a Tribunal may appoint a representative in writing.

Nature of Tribunals, Records and Force of Process

107. (1) Every Electoral Tribunal and Electoral Appeal Tribunal shall be a Tribunal of record.
- (2) (a) The oral evidence given in the course of its proceedings of an Electoral Tribunal or an Electoral Appeal Tribunal and the findings of such Tribunal and, if required by the presiding officer or chairperson, as the case may be, the arguments adduced by or on behalf of the parties to the proceedings shall be recorded either in writing or by mechanical means.
- (b) The record of the proceedings of a Tribunal shall contain :
- (i) any affidavits and accompanying documents filed in support of the order, penalty or sanction claimed;
 - (ii) any oral evidence given;
 - (iii) any objection made to any evidence given or tendered;
 - (iv) the proceedings of the Tribunal in general, including the record of any inspection in loco;
 - (v) any document, appropriately marked in order of the alphabet, handed in, in support of any oral evidence; and
 - (vi) any findings and the reasons therefor made by such Tribunal.
- (3) Every process issued out of, or in connection with any proceedings instituted or to be instituted in any Tribunal, and any order of, and any penalty or sanction imposed by any Tribunal, shall be of force throughout the province.

Orders as to Costs in Proceedings in Tribunals

- 108 A Tribunal may make an order in terms of which the reasonable expenses actually and necessarily incurred by any person or party who or which is a claimant or respondent to the proceedings or any other person or party in the proceedings, and approved by the presiding officer or chairperson, as the case may be, are to be paid, whether wholly or partly, by any other person or party.

Institution of Proceedings

- 109 (1) The returning officer may, in respect of the area of jurisdiction for which he or she is appointed, either on his or her own motion or in consequence of any report made to him or her at any time, institute proceedings :
- (a) in the case of an alleged infringement of the Code which in his or her opinion is of such a nature that it may be subject to a penalty or sanction referred to in regulation 99(2)(a)(iv), (v), (vi) or (b), in the Electoral Appeal Tribunal;
 - (b) in the case of any other alleged infringement of the Code, in the Electoral Tribunal in whose area of jurisdiction such alleged infringement occurred.
- (2) An Electoral Tribunal adjudicating an alleged infringement of the Code in terms of subregulation (1)(b) may impose a penalty or sanction contemplated in regulation 99(2)(a)(i), (ii) or (iii) : Provided that such Tribunal may refer a matter which in its opinion may warrant a penalty or sanction in excess of its jurisdiction to the Electoral Appeal Tribunal and recommend the imposition of the appropriate penalty or sanction.
- (3) Upon the referral and recommendation of an Electoral Tribunal in accordance with subregulation (2), the Electoral Appeal Tribunal may impose the recommended penalty or sanction or impose any other penalty or sanction contemplated in regulation 99(2) which it may consider appropriate.
- (4) An Electoral Appeal Tribunal adjudicating an alleged infringement of the Code in terms of subregulation (1)(a) may impose a penalty or sanction contemplated in regulation 99(2)(a)(i), (ii) or (iii) in respect thereof, or any other penalty or sanction contemplated in regulation 99(2).
- (5) In the event that the Premier declines in terms of regulation 101(1) to establish an Electoral Tribunal, the Electoral Appeal Tribunal shall adjudicate in respect of all alleged infringements of the Code and may impose any penalty or sanction contemplated in regulation 99(2).
- (6) In making its decision regarding appropriate penalties or sanctions, the relevant Tribunal shall have regard to any other legal consequence that may

result from civil or criminal proceedings instituted by reason of the same occurrence.

Secretarial and Other Services

- 110 Administrative and secretarial work necessary or incidental to the performance of the functions of an Electoral Tribunal and Electoral Appeal Tribunal shall be conducted under the authority and responsibility of the Director-General of the Province and shall be performed by the Secretary and officers of the provincial government or such other persons designated for this purpose by such Director-General and who shall be under the control, direction and supervision of the Secretary.

Powers, Duties and Functions of Secretary

- 111 (1) The Secretary shall have the powers, duties and functions conferred or imposed upon him or her by these regulations.
- (2) (a) The powers conferred and the duties and functions imposed upon the Secretary by the provisions of these regulations may be exercised or performed by the Secretary personally, or by :
- (i) any other person, directly or indirectly appointed or designated by the competent authority within the jurisdiction of the province; or
 - (ii) any other officer in the public service made available for the purposes of the administration of any provision of these regulations,
- authorised thereto in writing by the Secretary.
- (b) Any official or officer referred to in paragraph (a) shall exercise any such powers and perform any such duties and functions under the control, directions and supervision of the Secretary.

Appointment of Interpreters

- 112 (1) If any person giving evidence in any proceedings before a Tribunal desires to give such evidence in any language other than one of the official languages, the Secretary shall cause a person to be appointed, on such conditions as may be determined by the Secretary, as interpreter to translate such evidence into one of the official languages and vice versa.

- (2) (a) Any person appointed in terms of subregulation (1) shall before commencing with his or her functions for the first time, take an oath or make an affirmation subscribed by him or her in the form set out below :

I, AB, do hereby swear/solemnly and sincerely affirm that I shall truly and correctly to the best of my ability interpret from the language I am called to interpret in the Electoral Tribunal and/or the Electoral Appeal Tribunal into either of the official languages and vice versa.

(in case of an oath)

So help me God

- (b) An oath or affirmation referred to in paragraph (a) shall be taken or made before the Secretary or the presiding officer or chairperson of the Tribunal in question.

Binding on Premier

- 113 Regulations 101 and 103 shall bind the Premier in that he or she shall be obliged to act in consultation with the Executive Council of the province.

CHAPTER 18**ELECTORAL TRIBUNALS****Areas of Jurisdiction and Seats of Electoral Tribunals**

- 114 (1) The place designated within its area of jurisdiction and published by the Secretary and made known by notice in the Provincial Gazette shall be the seat of an Electoral Tribunal.
- (2) Notwithstanding the provisions of subregulation (1), an Electoral Tribunal may, as circumstances require, sit at such other place or places within its area of jurisdiction as may from time to time be determined by the Electoral Tribunal or the Secretary.

Matters to be adjudicated and decided upon by Electoral Tribunals

- 115 (1) Subject to the provisions of subregulation (2), an Electoral Tribunal shall have jurisdiction to adjudicate and decide upon any allegation in relation to any act or failure to act by any party or persons which constitutes :
- (a) an infringement of the Code in so far as such party or person is, by virtue of the provisions of regulation 99 bound by such Code;
 - (b) (i) an attempt, intention or threat to perform or fail to perform any such act; or
 - (ii) a conspiracy with any other person to perform or fail to perform any such act; or
 - (iii) an incitement, instigation, command or procurement of any such other person to perform or fail to perform any such act so contemplated.
- (2) An Electoral Tribunal shall not have jurisdiction to adjudicate and decide upon any matter referred to in subregulation (1), unless :
- (a) the act contemplated in subregulation (1), was allegedly performed or was required to be performed, wholly or partly, within the area of jurisdiction of such Electoral Tribunal or, in the case of more than one such act or failure, at least one such act was performed or required to be performed, wholly or partly, within such area of jurisdiction; or

- (b) the party or person against whom the proceedings in the Electoral Tribunal have been instituted either has an address within the area of jurisdiction of such Electoral Tribunal or was identified in terms of these regulations as having had an address within such jurisdiction at the time the Code became binding on such party or person in terms of regulation 99; or
 - (c) such party or person appears in such proceedings and makes no allegation that the Electoral Tribunal has no jurisdiction to adjudicate and decide upon the matter in terms of this subregulation.
- (3) If during the proceedings in any matter before an Electoral Tribunal :
- (a) it appears to the presiding officer that such Electoral Tribunal has, in terms of subregulation (2), no jurisdiction to adjudicate and decide upon such matter, the presiding officer shall :
 - (i) with the consent of all the parties to such proceedings, proceed with such matter as if that Electoral Tribunal had jurisdiction to adjudicate and decide upon such matter; or
 - (ii) if such consent is not given, make an endorsement to that effect in the record of the proceedings and transmit such record to the Electoral Tribunal which has in terms of subregulation (2) jurisdiction to adjudicate and decide upon such matter, or in the absence of such other Electoral Tribunal to the Electoral Appeal Tribunal whereupon such matter shall be continued in such last-mentioned Electoral Tribunal or Electoral Appeal Tribunal as the case may be as if such proceedings had been instituted therein.
 - (b) such Tribunal is of the opinion that the matter may warrant a penalty or sanction in excess of its jurisdiction, the presiding officer shall make an endorsement to that effect in the record of the proceedings and transmit such record to the Electoral Appeal Tribunal to adjudicate and decide upon such matter, whereupon such matter shall be considered and dealt with by such Electoral Appeal Tribunal in terms of regulation 101(2) and
- (3).

Institution of Proceedings in Electoral Tribunals

116 (1) Any party, association, body or person (hereinafter referred to as the complainant) which or who wishes any proceedings to be instituted in an Electoral Tribunal in terms of these regulations against any party or person (hereinafter referred to as the respondent) in relation to any matter referred to in regulation 115, shall lodge with the returning officer appointed for the area of jurisdiction of the municipality to which the complaint relates, an affidavit setting forth the factual allegations and submissions supporting the complaint.

(2) The returning officer, shall, where possible, endeavour to resolve any issue in relation to a complaint lodged with him or her in terms of subregulation (1) by means of mediation and to this end may refer such complaint to the Election Committee in terms of regulation 73(1)(e)(ii).

(3) (a) If the returning officer refuses to institute proceedings in relation to a complaint lodged with him or her in terms of subregulation (1) a dispute shall be deemed to exist in terms of regulation 73(1)(e)(i) and the returning officer shall forthwith submit such complaint to the Election Committee appointed in terms of regulation 73, and shall also furnish his or her reasons for such refusal in writing to the complainant and the Election Committee.

(b) Notwithstanding anything to the contrary in these regulations contained, the Election Committee after due consideration of such dispute may request the returning officer to institute proceedings in relation to the complaint and the returning officer shall thereupon do so in terms of these regulations.

(4) Any fact disclosed during mediation in terms of subregulation (2) or regulation 73(1)(e)(i) shall be privileged.

(5) If the returning officer acting as provided in regulation 109 intends to institute any proceedings in an Electoral Tribunal in terms of these regulations against any respondent in relation to any matter referred to in regulation 115 he or she shall institute any such proceedings by way of summons accompanied by

an appropriate supporting affidavit as near as may be in accordance with the form set out in Schedule 3 :

- (a) setting forth the imposition of the penalty or sanction, or the terms of an order, claimed against the respondent on the factual allegations and submissions set out in the aforesaid supporting affidavit;
- (b) setting forth the time and date as may be determined by the Secretary, which shall be a date not less than five days after the date upon which the summons was served on the respondent, on which, and the place at which, the matter is set down for adjudication and decision;
- (c) calling upon the respondent, if he or she wishes to defend the matter :
 - (i) to file with the Secretary, not less than two days before the date upon which the matter is set down for adjudication and decision, an affidavit in which the respondent answers to the allegations contained in the affidavit annexed to the summons; or
 - (ii) if the respondent intends to raise any question of law only, file with the Secretary notice in writing of his or her intention to do so before or on the date referred to in item (i) setting forth such question.

(6) In every summons the complainant shall be cited as the claimant and the claim shall, after the institution of the proceedings by the returning officer be prosecuted by such claimant : Provided that the said returning officer may, if it appears to him or her to be in the interest of justice :

- (a) be cited as the claimant and prosecute the claim; or
- (b) at any stage of the proceedings intervene in the proceedings on behalf of the claimant or the respondent.

(7) (a) The Secretary shall :

- (i) issue the summons referred to in subregulation (4) by signing the original thereof and placing his or her official stamp or seal thereon;
- (ii) allot a consecutive number to each summons so issued by him or her.

(b) Any other affidavit or document filed or record in any proceedings in an Electoral Tribunal shall be marked with such number by the party filing such affidavit or document.

(8) A claimant or respondent to the proceedings in an Electoral Tribunal shall not be entitled to file any affidavits other than the affidavits referred to in subregulation (5), except with the special permission of the Electoral Tribunal granted on good cause shown and subject to such conditions, if any, as may be determined by the Electoral Tribunal, in order to bring such proceedings to an expeditious conclusion, due regard being had to fairness and justice.

(9) The respondent shall in his, her or its affidavit contemplated in subregulation (5)(c)(i) either admit or deny or confess and avoid all the material facts alleged in the supporting affidavit annexed to the summons or state which of the said facts are not admitted and to what extent, and shall clearly and concisely state all material facts upon which he, she or it relies.

Manner of Citation of Parties as Respondents

117 In any proceedings in an Electoral Tribunal against a party :

(a) any office-bearer of such party shall be cited as representative of that party, as the respondent, and thereupon the person so cited may, as such representative, be dealt with as if he or she were the party and the respondent against which the proceedings are instituted : Provided that -

(i) if at any stage of the proceedings the said person ceases to be such an office-bearer of that party or absconds or is unable to attend, the Tribunal in question may, at the request of the claimant, from time to time substitute for the said person any other person who is an office-bearer of the said party at the time of the said substitution, and thereupon the proceedings shall continue as if no substitution has taken place;

(ii) the citation of an office-bearer of a party as aforesaid, to represent that party in any proceedings instituted against it, shall not exempt that office-bearer from proceedings being instituted against him or her in his or her personal capacity;

(b) such party shall be cited by the name of such party.

Manner of Citation of a Candidate or Representative of a Candidate as Respondents

- 118 (1) In any proceedings in an Electoral Tribunal :
- (a) against a candidate, the candidate shall be cited as the respondent; or
 - (b) against a candidate representative, the candidate representative and the candidate shall be cited as the respondents,
- and thereupon the person or persons or party so cited may be dealt with as if he, she or, they, as the case may be, were the person and the respondent against which the proceedings are instituted : Provided that if at any stage of the proceedings the said person or persons ceases to be a candidate or representative or absconds or is unable to attend, the Tribunal in question may, at the request of the claimant, from time to time substitute for the said person or persons any other person who is a candidate representative at the time of the said substitution, and thereupon the proceedings shall continue as if no substitution has taken place;
- (2) Any candidate or candidate representative shall be cited in the name of such person given in the applicable nomination paper or public declaration of nomination in terms of these regulations; or in the case of a representative who is an agent or messenger in the name of such person appointed in terms of regulation 34; or in the case of a representative who is a supporter, in the name of such supporter.

Service of Summonses

- 119 (1) A claimant, not being the returning officer may :
- (a) serve any summons issued at his or her or its instance in terms of regulation 116(1) on the respondent concerned personally; or
 - (b) with the permission of the respondent previously obtained, serve such summons upon the respondent's legal representative; or
 - (c) deliver such summons to the returning officer for service on the respondent concerned in the manner as provided in subregulation (2).

- (2) (a) The claimant requiring service of any summons to be effected by the returning officer shall deliver to the said returning officer concerned the original of that summons, together with as many copies thereof as there are respondents.
- (b) Subject to the provisions of this regulation, any summons shall be served by the returning officer on the respondent concerned by serving a copy thereof in one of the following manners :
- (i) on the respondent personally or on his or her duly authorised agent;
 - (ii) in the case of a party at the address of the national head office of such party or the provincial head office of such party in the province in which the by-election is to be held;
 - (iii) where such representative is a party supporter at the address of such supporter;
 - (iv) in the case of a candidate at the address of such candidate stated in terms of regulation 21 on the applicable form ER4;
 - (v) in the case of a candidate representative :
 - (aa) at the address of such representative stated in terms of regulation 21; or
 - (bb) where such representative is an agent or messenger at the address of such agent or messenger as shown on the updated voters' roll referred to in regulation 10(1); or
 - (cc) where such representative is a voter who has signed such candidate's nomination paper or amended nomination paper at the address of such voter on the updated voters' roll as identified in Form ER4; or
 - (dd) where such representative is a supporter at the address of such supporter;

- (vi) in the case of a juristic person, partnership or association of persons, whether incorporated or unincorporated, at its office on an office-bearer or employee thereof or on any of its members or office-bearers at his or her place of residence or business address;

Provided that where such service has been effected the returning officer shall indicate in the return of service of the summons the name of the person to whom it has been served and the capacity in which that person stands in relation to the respondent, and where such service has been effected in the manner prescribed by subparagraph (ii) to (vi) inclusive, the Electoral Tribunal may, if there is reason to doubt whether the summons served has come to the actual knowledge of the respondent to be served, and in the absence of satisfactory evidence, treat such service as invalid.

- (3) Where the party or person on which a summons is to be served keeps its or his or her place of address closed and in so doing prevents the summons to be serviced upon such party or person, it shall be sufficient service to affix a copy thereof to the outer or principal door of such place of address.
- (4) The claimant or the returning officer may, in any case where resistance to the due service of the summons in question has been met with or is reasonably anticipated, call upon any peace officer to render him or her such assistance as may be necessary to effect such service.
- (5) If a summons is served by a claimant on a respondent personally or on his or her legal representative as provided in subregulation (1)(a) or (b), the claimant shall obtain a receipt in the following form, and file the original summons and the receipt with the Secretary as soon as possible :

I, CD, being the respondent/legal representative of the respondent in the matter between claimant and myself/respondent, do hereby acknowledge that a copy of the summons in such matter has been served on me personally and that the original of the summons has been exhibited to me.

Signed at on this the day of
..... 199

.....
SIGNATURE

(6) The returning officer shall without delay notify the Secretary in writing :

(a) that service has been duly effected, stating the date and manner of service; or

(b) that he or she has been unable to effect service and of the reason for such inability,

and return the original of the said summons to the Secretary.

(7) The return of service of the returning officer and the receipt referred to in subregulation (5) shall be prima facie evidence of the matters therein stated.

Adjudications and Decisions in Electoral Tribunals

120 (1) The rules of the law of evidence shall not apply in respect of the proceedings in an Electoral Tribunal or an Electoral Appeal Tribunal and such Tribunal may ascertain any relevant fact in such manner as it may deem fit.

(2) If, on the date on which the matter has been set down for adjudication and decision :

(a) the claimant and the respondent in the proceedings appear before the Electoral Tribunal, each shall be afforded one opportunity to address the Electoral Tribunal, either personally or by way of a legal representative, and no other opportunity shall be granted except with the special permission of the Electoral Tribunal granted on good grounds shown and on such conditions, if any, as may be determined by the Electoral Tribunal;

(b) the claimant fails to appear at the time determined for adjudication and decision of the matter, the Electoral Tribunal may dismiss the matter or make such other order as it may deem expedient or appropriate in the circumstances;

- (c) the respondent fails to so appear, the Electoral Tribunal may, subject to the provisions of subregulation (3), consider the matter and, if satisfied that an order claimed in the summons is justified, issue such an order or make such other order as it may deem expedient or appropriate in the circumstances.
- (3) A respondent against whom an order has been issued under subregulation (2)(c), may as soon as practicable after the order has come to his or her knowledge apply to the Electoral Tribunal upon written notice to the claimant to set aside such order and the Electoral Tribunal may, upon good cause shown, set aside such order and make such order as it may deem fit in order to bring the proceedings to an expeditious conclusion.
- (4) If the matter cannot be decided on the affidavits filed in terms of regulation 116, the Electoral Tribunal may :
- (a) proceed inquisitorially to ascertain the relevant facts and to that end the Tribunal may question any claimant or respondent or person at any stage of the proceedings;
 - (b) order that oral evidence be heard on issues specified in such order immediately or on a date or dates determined by it at the time of making such an order, with a view to resolving any dispute of fact;
 - (c) order any person or party present at the proceedings, or any other person or party by way of a subpoena as near as may be in accordance with the form set out in Schedule 4 hereto and issued by the Secretary, to appear before it on a date or dates determined by it at the time of making such an order, to be questioned by the Tribunal, or if necessary to be examined and cross-examined as a witness, or to produce any document or article for examination;
 - (d) order the returning officer to enter upon any place or vehicle specified in such order to search for and seize any document or article so specified for production and examination in the proceedings in such Electoral Tribunal;
 - (e) make such other order as it may deem necessary in order to ensure a fair and expeditious decision on the matter.

(5) A claimant or respondent to the proceedings in which it has been ordered as provided in subregulation (4)(b) that oral evidence be heard who wishes, for the purposes of determining the issues specified in such order, any person or party to appear in such proceedings in order to be examined and cross-examined as a witness or, if necessary, to produce any document or article for examination :

(a) may cause such person or party to be ordered by way of a subpoena as near as may be in accordance with the form set out in Schedule 4 hereto and issued by the Secretary to appear before the Electoral Tribunal in question on such date as has been specified or, if necessary, to produce any such document or article for examination;

(b) shall :

(i) cause such notice to be served mutatis mutandis in accordance with the provisions of regulation 119 as if such notice were a summons;

(ii) hand or cause to be handed to such person or party such sum of money as may be necessary to pay such person's or party's reasonable transport expenses to and from his or her or its address.

(6) If any person or party ordered in terms of subregulation (4) or (5) to appear before an Electoral Tribunal to be questioned by the Tribunal or to be examined and cross-examined as a witness or to produce any document or article for examination in such Electoral Tribunal fails to attend or to give evidence or to produce any such document or article or, unless excused, fails to remain in attendance throughout the proceedings, the Electoral Tribunal may, if such Electoral Tribunal is satisfied :

(a) that the notice referred to in subregulation (4) or (5) has been duly served on such person or party; and

(b) that the transport expenses referred to in subregulation (5)(b)(ii) have been paid or offered,

order the returning officer in writing in such form as may be determined by it to cause the arrest and detention of such person or party and to cause him or her or it to be brought before such Electoral Tribunal in order to cause him or her or it to be questioned by the tribunal or to be examined and cross-examined as a witness or, if necessary, to produce any document or article for examination.

- (7) A person or party required in terms of this regulation to appear in an Electoral Tribunal in order to be questioned by the Tribunal or to be examined and cross-examined as a witness to produce any document or article for examination shall be entitled to be paid by the Tribunal, claimant or respondent which or who procured his or her or its attendance in such proceedings, such reasonable travelling and subsistence expenses as such person or party has incurred in attending the proceedings and such other fees and allowances as would have been payable to a witness in a civil case in a magistrate's court.
- (8) The provisions of regulation 119(4) and (5) shall not affect the power of an Electoral Tribunal to decide that sufficient evidence has been adduced on which a decision can be arrived at, and to order that no further evidence shall be adduced or that no further witness shall appear.

Orders Which May be Issued by Electoral Tribunals

- 121 (1) An Electoral Tribunal is empowered on having found that the claimant is not entitled to the order claimed, to dismiss such claim; or, on having found that it has been proved on a balance of probabilities that the respondent concerned has performed any act referred to in regulation 115 or was required to perform such act, to issue :
- (a) in the case of any act or failure to act contemplated in regulation 115(1) an order in terms of which any one or more of the penalties or sanctions referred to in regulation 99(2)(a)(i), (ii) or (iii) is imposed upon the respondent concerned;
- (i) to pay a fine not exceeding R100 000;
- (ii) by way of a prohibitory interdict to discontinue, or to refrain from performing, any such act, or to perform such act, to the extent specified in such order;

(iii) by way of a mandatory interdict to perform such act as may be specified in such order to the extent so specified, or to rectify in such manner as may be specified in such order any consequences which have arisen in consequence of such act or failure;

(iv) by way of a compensatory order to pay any party or person who suffered patrimonial damages in consequence of such act or failure, such an amount as may in the discretion of the Electoral Tribunal be necessary to compensate such party or person for such damages;

(b) in the case of an act or failure to act by any party representative or candidate representative who is a respondent to the proceedings contrary to the instructions or aims of such party or candidate respectively, an order in terms of which the party or candidate concerned is ordered by way of a mandatory interdict to remove such representative from its or his or her office as such representative or where applicable to employ him or her in such other capacity as may be specified in such order;

(c) any order, other than an order referred to in regulation 99(2)(a)(iv), (v), (vi) or (b) as the circumstances may require, including an order as to costs against any of the parties.

(2) The provisions of subregulation (1) shall not be construed as preventing an Electoral Tribunal from issuing in so far as it may be appropriate, two or more of the orders referred to in that subregulation.

(3) Any fine imposed upon any party or person in terms of subregulation (1) shall be paid to the Secretary who shall forthwith pay the amount so paid into the State Revenue Fund.

(4) Any amount to be paid by any party or person in any proceedings in an Electoral Tribunal by way of a fine shall be recovered by the Secretary or, by way of a compensatory order, by the party or person concerned as if such amount were an amount payable in terms of a judgement delivered by the magistrate's court which has jurisdiction in the area in which such Electoral Tribunal is situated.

(5) Any order other than an order referred to in subregulation (4) issued by an Electoral Tribunal shall for the purposes of the execution thereof be deemed

to be an order of that nature issued by the Division of the Supreme Court of South Africa which has jurisdiction in the area in which such Electoral Tribunal is situated.

- (6) An Electoral Tribunal shall make known its finding, decision and order, together with its reasons for such finding, decision and order, in public at a place and on a date determined by it and shall make known such place and date to all the parties to the proceedings.

Interim Orders Claimed as Matters of Urgency

- 122 (1) Subject to the provisions of subregulation (2), an Electoral Tribunal may at any time issue :

- (a) an order dispensing with the time limits as provided in regulation 116;
- (b) a prohibitory interdict referred to in regulation 121(1)(a)(iii), as an interim measure, until such time as the matter is finally adjudicated and decided upon or until such earlier date as may be anticipated by the claimant concerned.

- (2) An Electoral Tribunal shall not grant an order referred to in subregulation (1), unless it is satisfied on evidence adduced, either orally or by way of affidavit, before it :

- (a) that the summons in question has been served upon the respondent in accordance with regulation 119 or, if the delay to effect such service will defeat the aims of the order sought, in such other manner as the Electoral Tribunal in its discretion deems reasonable in the circumstances.

- (b) that the claimant has established :

- (i) that a right to which the complainant is entitled has been, is being, or is about to be infringed in consequence of an act or of a failure to act by the respondent as contemplated in regulation 115;

- (ii) that there is a reasonable apprehension that the complainant will suffer irreparable harm if the order sought is not granted as an interim measure; and

- (iii) that the balance of convenience favours the granting of such an order.

CHAPTER 19

ELECTORAL APPEAL TRIBUNALS

Establishment, Areas of Jurisdiction and Seats of Electoral Appeal Tribunals

- 123 The place where the seat of the provincial division of the Supreme Court is situated shall be the seat of the Electoral Appeal Tribunal.

Appeals Against Decisions and Orders of Electoral Tribunals

- 124(1) (a) An appeal referred to in regulation 105(1) shall be noted by the claimant or respondent concerned not later than three days from the date on which the decision, order, penalty or sanction in question has in terms of regulation 121(6) been made known by the Electoral Tribunal concerned.
- (b) Such appeal shall be noted by lodging with the Secretary at the seat of the Electoral Tribunal concerned a notice of appeal setting out fully the grounds of appeal and specifying the findings of fact and law against which the appeal is noted.
- (c) Such claimant or respondent shall forthwith submit a copy of such notice of appeal to any other person who or party which was a claimant or respondent to the proceedings in the Electoral Tribunal.
- (2) The Secretary shall :
- (a) upon receipt of a notice of appeal, in consultation with the chairperson of the Electoral Appeal Tribunal, forthwith determine a date on which the appeal shall be heard, which shall be a date not later than five days from the date of such receipt or such later date as may be determined by the chairperson concerned;
- (b) forthwith notify the claimant or respondent to the proceedings of the date so determined; and
- (c) make copies of the record of the proceedings available to the Electoral Appeal Tribunal not later than three days before the date so determined, and, at the request of any claimant or respondent to the proceedings and

upon payment of such amount as may be determined by the Secretary, to any such claimant or respondent.

- (3) Noting an appeal to an Electoral Appeal Tribunal shall not have the effect of suspending any decision, order, penalty or sanction, by the Electoral Tribunal in question unless the Electoral Appeal Tribunal determines otherwise upon an application made to it after notice in writing to all claimants or respondents to the proceedings.

Appeals Heard and Determined by, and Orders of, Electoral Appeal Tribunals

- 125 (1) An appeal in an Electoral Appeal Tribunal shall be heard mutatis mutandis in the manner in which appeals from magistrates' courts in civil matters are heard in the Supreme Court.

- (2) The Electoral Appeal Tribunal may :

- (a) on hearing an appeal from an Electoral Tribunal receive any evidence, orally or by way of affidavit, which such Electoral Tribunal was required to hear, but incorrectly failed to hear, or remit in its discretion the matter to the Electoral Tribunal in question for hearing such evidence, with instructions as regards the taking of such evidence;
- (b) after hearing any such appeal, confirm, set aside or vary any order made by the Electoral Tribunal in question or make any order which the circumstances may require and which in its opinion ought to have been made by that Electoral Tribunal.

Institution of, and Procedure in, Proceedings in Terms of Regulation 100 in Electoral Appeal Tribunals

- 126 The provisions of regulations 115(1) and (2), 116, 117, 118, 119, 120, 121(3), (4), (5) and (6) and 122 shall apply mutatis mutandis in relation to proceedings in an Election Appeal Tribunal in relation to an infringement of the Code referred to in regulation 109 including :

- (a) the manner of citation of parties in such proceedings;
- (b) the service of summonses on respondents in such proceedings;

- (c) the manner in which matter in such proceedings are to be adjudicated and decided upon; and
- (d) any interim order which may be claimed as a matter of urgency.

Orders which may be Issued by Electoral Appeal Tribunals

- 127 An Electoral Appeal Tribunal is empowered on having found that the claimant is not entitled to the order claimed, to dismiss such claim, or, on having found that it has been proved on a balance of probabilities that the respondent concerned has infringed the Code, if in its opinion an order contemplated in regulation 99(2) or 121(1) ought to be issued in respect of such infringement, to issue any such order or orders.

Review of Decisions of Electoral Tribunals

- 128 Any proceedings in terms of which a decision of an Electoral Tribunal is brought under review shall be commenced within 10 days after the decision was taken or within such longer period after such decision was taken as the Electoral Appeal Tribunal may on good cause shown allow.

Institution of Review Proceedings

- 129 (1) Any claimant or respondent in any proceedings in an Electoral Tribunal who or which wishes to bring a decision of such Electoral Tribunal under review shall do so by directing to the presiding officer of such Electoral Tribunal and to any other claimant or respondent who or which is affected by the decision, a notice of review in a form as near as may be in accordance with the form set out in Schedule 5 and by delivering such notice to the Secretary at the seat of the Electoral Appeal Tribunal and by serving such notice on all other claimants or respondents in the manner provided for a summons in regulation 119 :
- (a) setting forth such time and date as may be determined by the Secretary after consultation with the chairperson of the Electoral Appeal Tribunal in question, which shall be a date not less than five days after the date upon which the notice of review has been delivered to the presiding officer or has been served on every other claimant or respondent concerned, whichever is the later date, on which, and the place at which the review is set down for hearing;

- (b) setting out the decision sought to be reviewed;
 - (c) calling upon such presiding officer and every claimant or respondent to show cause why such decision should not be reviewed and set aside or corrected;
 - (d) calling upon such presiding officer and every claimant or respondent if any of them wishes to oppose the matter :
 - (i) to file with the Secretary not less than two days before the date upon which the matter is set down for hearing, an affidavit in which such presiding officer claimant or respondent answers to the allegations contained in the affidavit annexed to the notice of review; or
 - (ii) if such presiding officer or claimant or respondent intends to raise any question of law only, to file with the Secretary a notice in writing of such intention to do so before or on the date referred to in item (i) setting forth such question.
- (2) The notice of review referred to in subregulation (1) shall be supported by an affidavit annexed to such notice setting out the grounds and the facts and circumstances upon which the decision is sought to be reviewed and set aside or corrected.
- (3) The Secretary shall, upon the receipt of a notice of review, make copies of the record of the proceedings available, not later than five days before the date of hearing determined as provided in subregulation (1), to the Electoral Appeal Tribunal, the presiding officer of the Electoral Tribunal in question and, at the request of any claimant or respondent to the proceedings and upon payment of such amount as may be determined by the Secretary, to any such claimant or respondent.
- (4) Any claimant or respondent in the proceedings calling for the decision in question to be reviewed may upon receipt of the record of proceedings file one set of supplementary affidavits.

Manner in Which Review Matters are to be Heard in Electoral Appeal Tribunals

130 (1) If, on the date on which a review matter has been set down for hearing :

(a) the presiding officer in question, and all claimants and respondents appear before the Electoral Appeal Tribunal, each shall be afforded one opportunity to address the Electoral Appeal Tribunal, either personally or by way of a legal representative, and no other opportunity shall be granted, except with the special permission of the Electoral Appeal Tribunal granted on good grounds shown and on such conditions, if any, as may be determined by the Electoral Appeal Tribunal;

(b) the presiding officer in question or any claimant or respondent fails to appear at the time determined for hearing of the matter, the Electoral Appeal Tribunal may make such order as it may deem expedient or appropriate in the circumstances.

(2) If the matter cannot be decided on the affidavits filed in terms of regulation 116 the Electoral Appeal Tribunal may :

(a) proceed inquisitorially to ascertain the relevant facts and to that end the Tribunal may question any claimant or respondent or person at any stage of the proceedings;

(b) order that oral evidence be heard on issues specified in such order immediately or on a date or dates determined by it at the time of making such an order with a view to resolving any dispute of fact;

(c) order any person or party present at the proceedings, or any other person or party by way of subpoena as near as may be in accordance with the form set out in Schedule 4 hereto and issued by the Secretary, to appear before it on a date or dates determined by it at the time of making such an order, to be questioned by the Tribunal, or if necessary to be examined and cross-examined as a witness, or to produce any document or article for examination;

(d) order the returning officer to enter upon any place or vehicle specified in such order to search for and seize any document or article so specified for production and examination in the proceedings in such Tribunal;

- (e) make such other order as it may deem necessary in order to ensure a fair and expeditious decision on the matter.
- (3) A claimant or respondent to the proceedings in which it has been ordered as provided in subregulation (2)(b) that oral evidence be heard who wishes, for the purposes of determining the issues determined in such order, any person or party to appear in such proceedings in order to be examined and cross-examined as a witness or, if necessary, to produce any document or article for examination :
- (a) may cause such person or party to be ordered by notice in writing by way of subpoena as near as may be in accordance with the form set out in Schedule 4 hereto and issued by the Secretary to appear before the Electoral Appeal Tribunal in question on such date as has been specified or, if necessary, to produce any such document or article for examination;
- (b) shall -
- (i) cause such notice to be served mutatis mutandis in accordance with the provisions of regulation 119 as if such notice were a summons;
- (ii) hand or cause to be handed to such person or party such sum of money as may be necessary to pay such person's or party's reasonable transport expenses to and from his or her or its address.
- (4) If any person or party ordered in terms of subregulation (2) or (3) to appear before an Electoral Appeal Tribunal to be questioned by the Tribunal or to be examined and cross-examined as a witness or to produce any document or article for examination in such Electoral Appeal Tribunal fails to attend or to give evidence or to produce any such document or article or, unless excused, fails to remain in attendance throughout the proceedings, the Electoral Appeal Tribunal may, if such Electoral Appeal Tribunal is satisfied :
- (a) that the notice referred to in subregulation (2) or (3) has been duly served on such person or party; and

- (b) that the transport expenses referred to in subregulation (3)(b)(ii) have been paid or offered, order the returning officer in writing in such form as may be determined by it to cause the arrest and detention of such person or party and to cause him or her or it to be brought before such Tribunal in order to cause him or her or it to be questioned by the tribunal or to be examined and cross-examined as a witness or, if necessary, to produce any document or article for examination.
- (5) A person or party required in terms of this regulation to appear in an Electoral Appeal Tribunal in order to be questioned by the Tribunal or to be examined and cross-examined as a witness or to produce any document or article for examination shall be entitled to be paid by the Tribunal, claimant or respondent which or who procured his or her or its attendance in such proceedings, such reasonable travelling and subsistence expenses as such person or party has incurred in attending the proceedings and such other fees and allowances as would have been payable to a witness in a civil case in a magistrate's court.
- (6) The provisions of regulation 130(2) and (3) shall not affect the power of an Electoral Appeal Tribunal to decide that sufficient evidence has been adduced on which a decision can be arrived at, and to order that no further evidence shall be adduced or that no further witness shall appear.

CHAPTER 20**GENERAL****Obstruction or Hindrance**

- 131 Any party which or person who obstructs or hinders the returning officer or any representative of the returning officer or any peace officer in the execution or serving of a search warrant, summons or subpoena, shall be guilty of an offence.

Tribunal Open to Public Save for Disturbance

- 132 (1) Subject to the provisions of subregulation (2), the proceedings in an electoral Tribunal or Electoral Appeal Tribunal shall take place in open and in public.
- (2) If any person present at the proceedings of an Electoral Tribunal or an Electoral Appeal Tribunal disturbs the order of such a Tribunal, that Tribunal may order that such person be removed and detained in custody until the Tribunal adjourns, or the Tribunal may, if in its opinion order cannot be otherwise maintained, order that the Tribunal room be cleared and that the public shall not be present at the proceedings.

Contempt

- 133 A person who wilfully insults a member of the Electoral Tribunal or the Electoral Appeal Tribunal during a hearing of such a Tribunal, or the Secretary or the returning officer or his or her representative at that session, or who wilfully interrupts the proceedings of a Tribunal or otherwise misbehaves in the place where the hearing of a Tribunal is held shall be liable to be sentenced summarily or upon summons to a fine not exceeding R500,00.

Persons to Act on behalf of Returning Officer

- 134 The Director-General of the provincial government shall appoint or designate in writing such person or persons as he or she deems necessary or appropriate to assist or act on behalf of any returning officer for the purposes of instituting proceedings and implementing or otherwise conducting the provisions of regulations 108 -132 inclusive, in whole or in part, in which event such person or persons shall be the authorised representative of the returning officer, capable of acting in his or her name and duly authorised to do all things necessary or required in terms of the aforementioned regulations.

Inspection of Documents by Public and Custody Thereof

- 135 (1) The documents of an Electoral Tribunal and Electoral Appeal Tribunal shall be available for inspection by the public under the supervision of the Secretary during normal office hours and those documents shall be available and preserved at such place and for such period as the Director-General of the provincial government may determine.
- (2) The Director-General may order that after the expiry of the period contemplated in subregulation (1) the documents so preserved shall be removed to a specified place of custody or be destroyed or otherwise disposed of.

CHAPTER 21**OFFENCES AND PENALTIES
FOR CODE OF CONDUCT****Offences and Penalties**

- 136 (1) Any party or person who is convicted of any offence in terms of regulations 84 to 133 inclusive in respect of which a penalty has not expressly been prescribed, shall be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding one year.
- (2) (a) Any party or person who contravenes or fails to comply with an order of an Electoral Tribunal or Electoral Appeal Tribunal shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding one year.
- (b) Any party or person who has been duly subpoenaed in terms of these regulations to give evidence or to produce any document or article in its or his or her possession or under its or his or her control who :
- (i) fails, without lawful excuse, so to attend or to give evidence or to produce such document or article in accordance with the subpoena; or
- (ii) unless duly excused, fails to remain in attendance throughout the proceedings,
- shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding one year.

Annexure

137 The annexures to these regulations shall be read as one with these regulations.

Short Title and commencement

138 These regulations shall be called the Local Government By-Election Regulations, 1997, and come into operation on 1 January 1998.

Reg **4(5)**
 4(6)

ER1

..... MUNICIPALITY

POST TO: VOTERS' ROLL OFFICE
PO BOX

OR

DELIVER TO: VOTERS' ROLL OFFICE/S
(STREET ADDRESS)

CLAIM TO ENROL AS A VOTER
(PLEASE PRINT)

SURNAME

1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399</
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**FIRST
NAMES**

[illegible]

IDENTITY
NUMBER

[illegible]**ADDRESS**

MEANS THE ADDRESS OF THE PLACE WHERE YOU LIVE OR FOR WHICH YOU PAY WATER, ELECTRICITY, ETC. DO NOT PUT IN A POST BOX NUMBER. IF YOU NEED HELP VISIT YOUR NEAREST VOTERS' ROLL OFFICE.

**STREET NO
AND NAME,
SUBURB AND
TOWNSHIP OR
ADDRESS
GIVEN TO YOU
BY YOUR
VOTERS'
ROLL OFFICE**

TELEPHONE
NUMBER[illegible]

(IF ANY)

BASIS OF CLAIM:

(PLEASE MARK APPLICABLE BLOCK)

I LIVE AT THIS ADDRESS	
------------------------	--

I DO NOT LIVE AT THIS ADDRESS, BUT PAY WATER, ELECTRICITY, ETC.	
---	--

I WILL BE 18 YEARS OF AGE OR OLDER ON BY-ELECTION DAY.

I HEREBY CLAIM TO BE REGISTERED AS A VOTER.

SIGNATURE

DATE _____

Reg 4(6)(b)
4(6)(d)(i)

ER2

TO: THE VOTERS' ROLL OFFICER
[ADDRESS OF MUNICIPALITY]

..... MUNICIPALITY*

OBJECTION TO CLAIM FOR REGISTRATION ON VOTERS' ROLL

I, (full name)

resident at

..... (home address in full), object to the inclusion of

.....
.....
(full name, identity number and address of person objected to) on the voters' roll.

My objection is based on the following grounds:

Signature of Objector

Date

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

(W).....

NOTE: THIS FORM MUST BE MAILED TO THE ABOVE ADDRESS OR MAY
BE DELIVERED BY HAND TO THE FOLLOWING OFFICES:

(1)

(2)

* Name of Municipality

Reg 18

ER3

(Front of ballot paper)

(Perforation)*

Counterfoil No..... Municipality By-Election of ward councillor FOR WARD..... Date.....	You may vote for NOT MORE THAN candidate(s)		
	(CANDIDATE)*	(SYMBOL)*	(MARK)*
	JONES, Vera Joan		
	MBULE, Mwakhe		
	SMIT, Jan		

*Information in brackets must not be printed on ballot paper

(Back of ballot paper)

OFFICIAL MARK

..... MUNICIPALITY

ELECTION OF WARD COUNCILLOR

for

Ward

(Date)

ER4

The Returning Officer

(Municipality)

(Address)

(To be completed by prospective candidates)

Date of By-Election.....

Surname.....

Other names.....

Identity Number.....

Residential Address

Ward in which resident.....

This nomination is for Ward..... of the abovementioned Municipality

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

I,,
the abovementioned candidate/agent of the abovementioned candidate, duly authorised to accept nomination on his behalf, accept this nomination and certify that *I/ such candidate *am/is not disqualified from being nominated as a candidate in terms of Regulation 21(1) or (2).

Date _____

Signature of Candidate or Agent

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

We hereby nominate the abovementioned candidate.

Initials and surname

ID Number

Ward No.

Signature of voter

* *Delete whichever is not applicable*

Reg 27(1)(a)

ER5A

..... MUNICIPALITY**

CERTIFICATE OF APPOINTMENT OF VOTING STATION ELECTION OFFICER

By-Election Date:

Surname:

Other Names:

Identity Number:

Voting Station: (address of voting station)

.....

.....

.....

Ward:

I appoint the above person as:

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

at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER8.

Date

Returning Officer

(To be enclosed in envelope * ER6 or ER29)

* Delete whichever is not applicable

** Name of Municipality

Reg 27(1)(a)

Form ER5B

..... MUNICIPALITY**

CERTIFICATE OF APPOINTMENT OF COUNTING STATION ELECTION OFFICER

By-Election Date:

Surname:

Other Names:

Identity Number:

Counting Station: (address of counting station)

.....

.....

.....

Ward:

I have appointed the above person as **Counting Officer** at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER8.

Date_____
Returning Officer

(To be enclosed in envelope * ER6 or ER29)

* Delete whichever is not applicable

** Name of Municipality

Reg 27(1)(a)
27(1)(b)
57(3)

Envelope ER6

.....MUNICIPALITY **

Date

*Ward/Voting Station

THIS ENVELOPE CONTAINS:

APPOINTMENT OF ELECTION OFFICER (ER5)

DECLARATION OF SECRECY (ER8)

(To be enclosed in Parcel ER 23)

* Delete whichever is not applicable
** Name of Municipality

Reg 29(2)

ER7

.....MUNICIPALITY

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

The Returning Officer

..... Municipality

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

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

Date

Signature of Candidate

* Every candidate at an election may appoint :

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

Reg 30(3)

ER8

.....MUNICIPALITY**

DECLARATION OF SECRECY

(TO BE COMPLETED BY CANDIDATE'S AGENTS AND MESSENGERS)

Declaration of secrecy regarding the by-election to be held on

..... (date) for
 *(name of Municipality) for
 *(ward)
 (voting station)

- * I, (full names and Identity Number) have read and fully understand regulation 102 of the Local Government By-Election Regulations and undertake not to do anything forbidden thereby and to maintain and aid in the secrecy of the voting.

- * I, (full names and Identity Number) cannot read but I have had read to me and fully understand regulation 102 of the Local Government By-Election Regulations and undertake not to do anything forbidden thereby and to maintain and aid in the secrecy of the voting.

Signature

Date

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

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

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

(To be enclosed in envelope *ER6 or ER29)

* Delete whichever is not applicable

** Name of Municipality

Reg 30(1)

ER9

.....MUNICIPALITY**

DECLARATION ON CODE OF CONDUCT FOR ELECTION OFFICER*(To be completed by Returning Officer, Deputy Returning Officer, Presiding Officer, and every other election officer)*

Declaration of secrecy regarding the by-election to be held on

.....

(date) for

.....

*(name of municipality) for

.....

*(ward)

.....

(voting station)

- * I, (full names and identity number) have read and fully understand the Code of Conduct for Election Officers contained in Schedule 1 of the Local Government By-Election Regulations and undertake to be bound thereby.

- * I, (full names and identity number) cannot read but have had read to me and fully understand the Code of Conduct for Election Officers contained in Schedule 1 of the Local Government By-Election Regulations and undertake to be bound thereby.

Signature_____
Date_____
Designation (Returning Officer,
agent, counting agent, messenger, etc.)

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

*Commissioner of Oaths/Returning Officer/
Deputy Returning Officer/Presiding Officer*(To be enclosed in envelope *ER6 or ER29)*

* Delete whichever is not applicable

** Name of Municipality

Reg 33(1)

Envelope ER10

.....MUNICIPALITY*

OFFICIAL MARK INSTRUMENTS

To: Presiding Officer
Voting Station

Number of official mark instruments issued

Date

Ward/Voting Station

Returning Officer

Date

Signature

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

* Name of Municipality

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

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

(To be enclosed in envelope "ER6 or ER29")

*Delete whichever is not applicable

**Name of Municipality

Reg 34(b)

ER11

.....MUNICIPALITY*

The Presiding Officer

..... Voting Station

NOTIFICATION REGARDING COUNTING VENUE

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

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

Signature of Returning Officer_____
Date

*

Name of Municipality

Reg 42(b)

ER12

DIRECTIONS FOR GUIDANCE OF VOTERS

WARD CANDIDATE

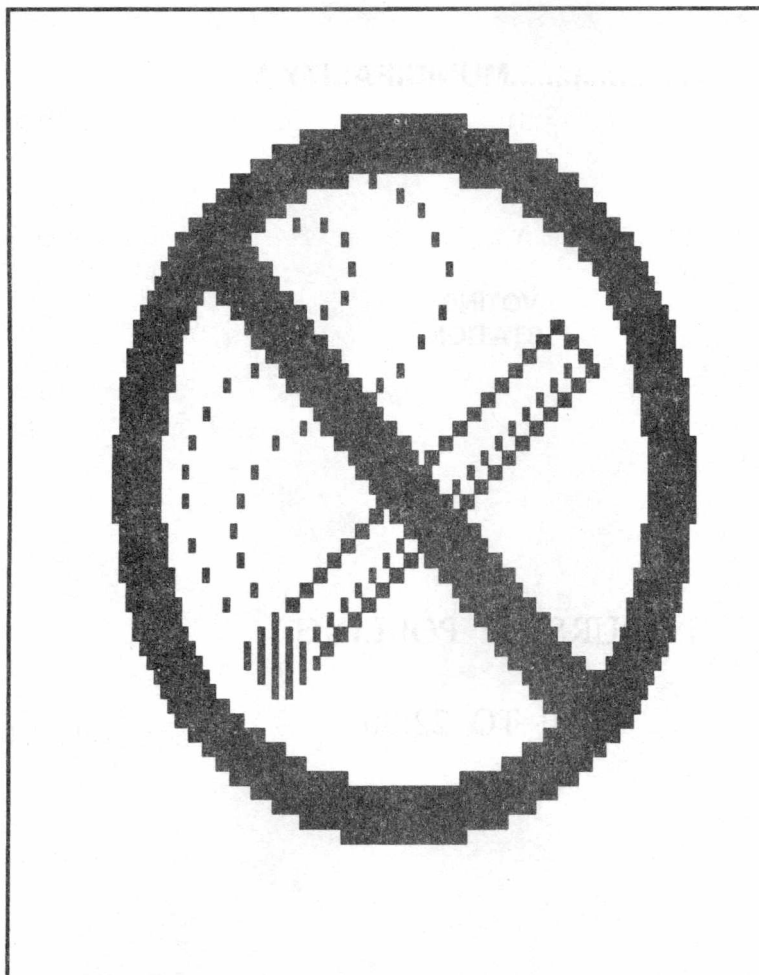
- Make a mark in the empty square next to the name and symbol of the candidate you wish to vote for.
- Fold your ballot paper so that the **official mark stamp** on the back of your ballot paper **is on the outside**.

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

IF YOU MAKE A MISTAKE ON THE BALLOT PAPER

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

**NO SMOKING OR LIGHTING OF INFLAMMABLE MATERIAL INSIDE
VOTING STATION**



Reg 41(1)

ER14

.....MUNICIPALITY *

VOTING
STATION

HOURS OF POLLING

7:00 TO 22:00

* *Name of Municipality*

Reg 48(1)
48(2)

(1) ER15

.....MUNICIPALITY**

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

Date.....

Ward/Voting Station

1. Are you..... (full names) whose name appears
opposite identity number.....on the voters' roll of this ward/voting
station?

Answer:

2. Have you already voted under this name and under this identity number in this by-election
at this or any other voting station ?

Answer:

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

Answer:

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

Signature of person applying for ballot paper

Date

The above declaration was made and signed before me at

this day of 19.....

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

Signature of Presiding Officer

(To be enclosed in Envelope ER18)

* Delete whichever is not applicable

** Name of Municipality

Reg 54(1)

ER16

.....MUNICIPALITY**

OBJECTION TO PERSON EXERCISING VOTE

Date

Ward/Voting Station

I.....(full names)
 (identity number) believe and undertake to prove that the person
 who has applied for/who has been issued with* a ballot paper in the name of
(full names) opposite identity
 number..... in the Voters' Roll of this..... (ward/voting
 station) is not such person.

Signature of Objector

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

Signature of Presiding Officer

(To be enclosed in Envelope ER 18)

* Delete whichever is not applicable

** Name of Municipality

Reg 54(2)

ER17

.....MUNICIPALITY**

DECLARATION BY PERSON OBJECTED TO

Date

Ward/Voting Station

I declare that I am..... (full names) whose name appears
 opposite identity number..... in the voters' roll of this ward/voting station and that
 the statement that I am not such person made by
 (full names) in the objection which has been read to me, is false.

Signature of Declarant_____
Date

The above declaration was made, signed and sworn to/affirmed before me at

.....this day of 19.....

Signature of Presiding Officer

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

* Delete whichever is not applicable

** Name of Municipality

(To be enclosed in Envelope ER 18)

Reg 54(5)
55(2)(b)

Envelope ER18

.....MUNICIPALITY**

Date.....

Ward/Voting Station

THIS ENVELOPE CONTAINS: *

COMPLETED REPLIES TO QUESTIONS (FORMS ER15)

**COMPLETED OBJECTIONS TO PERSONS EXERCISING
VOTE (FORMS ER16)**

**COMPLETED DECLARATIONS BY PERSONS OBJECTED TO
(FORMS ER17)**

**CANCELLED BALLOT PAPERS AND IMPOUNDED BALLOT
PAPERS**

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

** *Name of Municipality*

(To be enclosed in Parcel ER23)

Envelope ER19

Ward/Voting Station

MARKED COPIES OF UPDATED VOTERS' ROLL

* *Name of Municipality*

Reg 67(1)(d)

ER20

.....MUNICIPALITY*

BALLOT PAPER ACCOUNT - WARD VOTING

VOTING STATION NAME AND OR NUMBER:	DATE OF BY-ELECTION:.....
WARD NAME AND OR NUMBER	

		FROM	COUNTER FOIL NUMBERS TO	TOTAL BALLOT PAPERS
A	Ballot papers received from Returning Officer			
B	Ballot papers Issued to Voters			
C	Ballot papers Spoilt, Cancelled or Impounded in Voting Stations			
D	TOTAL BALLOT PAPERS TO BE IN BALLOT BOXES (B-C)			

..... (Presiding Officer) (Date)
------------------------------	-----------------

FOR (DEPUTY) RETURNING OFFICER USE ONLY

		COUNTERFOIL NUMBERS	
		FROM	TO
E	Counterfoil Numbers Entered by Presiding Officer on Receipt for Ballot Papers		
F	Counterfoil Numbers Stated at Line A and Line B above Reconcile (circle correct box) If NO, provide statement of discrepancy	YES	NO

..... (Returning Officer/Deputy Returning Officer) (Date)
---	-----------------

	BALLOT PAPERS FOUND IN BALLOT BOXES FOR THIS VOTING STATION	
G	Proceeding directly to the count	
H	Set aside for adjudication	
I	TOTAL BALLOT PAPERS FOUND IN BALLOT BOXES (G + H)	
J	DISCREPANCY (I - D)	

..... (Returning Officer/Deputy Returning Officer) (Date)
---	-----------------

(To be enclosed in Envelope ER21)

* Name of Municipality

Reg 57(5)(a)
58(3)(a)

ER20A

BALLOT BOX TRANSPORT FORM

Municipality:

Ward:

Voting Station:

Date of By-Election:

USED AND SEALED BALLOT BOXES NUMBER AND SYMBOL	UNUSED/UNSEALED BALLOT BOXES NUMBER AND SYMBOL
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.
11.	11.
12.	12.

I hereby certify that the abovementioned ballot boxes were in the voting station at the close of the election and after compliance with the provisions of regulation 57 for delivery to the returning officer in terms of regulation 58(1).

PRESIDING OFFICER

Name:

Signature:

Witness:

Member of Security Force

Name:

Number:

Rank:

Signature:

This document must be completed by the presiding officer immediately after all by-election material has been sealed in terms of regulation 57 and immediately before leaving the voting station to deliver by-election material to the returning officer.

Envelope ER21

.....MUNICIPALITY*

BALLOT PAPER ACCOUNT (FORM ER 20) WARD VOTING

Date.....

Ward/Voting Station

(To be enclosed in Parcel ER23)

* *Name of Municipality*

Reg 57(4)
58(1)

Label ER22

.....MUNICIPALITY*

UNUSED FORMS, STATIONERY AND OTHER BY-ELECTION MATERIAL

Date

Ward/Voting Station

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

* *Name of Municipality*

Reg 57(3)(c)
58(1)

Label ER23

.....MUNICIPALITY*

Date

Ward/Voting Station

PARCEL CONTAINING ENVELOPES

ER6

ER18

ER19

(To be sealed in bag/box under label ER33 by Returning Officer after counting of votes is completed)

* *Name of Municipality*

Reg 35(1)(j)
57(3)(d)

(b) Envelope ER24

.....MUNICIPALITY*

OFFICIAL SEAL

To: Returning Officer

Seal in envelope: YES/NO**

Date

Ward

Voting Station

Signature of Presiding Officer

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

- * *Name of Municipality*
- ** *Delete whichever is not applicable*

Reg 57(3)(a)&(b)

Envelope ER25

To: Returning Officer

..... MUNICIPALITY*

**INSTRUMENTS FOR MARKING OFFICIAL BALLOT PAPERS WITH
OFFICIAL MARK**

(Number of instruments in envelope)

Date.....

Ward/Voting Station.....

*(To be sealed with official seal by Presiding Officer)** *Name of Municipality*

ER26A(i)

RESULT OF COUNT - WARD CANDIDATES

I declare that at the by-election in the abovementioned ward the following is the result of the count of ballot papers received from the abovementioned voting station.

.....
 (Returning Officer/Deputy Returning Officer) (Date)

* *Name of Municipality*

Reg 67(1)(b)

Label ER27

.....MUNICIPALITY*

COUNTED BALLOT PAPERS - WARD CANDIDATES

Date.....

Ward/Voting Station

*(To be placed in bag/box ER33 by Returning Officer after counting of votes)** *Name of Municipality*

Reg 67(1)(c)

Label ER28

.....MUNICIPALITY*

REJECTED BALLOT PAPERS - WARD CANDIDATES

Date.....

Ward/Voting Station.....

*(To be placed in bag/box ER33 by Returning Officer after counting of votes)** *Name of Municipality*

Reg 27(1)(c)
27(1)(d)
30(2)(a),(b)&(c)
67(2)(b)

Envelope ER29

.....MUNICIPALITY*

Date.....

Ward/Voting Station.....

THIS ENVELOPE CONTAINS:

APPOINTMENT OF ELECTION OFFICERS
(FORMS ER5)

DECLARATIONS RELATING TO SECRECY (FORMS ER8)
HANDLED TO RETURNING OFFICER.

(To be placed in bag/box ER33 by Returning Officer after counting of votes)

* Name of Municipality

Reg 67(1)(a)
70(3)(a)

ER30

.....MUNICIPALITY*

COUNTED BALLOT PAPER ACCOUNT - WARD VOTING

Date

Municipality**; or

Ward**; or

Voting Station**

A Total Ballot Papers counted from
Ballot Box (Reg 64(3)(d)) Total.....

B Total Ballot Papers rejected and
not counted (Reg 66) Total.....

C Total valid ballot papers
counted: (A minus B) Total.....

Signature of Returning Officer/Deputy Returning Officer

(To be placed in applicable envelope ER31)

* Name of Municipality

** Identify and name whether this account relates to a voting station only; or to a ward i.e., comprising a total of voting stations; or to a municipality i.e., comprising a total of wards.

Reg 67(1)(a)

Envelope ER31

.....MUNICIPALITY*

COUNTED BALLOT ACCOUNT (FORM ER30) WARD VOTING

Date

Municipality**

Ward**

Voting Station**

* *Name of Municipality*** *Identify and name whether this account relates to a voting station only; or to a ward i.e., comprising a total of voting stations; or to a municipality i.e., comprising a total of wards.*

Signature of Returning Officer/Deputy Returning Officer

Date

Reg 70(3)(a)
70(4)

ER32

.....MUNICIPALITY**

DECLARATION OF NUMBER OF VOTES (WARD CANDIDATES)

Date

Ward *

Voting Station*

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

CANDIDATES

TOTAL NUMBER OF VOTES

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Date

Signature of Returning Officer/Deputy Returning Officer

* *Identify and name whether this result relates to a voting station only; or to a ward i.e., comprising a total of voting stations; or to more than one ward.*

** *Name of Municipality*

Reg 67(2)(c)

Label ER33

FOR USE BY RETURNING OFFICER

.....MUNICIPALITY*

BAG/BOX CONTAINING ALL BY-ELECTION DOCUMENTS

By-Election Date.....

Ward/Voting Station.....

* *Name of Municipality*

SCHEDULE 1**CODE OF CONDUCT FOR ELECTION OFFICERS**

The object of the Code is to commit every election officer to make sure that every voter exercises his or her right to vote in secrecy, dignity, comfort and confidence.

1. Every election officer shall undertake :

- (1) to do nothing to influence any voter to vote or not to vote for any candidate or party;
- (2) to maintain the secrecy of voting at every voting station;
- (3) to perform with care, competence and courtesy, all duties and functions in accordance with the lawful instructions of the returning officer;
- (4) to be strictly impartial in these duties and functions, and to do nothing by way of action, attitude, manner or speech to give any other impression;
- (5) to reject affirmatively and to disassociate himself or herself from any intimidation, force, sexual harassment, hostility, injury, disadvantage or threat of reprisal to any person or damage to any property which may disrupt or influence the process or result of the by-election; and
- (6) to keep safe all by-election material entrusted to him or her.

2. Every election officer shall refrain from any attempt, offer or request :

- (1) to find out how a voter has voted or intends to vote;
- (2) to get a voter to show or make known how he or she has voted;

- (3) to put any mark on a ballot paper so that a voter can be identified;
- (4) to influence or assist a person to vote in the knowledge that such person is not entitled to vote;
- (5) without due authority to disclose which candidate or party has been voted for on any ballot paper or papers; or
- (6) without due authority to approach, assist, signal or speak to any voter from the time the voter has entered the inner perimeter of the voting area until the time that the voter has put his or her ballot paper into the ballot box and has left the voting station.

3. No election officer shall, without due authority :

- (1) place any official mark on a ballot paper or take any ballot paper or supply any ballot paper to any person;
- (2) make any mark on a ballot paper or put any ballot paper into a ballot box;
- (3) take any ballot paper out of the voting station;
- (4) approach or touch a ballot box;
- (5) go into a voting compartment, except when specifically instructed to check its contents and it has no voter inside, or when lawfully helping an illiterate, blind or disabled voter;
- (6) break the seal or fastening or open or remove any contents of a ballot book, ballot box, parcel or envelope containing by-election material;
- (7) remove from a voting station any by-election material, or by act or omission assist anyone else to do so; or

- (8) mark or write on, or delete any mark or writing from any by-election material.

4. No election officer shall :

- (1) accept directly or indirectly any money, gift or promise from any candidate or party or any representative or agent of such candidate or party;
- (2) impede or prevent any voter, election officer, candidate, representative, agent, messenger or other election officer from gaining access to a voting area in the authorised manner and the prescribed hours;
- (3) destroy, hide or damage any by-election material;
- (4) destroy or alter a ballot paper or the official mark on it;
- (5) put anything other than a ballot paper or papers under due authority into a ballot box;
- (6) smoke, or, except where required for the purposes of the by-election, light a match or lighter or any inflammable substance in a voting station;
- (7) save with the express permission of the returning officer eat or drink in a voting station or place of counting;
- (8) in any voting station or inner perimeter or place of counting introduce, retain or consume any beverage containing alcohol or any other intoxicating or narcotic substance; or
- (9) in a voting area wear any badge or emblem or apparel or article of clothing which associates or is reasonably likely to associate such election officer with any party or candidate in the by-election.

5. Every election officer in the course of his or her duty shall with courtesy, impartiality and due regard to the dignity, confidence and apparent needs of a voter :

- (1) request a voter to display his or her identity document;
- (2) request a voter to state his or her name and address;
- (3) carefully identify and rule out the identity number, name and address of such voter, if any, in the voters' roll;
- (4) where necessary, request the returning officer for assistance or advice;
- (5) direct a voter to a voting compartment or to a ballot table;
- (6) inform a voter that directions for guidance are posted inside the voting compartment;
- (7) tell a voter where to deposit a ballot paper or papers after the voter has exercised his or her vote;
- (8) direct a voter to the exit of the voting station after the voter has completed the voting process;
- (9) inform any voter who is blind, illiterate, infirm or disabled, or who requires a translator, that such voter may get assistance from an election officer and direct the voter to that officer or where appropriate, direct that officer to the voter.

6. Any election officer who is appointed to assist a voter who is blind, illiterate, infirm or disabled shall do so only to the extent requested by such voter and with due regard to the right of such voter to choose to mark or otherwise deal with his or her ballot paper or papers personally and in secret.

7. Every election officer is committed to give special assistance, consideration, courtesy and respect to any voter who has difficulty or is unable to provide an appropriate identity document or address, or whose name is absent or has been cancelled or removed from the list of voters on the voters roll, or whose capacity or entitlement to vote is challenged.
8. Every election officer shall undertake :
 - (1) to attend and to be present at all training classes or workshops and the voting station or stations to which he or she is allocated during the hours designated by the returning officer;
 - (2) to report for duty punctually and to complete any forms or declarations required in terms of the Local Government By-Election Regulations, 1997;
 - (3) to carry out his or her responsibilities without bias, advantage or preference and with due regard to the special needs of illiterate, uncertain, disabled or otherwise disadvantaged voters; and
 - (4) to maintain and support an atmosphere of quiet efficiency, dignity, integrity and security within the voting station and inner perimeter, and notwithstanding any objection, disturbance or altercation, to continue to perform his or her particular and immediate duties with care and application.
9. Every election officer accepts that special conditions or unforeseen events may require an election officer to perform his or her duties under unusually difficult circumstances, and may require an election officer willingly to perform new or additional tasks which are within his or her capacity but which fall outside his or her designated duties.
10. Every election officer shall :
 - (1) recognise the need for and legitimacy of the presence of duly authorised candidates, agents, representatives and messengers in the voting station and inner perimeter;

- (2) accept the role of these persons as observers and monitors and, where permitted in terms of the Local Government By-Election Regulations, 1997, the right of any such person to object through the returning officer to irregular procedures or questionable voters;
- (3)
 - (a) acknowledge and accept that a candidate, agent, representative or messenger is not entitled or empowered to give or convey any directive or instruction to any election officer and that an officer is not permitted to follow or implement any such purported directive or instruction; and
 - (b) immediately report any such purported directive or instruction and identify the person or persons concerned to the returning officer;
- (4) at all times maintain a courteous, impartial and impersonal relationship with all candidates, agents, representatives and messengers within the voting station and inner perimeter; and
- (5) acknowledge that an election officer is not entitled as of right to receive, and shall not expressly or impliedly request, any refreshment or personal service from any candidate, party, agent, representative or messenger : Provided that an election officer may accept unsolicited and modest refreshment offered openly and equally to all officers at a voting station by or with the concurrence of a majority of candidates and parties whose names appear on the ballot paper for that ward.

11. No election officer shall, during the by-election period :

- (1) be a candidate or on a party list at the by-election;
- (2) be a member or a councillor of a municipality or on the party list of a party which has been allocated on or more seats in a municipality in terms of the former elections regulations.

- (3) work for or be paid by any party or candidate in connection with the by-election;
or
- (4) be the holder of an office in a party.

12. For the purposes of this Code of Conduct for By-election Officers :

- (1) "inner perimeter" means any place referred to in regulation 41(1)(b);
- (2) "voting area" means any place referred to in regulation 41(1);
- (3) "voting station" means any place referred to in regulation 41(1)(a).

SCHEDULE 2**ELECTORAL CODE OF CONDUCT**

1. The object of the Code is to promote conditions conducive to the conduct of a free and fair by-election and a climate of democratic tolerance, in which electoral activity may take place without fear of coercion, intimidation or reprisals.
2. All parties, candidates and representatives bound to the Code in regulation 99 shall endeavour to promote its object in order to enable electoral campaigning and public debate to take place in all parts of the province.
3. Parties, candidates and representatives commit themselves :
 - (a) to give wide publicity to the Code;
 - (b) to promote voter education campaigns;
 - (c) to condemn violence and intimidation;
 - (d) to instruct their members and supporters accordingly;
4. Parties, candidates and representatives acknowledge and undertake not to contravene the right of any party, candidate, representative, voter or participant in the by-election :
 - (a) to express divergent political and other opinions;
 - (b) to debate and contest the policies and programmes of parties and candidates;
 - (c) to canvas freely and safely for membership and support from voters;
 - (d) to hold public meetings;

- (f) to distribute electoral literature and campaign materials;
- (g) to publish and distribute notices and advertisements;
- (h) to erect banners, placards and posters;
- (i) to have free and safe access to any area; and
- (j) to promote electoral campaigns by all lawful means.

5. Parties, candidates and representatives undertake :

- (a) to condemn violence or intimidation;
- (b) to refrain from any action involving violence or intimidation;
- (c) to refrain from language which may lead to violence or intimidation;
- (d) to refrain from action which may lead to violence or intimidation;
- (e) to ensure that no arms or weapons of any kind are carried or displayed at or in any voting station or at political or electoral meetings or in the course of any march, demonstration or other event of a political or electoral nature;
- (f) to refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any party or candidate or other person in connection with the by-election;
- (g) to co-operate and liaise in good faith with other parties, candidates and representatives to avoid, in so far as possible, arrangements involving public meetings, demonstrations, rallies or marches taking place at the same time and venue as similar political or electoral events organised by other parties or candidates;
- (h) to do nothing to impede any party or candidate directly or through canvassers and representatives, from having access to voters for the purposes of conducting voter

education, fund raising, canvassing membership and soliciting support;

(i) to avoid plagiarizing the symbols, colours or acronyms of any other party or candidate;

(j) to discourage and, if possible, prevent the removal, disfigurement or destruction of political or electoral campaign materials of any party or candidate;

(k) to refrain from offering any direct or indirect pecuniary or material inducement or reward or position to any person in consideration of such person joining or not joining any party; supporting or not supporting any candidate; attending or not attending any political or electoral event; voting or not voting either at all, or in any particular manner; or accepting, refusing or withdrawing nomination as a candidate in the by-election;

(l) to refrain from any offer or attempt to abuse a position of power, privilege or influence, including parental, patriarchal or traditional authority, for political or electoral purposes, including any offer for reward or threat of penalty;

(m) to avoid any discrimination based on race, sex, ethnicity, class, gender or religion, in connection with the by-election and political or electoral activity;

(n) in relation to the role of women :

(i) to accept and facilitate the right of women to vote in the by-election;

(ii) to facilitate full participation by women in political or electoral activities on the basis of equal opportunity;

(iii) to ensure access by women to political or electoral meetings, facilities and venues;

(iv) to respect the right of women to communicate with parties, candidates, canvassers and representatives in relation to the by-election; and

- (v) to refrain from forcing or attempting to force any woman to adopt any particular political or electoral conduct or to engage or refrain from engaging in any political or electoral activity;
- (o) to co-operate in the official investigation of issues and allegations arising in connection with the by-election;
- (p) to take all reasonable steps to ensure the safety of electoral officers, voters' roll officers and their authorised representatives from insult, hazard or threat in the course of their official duties;
- (q) to reassure voters with regard to the secrecy and integrity of the ballot, and that no one will know how any other person has voted;
- (r) to take necessary and reasonable steps to discipline and restrain such party's or candidate's representatives, employees, and supporters from :
 - (i) infringing the Code;
 - (ii) committing any offence in terms of these regulations or any other law;
 - (iii) committing any prescribed electoral irregularity;
 - (iv) contravening or failing to comply with any provision of these regulations;and
- (s) to establish and maintain communication with the Provincial Government, the voters' roll officer, the returning officer and the by-election committee, and with parties and candidates at provincial and local level, including the exchange of names, addresses and contact telephone and facsimile numbers of by-election agents and other relevant office-bearers and representatives.

6. Each party, candidate or representative nominated thereto, shall ensure its or his or her attendance and participation at meetings of any liaison committee or other forums in

SCHEDULE 3**Regulation 116(5)****LOCAL GOVERNMENT BY-ELECTION REGULATIONS, 1997****FORM OF SUMMONS****IN THE ELECTORAL TRIBUNAL**

(..... Municipality)*

In the matter between :

Case No : 199

AB

Claimant

CD

Respondent

TO :

CD, of (state address);

WHEREAS it is alleged that you have infringed the Electoral Code of Conduct, in that on or about the day of 199, and at or near

TAKE NOTICE that you are hereby summoned by **AB** of (area of Municipality) sitting at, on the day of 199 to give reasons why the following order should not be granted against you :

1.

2.

3.

TAKE FURTHER NOTICE that the annexed affidavit will be used in support of the orders claimed by the claimant;

TAKE FURTHER NOTICE that if you wish to defend this matter you are required to file :

- (a) not later than two days before the date upon which this matter is set down for adjudication and decision (or, in the case of an urgent matter on or before) with the Secretary at the seat of the abovementioned Electoral Tribunal :

- (i) any affidavit or affidavits in answer to the facts and other averments stated in the annexed affidavit;
- (ii) if you intend to raise any question of law, a notice in writing of your intention to do so setting forth such question,

and to forthwith inform the claimant (or his or her legal representative) at the address set out below of having done so; and

- (b) to appear before the Electoral Tribunal on the date and at the time this matter has been set down for adjudication and decision.

TAKE FURTHER NOTICE that if you fail to file the affidavit or notice as aforesaid or to appear before the Electoral Tribunal on the date and at the time that this matter has been set down for adjudication and decision, an order in the terms set out herein may be given against you without further notice to you.

DATED at on this day of 199

.....
**CLAIMANT (OR HIS OR HER
 LEGAL REPRESENTATIVE)**

.....
SECRETARY

ADDRESS : **ADDRESS :**

TELEPHONE NO : **TELEPHONE NO :**

FAX NO :

* *Name of Municipality*

SCHEDULE 4**Regulation 120(5)****LOCAL GOVERNMENT BY-ELECTION REGULATIONS, 1997****SUBPOENA**

IN THE ELECTORAL TRIBUNAL

(..... Municipality)*

In the matter between :

Case No : 199

AB

Claimant

CD

Respondent

TO :

EF, of (state address of witness);

TAKE NOTICE THAT you are hereby ordered to appear in person before the Electoral Tribunal for the

..... (Municipality) sitting at at, on the

day of 199..... to give evidence in the above matter and, if required, to bring with you and produce to the Electoral Tribunal for examination the documents and articles set out in the list hereunder.

TAKE NOTICE FURTHER THAT should you, having been given notice to appear before the above Electoral Tribunal to give evidence and, if required, to bring with you and produce for examination the said documents and articles, fail to so appear or to produce such documents or articles or, unless excused, fail to remain in attendance throughout the proceedings :

- (a) the Electoral Tribunal may issue a warrant for your arrest so that you may be brought before such Electoral Tribunal to give such evidence or to produce such documents or articles; and
- (b) you are guilty of a contravention of regulation 129(5) read with regulation 145(2)(b) of the Local Government By-Election Regulations, 1997 and, upon conviction, you may be sentenced to a fine not exceeding R20 000 and in default of payment, to imprisonment for a period not exceeding one year.

DATED at on this day of
 199.....

ADDRESS :**TELEPHONE NO :****LIST OF DOCUMENTS OR ARTICLES TO BE PRODUCED**

1.
2.

SCHEDULE 5**Regulation 129(1)****FORM OF NOTICE OF REVIEW**

IN THE APPEAL TRIBUNAL

(..... Municipality)*

In the review matter of:

Case No:/199..

AB

.....

.....

Review Applicant

and

CD

.....

.....

Presiding Officer

EF

.....

.....

Respondent

NOTICE OF REVIEW

TAKE NOTICE that you are hereby called upon by **AB** of (state address) to appear before the Electoral Appeal Tribunal for the (Municipality) sitting at at on the day of 199....., to show cause why the decision dated the day of 199 in Case No. in the Electoral Tribunal for the (Municipality) should not be reviewed and set aside or corrected and why an order should not be made in the following terms:

1.
2.
3.

(here set forth the form of order prayed);

TAKE FURTHER NOTICE that the accompanying affidavit of will be used in support thereof;

TAKE FURTHER NOTICE that if you wish to defend this matter you are required to file :

(a) not later than two days before the date upon which this matter is set down for adjudication and decision (or, in the case of an urgent matter on or before), with the Secretary at the seat of the abovementioned Electoral Tribunal :

- i) any affidavit or affidavits in answer to the facts and other averments stated in the annexed affidavit;
- ii) if you intend to raise any question of law, a notice in writing of your intention to do so setting forth such question,

and to forthwith inform the reviewing applicant (or his or her legal representative) at the address set out below of having done so; and

(b) to appear before the Electoral Appeal Tribunal on the date and at the time this matter has been set down for adjudication and decision.

TAKE FURTHER NOTICE that if you fail to file the affidavit or notice as aforesaid or to appear before the Electoral Appeal Tribunal on the date and at the time that this matter has been set down for adjudication and decision, an order in the terms set out herein may be given against you without further notice to you.

DATED at on this day of 199

**REVIEWING APPLICANT (OR HIS
OR HER REPRESENTATIVE)**

ADDRESS:

TELEPHONE No.:

FAX No.:

TO: CD

The Presiding Officer of the Electoral Tribunal

..... (State address)

AND TO: EF

Respondent

..... (State address)

AND TO: The Secretary

c/o Electoral Appeal Tribunal for the Province

..... (State address)

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING

No. R. 1730

19 Desember 1997

REGULASIES BETREFFENDE TUSSENVERKIESINGS EN KIESERSLYSTE

Kragtens die bevoegdhede my verleen by artikel 10L van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), maak ek, Mohamed Valli Moosa, na oorlegpleging met die lede van die uitvoerende rade verantwoordelik vir plaaslike regering en die Suid-Afrikaanse Plaaslike Regerings Vereniging, hierby die regulasies soos in die Bylae uiteengesit.

Gegee onder my hand te Midrand op die Negende dag van Desember 1997.

M. V. MOOSA**Minister vir Provinsiale Sake en Staatskundige Ontwikkeling**

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HOOFSTUK 1

WOORDOMSKRYWING

- 1 (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken:
- (i) "**aanvullende kieserslys**", 'n aanvullende kieserslys ooreenkomstig die bepalings van die provinsiale verkiesingsregulasies gesertifiseer en onderteken ;
 - (ii) "**adres**", 'n wyse van identifikasie van 'n plek wat voldoende presies is om 'n persoon soos bedoel in regulasie 3, en wat gewoonlik in die regsgebied van 'n *munisipaliteit* woonagtig is of regtens aanspreeklik is vir die betaling van eiendomsbelasting, huurgeld, dienstegeld of heffings aan daardie *munisipaliteit*, op 'n *opgedateerde* kieserslys te registreer, ten einde sy of haar stem by 'n stemburo in 'n wyk *waarin sodanige plek* geleë, uit te oefen;
 - (iii) "**adverteer**", publiseer;
 - (iv) "**amptelike taal**", enige taal wat ingevolge artikel 3(5) van die Grondwet tot amptelike taal verklaar is;
 - (v) "**bestel**", met betrekking tot 'n kennisgewing of ander kommunikasie gerig aan 'n persoon:
 - (a) aflewering per hand aan hom of haar persoonlik; of
 - (b) aflewering by sy jongste bekende woonplek, besigheid of beroep aan 'n persoon wat blykbaar 18 jaar of ouer is en woonagtig of in diens is of by daardie plek sake doen; of
 - (c) aan hom of haar by sy jongste bekende woonplek, besigheid of beroep per voorafbetaalde geregistreerde of aangetekende pos, gepos;en het "**beteken**" dieselfde betekenis;
 - (vi) "**bygewerkte kieserslys**", 'n bygewerkte kieserslys ooreenkomstig die bepalings van regulasie 10(1) gesertifiseer en onderteken;
 - (vii) "**dag**", 'n tydperk van vier en twintig opeenvolgende ure wat om middernag begin en 'n Saterdag, Sondag of openbare vakansiedag soos bedoel in die Wet op Openbare Feesdae, 1994 (Wet 36 van 1994), insluit;

(viii) "**distriksraad**", 'n diensteraad, *substreeksraad, streeksraad* of *distriksraad* in artikel 10(3)(i) van die Wet bedoel;

(ix) "**gekonsolideerde kieserslys**", 'n gekonsolideerde kieserslys ooreenkomstig die bepalinge van die provinsiale verkiesingsregulasies onderteken en gesertifiseer;

(x) "**gewoonlik woonagtig**", met betrekking tot enige persoon, die tuiste of plek waar hy of sy gewoonlik woon en waarheen hy of sy na enige tydperk van tydelike afwesigheid gereeld terugkeer;

(xi) "**Grondwet**", die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet 200 van 1993);

(xii) "**hoof-uitvoerende beampte**", die *persoon deur die raad van 'n munisipaliteit* as sy hoof-uitvoerende beampte of *stadsklerk aangestel, insluitend enige persoon wat wettig in sy of haar plek optree* ongeag die benaming van die pos wat daardie beampte beklee;

(xiii) "**identiteitsdokument**",

(a) 'n identiteitsdokument of tydelike identiteitstifikaat ingevolge die Wet op Identifikasie, 1986 (Wet 72 van 1986) of enige ander toepaslike wet van die Republiek, na gelang van die geval uitgereik: Met dien verstande dat 'n erkenning van ontvangs van 'n aansoek om 'n identiteitsdokument deur die Direkteur-generaal van die Departement Binnelandse Sake, slegs vir doeleindes van registrasie vir die *tussenverkiesing*, as 'n identiteitsdokument geag sal word.

(b) 'n bewysboek ingevolge die herroepe Wet op Swartes (Afskaffing van Passe en Koördinering van Dokumente), 1952 (Wet 67 van 1952) uitgereik;

(c) 'n identiteitsdokument bedoel by artikel 13 van die Bevolkingsregistrasiewet, 1950 (Wet 30 van 1950); of

(d) 'n geldige reisdokument ingevolge enige Wet van die Republieke van Transkei, Bophuthatswana, Venda en Ciskei uitgereik.

(e) 'n geldige Lewensboek uitgereik deur die vorige republiek van:

(i) Ciskei ingevolge Wet 15 van 1981; of

- (ii) Transkei ingevolge Wet 24 van 1976; of
- (iii) Bophuthatswana ingevolge Wet 12 van 1978; of
- (iv) Venda ingevolge Wet 6 van 1980;"
- (xiv) "**identiteitsnommer**", die amptelike reeksnommer op 'n identiteits-dokument aangebring;
- (xv) "**kandidaat**", enige persoon soos bedoel by regulasie 21(3) wie se nominasie aanvaar is en ten opsigte van wie 'n *verkiezing* gehou sal word;
- (xvi) "**kiesbeampte**", die persoon ingevolge regulasie 4(2) aangestel en sluit enige verkiesingsbeampte wat wettig in sy of haar plek optree, in;
- (xvii) "**kieserslys vir ongeplaasde kiesers**", 'n kieserslys vir ongeplaasde kiesers *ooreenkomstig die bepalings van die provinsiale verkiesingsregulasies* onderteken en gesertifiseer
- (xviii) "**kieserslysbeampte**", die persoon ingevolge regulasie 4(2) aangestel en sluit enige persoon wat wettig in sy of haar plek optree, in;
- (xix) "**landelike raad**", 'n landelike oorgangsraad soos omskryf in artikel 9A van die Wet;
- (xx) "**metropolitaanse plaaslike raad**", 'n *munisipaliteit* soos omskryf by artikel 1(1) van die Wet;
- (xxi) "**Minister**", die Minister van Provinsiale Sake en Staatkundige Ontwikkeling;
- (xxii) "**munisipaliteit**" ook 'n *plaaslike raad*, 'n *metropolitaanse plaaslike raad*, 'n *verteenwoordigende raad*, 'n *landelike raad* en 'n *distiksraad*;
- (xxiii) "**naam**", met betrekking tot 'n *bygewerkte of voormalige kieserslys*, 'n van gevolg deur 'n naam of name gewoonlik daaraan voorafgaande;
- (xxiv) "**nominasiedag**", die dag vir die benoeming van kandidate en partye ingevolge regulasie 20(2)(b);
- (xxv) "**party**", enige plaaslike organisasie, liggaam of vrywillige vereniging met die oogmerke en doelstellings wat, onder andere, toepaslik is op plaaslike regeringsake en 'n politieke party wat

ingevolge Hoofstuk IV van die Kieswet, 1993 (Wet 202 van 1993) geregistreer is, insluit;

- (xxvi) "**plaaslik**", met betrekking tot 'n party, 'n party wat binne die regsgebied van die oorgangsraad 'n kantoor bedryf of 'n adres het;
- (xxvii) "**plaaslike raad**", 'n plaaslike oorgangsraad soos omskryf by artikel 1(1) van die Wet;
- (xxviii) "**Premier**", die Premier soos bedoel by Artikel 144 (1) van die Grondwet, en sluit die bevoegde gesag deur hom of haar vir doeleindes van die administrasie van die Wet aangewys, in;
- (xxix) "**provinsiale verkiesingsregulasies**", *regulasies ingevolge artikel 9(2) van die Wet uitgevaardig*;
- (xxx) "**publiseer**", 'n publikasie in elke amptelike taal van die Provinsie in een of meer koerante wat sodanige taal substansieel gebruik of tensy anders blyk, in een of meer koerante wat algemeen binne die gebied van die *munisipaliteit* sirkuleer;
- (xxxi) "**raad**", die raad van 'n *munisipaliteit*;
- (xxxii) "**stemburo**", enige plek soos bedoel by regulasie 36(1)(a);
- (xxxiii) "**tussenverkiesing**", 'n *tussenverkiesing ingevolge hierdie regulasies om 'n vakature van 'n raadslid wat verkies is om 'n wyk te verteenwoordig, te vul*;
- (xxxiv) "**tussenverkiesingsmateriaal**", *enige vorm, verklaring of item bedoel by regulasie 35*;
- (xxxv) "**tussenverkiesingstydperk**", *die tydperk vanaf nominasiedag tot en met die sluiting van verkiesingsburo's*;
- (xxxvi) "**veiligheidsmagte**", *die Suid-Afrikaanse Polisiediens ingevolge die Wet op Polisie, 1995 (No. 68 van 1995) en die Suid-Afrikaanse Nasionale Weermag ingevolge die Verdedigingswet, 1957 (No. 44 van 1957)*;
- (xxxvii) "**verkiesing**", 'n verkiesing soos beoog by artikel 9(1) van die Wet;
- (xxxviii) "**verkiesingsbeampte**", die kiesbeampte en enige beampte soos bedoel by regulasie 26;

(xxxix) "*verteenwoordigende raad*", 'n *verteenwoordigende oorgangsraad* soos omskryf in artikel 9A van die Wet;

(xxxx) "*voormalige kieserslys*", die *kieserslys ooreenkomstig die bepalings van die provinsiale verkiesingsregulasies onderteken en gesertifiseer, ingeslote 'n aanvullende kieserslys, gekonsolideerde kieserslys en 'n kieserslys vir ongeplaasde persone*;

(xxxxi) "*Wet*", die Oorgangswet op Plaaslike Regering, 1993 (Wet 209 van 1993).

- (2) Enige term of uitdrukking in hierdie regulasies gebruik wat nie hierin omskryf is nie, sal die betekenis dra wat deur die Wet aan daardie term of uitdrukking geheg is.

TOEPASSING

(3) (a) Sodra 'n vakature in 'n wyk na 1 Januarie 1998 ontstaan, word dit by wyse van 'n tussenverkiesing ingevolge hierdie regulasies gevul.

(b) Indien 'n vakature in 'n wyk voor die datum van publikasie van hierdie regulasies ontstaan het, maar nie voor daardie datum gevul is nie, word dit by wyse van 'n tussenverkiesing ingevolge hierdie regulasies gevul, en die verklaring van die vakature soos bedoel by regulasie 2(3) word geag gemaak te wees op 1 Januarie 1998.

(c) Hierdie regulasies tree op 1 Januarie 1998 in werking.

HOOFSTUK 2

VAKATURES

2 (1) 'n Raadslid wat 'n wyk verteenwoordig, se ampstermyn sal verstryk sodra hy of sy te sterwe kom, skriftelik bedank, nie meer oor die kwalifikasies beskik soos vereis vir nominasie of tussenverkiesing nie, of gediskwalifiseer word of uit die amp verwyder word ingevolge enige wet of hofbevel, en in die geval waar sodanige vakature voorkom, sal 'n tussenverkiesing ingevolge hierdie regulasies gehou word: Met dien verstande dat indien sodanige vakature binne ses maande voor die einde van die termyn van die munisipale raad voorkom, sodanige tussenverkiesing nie gehou sal word nie tensy;

(a) die totale aantal vakatures op die oorgangsraad 'n kworum by 'n vergadering van 'n raad onmoontlik maak; en

(b) daar na die mening van die Premier voldoende tyd is om sodanige tussenverkiesing te hou.

(2) (a) Binne 7 dae nadat die hoof-uitvoerende beampte bewus geraak het van 'n vakature soos bedoel by subregulasie (1), sal hy of sy sodanige vakature skriftelik aan die burgemeester, of indien die vakature wat ontstaan het die van die burgemeester is, aan die adjunkburgemeester rapporteer.

(b) Indien beide die burgemeester en adjunkburgemeester raadslede is ten opsigte van wie vakatures ontstaan het, sal die hoof-uitvoerende beampte die pligte wat by hierdie regulasie die burgemeester en adjunk-burgemeester opgelê is, uitvoer.

(3) (a) Indien die burgemeester of adjunkburgemeester na gelang van die geval, tevrede is dat 'n vakature soos bedoel by subregulasie (1) ontstaan het, sal hy of sy die verslag van die hoof-uitvoerende beampte soos bedoel by subregulasie (2)(a) binne 7 dae na ontvangs met sy of haar instemming endosseer en onderteken; en die hoof-uitvoerende beampte sal onverwyld verklaar dat sodanige vakature ontstaan het en 'n kennisgewing tot die effek in 'n opsigtelike plek by die munisipale kantoor aanbring en sal sodanige vakature aan die volgende gewone vergadering van die raad rapporteer.

(b) (i) Indien die burgemeester of adjunkburgemeester, na gelang van die geval, weier of versuim om sy of haar instemming soos bedoel by subparagraaf (a) te endosseer en te onderteken, sal die hoof-uitvoerende

beampte die omstandighede daarvan skriftelik aan die volgende gewone vergadering van die raad rapporteer wat die hoof-uitvoerende beampte mag gelas om die vakature te verklaar en om voort te gaan ingevolge hierdie regulasie.

- (ii) Nadat daartoe gelas, sal die hoof-uitvoerende beampte onverwyld verklaar dat sodanige vakature ontstaan het en 'n kennisgewing tot die effek in 'n opsigtelike plek by die munisipale kantoor aanbring.

HOOFSTUK 3

KWALIFIKASIE VAN KIESERS

Stemreg

3 (1) Enige natuurlike persoon wat :

- (a) (i) 'n Suid-Afrikaanse burger is; of
- (ii) nie 'n Suid-Afrikaanse burger is nie maar wat ingevolge 'n wet van die Parlement die reg tot stemreg verleen is; en
- (b) 18 jaar oud of ouer is op die dag van die *tussenverkiesing wat ingevolge hierdie regulasies bepaal is*, en
- (c) gewoonlik woonagtig is binne die regsgebied van 'n *munisipaliteit* of ingevolge wet aanspreeklik is vir die betaal van eiendomsbelasting, huur, dienstegeld of heffings aan die betrokke *munisipaliteit*,

sal geregtig wees om op die *bygewerkte* kieserslys ingesluit te word van daardie *munisipaliteit*

(2) Ondanks die bepalings van subregulasie (1), sal geen persoon daarop geregtig wees om ingesluit te word op die *bygewerkte* kieserslys van 'n *munisipaliteit* of daarop geregtig wees om te stem in 'n *tussenverkiesing* indien hy of sy :

- (a) aan 'n hofbevel wat hom swaksinnig of geestelik versteurd of ongesteld verklaar onderworpe is;
- (b) as 'n geestesongestelde ingevolge die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), of enige ander toepaslike wet van die Republiek, na gelang van die geval aangehou word;
- (c) ingevolge die Wet op Voorkoming en Behandeling van Dwelmafhanklikheid, 1992 (Wet 20 van 1992), of enige ander toepaslike wet van die Republiek, na gelang van die geval aangehou word; of
- (d) in 'n gevangenis op grond van 'n skuldigbevinding en vonnis tot gevangenisstraf sonder die keuse van 'n boete ten opsigte van enige van die volgende misdrywe waarby geweld of oneerlikheid betrokke is, ongeag enige ander straf ten opsigte van 'n misdryf nie hieronder vermeld nie, gelyklopend met die eersgenoemde uitdien, aangehou word;

- (i) moord, strafbare manslag, verkragting, onsedelike aanranding, kinderroof, aanranding met die opset om ernstig te beseer,

roof, kwaadwillige saakbeskadiging en inbraak by enige perseel met die opset om 'n misdryf te pleeg; of

- (ii) enige poging om enige misdryf te pleeg soos bedoel in subparagraaf (i).

(3) Vir doeleindes van subregulasie (1)(c) beteken die woord :

- (a) "aanspreeklik", aanspreeklik met betrekking tot 'n adres binne die regsgebied van *sodanige munisipaliteit* ingevolge artikel 8(2) van die Wet afgebaken en word enige groter regsgebied ingevolge enige ander wet ingestel, uitgesluit; en

- (b) "regsgebied", die regsgebied ingevolge artikel 8(2) van die Wet afgebaken.

- (4) (a) 'n Persoon wat op die bygewerkte kieserslys vir 'n munisipaliteit ingesluit is, sal daarop geregtig wees om by 'n tussenverkiesing vir die wyk waarin sy of haar naam vanaf die bygewerkte kieserslys geplaas is, te stem.

- (b) 'n Persoon sal by enige sodanige tussenverkiesing daarop geregtig wees om een stem uit te bring.

HOOFSTUK 4

BYGEWERKTE KIESERSLYS

Verpligting om kieserslys by te werk

- 4 (1) (a) Elke munisipaliteit wat 'n tussenverkiesing moet hou, sal:
- (i) 'n bygewerkte kieserslys ingevolge hierdie regulasies opstel; en
 - (ii) 'n tussenverkiesing op grond van daardie bygewerkte kieserslys hou.
- (b) Die Premier mag met die vooraf instemming van die Minister 'n munisipaliteit wat nie nodig het om 'n tussenverkiesing te hou nie, skriftelik versoek om 'n bygewerkte kieserslys ingevolge hierdie regulasies op te stel.

Kieserslysbeampte

- (2) (a) Elke munisipaliteit sal die volgende aanwys of aanstel:
- (i) 'n beampte in sy diens as sy kieserslysbeampte wat namens die munisipaliteit verantwoordelik sal wees om die voorbereiding, sertifisering en ondertekening van die bygewerkte kieserslys ingevolge hierdie regulasies te verseker; en
 - (ii) wanneer daartoe versoek, sodanige werknemers of ander persone wat nodig mag wees om hiermee behulpsaam te wees.
- (b) Die hoof-uitvoerende beampte sal die kieserslysbeampte wees in die afwesigheid van sodanige aangewysde of aangestelde beampte.

Uitnodiging om te registreer

- (3) Elke munisipaliteit
- (a) waarop subregulasie (1)(a) van toepassing is, sal nie later as 7 dae na die datum van die verklaring van 'n vakature ingevolge regulasie 2(3) of verklaring geag ingevolge regulasie 1(3)(b) gemaak te wees; of
 - (b) waarop subregulasie (1)(b) van toepassing is, sal nie later as 7 dae na ontvangs van die skriftelike versoek, 'n kennisgewing publiseer van sy voorneme om 'n bygewerkte kieserslys op te stel en waarin 'n beroep op enige natuurlike persoon wat ingevolge regulasie 3 daarop geregtig is om in sodanige bygewerkte kieserslys opgeneem te word, gedoen word om binne 20 dae beginnende op die eersvolgende dag na publikasie van die

kennisgewing, te eis om in daardie bygewerkte kieserslys ingesluit te word.

- (4) Sodanige kennisgewing sal tesame met of terselfdertyd as die kennisgewing by regulasie 6(1) benodig, gepubliseer word.

Eis om te registreer

- (5) (a) Enige natuurlike persoon wat daarop geregtig is om op die bygewerkte kieserslys ingesluit te word, sal 'n eis ooreenkomstig vorm ER1 om as kieser vir die munisipaliteit waarop die vorm betrekking het, inhandig en die inligting op die vorm benodig, verskaf.
- (b) Elke persoon wie se naam op die voormalige kieserslys van die munisipaliteit verskyn, word geag eerlik 'n eis ooreenkomstig vorm ER1 om as kieser te registreer vir die munisipaliteit waarop die voormalige kieserslys betrekking het, te maak en ingedien het en die inligting op vorm ER1 benodig, verstrek het.
- (c) Enige ander eis maak en wat skriftelik die inligting op vorm ER1 bevat, sal 'n wettige eis wees en deur die kieserslysbeampte in aanmerking geneem word.
- (d) Die kieserslysbeampte mag die name en besonderhede van enige persoon ten opsigte van wie 'n eis ooreenkomstig vorm ER1 nie maak of ontvang is nie, maar wie se besonderhede die inligting benodig by regulasie 5(2)(c), (d) en (e) verskaf en wat die kieserslysbeampte op sterkte van sodanige besonderhede tevrede stel dat sodanige persoon ingevolge regulasie 3 kwalifiseer om as kieser geregistreer te word, op die voorlopige bygewerkte kieserslys insluit.
- (e) 'n Eis op 'n vorm wesenlik in ooreenstemming met vorm ER1;
- (i) wat voor die datum van publikasie van die kennisgewing bedoel by regulasie 4(3) ontvang is, of
- (ii) wat na die 20 dae eistydperk bedoel by regulasie 4(3) ontvang is en tot die tevredenheid van die kieserslysbeampte bewys deur die eiser voltooi is en nie later nie as die einde van daardie tydperk aan 'n ander persoon, party of agentskap toevertrou is vir oorhandiging aan die kieserslysbeampte;

is 'n geldige eis en sal deur die kieserslysbeampte in aanmerking geneem word.

(f) *Enige eis wat;*

- (i) *geen van bevat nie;*
- (ii) *'n onvolledige of geen identiteitsnommer bevat nie;*
- (iii) *geen bekende adres of distrik binne die munisipaliteit identifiseer nie;*
- (iv) *betrekking het op 'n adres of distrik buite die munisipaliteit, of*
- (v) *onleesbaar is,*

mag deur die kieserslysbeampte verwerp en nie op die voorlopig bygewerkte kieserslys ingesluit word nie, maar behou word vir inspeksie deur die hersieningshof.

Persoonlike teenwoordigheid

- (6) Niks hierin vervat, sal vertolk word as vereiste dat enige persoon fisies of persoonlik aanwesig moet wees op enige plek of kantoor ten einde sy of haar eis om registrasie as kieser in te dien, of as verbod op enige persoon om 'n eis per gewone pos aan die kieserslysbeampte by die adres op vorm ER1 vir die toepaslike *munisipaliteit* gespesifiseer, te pos nie.

Adresse

- (7) Waar geen adres *vir doeleindes van 'n eis en insluiting op die bygewerkte kieserslys* bestaan nie, sal die *munisipaliteit* stappe neem ter vasstelling of identifikasie van sodanige adres.

Kwytskelding

- (8) Waar enige persoon aansoek doen om as 'n kieser geregistreer te word by wyse van 'n eis ooreenkomstig *hierdie regulasies* en sertifiseer of andersins aandui dat die gronde van sy of haar kwalifikasie of reg tot sodanige eis die bepaling of die aanspreeklikheid vir die betaling van eiendomsbelasting, huur, dienstegeld of heffings is, sal sodanige sertifisering of aanduiding van betaling of aanspreeklikheid *op geen* wyse as bewys dien of as getuienis gebruik word in enige hofgeding, eis of vervolging deur enige *munisipaliteit* of enige ander persoon of persone nie.

Voorbereiding van die Voorlopige Bygewerkte Kieserslys

5. (1) (a) *Elke munisipaliteit waarop regulasie 4(1) van toepassing is, sal 'n voorlopig bygewerkte kieserslys deur sy kieserslysbeampte laat opstel.*

- (b) *Sodanige kieserslys sal ooreenkomstig hierdie regulasies opgestel word.*

- (2) *Die voorlopige bygewerkte kieserslys sal ten minste;*

(a) die volgende aandui;

(i) die naam van die munisipaliteit, en

(ii) die jaar en maand

waarop die kieserslys betrekking het;

(b) elke bladsy opeenvolgens nommer;

(c) die naam in alfabetiese volgorde van vanne asook die identiteitsnommer van elke persoon bevat wat;

(i) op die voormalige kieserslys verskyn, of

(ii) nie op die voormalige kieserslys verskyn nie, maar wie 'n eis om as kieser te registreer ingevolge hierdie regulasies ingedien het;

(d) die adres of distrik waarop elke eis betrekking het, vermeld;

(e) vir elke naam die gronde van kwalifikasie of reg vermeld; en

(f) elke persoon in paragraaf (c) wie die kieserslysbeampte op sterkte van skriftelike inligting tot sy of haar beskikking rede het om te glo wel kwalifiseer of nie kwalifiseer om as kieser ingevolge regulasie 3 geregistreer te word nie, duidelik identifiseer.

(3) Wanneer 'n eis;

(a) die naam en identiteitsnommer van 'n eiser bevat;

(b) die gronde vir kwalifikasie of reg van sodanige eiser aandui, en

(c) nie 'n adres aandui nie, maar verwys na die naam van die munisipaliteit, of na 'n voorstad, woongebied of soortgelyke plek (verwys na as die "distrik") binne die munisipaliteit se regsgebied maar wat nie voldoende is om die eiser in 'n wyk te plaas nie,

sal sodanige eis asook soortgelyke eise op 'n aparte deel van die voorlopig bygewerkte kieserslys ooreenkomstig subregulasie (2) opgestel, geplaas word en die deel vir ongeplaasde kiesers genoem word.

(4) Vir doeleindes van subregulasie (2)(c) en (f) mag die voorlopig bygewerkte kieserslys in verskillende dele verdeel word en mag dit uit verskillende dokumente bestaan.

(5) *Wanneer enige eiser;*

- (a) *wettig aanspreeklik is vir die betaling van eiendomsbelasting, huur, dienstegeld of heffings ten opsigte van meer as een adres; of*
- (b) *sodanig aanspreeklik is met betrekking tot 'n adres ander dan die plek waar hy of sy normaalweg woonagtig is; of*
- (c) *gewoonlik woonagtig is by meer as een plek*

binne die regsgebied van dieselfde munisipaliteit, sal sodanige eiser slegs daarop geregtig wees om een maal op die bygewerkte kieserslys van sodanige munisipaliteit geplaas te word en sal tydens 'n eis om registrasie op die voorlopig bygewerkte kieserslys een sodanige adres as die plek vir registrasie aandui, by welke versuim die kieserslysbeampte sodanige aanduiding sal maak.

Eise en Besware

- 6 (1) *Die kieserslysbeampte sal nie later as 7 dae na datum van die verklaring van 'n vakature ingevolge regulasie 2(3), of verklaring geag ingevolge regulasie 1(3)(b) gemaak te wees, of ontvangs van 'n skriftelike versoek ingevolge regulasie 4(3)(b) tesame met of terselfdertyd as die kennisgewing by regulasie 4(3) benodig, 'n kennisgewing publiseer:*

- (a) *wat vermeld dat 'n afskrif van die voorlopig bygewerkte kieserslys en enige eis ingevolge regulasie 4(5)(e)(ii) ontvang, gedurende gewone kantoorure by die kantoor of kantore van die munisipaliteit en by enige ander plek of plekke wat die kieserslysbeampte mag bepaal, gedurende ten minste gewone kantoorure, Saterdag, Sondag en enige openbare vakansiedag ingesluit, tydens 'n geïdentifiseerde tydperk van 10 dae beginnende nie later as 26 dae na die datum van publikasie van die kennisgewing, ter insae lê;*

- (b) *wat 'n beroep op elke persoon doen wie se naam nie op sodanige lys verskyn nie en wat glo dat hy of sy daarop geregtig is om as kieser geregistreer te word en enige persoon wat enige beswaar het teen die registrasie van enige persoon wie se naam op sodanige lys verskyn of ten opsigte van wie 'n eis ingevolge regulasie 4(5)(e)(ii) ontvang is:*

- (i) *om 'n skriftelike eis of beswaar op die voorgeskrewe vorm ER1 of ER2 wat by daardie kantoor of plek bedoel by paragraaf (a) beskikbaar sal wees, in te dien; of*
- (ii) *om ten opsigte van enige persoon wat nie kan skryf nie, om persoonlik by 'n vermelde plek en tydstip te verskyn*

om nie later nie as 22:00 op die laaste dag van die 10 dae insae tydperk in subregulasie (1)(a) vermeld by die kieserslysbeampte mondelings 'n eis in te dien of beswaar te maak;

(c) wat vermeld dat 'n lys bevattende die naam en besonderhede met betrekking tot elke eiser, beswaarmaker en persoon ten opsigte van wie 'n beswaar ingedien is ingevolge paragraaf (b), gedurende normale kantoorure nagegaan mag word by die kantoor van die *munisipaliteit* en ander plek of plekke aangewys ingevolge subregulasie (a) gedurende *ten minste normale kantoorure*, Saterdag, Sondag en enige openbare vakansiedag ingesluit, gedurende 'n geïdentifiseerde tydperk van 7 dae beginnende nie later nie as 41 dae na publikasie van die kennisgewing

(d) wat 'n beroep doen op elke persoon wat beswaar wil maak teen registrasie van enige persoon wie se naam op die lys bedoel in subregulasie (c) verskyn :

(i) om 'n skriftelike beswaar op die voorgeskrewe vorm ER2 in te dien; of

(ii) ten opsigte van enige persoon wat nie kan skryf nie, persoonlik by 'n vermelde plek en tyd te verskyn om 'n mondelinge beswaar in te dien,

by die kieserslysbeampte nie later nie as 22:00 op die laaste dag van die 7 dae insae tydperk in subregulasie (1)(c) vermeld;

(e) wat vermeld

(i) dat indien 'n eiser nie 'n adres verskaf het nie of onvoldoende inligting voorsien het om die eiser in 'n wyk te plaas ten opsigte waarvan 'n tussenverkiesing gehou gaan word, die naam van sodanige eiser op die kieserslys vir ongeplaasde kiesers geplaas sal word;

(ii) dat 'n eiser wie se naam op 'n kieserslys vir ongeplaasde kiesers geplaas is, nie toegelaat sal word om in die wyk waarin die tussenverkiesing gehou gaan word, te stem nie;

(iii) dat die voorlopige kieserslys vir ongeplaasde kiesers oop is ter insae; en

(iv) dat elke eiser wie se naam op die voorlopige kieserslys vir ongeplaasde kiesers verskyn, uitgenooi word om 'n

verdere eis of meer inligting wat voldoende sal wees om die kieserslysbeampte in staat te stel om hom of haar as 'n kieser in die wyk ten opsigte waarvan 'n tussenverkiesing gehou gaan word, te plaas, nie later nie as 22:00 op die laaste dag van die 10 dae insae tydperk vermeld in subregulasie 1(a) in te dien;

- (f) wat een of meer dae, *nie later nie as 30 dae na die verval van die 10 dae insae tydperk vermeld in subregulasie (1)(a) bepaal, en een of meer plekke vir sitting van die hersieningshof om sodanige eise en besware aan te hoor: Met dien verstande dat minstens een dag 'n Saterdag of Sondag sal wees en een plek in 'n gebied in regulasie 16(1)(b) van die provinsiale verkiesingsregulasies bedoel, sal wees.*

(2) Die kieserslysbeampte sal :

- (a) *nie later nie as 5 dae na afloop van die 10 dae insae tydperk bedoel in subregulasie (1)(a), 'n lys saamstel waarop die naam en besonderhede in verband met elke eiser, beswaarmaker en persoon ten opsigte van wie 'n beswaar ingedien is ingevolge subregulasie (1)(b) uiteengesit is; en*

- (b) *nie later nie as 5 dae na afloop van die 7 dae insae tydperk vermeld in subregulasie (1)(c) 'n lys saamstel waarop die naam en besonderhede met betrekking tot elke beswaarmaker en persoon ten opsigte van wie 'n beswaar ingedien is ingevolge subregulasie (1)(d) uiteengesit is.*

- (3) Die kieserslysbeampte sal besware teen die registrasie van alle eisers wat hy rede het om te vermoed nie daarop geregtig is om as kiesers geregistreer te word nie, by die hersieningshof indien.

- (4) Die kieserslysbeampte sal, nie minder nie as 5 dae voor die dag bepaal vir die sitting van die hersieningshof, 'n kennisgewing bestel aan :

- (a) elke persoon wie se naam op die lys verskyn of 'n lys eisers beoog in subregulasie (2) en teen wie se registrasie 'n beswaar ingedien is;
- (b) die betrokke beswaarmaker; en
- (c) enige eiser om registrasie as kieser teen wie se eis beswaar gemaak is, of wat deur die kieserslysbeampte verwerp is;

wat die gronde vir sodanige beswaar of verwerping uiteensit, die datum waarop dit deur die hersieningshof oorweeg sal word, en elke persoon, eiser en beswaarmaker, uitnoodig om teenwoordig te wees; en vermeld dat

sodanige beswaar nie deur die hersieningshof oorweeg sal word nie tensy sodanige beswaarmaker sodanige sitting en elke ander sitting van die hersieningshof waarheen oorweging van sodanige beswaar uitgestel word, bywoon nie :

Met dien verstande dat waar die adres van 'n eiser of beswaarmaker nie volledig genoeg is om sodanige bestelling moontlik te maak nie, die kieserslysbeampte 'n kennisgewing ten opsigte van enige een of meer eisers of beswaarmakers wesenlik ooreenkomstig die bepalings van hierdie subregulasie sal publiseer, of indien sodanige publikasie as gevolg van beperkings of die nie beskikbaarheid van 'n koerant of koerante nie gedoen kan word nie, die kennisgewing by die munisipale kantore naaste aan die adres van die eiser of beswaarmaker geleë, *of sodanige ander plek nader daaraan en vryelik toeganklik vir die publiek*, vertoon word.

- (5) Nie-ontvangs van 'n kennisgewing of gebreke in die publikasie van enige kennisgewing bedoel in subregulasie (4) sal nie die kieserslys of enige verrigting of besluit van die hersieningshof ongeldig maak nie.
- (6) Die Premier mag met inagneming van die *datum van 'n tussenverkiesing* 'n kieserslysbeampte gelas om die getal of die ligging van plekke of sittings bedoel in subregulasie (1)(a) of (1)(f) te vermeerder.

Instelling van Hersieningshof

- 7 (1) (a) Daar word hierby vir doeleindes van elke *provinsie* 'n hersieningshof met die samestelling, bevoegdhede, werksaamhede en pligte in hierdie regulasies bepaal, ingestel.
- (b) Nieteenstaande die bepalings van paragraaf (a) hierbo, mag die Premier meer as een hersieningshof *vir die provinsie* of enige deel van elke lys magtig en instel.
- (2) Die hersieningshof bestaan uit drie persone *deur die Premier* aangestel nie later nie as *die einde van die 20 dae eistydperk bedoel by regulasie 4(3)*, van wie minstens een 'n advokaat, prokureur of ander regsgekwalfiseerde persoon moet wees en wat ook die voorsittende beampte van die hof sal wees:
- (3) Die *Premier* sal verder sekundi aanstel om die plek in te neem van enige lid van die hersieningshof wat afwesig of ongesteld is en sal die rangorde van sodanige sekundi bepaal : Met dien verstande dat minstens een sodanige sekundus moet voldoen aan die kwalifikasies vereis vir die voorsittende beampte bedoel in subregulasie (2).
- (4) (a) Geen persoon sal as lid van sodanige hof aangestel word of aanstelling aanvaar indien hy of sy :
 - (i) 'n ampsdraer van 'n party is;

- (ii) op die partylys van 'n party aan wie een of meer setels op 'n munisipaliteit ingevolge die provinsiale verkiesingsregulasies toegeken is nie;
 - (iii) 'n lid, raadslid of werknemer van die betrokke oorgangsraad is; of
 - (iv) nie daarop geregtig is om ingevolge regulasie 3 as kieser vir 'n oorgangsraad geregistreer te word nie.
- (b) 'n Lid van sodanige hof hou op om lid van die hof te wees en sal sy amp ontruim indien hy of sy :
- (i) onbevoeg raak vir aanstelling as lid van sodanige hof;
 - (ii) sy of haar bedanking by die *Premier* indien; of
 - (iii) te sterwe kom;
- en enige vakature wat aldus ontstaan, word gevul by wyse van aanstelling deur die *Premier* van die toepaslike plaasvervanger, of by sodanige gebrek, die onverwylde aanstelling van 'n persoon wat oor wesentlik dieselfde kwalifikasies as sy voorganger beskik.

- (5) Die hersieningshof sal die wyse waarop hy sy sake verrig, bepaal.
- (6) Wanneer daar ook al 'n verandering in die lidmaatskap van die hersieningshof plaasvind, sal enige gedeeltelik aangehoorde eis of beswaar, op versoek van die betrokke eiser of beswaarmaker, *de novo* hanteer word.
- (7) *Tensy anders deur die Premier bepaal*, word administratiewe werk aan die uitvoer van die werksaamhede van 'n kieserslysbeampte en hersieningshof verbonde, deur die hoof-uitvoerende beampte van die betrokke *munisipaliteit* uitgevoer of deur een of meer beamptes van sodanige *munisipaliteit* behoorlik skriftelik aangestel en wat optree onder die jurisdiksie en beheer van sodanige hoof-uitvoerende beampte.
- (8) Lede van 'n hersieningshof word vergoed op die basis wat deur die Premier vasgestel word, nie later nie as die tydstop bedoel in subregulasie (2).

Bevoegdhe, Werksaamhede en Pligte van Hersieningshof

- 8 (1) Die hersieningshof sal op die dag of dae en by die plek of plekke ingevolge regulasie 6(1)(f) of 6(6) vasgestel, eise en besware teen die registrasie van persone as kiesers oorweeg en bepaal.

(2) (a) *Nie later nie as 18 dae na die sewe dae insae tydperk bedoel by regulasie 6(1)(c) sal die hersieningshof 'n bygewerkte kieserslys met die name van persone wat kwalifiseer om as kiesers vir die tussenverkiesing te registreer, laat opstel en sodanige lys sal minstens;*

- (i) die identiteitsnommer van elke persoon wat registrasie eis, bevat;*
- (ii) in alfabetiese volgorde van vanne wees;*
- (iii) die adres of distrik waarop die eis betrekking het, vermeld;*
- (iv) die gronde of reg tot kwalifikasie aandui;*
- (v) die naam van die munisipaliteit aandui;*
- (vi) elke bladsy agtereenvolgens nommer;*
- (vii) gedateer wees.*

(b) *Wanneer die hersieningshof die naam van een of meer eisers wat nie 'n adres of distrik verskaf het wat voldoende is om die eiser in 'n wyk te plaas nie, maar wat in die regsgebied van die munisipaliteit geplaas kan word, ooreenkomstig subregulasie (3) in die bygewerkte kieserslys insluit, sal alle sodanige name en besonderhede vervat word in 'n aparte deel van die bygewerkte kieserslys ingevolge paragraaf (a) opgestel en die deel vir ongeplaasde kiesers genoem word.*

(c) *Elke bladsy van die bygewerkte kieserslys en waar van toepassing, elke deel daarvan, sal agtereenvolgens genommer wees en sal die naam van die munisipaliteit en jaar waarop dit betrekking het, aandui.*

(3) Die hersieningshof sal :

(a) die naam van elke eiser tot die lys byvoeg :

- (i) wat tot die hof se tevredenheid op registrasie geregtig is; of*
- (ii) teen wie se registrasie geen beswaar ingedien is nie; of*
- (iii) wat nieteenstaande enige beswaar, die hof oortuig dat hy of sy daarop geregtig is om as 'n kieser geregistreer te word,*

(b) die naam van elke eiser skrap of van die lys verwyder :

- (i) ten opsigte van wie 'n beswaar ingedien is; en*

- (ii) ten opsigte van wie die hof oortuig is nie daarop geregtig is om as 'n kieser geregistreer te word nie; en
 - (c) enige fout regstel of enige weglating wat oënskynlik vir hom by enige inskrywing op die lys voorgekom het met betrekking tot die besonderhede vereis ingevolge regulasie 3(5)(a), aanvul.
- (4) Die hersieningshof sal geen eis of beswaar oorweeg nie tensy :
- (a) sodanige eis of beswaar ooreenkomstig *hierdie regulasies* ingedien is; en
 - (b)
 - (i) in die geval van enige eis of beswaar bedoel in regulasie 6(1)(b), sodanige eis of beswaar deur die kieserslysbeampte voor die verstryking van die tydperk daarin bedoel, ontvang is;
 - (ii) in die geval van enige beswaar beoog in regulasie 6(1)(d) sodanige beswaar deur die kieserslysbeampte ontvang is voor die verstryking van die tydperk daarin bedoel;
 - (iii) by gebrek aan voldoening aan subparagraaf (i) of (ii), die hersieningshof oortuig is dat daar buitengewone omstandighede met betrekking tot die laat indiening van die betrokke dokument bestaan wat die oorweging van die eis of beswaar regverdig; en
 - (c) in die geval van enige persoon ten opsigte van wie se registrasie 'n beswaar ingedien is, die beswaarmaker elke sitting van die hersieningshof waarby die beswaar oorweeg gaan word, bywoon om sodanige beswaar te staaf.

Verhore

- 9 (1) Die kieserslysbeampte is daarop geregtig om alle sittings van die hersieningshof by te woon en sal in die teenwoordigheid van 'n eiser of beswaarmaker aangehoor word.
- (2) Enige persoon wie se eis of beswaar deur die hersieningshof oorweeg word en enige persoon wat sodanige eis of beswaar teenstaan, is daarop geregtig om persoonlik of deur 'n verteenwoordiger skriftelik daartoe gemagtig, aangehoor te word en om mondelinge getuienis te lewer en getuies te roep.
- (3) Alle getuienis voor die hersieningshof, sal onder eed of bevestiging deur die voorsittende beampte afgeneem, gelewer word.
- (4) Sittings van die hersieningshof sal vir die publiek en die pers toeganklik wees.

(5) Die hersieningshof mag, onderworpe aan die bepalings van hierdie regulasies, van tyd tot tyd soos wat hy dienstig ag, verdaag.

(6) Indien geen eise of besware ingevolge regulasies 6(1)(b), 6(1)(d) of 6(3) binne die tydperke bedoel in *sodanige bepalings* ingedien word nie, sal die kieserslysbeampte deur kennisgewing aangebring by die kantore van die *munisipaliteit*, onverwyld die sitting van die hersieningshof kanselleer.

Sertifisering en ondertekening van kieserslys

10 (1) (a) Die lys deur die hersieningshof ingevolge regulasie 7 opgestel, sal nie later nie as *middag, 18 dae na die sewe dae insae tydperk bedoel by subregulasie 6(1)(a)* deur die voorsittende beampte van sodanige hof gesertifiseer en onderteken word en sal daarna die bygewerkte kieserslys vir die betrokke *munisipaliteit* wees totdat 'n nuwe *bygewerkte kieserslys* wettig ingevolge hierdie regulasies opgestel is of totdat dit vervang is met 'n ander kieserslys ingevolge die Wet op die Verkiesingskommissie, 1996 vervang is.

(b) *Sertifisering en ondertekening ingevolge (a) hierbo sal op sodanige wyse geskied of met sodanige gepaardgaande beskrywing en dokumentasie ook deur die voorsittende beampte onderteken as wat die lys en sy omvang sal identifiseer.*

(2) Enige dokument wat voorgee om die kieserslys te wees soos deur die voorsitter van die hersieningshof ingevolge subregulasie (1) gesertifiseer en onderteken, of as 'n ware afskrif van sodanige lys deur die hoof-uitvoerende beampte gesertifiseer deur die uitreiking van 'n sertifikaat tot daardie effek, sal, tensy bewys word dat sodanige dokument nie sodanige kieserslys of sodanige ware afskrif is nie, na gelang van die geval, as bewys dien dat die persone wie se name daarop verskyn daarop geregtig is om enige reg wat aan kiesers by hierdie regulasies verleen is, uit te oefen.

(3) Die *bygewerkte kieserslys aldus* gesertifiseer, sal by die kantore van die *munisipaliteit* gelewer word en sal gedurende normale kantooreure van die *munisipaliteit* of gedurende sodanige verlengde ure en tye soos wat sodanige *munisipaliteit* by besluit mag bepaal, beskikbaar wees vir insae deur lede van die publiek.

(4) Enige kieser, kandidaat of party mag 'n kopie van die *bygewerkte kieserslys* of deel daarvan van toepassing op 'n wyk, *ten opsigte waarvan 'n tussenverkiesing gehou staan te word* teen sodanige pryse soos wat die *munisipaliteit* by besluit bepaal, bekom.

Verdeling in Wyke

11 (1) 'n *Bygewerkte kieserslys* soos gesertifiseer en goedgekeur sal in 'n deel of dele ooreenkomstig die wyk of wyke ten opsigte waarvan 'n

tussenverkiesing gehou moet word, verdeel word en mag nie verder onderverdeel word nie tensy die Premier vooraf skriftelike magtiging daartoe verleen het.

- (2) *'n Bygewerkte kieserslys wat in dele verdeel is moet ten opsigte van elke deel voldoen aan die vereistes van regulasie 8(2)(a) en (c)*
- (3) *'n Kieser sal in 'n wyk stem waar sy of haar naam op die bygewerkte kieserslys vir sodanige wyk of deel verskyn.*

Verandering en Verdeling van Kieserslys

- 12 (1) Waar 'n *bygewerkte* kieserslys ooreenkomstig regulasie 10(1) gesertifiseer en onderteken is en die regsgebied waarop dit betrekking het daarna ingevolge die Wet afgebaken of herafgebaken word:

- (a) *deur die verdeling van sodanige gebied in een of meer munisipaliteite;*
- (b) *deur die uitsluiting van 'n gedeelte van sodanige gebied daarvan; of*
- (c) *deur die insluiting daarin van 'n gebied waarvan die geheel of gedeelte van 'n ander bygewerkte kieserslys wat ingevolge regulasie 7(1) gesertifiseer en onderteken is, deel is,*

mag sodanige kieserslys ingevolge hierdie regulasie in 'n deel of dele wat met die gebied of gebiede soos afgebaken of herafgebaken ooreenstem, verander of verdeel word.

- (2) (a) *'n Kieserslys ooreenkomstig subregulasie (1) verander of verdeel, sal die inligting vereis by regulasie 8(2) bevat.*
- (b) *Waar twee of meer bygewerkte kieserslyste in die geheel of gedeeltelik verander word na 'n enkele bygewerkte kieserslys en die naam van 'n kieser as gevolg daarvan meer as een keer in enige sodanige enkele lys ingesluit is, sal die bepalings van regulasie 5(5) van toepassing wees.*
- (c) *Waar die naam van 'n eiser deur 'n hersieningshof op grond daarvan dat sodanige eiser daarop geregtig was om slegs een keer op die bygewerkte kieserslys ingesluit te wees, uitgelaat, geskrap of verwyder is, en waar sodanige bygewerkte kieserslys ingevolge subregulasie (1) in meer as een bygewerkte kieserslys verdeel is en sodanige eiser geregtig raak om op meer as een sodanige bygewerkte kieserslys ingesluit te wees, sal die naam en besonderhede van sodanige eiser aldus ingesluit word.*

- (3) (a) Indien dit na oordeel van die Premier noodsaaklik of wenslik is om gevolg te gee aan die bepalings van subregulasie (1), sal die Premier skriftelik 'n hersieningskomitee aanstel om die verandering of verdeling van sodanige kieserslys te kontroleer, te reël en die korrektheid en akkuraatheid daarvan te ouditeer en te verseker.
- (b) Die voorsitter en lede van die hersieningskomitee sal skriftelik deur die Premier aangestel word.
- (c) In die geval waar enige verandering of verdeling ingevolge subregulasie (1) die regsgebied van meer as een sodanige gesertifiseerde en ondertekende kieserslyste raak, word enige aanstelling ingevolge *subregulasie* (3)(a) geag die gelyktydige en afsonderlike verandering of verdeling van al sodanige kieserslyste geraak, te vereis en in te sluit
- (4) Enige *hof* ingevolge subregulasie 3(a) ingestel sal :
- (a) oor al die regte 'n ingevolge regulasie 79(1)(c) en (d) aangestelde persoon opgedra, beskik;
- (b) die voltooiing, korrektheid en akkuraatheid van die kieserslys soos ingevolge hierdie regulasie verander of verdeel, onderteken en sertifiseer; en
- (c) onmiddellik by die afhandeling van die aanstelling, binne sodanige tydperk as wat die Premier mag bepaal, skriftelike verslag oor die uitvoering van sy pligte aan die Premier doen.
- (5) By ondertekening en sertifisering van die kieserslys ingevolge subregulasie (4)(b), sal sodanige kieserslys geag word die *bygewerkte* kieserslys ingevolge regulasie 10(1) vir die *munisipaliteit* waarop dit betrekking het, te wees en sal dit enige vorige *bygewerkte* kieserslys met betrekking tot die geheel of gedeelte van sodanige gebied vervang en uitsluit.
- (6) Die bepalings van hierdie regulasies met betrekking tot enige lys wat ingevolge regulasie 10(1) onderteken en gesertifiseer is, is van toepassing op enige lys ingevolge subregulasie (4)(b) onderteken en gesertifiseer.

Weglating

- 13 Geen weglating van die naam van 'n persoon van die *bygewerkte* kieserslys sal sodanige lys of enige *tussenverkieping* ingevolge hierdie regulasies gehou, ongeldig maak nie.

Uitgawes met betrekking tot Bygewerkte Kieserslys

- 14 'n *Munisipaliteit* mag sodanige uitgawe wat nodig mag wees ingevolge hierdie regulasies vir die *tussenverkiesing* en, in verband met die maak, hersien of aanpas van enige *bygewerkte kieserslys* of enige regsproses wat daaruit spruit, aangaan.

Verteenwoordiging

- 15 (1) Die Premier mag, na skriftelik oorlegpleging met die betrokke *munisipaliteite* of liggame, enige *munisipaliteit* of ander liggaam of liggame of *persoon of persone* magtig of beveel om as die verteenwoordiger vir of namens 'n *munisipaliteit* 'n *bygewerkte kieserslys* ingevolge hierdie regulasies voor te berei, of om die bedryf en die bestuur van 'n *tussenverkiesing* in die geheel of ten dele te onderneem en om die pligte wat sodanige *munisipaliteit* ingevolge hierdie regulasies opgelê is, in die geheel of ten dele uit te voer.
- (2) Enige voorskrif deur die Premier ingevolge subregulasie (1) hierbo gelas mag sodanige opdragte en ander reëlins insluit soos wat die Premier nodig of wenslik mag ag om uitvoering te kan gee aan die voorbereiding van sodanige *bygewerkte kieserslys* en sal opdragte insluit, in verband met die toedeel en verhaal van kostes.

Oortredings

- 16 Enige persoon wat :

- (a) vals inligting in enige eis of beswaar ingevolge regulasie 4, 5, 6 of 7 ingedien, of ten opsigte van enige besonderhede wat nodig is vir die saamstel van 'n *bygewerkte kieserslys* verstrek;
- (b) weier of nalaat om enige inligting ten opsigte van enige sodanige besonderhede te verstrek;
- (c) vals getuienis lewer voor, of die verrigtinge van 'n hersieningshof onderbreek of ontwrig; of
- (d) 'n hersieningshof minag,

is aan 'n misdryf skuldig, en by skuldigbevinding met die strawwe soos voorgeskryf by Hoofstuk 16 van hierdie regulasies strafbaar.

HOOFSTUK 5

KWALIFIKASIES : VERKIESING EN NOMINASIES

Verkiesing volgens Wyke

- 17 Elke kieser wie se naam op die *bygewerkte* kieserslys en wat in 'n wyk ten opsigte waarvan 'n tussenverkiesing, gehou staan te word, geplaas is, is daarop geregtig om 'n stem uit te bring vir 'n raadslid ten opsigte van elke vakature wat in sodanige wyk bestaan.

Stembriewe

- 18 Daar sal een stembrief ooreenkomstig vorm ER3 wees met die oogmerk om op die wyse soos by regulasie 17 bepaal, te stem.

Kwalifikasies vir Nominasie en Tussenverkiesing

- 19 (1) Enige persoon wat op die toepaslike kieserslys soos beoog in regulasie 3 ingeskryf is, en wat 'n *Suid-Afrikaanse Burger* is, sal daarop geregtig wees om as 'n lid van 'n *munisipaliteit* benoem en verkies te word tensy;
- (a) hy of sy 'n verkose lid van die Nasionale Vergadering, die Senaat of Provinsiale Wetgewer is;
- (b) hy of sy ingevolge artikel 42(1) van die Grondwet gediskwalifiseer is om verkies te word as 'n lid van die Nasionale Vergadering naamlik indien hy of sy :
- (i) ten tye van die *tussenverkiesing* 'n vonnis van gevangenisstraf van meer as 12 maande sonder die keuse van 'n boete uitdien;
- (ii) te eniger tyd na 9 Maart 1994 aan 'n misdryf in die Republiek skuldig bevind is, of buite die Republiek, indien die optrede wat sodanige misdryf uitmaak 'n oortreding in die Republiek sou uitgemaak het, en daarvoor tot gevangenisstraf van meer as 12 maande sonder die keuse van 'n boete gevonnissen is, tensy hy of sy kwytskelding ontvang het: Met dien verstande dat geen persoon geag word aan 'n oortreding skuldig bevind te wees totdat 'n appél teen die skuldigbevinding of vonnis beslis is of, indien geen appél teen die skuldigbevinding of vonnis aangeteken is nie, die tyd om so 'n appél aan te teken verstryk het;
- (iii) 'n ongerehabiliteerde insolvent is;
- (iv) in sy of haar geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is;

- (c) hy of sy deur 'n bevoegde hof gediskwalifiseer is om verkies te word;
- (d) hy of sy om 15:00 op die dag wat nominasiedag onmiddellik voorafgaan, 'n bedrag aan die betrokke oorgangsraad verskuldig is ten opsigte van enige eiendomsbelasting, huur, dienstegeld of enige ander gelde vir 'n tydperk langer as drie maande; of
- (e) hy of sy 'n werknemer van die betrokke plaaslike regering of 'n ander plaaslike regering is : Met dien verstande dat die Premier enige sodanige persoon kan vrystel as hy oortuig is dat sodanige vrystelling in die openbare belang is en bewys van so 'n vrystelling die *nominasie* vergesel.

(2) *Ondanks enige andersluidende bepalings hierin vervat, sal die bepalings van subregulasie (1)(d) slegs toepassing vind ten opsigte van skulde wat ontstaan het voor 15:00 op die dag wat nominasiedag onmiddelik voorafgaan.*

(3) *Geen persoon sal as kandidaat vir 'n wyk genomineer word;*

(a) *wat as raadslid dien ; of*

(b) *wat as kandidaat in 'n wyk genomineer is ten opsigte van dieselfde of enige ander munisipaliteit vir doeleindes van 'n tussenverkiesing; of*

(c) *wie se naam op die partylys van 'n party aan wie een of meer setels in die munisipaliteit ingevolge die bepalings van die provinsiale verkiesingsregulasies toegestaan is.*

HOOFSTUK 6

TUSSENVERKIESINGSdag, NOMINASIES EN VERKIESINGSKOMITEE

Kennisgewing ten opsigte van Tussenverkiesingsdag en Nominasies

- 20 (1) 'n Tussenverkiesing sal nie meer as 136 dae na die verklaring bedoel by regulasie 2(3), of geagte verklaring bedoel by regulasie 1(3)(b) of die afsterwe van 'n kandidaat soos vermeld in regulasie 21(8), of onvoldoende nominasies soos bedoel by regulasie 21(7) gehou word nie.
- (2) Die kiesbeamppte sal;
- (a) die dag waarop die tussenverkiesing gehou word, bepaal;
 - (b) by kennisgewing nie later nie as 7 dae na die verklaring bedoel by regulasie 2(3), of verklaring geag ingevolge regulasie 1(3)(b) gemaak te wees, of die afsterwe van 'n kandidaat soos vermeld in regulasie 21(8) of onvoldoende nominasies ingevolge regulasie 21(7):
 - (i) kennis gee van die datum van die tussenverkiesing en die stemtye soos voorgeskryf by regulasie 40(1);
 - (ii) die datum van nominasiedag bepaal en spesifiseer soos bedoel by regulasie 21(3) welke dag nie minder nie as 30 dae en nie meer nie as 35 dae voor die dag van die tussenverkiesing moet wees nie;
 - (iii) spesifiseer dat nominasies van kandidate vir die tussenverkiesing nie later nie as 12:00 op 'n datum wat nie minder as 44 dae en nie meer as 49 dae voor die tussenverkiesing moet wees, aan die kiesbeamppte afgelewer moet word soos bepaal by regulasie 21(1), sodanige nominasies vra en die getal vakatures wat gevul moet word, aandui; en
 - (v) die plek aanwys waarop nominasies en aansoeke bedoel in paragraaf (iii) hierbo, deur die kiesbeamppte ontvang sal word.
- (3) (a) Die datum deur die kiesbeamppte bepaal vir doeleindes van; subregulasie (2)(a), 2(b)(iii) en regulasie 21(4)(ii) sal nie, tensy dit met die vooraf instemming van die Premier, op 'n Vrydag, Saterdag, Sondag of 'n openbare vakansiedag val nie.
- (b) Die kiesbeamppte by die kennisgewing bedoel by subregulasie (2), wanneer 'n datum of datums as gevolg van die bepaling

van paragraaf (a) nie bepaal kan word om binne die onderskeidelike tydperke by subregulasie (1) of (2)(b)(iii) of 21(4)(ii) te val nie,

- (i) sal die laaste dag van die gewraakte tydperk verleng tot die eerste beskikbare dag;
- (ii) mag op soortgelyke wyse een of meer opeenvolgende tydperke verleng, en
- (iii) sal onverwyld die Premier skriftelik van al sodanige veranderings in kennis stel.

Nominasieprosedure

- 21 (1) Geen persoon mag by 'n tussenverkiesing 'n kandidaat wees nie tensy 'n nominasie op die voorgeskrewe vorm ER4 behoorlik voltooi en geteken deur :

(a) die voornemende kandidaat of sy verteenwoordiger behoorlik skriftelik daartoe gevolg, welke volmag die nominasie sal vergesel, wat sodanige kandidaat se aanvaarding van die nominasie bevestig; en

(b) ten minste die getal kiesers ingevolge subregulasie (9) bepaal, wie se name op die kieserslys vir daardie wyk ingesluit is, anders as sodanige voornemende kandidaat of agent,

aan die kiesbeampte afgelewer is nie later nie as *middag nie minder as 44 dae en nie meer as 49 dae voor die dag van die tussenverkiesing* nie, vergesel van die onderskeidende merk of simbool van die kandidaat wat ingevolge regulasie 31(2) op die stembrief moet verskyn, *welke simbool 'n foto van sodanige kandidaat mag insluit op 'n afsonderlike bladsy aangebring, duidelik identifiseerbaar en geskik vir druk of reproduksie in swart en wit.*

Publikasie

- (2) *Die kiesbeampte sal nie minder as 42 dae en nie meer as 47 dae voor die dag van die tussenverkiesing buite die plek vir nominasie bedoel by subregulasie 20(2)(b)(iv) 'n lys bevattende die naam en adres van elke persoon ten opsigte waarvan 'n nominasie ontvang is, vertoon en sodanige lys vertoon tot en met middag op nominasiedag.*

- (3) Om middag op nominasiedag sal die kiesbeampte, op die plek van nominasie soos bedoel in regulasie 20(2)(b)(iv), in die openbaar :

(a) die name van die voornemende kandidate wie se nominasies deur hom ingevolge subregulasie (4) verwerp is, verklaar;

- (b) die name van die kandidate wie se nominasies aanvaar is verklaar wat ingevolge subregulasie (5) as behoorlik verkose geag word;
- (c) die name van die kandidate wie se nominasie aanvaar is verklaar en ten opsigte van wie verkiesing ingevolge subregulasie (6) gehou sal word; en
- (d) die onderskeidende merk of simbool van elke kandidaat indien enige deur die kiesbeamppte aanvaar of deur die verkiesingskomitee ingevolge regulasie 73(1)(e)(iii) beslis, vertoon.

Verwerping en Regstelling

(5) Die kiesbeamppte sal die volgende verwerp :

- (a) die nominasie van enige persoon wat tot sy tevredenheid bewys is, nie ingevolge regulasie 19 as 'n kandidaat benoembaar is nie;
- (b) enige nominasie wat nie aan die vereistes van subregulasie (1) voldoen nie;
- (c) die nominasie van enige persoon ten opsigte van wie die kiesbeamppte, voordat die verklaring soos bedoel by subregulasie (3) gemaak is, 'n skriftelike terugtrekking van sy of haar kandidaatskap ontvang het, geteken deur daardie persoon en gestaaf deur ten minste twee ander persone as getuies;
- (d) *in die geval van meer as een tussenverkiesings*, die nominasie ingevolge hierdie regulasies van 'n persoon wat vir meer as een wyk benoem is, indien meer as een van sodanige nominasies voldoen aan die vereistes van subregulasie (1);
- (e) die nominasie van 'n persoon wat, na die wete van die kiesbeamppte, na aflewering van sy nominasievorm ingevolge subregulasie (1) maar voordat die verklaring ingevolge subregulasie (3) gemaak is, te sterwe gekom het;
- (f) 'n onderskeidende merk of simbool wat die onderskeidende merk van 'n party is of voorgee om *een* te wees wat nie vergesel is van 'n skriftelike en getekende magtiging van die behoorlik daartoe gemagtigde verteenwoordiger van sodanige party nie;
- (g) onderskeidende merke of simbole wat identies of nie duidelik en maklik onderskeibaar is nie, tensy alle voorgestelde kandidate wat sodanige merke of simbole voorlê, skriftelik instem vir die gesamentlike gebruik daarvan; en

- (h) 'n onderskeidende merk of simbool wat onweloweglik, beledigend, misleidend, ontheiligend of andersins waarskynlik aanstoot kan gee of weselik ooreenstem met 'n kruis of regmerk :

Met dien verstande dat geen nominasie op grond van enige tekortkoming soos beoog in paragraaf (b), (d), (f), (g) of (h) verwerp sal word nie tensy;

- (i) die kiesbeampste, nie *minder* nie as 7 dae voor *nominasiesdag* aan die betrokke persoon 'n skriftelike kennisgewing bestel het wat hom inlig oor sodanige tekortkoming; en
- (ii) sodanige persoon versuim het;
- (aa) om sodanige tekortkoming reg te stel; en
- (bb) indien sodanige tekortkoming reggestel is, om tot die tevredenheid van die kiesbeampste te bewys dat sodanige tekortkoming reggestel is,

nie later nie as *middag* op 'n *deur die kiesbeampste gespesifiseerde datum* wat nie *minder* as 31 dae en nie *meer* as 36 dae voor die *tussenverkiesingsdag* sal wees nie: Met dien verstande verder dat waar sodanige persoon nalaat om 'n gebrek soos bedoel by paragraaf (f), (g) of (h) reg te stel, die kiesbeampste die betrokke onderskeidende merk of simbool behoudens die bepalings van regulasie 72(1)(e)(iii) sal verwerp en andersins die nominasie aanvaar.

- (5) (a) Indien die aantal kandidate vir 'n wyk waarvoor nominasies aanvaar is, gelyk is aan, of minder is as die getal vakatures in daardie wyk, sal sodanige kandidate as verkose geag word en 'n *tussenverkiesing* ten opsigte van die vulling van enige oorblywende vakatures sal by wyse van 'n *verdere tussenverkiesing* ingevolge hierdie regulasies gehou word.
- (b) Indien onvoldoende nominasies om die oorblywende vakatures in paragraaf (a) bedoel, te vul, aanvaar word vir die *verdere tussenverkiesing* bedoel in die genoemde subregulasie, sal die kiesbeampste, binne sewe dae van die verklaring wat ingevolge subregulasie (3) gemaak is ten opsigte van sodanige *verdere tussenverkiesing*, die Premier skriftelik daarvan in kennis stel, en die Premier mag daarop óf voorskryf dat 'n *verdere tussenverkiesing* gehou sal word om die balans van die oorblywende vakatures te vul, óf persone as raadslede aanstel om sodanige balans te vul en enige persone aldus aangestel sal vir alle doeleindes as raadslid geag word.

- (6) Indien die aantal kandidate wie se nominasies aanvaar is, die getal vakatures oorskry, sal die kiesbeampte onmiddellik, deur kennisgewing aangebring buite die plek van nominasie bedoel in regulasie 20(2)(b)(iv) en binne 7 dae na nominasiedag die volle name van elke kandidaat tesame met sy of haar onderskeidende merk of simbool indien enige, ten opsigte van wie 'n verkiesing op tussenverkiesingsdag gehou sal word, publiseer.
- (7) Indien geen nominasies aanvaar word nie, sal die vakature of vakatures by wyse van 'n verdere tussenverkiesing ingevolge hierdie regulasies gevul word.
- (8) Die kiesbeampte sal, indien oortuig dat 'n kandidaat soos bedoel by subregulasie (3)(c), gesterf het voor die dag van die tussenverkiesing, alle verrigtinge beëindig en deur 'n kennisgewing in die pers gepubliseer, alle kennisgewings wat in hierdie hoofstuk ten opsigte van die betrokke wyk uitgereik is, onttrek, waarna die datum van sodanige kennisgewing geag word die datum van verklaring te wees en 'n tussenverkiesing sal vir die betrokke wyk gehou word.
- (9) Die kiesbeampte sal vir doeleindes van subregulasie 1(b) hierbo, nie later nie as 54 dae voor die dag van die tussenverkiesing ten opsigte van elke wyk, 'n syfer wat 'n akkurate raming van twee persent van die kiesers op die bygewerkte kieserslys vir elke betrokke wyk is, bepaal en beskikbaar stel.

Vertroulikheid

- 22 Geen nominasie of enige besonderhede daarin vervat, sal na aflewering aan die kiesbeampte ingevolge regulasie 21(1) deur die kiesbeampte aan enige persoon behalwe 'n verkiesingsbeampte voor die uur bedoel by regulasie 21(3) bekend gemaak word nie.

Agente en bodes

- 23 (1) Elke kandidaat by 'n tussenverkiesing sal nie minder nie as 14 dae voor die dag van die tussenverkiesing die kiesbeampte skriftelik ooreenkomstig vorm ER8 in kennis stel van die name, indien enige, van agente en bodes ingevolge regulasie 29(1) aangestel.
- (2) Die naam van enige regtens aangestelde agent mag by soortgelyke kennisgewing om die kiesbeampte onttrek of vervang word nie later nie as middag op die tweede dag voor die dag van die tussenverkiesing.

Stemburo's

- 24 (1) Nie later nie as 21 dae voor die dag van die tussenverkiesing sal elke kiesbeampte 'n lys van stemburo's en hul aderesse publiseer en 'n kopie van sodanige lys by 'n plek of plekke deur hom of haar of die verkiesingskomitee bedoel by regulasie 73 bepaal, vir algemene inligting vertoon tot die dag na die dag van die tussenverkiesing: Met

dien verstande dat hy of sy na oorleg met sodanige verkiesingskomitee op sy of haar versoek, sodanige lys aangevul mag word deur die kiesbeampte nie minder nie as 14 dae voor die tussenverkiesingsdag op soortgelyke wyse gepubliseer en vertoon word.

- (2) Die Premier mag nie minder nie as 14 dae voor die dag van die tussenverkiesing die kiesbeampte gelas om die aantal en ligging van die stemburo's bedoel by subregulasie (1) te vermeerder.

HOOFSTUK 7

AANSTELLING, MAGTE EN PLIGTE VAN VERKIESINGSBEAMPTES

Aanstelling en Verantwoordelikhede

- 25 (1) (a) Die hoof-uitvoerende beampte sal *ex officio* die kiesbeampte van die betrokke *munisipaliteit vir doeleindes van 'n tussenverkiesing* wees wat gehou word om enige vakature ingevolge hierdie regulasies te vul, tensy daardie raad ingevolge 'n besluit by die vergadering bedoel by regulasie 2(3) aanvaar deur 'n meerderheid van ten minste twee derdes van al sy lede, 'n ander persoon as kiesbeampte aanstel.
- (b) Die *munisipaliteit* sal die aanstelling van die kiesbeampte nie later nie as 7 dae na sodanige aanstelling skriftelik bevestig.
- (2) Die kiesbeampte vir 'n *munisipaliteit* is verantwoordelik vir die administrasie, organisasie, toesig en voer van die *tussenverkiesing* vir *sodanige munisipaliteit*.
- (3) (a) Die *munisipaliteit* sal onderworpe aan die instandhouding van noodsaaklike dienste, die kiesbeampte toelaat om sodanige van sy werknemers vir sodanige tydperk of tydperke en in sodanige hoedanigheid of hoedanighede as wat hy of sy redelikerwys nodig mag ag vir die behoorlike voorbereiding en hou van die *tussenverkiesing*, te werf en aan te stel of te sekondeer ;
- (b) Die *munisipaliteit* sal aan sodanige werknemers vir hierdie doel toestemming verleen om van hul normale werksplek afwesig te wees met volle betaling en sonder benadeling van enige diensvoorwaarde, asook vir 'n tydperk van nie meer as twee dae nie, enige fooie toestaan as wat die *munisipaliteit* ingevolge regulasie 77 mag bepaal.
- (c) Die kiesbeampte mag van buite die diens van die *munisipaliteit* sodanige addisionele persone as wat hy of sy noodsaaklik mag ag, teen fooie wat nie meer mag wees as die ingevolge regulasie 77 vir enige ander verkiesingsbeampte bepaal nie, werf en aanstel: Met dien verstande dat enige sodanige werwing binne die beperkings van enige algemene of spesifieke finansiële voorskrif moet wees wat vooraf deur die *munisipaliteit* bepaal is.
- (d) Niks hierin vervat sal vertolk word as sou dit die *munisipaliteit* verbied om sodanige addisionele bepalings of reëlins te maak of te tref as wat dit noodsaaklik ag met betrekking tot indiensneming of personeelvoorsiening vir die behoorlike voorbereiding en hou van die *tussenverkiesing* nie.

- (e) *Aan die hoof-uitvoerende beampte in sy hoedanigheid as kiesbeampte sal bykomend tot sy of haar normale vergoeding en diensvoorwaardes, vir 'n tydperk wat nie twee dae te bowe gaan nie, enige fooi toegestaan word soos wat deur sodanige munisipaliteit ingevolge regulasie 77 bepaal is.*
- (f) *Wanneer die munisipaliteit 'n ander persoon ingevolge subregulasie (1) as kiesbeampte aangestel het, sal dit tydens sodanige aanstelling by 'n meerderheid van ten minste twee derdes van al sy lede sy of haar vergoeding en diensvoorwaardes bepaal wat enige fooi wat sodanige munisipaliteit ingevolge regulasie 77 mag bepaal vir 'n tydperk wat nie twee dae te bowe gaan nie, mag insluit.*

Verkiesingsbeamptes

- 26 (1) (a) Die kiesbeampte sal behoudens die bepalings van subregulasie (8) sodanige verkiesingsbeamptes wat hy of sy nodig mag ag vir die behoorlike en doeltreffende voer van die *tussenverkiesing* aanstel en mag na sy of haar goeddunke enige aanstelling aldus gemaak terugtrek.
- (b) Die Gedragskode vir Verkiesingsbeamptes in Bylae 2 by hierdie regulasies word geag 'n beding en aanstellingsvoorwaarde vir elke verkiesingsbeampte insluitend die kiesbeampte te wees.
- (2) Geen persoon sal as 'n verkiesingsbeampte aangestel word of sodanige aanstelling aanvaar nie indien hy of sy :
- (a) 'n kandidaat in die *tussenverkiesing* is;
- (b) 'n lid of raadslid is van 'n munisipaliteit, of op die partylys van 'n party aan wie een of meer setels op die munisipaliteit ingevolge die bepalings van die provinsiale verkiesingsregulasies toegewys is.
- (c) direk of indirek, met of sonder vergoeding deur enige party of kandidaat by die *tussenverkiesing* betrokke is;
- (d) 'n ampsbeker van 'n party is; of
- (e) versuim om 'n verklaring ingevolge vorm ER9 te maak.

Getalle en Aanwysings

- (3) *By bepaling van die aantal verkiesingsbeamptes wat ingevolge hierdie regulasie aangestel moet word, sal die kiesbeampte in die geval van enige stemburo bedoel by regulasie 36(3)(c)(i), (ii) en (iii) 'n*

voorsittende beampte en 14 ander verkiesingsbeamptes aanstel: Met dien verstande dat;

- (a) waar magtiging soos bedoel by regulasie 36(3)(c) verleen is, die aantal verkiesingsbeamptes ten minste een voorsittende beampte en 'n eweredige getal verkiesingsbeamptes sal insluit;*
- (b) waar die aantal persone op 'n bygewerkte kieserslys bedoel by regulasie 36(3)(c)(i), (ii) en (iii) aansienlik minder is as die aantal beoog in sodanige regulasies, mag die kiesbeampte 'n kleiner aantal verkiesingsbeamptes, waarvan een die voorsittende beampte sal wees, magtig;*
- (c) by elke stemburo in 'n wyk ingevolge regulasie 16(1)(b) van die provinsiale verkiesingsregulasies afgebaken, en onder die omstandighede beoog by paragraaf (a), sal die kiesbeampte bykomend tot enige ander aanstellings van verkiesingsbeamptes wat hy of sy ingevolge hierdie regulasies moet maak, 'n adjunk voorsittende beampte aanstel.*

(4) (a) Die kiesbeampte sal waar toepaslik een of meer verkiesingsbeamptes as 'n adjunk kiesbeampte, voorsittende beampte, adjunk voorsittende beampte, stembeampte, vertaalbeampte of kiesersassistent soos bedoel by subregulasie (5), telbeampte, en/of ander verkiesingsbeampte aanwys: Met dien verstande dat aan enige verkiesingsbeampte meer as een aanwysing gemaak mag word.

(b) Die kiesbeampte mag een of meer adjunk voorsittende beamptes met betrekking tot 'n stemburo aanwys.

(5) Die kiesbeampte sal verseker dat :

- (a) voldoende verkiesingsbeamptes wat in die amptelike taal vaardig is, te alle tye gedurende die stemming gereedlik beskikbaar is by elke stemburo; en*
- (b) voldoende verkiesingsbeamptes spesifiek aangestel, en toegewys is om ongeletterde, blinde of gebrekklike kiesers ingevolge regulasie 53, by te staan;*
- (c) dat elke verkiesingsbeampte voldoende opleiding en voorligting ontvang vir die doeltreffende uitvoering van sy of haar pligte en verantwoordelikhede ingevolge hierdie regulasies; en*
- (d) dat elke verkiesingsbeampte volledige en voldoende geleentheid gebied is om die Gedragskode vir Verkiesingsbeampte by Bylae*

1 te lees, of indien sodanige beampte nie kan lees nie, dit aan hom of haar voorgelees word.

- (6) By die aanstelling en benoeming van verkiesingsbeamptes sal die kiesbeampte positiewe en regstellende pogings aanwend om rasse- en geslagsverteenvoerdiging te verseker.
- (7) Verkiesingsbeamptes wat ingevolge hierdie regulasie aangestel is, sal onder die beheer wees en die instruksies uitvoer van die kiesbeampte.
- (8) Die kiesbeampte of voorsittendebeampte mag ten opsigte van enige stemburo wat onder sy of haar jurisdiksie, beheer of bestuur val:
 - (a) te enige tyd enige verkiesingsbeampte gelas om werksaamhede te staak of enige stemburo of plek vir die tel van stemme vir sodanige tydperk of tydperke deur die kiesbeampte of voorsittendebeampte bepaal te verlaat; en
 - (b) mag enige sodanige lasgewing 'n instruksie en onverwyld of nie later nie as 'n gespesifiseerde tyd by 'n ander geïdentifiseerde stemburo of plek vir die tel van stemme of kantoor of amptenaar van die *munisipaliteit* te rapporteer, insluit.

Aanstellingsertifikaat

- 27 (1) Die kiesbeampte sal aan elke verkiesingsbeampte 'n sertifikaat van aanstelling ooreenkomstig die toepaslike vorm ER5 uitreik en sodanige aanstellingsbrief sal :
- (a) in die geval van 'n voorsittende beampte met die sluit van stemming ingevolge regulasie 57(3) in koevert ER6 ingesluit word;
 - (b) in die geval van 'n stembeampte of ander verkiesingsbeampte toegewys aan 'n stemburo, aan die verantwoordelike voorsittende beampte vir ondertekening oorhandig word, nie later nie as die oomblik waarop sodanige kiesbeampte of ander verkiesingsbeampte *vir die eerste keer* die stemburo binnegaan, en daarna behou deur sodanige kiesbeampte of ander verkiesingsbeampte totdat dit deur die voorsittende beampte vir insluiting in koevert ER6 soos bedoel by regulasie 57(3) benodig word;
 - (c) in die geval van 'n telbeampte, aan die kiesbeampte vir ondertekening oorhandig word nie later nie as die tydstop waarop sodanige telbeampte *vir die eerste keer* die plek vir die tel van die stemme binnegaan, en daarna deur sodanige telbeampte

behou totdat dit vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b) benodig word; en

- (d) in die geval van enige ander verkiesingsbeampte, teen 'n tyd en by die plek deur sodanige kiesbeampte gespesifiseer vir ondertekening aan die kiesbeampte oorhandig word, en daarna deur die verkiesingsbeampte behou word totdat dit deur die kiesbeampte benodig word vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b).

- (2) Elke verkiesingsbeampte sal, onderworpe aan enige opdrag deur die kiesbeampte uitgereik, die magte uitoefen en die pligte en funksies uitvoer soos deur hierdie regulasies aan hom opgedra en verplig, of soos deur die kiesbeampte aan hom of haar toegewys.

- (3) (a) Indien die kiesbeampte afwesig of onbevoeg is of nalaat of weier om op te tree, sal die adjunk kiesbeampte die bevoegdhede, pligte en funksies wat deur wetgewing aan die kiesbeampte opgedra en verplig is, uitoefen.

- (b) Waar twee of meer adjunk kiesbeamptes aangewys is, plaas die kiesbeampte hulle tydens aanwysing in rangorde volgens senioriteit.

Verkiesingsbeamptes moet Onpartydig wees

- 28 Alle verkiesingsbeamptes sal streng onpartydigheid in die uitvoering van hul bevoegdhede en die uitvoering in van hul pligte en funksies handhaaf en sal deur niks in hul optrede, gedrag, manier of spraak rede gee tot die teendeel nie.

Agente en Bodes

- 29 (1) Elke kandidaat vir 'n wyk in 'n *tussen*verkiesing en wie se naam op die stembriefie vir daardie stemburo voorkom, mag *die volgende aanstel*;

- (a) een algemene agent om hom of haar te verteenwoordig of hom of haar by enige sodanige stemburo en by die plek vir die tel van die stemme te vergesel;

- (b) nie meer nie as twee spesiale agente vir elke sodanige stemburo;

- (c) een spesiale agent en een bode om teenwoordig te wees by die plek vir die tel van die stemme; en

- (d) een bode vir elke sodanige stemburo;

Met dien verstande dat slegs een agent en een bode van enige kandidaat op dieselfde tyd in die stemburo toegelaat word: Met dien verstande verder dat agente en bodes op die *bygewerkte* kieserslys van 'n munisipaliteit ingesluit moet wees.

- (2) (a) Elke kandidaat by 'n *tussenverkiesing* sal, ten minste 14 werksdae voor *die dag van die tussenverkiesing*, die kiesbeampte ooreenkomstig die toepaslike vorm ER8 skriftelik in kennis stel van die name, indien enige, van agente en bodes wat ingevolge *subregulasie* (1) aangestel is.
- (b) Die naam van enige behoorlik aangestelde agent mag met soortgelyke kennisgewing aan die kiesbeampte, nie later nie as die middag op die tweede dag voor *die dag van die tussenverkiesing*, onttrek of vervang word.

Verklarings

- 30 (1) Elke verkiesingsbeampte sal 'n verklaring ooreenkomstig vorm ER9 aflê, in die geval van :
 - (a) die kiesbeampte of 'n adjunk kiesbeampte, voor 'n Kommissaris van Ede;
 - (b) 'n voorsittende beampte, voor die kiesbeampte, 'n adjunk kiesbeampte of 'n Kommissaris van Ede; en
 - (c) enige ander verkiesingsbeampte, voor die kiesbeampte, 'n adjunk kiesbeampte, 'n voorsittende beampte of 'n Kommissaris van Ede.
- (2) Die verklaring soos beoog by subregulasie (1) sal :
 - (a) in die geval van die kiesbeampte, in die toepaslike koevert ER29 ingevolge regulasie 67(2)(b) ingesluit wees;
 - (b) in die geval van 'n voorsittende beampte, oorhandig word aan die kiesbeampte wanneer sodanige voorsittende beampte voorsien word van sy verkiesingsmateriaal ingevolge regulasie 35, vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b);
 - (c) in die geval van enige ander verkiesingsbeampte en in die geval van enige persoon bedoel in subregulasie (3), oorhandig word aan die kiesbeampte op 'n tyd en plek deur daardie kiesbeampte gespesifiseer, vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b) of, indien geen tyd of plek gespesifiseer is nie, oorhandig word aan :
 - (i) die voorsittende beampte wanneer sodanige persoon vir die eerste keer die stemburo betree, vir insluiting in koevert ER6 soos bedoel by regulasie 67(2)(b); of

(ii) die kiesbeampte wanneer sodanige persoon die eerste keer die plek betree waar stemme getel word, vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b).

(3) Elke ander persoon wat daarop geregtig is om in 'n stemburo of die plek vir die tel van stemme aanwesig te wees anders as 'n kieser of 'n polisiebeampte aan diens, moet 'n verklaring ooreenkomstig vorm ER8 voor die kiesbeampte, adjunk kiesbeampte, voorsittende beampte of 'n kommissaris van ede aflê, welke vorm mee gehandel word soos beoog in subregulasie 2(c) hierbo.

Verklaring

(1) Elke verkiesingsbeampte sal 'n verklaring ooreenkomstig vorm ER9 aflê in die geval van:

- (a) die kiesbeampte of 'n adjunk kiesbeampte, voor 'n Kommissaris van Ede;
- (b) 'n voorsittende beampte, voor die kiesbeampte, 'n adjunk kiesbeampte of 'n Kommissaris van Ede; en
- (c) enige ander verkiesingsbeampte, voor die kiesbeampte, 'n adjunk kiesbeampte, 'n voorsittende beampte of 'n Kommissaris van Ede.

(2) Die verklaring soos beoog by subregulasie (1) sal:

- (a) in die geval van die kiesbeampte, in die toepaslike koevert ER29 ingevolge regulasie 67(2)(b) ingesluit word;
- (b) in die geval van 'n voorsittende beampte, oortreëf word aan die kiesbeampte wat vir sodanige voorsittende beampte voorskyn word van 'n verkiesingsbeampte ingevolge regulasie 35, vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b);
- (c) in die geval van enige ander verkiesingsbeampte, aan die geval van enige persoon bedoel in subregulasie (1), oortreëf word aan die kiesbeampte, 'n adjunk kiesbeampte of 'n Kommissaris van Ede, vir insluiting in die toepaslike koevert ER29 soos bedoel by regulasie 67(2)(b) of, indien geen tyd of plek gespesifiseer is nie, oortreëf word aan:

- (i) die voorsittende beampte wanneer sodanige persoon vir die eerste keer die stemburo betree, vir insluiting in die toepaslike koevert ER8 soos bedoel by regulasie 67(2)(b); of

HOOFSTUK 8

VOORBEREIDING VIR TUSSENVERKIESING

Druk van Stembriewe vir Wyke

- 31 (1) Onmiddellik nadat die kiesbeampte die name van kandidate wie se nominasie vir *tussenverkiesing* in 'n wyk ingevolge regulasie 21(4) aanvaar en met betrekking tot wie 'n *tussenverkiesing* gehou sal word op *die dag van die tussenverkiesing*, aangekondig het, sal die kiesbeampte 'n voldoende aantal stembriewe op wit papier ooreenkomstig vorm ER3 laat druk vir gebruik in 'n *tussenverkiesing* volgens wyke.
- (2) Elke stembrief gedruk ingevolge subregulasie (1) sal;
- (a) die naam van elke kandidaat in alfabetiese volgorde van die vanne soos vermeld op die nominasievorms bevat en, indien daar twee of meer kandidate met dieselfde van is, hulle name in alfabetiese volgorde; en
 - (b) langs die naam van elke kandidaat die onderskeidende merk of simbool van daardie kandidaat *vertoon*, , ooreenkomstig regulasie 21(3)(d) bevat indien enige; en
 - (c) op die teenblad opeenvolgend genummer wees met die nommer van sodanige teenblad op die voorkant van die teenblad.
- (3) *Wanneer daar meer as een tussenverkiesing in 'n munisipaliteit gehou word, moet 'n aparte reeks stembriewe met opeenvolgende genummerde teenblaai sal vir elke wyk gedruk word.*

Stembusse

- 32 (1) Die kiesbeampte sal voor *die dag van die tussenverkiesing* 'n voldoende aantal stembusse voorsien of reël dat dit voorsien word.
- (2) Elke stembus sal :
- (a) oor 'n deksel daaraan vasgeheg, beskik;
 - (b) oor 'n groot genoeg gleuf beskik om die plasing van stembriewe daarin toe te laat;
 - (c) so saamgestel en van sodanige materiaal vervaardig wees dat stembriewe nie daaruit verwyder kan word sonder om die deksel daarvan oop te maak nie;
 - (d) van 'n slot of ander toestel ten einde dit te sluit wanneer toegemaak voorsien wees;

(e) aan die buitekant duidelik met 'n nommer of simbool uniek aan daardie bus gemerk wees op so 'n wyse dat dit nie gereedelik uitgewis of verwyder kan word nie; en

(f) aan die buitekant duidelik en noukeurig gemerk wees op 'n wyse wat onafhanklike identifikasie toelaat;

(i) van die naam van die betrokke *munisipaliteit*; en

(ii) van die betrokke wyk *waarop dit betrekking het*; en

Amptelike Merk en Instrumente

33 (1) Die kiesbeampte sal voor *die dag van die tussenverkiesing*;

(a) besluit oor die amptelike merk of merke wat op stembriewe geplaas word;

(b) 'n voldoende aantal instrumente vir die plasing van sodanige merk of merke op stembriewe voorsien; en

(c) elke instrument in 'n toepaslik aparte koevert ER10 plaas en met sy amptelike seël verseël voor oorhandiging aan 'n voorsittende beampte, soos bedoel by regulasie 35.

(2) Die kiesbeampte sal aan geen persoon hoegenaamd enige besonderhede van die amptelike merk of merke deur hom besluit, meedeel nie.

Bepaling van Tyd en Plek vir Telling en van Plek vir Aflewering van materiaal vir Tussenverkiesing

34 Die kiesbeampte sal voor *die dag van die tussenverkiesing*;

(a) die plek of plekke, datum en tyd vir die tel van stemme bepaal, wat 'n aanvang sal neem nie later nie as 09:00 op die dag onmiddellik na die *tussenverkiesing* en skriftelike kennis daarvan aan elke kandidaat, party en algemene agent gee;

(b) elke voorsittende beampte op vorm ER11 in kennis stel van die plek of plekke waar stembusse en ander materiaal *vir die tussenverkiesing* afgelewer moet word aan sodanige kiesbeampte na die sluiting van stemburo's; en

(i) skriftelik 'n adjunkstembeampte aanstel om namens hom of haar op te tree in enige geval waar sodanige kiesbeampte besluit het dat 'n plek of plekke vir stemtelling nie onder sy of haar direkte toesig en beheer sal wees nie; en

(ii) elke adjunk kiesbeampte skriftelik in kennis stel van die plek waar die uitslag van die telling ooreenkomstig regulasie 70 en

die *materiaal vir die tussenverkiesing* aan die kiesbeampte na voltooiing van die telling gelewer moet word.

Voorsiening van Materiaal vir Tussenverkiesing

- 35 (1) Die kiesbeampte sal nie later nie as 17:00 op die dag voor die dag van die tussenverkiesing aan elke voorsittende beampte die volgende materiaal vir die tussenverkiesing vir gebruik by sy of haar stemlokaal voorsien;
- (a) 'n lys van die kandidate vir die wyk toegeken aan sodanige voorsittende beampte;
 - (b) 'n lys van kandidaatsagente en bodes wie se name met betrekking tot sy stemlokaal op die toepaslike vorm ER8 ingevolge regulasie 29 oorhandig en in verband met wie 'n vorm ER9 ingevolge regulasie 30 oorhandig is, voorkom;
 - (c) een kopie van die toepaslike deel van die *bygewerkte* kieserslys met die name van die kiesers wat daarop geregtig is om by sy of haar stemburo te stem;
 - (d) 'n kopie van hierdie regulasies;
 - (e) drie kopieë van elke plakkaat soos bedoel in regulasie 41;
 - (f) 'n voldoende aantal stembusse soos benodig, ingevolge regulasie 32 geïdentifiseer en gemerk;
 - (g) 'n voldoende voorraad stembriewe;
 - (h) 'n voldoende voorraad instrumente vir die plasing van die amptelike merk op stembriewe, elk in 'n aparte koevert ER10;
 - (i) een amptelike seël;
 - (j) 'n voldoende voorraad vorms, koeverte en etikette ER6 en ER12 tot en met die toepaslike vorm ER25;
 - (k) 'n voldoende aantal penne en potlode vir die merk van stembriewe;
 - (l) 'n voldoende voorraad potlode, potloodskerpmakers, liniale, sny instrumente, ink en inkkussings, koeverte, seëlwas of ander seëlmateriale, vuurhoutjies, bande, bruinpapier, kartonhouers, sakke, kleefband, lyn, gom, drukspykers, kerse, tou of band en ander materiale nodig vir die instandhouding van die identiteit van die binne-omtrek van die stemgebied, en waar van

toepassing deur die kiesbeampte beskou, een of meer funksionerende batteryflits; en

- (m) 'n voldoende voorraad merkvlloeistof en ultraviolet lampe vir doeleindes van regulasie 49(3) en sal ten tye van lewering bepaal en toesien dat die ultraviolet lampe in werkende toestand is en waar nodig van batterye sal voorsien vir die werking van sodange lampe.

- (2) By ontvangs van die stembriewe vanaf die kiesbeampte sal elke voorsittende beampte in die teenwoordigheid van die kiesbeampte onmiddellik die teenbladnommers van die ontvangde stembriewe op vorm ER20 aanteken en 'n kwitansie ingevolge subregulasie (1) vir die ontvangs van die materiaal vir die tussenverkiesing waarop die volgorde van die reeksnommers op die teenblaaie van die stembriewe ontvang asook die merke en simbole van stembusse soos bedoel by regulasie 32(2)(e), ontvang en aangebring is, uitreik. Die voorsittende beampte sal 'n duplikaat van die kwitansie deur die kiesbeampte onderteken, behou.

HOOFSTUK 9

BEHEER, VOORBEREIDING EN OPENING VAN STEMBURO

Stemgebiede

36 (1) 'n Stemgebied bestaan uit:

- (a) 'n Stemburo wat 'n plek is wat deur die kiesbeampte aangewys is, waarbinne 'n kieser toegelaat sal word om sy of haar stem uit te bring;
- (b) 'n binne-omtrek rondom die stemburo omgrens met 'n omtrek met 'n radius van 500 meter, of sodanige vorm of kleiner gebied *of radius* as wat prakties genoodsaak word, deur die kiesbeampte toegewys en duidelik met grense deur die kiesbeampte afgebaken:
 - (i) waarbinne persone toegelaat sal word vir stemdoeleindes;
 - (ii) waarbinne alle politieke aktiwiteit anders as *verkiezing* verbied is;
 - (iii) waarvan persone behalwe dié bedoel in regulasie 37(1),(2) en (3), uitgesluit is; en
- (c) 'n beheerde gebied rondom die stemburo omgrens met 'n omtrek met 'n radius van 1 000 meter, of sodanige vorm of kleiner gebied *of radius* as wat prakties genoodsaak word, deur die kiesbeampte toegewys ten opsigte waarvan 'n voorsittende beampte alle politieke aktiwiteit behalwe stemming, mag verbied.

(2) Vir doeleindes van subregulasie (1)(b)(ii), sluit politieke aktiwiteit in;

- (a) die dra of vertoon van enige armband, roset of kledingstuk ontwerp of bedoel om 'n besondere persoon met 'n besondere *kandidaat*, party of simbool te identifiseer;
- (b) die vertoon of verspreiding van enige plakkaat, banier, pamflet, omsendskrywe of brief bedoel of daarop gerig is om 'n kieser te beïnvloed om vir 'n spesifieke kandidaat of party te stem;
- (c) die maak van enige aankondiging, lewer van enige toespraak of hardop lees van enige toespraak of brief bedoel of daarop gerig is om 'n kieser te beïnvloed om vir 'n spesifieke kandidaat of party te stem; en

- (d) steunwerwing vir enige kandidaat of party;
 - (e) die dra of vertoon van enige klerasie of drag deur enige verkiesingsbeampte ingevolge regulasie 26 aangestel of enige kandidaat, agent, party, verteenwoordiger of bode ingevolge regulasie 29 aangestel, wat enige sodanige persoon met 'n bepaalde kandidaat of party kan verbind.
- (3) (a) Die kiesbeampte sal, onderworpe aan die bepalings van hierdie regulasies die getal en plekke van stemburo's binne elke wyk en met inagneming van die getal kiesers, toeganklikheid, sekuriteit, beskikbaarheid van geskikte plekke en ander soortgelyke faktore wat die suksesvolle en behoorlike voer van die *tussenverkiesing* kan beïnvloed, bepaal.
- (b) Ten minste een stemburo sal vir elke wyk of elke deel van 'n wyk bepaal word.
 - (c) Tensy spesifiek tot die teendeel deur die kiesbeampte gemagtig :
 - (i) sal geen stemburo in 'n wyk ingevolge regulasie 16(1)(b) *van die provinsiale verkiesingsregulasies* afgebaken, bedoel wees vir meer as 750 ingeskrewe kiesers nie; en
 - (ii) sal geen stemburo in 'n wyk ingevolge regulasie 16(1)(a) *van die provinsiale verkiesingsregulasies* afgebaken, bedoel wees vir meer as 1 500 ingeskrewe kiesers nie; en
 - (iii) sal geen stemburo in die gebied van 'n landelike raad of 'n verteenwoordige oorgangsraad *bedoel wees vir meer as 750 ingeskrewe kiesers nie.*

Sekere Magte in Verband met Stemgebied

- (4) Die voorsittende beampte by 'n stemburo aangestel sal bevoeg wees om :
- (a) sodanige stappe te neem en sodanige opdragte te gee as wat nodig mag wees vir die ordelike verloop van stemming en die doeltreffende verloop van die *tussenverkiesing* en die nakoming van hierdie regulasies, insluitende beheer oor die aantal kiesers wat op 'n keer toegelaat word tot die stemburo en die binne-omtrek;
 - (b) alle persone, behalwe die ingevolge regulasie 42 toegelaat, die stemburo en binne-omtrek te *uit te sluit of te verbied*; en

- (c) enige persoon in besit van 'n vuurwapen ander dan 'n polisiebeampte of lid van die veiligheidsmagte aan diens van die stemburo en die binne-omtrek uit te sluit of te verwyder.
- (5) Onderworpe aan regulasie 37, sal geen persoon 'n stemburo of binne-omtrek sonder die toestemming van die voorsittende beampte betree of daarin vertoef nie.
- (6) Die voorsittende beampte sal alle redelike stappe vir die beskerming van persone en eiendom en vir die voorkoming van geweld of *steurnis* in of in die omgewing van die stemburo tref.
- (7) Die bevoegdhede deur subregulasie (4)(a) en (b), (5) en (6) verleen, sal nie so uitgevoer word dat enige stemgeregtigde persoon die geleentheid ontnem word om sy of haar stem uit te bring nie.
- (8) Die bepaling van hierdie regulasie sal nie so vertolk word dat enige bevoegdhede, pligte en funksies aan die kiesbeampte toegewys of voorgeskryf deur enige ander bepaling van hierdie regulasies beperk word nie.

Gekombineerde Stemburo's

- (9) (a) Behoudens die bepaling van subparagraaf (b) mag die kiesbeampte 'n enkele stemgebied, gebou of struktuur aanwys om die stemburo's van twee of meer wyke in 'n oorgangsraad te huisves.
- (b) Enige aanwysing deur die kiesbeampte ingevolge subparagraaf (a) is onderworpe aan die vooraf skriftelike instemming en goedkeuring van 'n meerderheid van die lede van die Verkiesingskomitee ingevolge regulasie 73(1)(e)(ii).
- (c) Voordat die Verkiesingskomitee 'n besluit ingevolge subparagraaf (b) neem, word 'n skriftelike verslag van die kiesbeampte vereis en sal die komitee tevrede wees dat :
 - (i) sodanige aanwysing noodsaaklik en in die algemene belang van die betrokke *geregistreerde* kiesers daardeur geraak, wenslik is;
 - (ii) sodanige aanwysing nie neerkom op onbillike diskriminasie teen of benadeling van enige kieser,, kandidaat of party nie;
 - (iii) die aangewese stemgebied vir elke geregistreeerde kieser vryelik toeganklik en veilig en sonder vrees, intimidasie of onredelike ongerief is;

- (iv) die betrokke gebou of struktuur aan die vereistes van subparagraaf (d) voldoen en sal voldoen; en
 - (v) *die aanwysing* enige ander tersaaklike faktore insluitend die aantal kiesers en die beskikbaarheid van *geskikte* alternatiewe stemgebiede, geboue of strukture in ag neem.
- (d) Enige gebou of struktuur ingevolge subparagraaf (a) aangewys, sal verdeelbaar of afgebaken moet kan word op so 'n wyse dat elke wyk en ooreenstemmende stemburo :
- (i) duidelik geïdentifiseer en toeganklik is; en
 - (ii) vir doeleindes van die *tussenverkiesing* deur die kiesbeampte beheer en bestuur kan word;
- as 'n wyk en stemburo wat wettig en fisies apart en afsonderlik van elke ander wyk en stemburo vir die *munisipaliteit* en in sodanige gebou of struktuur is, met uitsondering van enige gemeenskaplike in- of uitgang tot sodanige gebou of struktuur.
- (10) (a) Die kiesbeampte sal toesien dat enige aanwysing ooreenkomstig die bepalings van enige instemming of aanbeveling ingevolge subregulasie (9) gedoen, uitgevoer en bestuur word ooreenkomstig die bepalings van subregulasie (9)(d).
- (b) Die kiesbeampte sal die Premier onmiddellik skriftelik in kennis stel van enige sodanige instemming of goedkeuring wat sonder benadeling van die bepalings van subregulasie (4) gegee moet word.
- (11) (a) Behoudens die bepalings van subparagraaf (b) mag die kiesbeampte van 'n distriksraad, verteenwoordigende of landelike oorgangsraad met die instemming van die betrokke *munisipaliteit* 'n gebou of struktuur binne daardie *munisipaliteit* vir doeleindes van 'n stemburo of gekombineerde stemburo of telplek vir 'n *tussenverkiesing* ten opsigte van sodanige raad aanwys.
- (b) Die bepalings van regulasie 36(9)(b) en (c) is *mutatis mutandis* op sodanige aanwysing van toepassing
- (12) Waar daar geen Verkiesingskomitee ten opsigte van sodanige *munisipaliteit* in subregulasie (10), (11) en (12) is nie, 'n verwysing daarna vertolk sal word as 'n verwysing na die Premier.

Persone wat Stemburo's mag Betree

- 37 (1) Slegs die volgende persone mag 'n stemburo of binne-omtrek ingevolge regulasies 36(1)(a) en (b) aangewys, betree;
- (a) die kiesbeampte;
 - (b) behoorlik aangestelde verkiesingsbeamptes;
 - (c) polisiebeamptes *of lede van die veiligheidsmagte* aan diens;
 - (d) die kandidate;
 - (e) enige persoon wie se naam met betrekking tot sodanige stemburo in die lys bedoel in regulasie 35(1)(b) voorkom; en
 - (f) kiesers vir die doel van stemming by sodanige stemburo; of
 - (g) 'n persoon ingevolge regulasie 53(1) toegelaat.
- (2) Slegs persone bedoel in subregulasie 1(a) tot en met (e) mag 'n stemburo betree voor die aanvangstyd van stemming of daarin vertoef na die sluiting daarvan.
- (3) Ondanks die bepalinge van hierdie regulasie mag die kiesbeampte ander benoemde of spesifieke persone met spesifieke verantwoordelikhede skriftelik magtig om 'n stemburo of die binne-omtrek van sodanige stemburo te betree op sodanige voorwaardes as wat sodanige beampte nodig of geskik mag vind.
- (4) Alle persone insluitend polisiebeamptes aan diens, kandidate en agente wat op toegang tot 'n stemburo of binne omtrek daarvan geregtig of daartoe gemagtig is, is aan die gesag, beheer en voorskrifte van die voorsittende beampte onderhewig: *Met dien verstande dat niks hierin vervat, vertolk sal word as synde dit die kiesbeampte of voorsittende beampte magtig om 'n polisiebeampte of enige behoorlik gemagtigde beampte van die veiligheidsmagte aan diens van die stemburo of binne-omtrek van die stemgebied kan uitsluit nie*

Toerusting en Meubels vir Stemburo's

- 38 (1) Die kiesbeampte sal toesien dat die volgende toerusting en meubels vir elke stemburo voor die aanvangstyd van stemming voorsien word;
- (a) 'n voldoende aantal tafels en stoele vir verkiesingsbeamptes en na oordeel van die kiesbeampte 'n redelike hoeveelheid tafels en stoele vir algemene gebruik deur agente van die kandidate en partye;

- (b) 'n voldoende aantal stemkompartemente elk met 'n skryfoppervlakte; en
 - (c) stembusse ingevolge regulasie 35(1)(f).
- (2) Die kiesbeampste sal nie toerusting of meubels buite die stemburo aan enige kandidaat, party of agent voorsien nie.

Rangskikking Binne 'n Stemburo

- 39 (1) Elke stemburo sal so gerangskik wees dat;
- (a) daar een of meer verkiesingsbeamptes by die ingang van die stemburo en/of binne-omtrek sal wees om te verseker dat elke persoon wat wens om die stemburo en/of binne-omtrek te betree, in besit van 'n identiteitsdokument is;
 - (b) daarna, tydens toelating tot die stemburo, die kieser eers verwys sal word na 'n aanliggende plek waar stembriewe uitgereik mag word vir die *tussen*verkiesing en waar die stem vir sodanige *tussen*verkiesing deur die kieser uitgebring en gedeponeer sal word; en
 - (c) daarna sal die kieser na 'n aanliggende uitgang afsonderlik van die ingang verwys word; en
 - (d) daar een of meer verkiesingsbeamptes of polisiebeamptes aan diens sal wees by sodanige uitgang om te verseker dat geen persoon by sodanige uitgang kan binnekom nie.
- (2) Waar 'n persoon soos bedoel in subregulasie (1)(a) nie die nodige identiteitsdokument toon nie, sal so 'n persoon nie toegelaat word om die stemburo te betree nie of, indien reeds binnegegaan is, sal hy of sy onmiddellik deur 'n *tussen*verkiesingsbeampte of polisiebeampte aan diens uit die stemlokaal na die uitgang begelei word.

Ure van Stemming en Aankoms by Stemburo

- 40 (1) Die *ure van* stemming begin om 07:00 en duur tot 22:00 op *die dag van die tussen*verkiesing.
- (2) Die voorsittende beampte, kiesbeamptes en enige ander verkiesingsbeampte spesifiek deur die kiesbeampste daartoe aangewys, sal ten minste sestig minute voor die aanvangstyd van stemming in die stemburo wees.

Plakkaat buite Stemburo

- 41 Die voorsittendebeampste plaas voordat stemming 'n aanvang neem, in 'n opvallende plek buite die stemburo :

- (1) plakkaat ER14 wat vermeld dat dit 'n stemburo vir die *tussenverkiesing* is, die ure van stemming, die naam van die *munisipaliteit*, die wyk en stemburo waarvoor stemming sal plaasvind; en
- (2) plakkaat ER13 wat vermeld dat rook of die aansteek van vuurhoutjies of aanstekers in die stemburo verbode is.

Voorbereiding van Stemkompartemente

- 42 Die voorsittende beamppte sal, voor die aanvang van die stemming:
- (a) elke stemkompartement rangskik sodat geen persoon;
 - (i) dit kan binnekom of verlaat sonder om gesien te word deur die voorsittende beamppte of ander verkiesingsbeamptes deur hom gemagtig nie; of
 - (ii) kan waarneem hoe 'n ander persoon 'n stem uitbring nie;
 - (b) vorm ER12 binne elke stemkompartement aanbring in 'n sigbare posisie vir 'n kieser wat sodanige kompartement betree; en
 - (c) 'n pen of behoorlik skerpgemaakte potlood deur middel van tou aan die skryfoppervlak in elke kompartement vasheg.

Seël van Stembusse

- 43 (1) Die voorsittende beamppte sal, *in die teenwoordigheid van 'n lid van die veiligheidsmagte* nie meer as dertig minute voordat stemming 'n aanvang neem nie;
- (a) bevestig en verseker dat alle stembusse beskikbaar is soos voorgeskryf by regulasie 38(1)(c) en gemerk is soos voorgeskryf by regulasie 32(2)(e) en (f);
 - (b) *een toepaslike stembus kies en aan die bepalinge van subparagrafe (c) tot en met (f) voldoen;*
 - (c) aan persone binne die stemlokaal teenwoordig toon dat elke stembus leeg is;
 - (d) elke stembus toemaak en sluit;
 - (e) die deksel van elke stembus stewig sluit en met seëlwas sy amptelike seël daarop aangebring, en die sleutel, indien enige, aan die kant van die bus heg op so 'n wyse dat sodanige deksel nie geopen of sodanige sleutel nie verwyder kan word sonder dat die seël gebreek of beskadig word nie; en

(f) die kandidate of die agente teenwoordig toelaat om hul eie seëls aan die stembus aan te bring indien so verlang.

(2) In die geval waar 'n stembus gekies en mee gehandel is ingevolge subparagraaf (b), gedurende die loop van die dag as gevolg van die aantal stembriewe daarin geplaas, vervang moet word, sal die voorsittende beampte:

(a) sodanige kandidate en agente wat teenwoordig mag wees daarvan in kennis stel en meedeel dat hy of sy van voorneme is om die stembus te vervang;

(b) 'n toepaslike stembus as plaasvervanger kies;

(c) aan die voorwaardes van subregulasie 1(c) tot en met (f) voldoen;

(d) die vervangde stembus eenkant plaas;

(e) sodanige stembus met die bus by subregulasie 2(b) en (c) bedoel, vervang, en

(f) onmiddelik voldoen aan die bepalings van subregulasie 57(1)(a) tot en met (d) asook subregulasie (5) met betrekking tot die stembus wat vervang is.

(3) In die geval waar bykomstige stembusse daarna aan die stemburo gelewer en deur die voorsittende beampte aanvaar word, sal sodanige beampte onverwyld by sodanige aflewering verseker en bevestig dat alle sodanige stembusse ooreenkomstig regulasie 32(2)(e) en (f) gemerk is.

- (4) Nadat die stembusse geseël is sal dit nie;
- (a) oopgemaak word behalwe soos voor *voorgeskryf* by regulasie 72(2) nie; of
 - (b) van die stemburo verwyder word behalwe soos voorgeskryf by regulasie 58(1) nie.
- (5) Die voorsittende beampte sal elke stembus eenkant in 'n opvallende posisie plaas waar dit te alle tye deur hom of haar of enige ander verkiesingsbeampte deur hom gemagtig, gesien kan word.

Opening van Stemburo en Amptelike Merk-koeverte

- 44 (1) Die voorsittende beampte sal verseker dat die stemburo geopen word op die tydstip waarop stemming moet begin.
- (2) Die voorsittende beampte sal, op die tydstip waarop stemming moet begin, slegs soveel koeverte wat instrumente vir die plasing van die amptelike merk op stembriewe bevat, oopmaak as wat nodig is vir die stemming.

HOOFSTUK 10

HOU VAN STEMMING

Periodieke Inspeksie van Stemburo en Stemkompartemente

- 45 (1) Die voorsittende beampte sal periodiek gedurende die verloop van die *tussenverkiesing* sorg dat die stemburo geïnspekteer word om te verseker dat voldoen word aan die bepalings van hierdie regulasies en dat;
- (a) die plakkate soos voorgeskryf by regulasies 41 steeds in posisie is en nie beskadig of ontsier is nie;
 - (b) die stemkompartemente nog steeds gerangskik is soos voorgeskryf by regulasie 42(a); en
 - (c) die stembusse steeds in die posisie is soos voorgeskryf by regulasie 43(5).
- (2) Die voorsittende beampte sal periodiek gedurende die verloop van die *tussenverkiesing* sorg dat elke stemkompartement geïnspekteer word wanneer dit nie beset is nie om te verseker dat:
- (a) die vorm ER12 steeds in posisie is en nie beskadig of ontsier is nie;
 - (b) 'n pen of behoorlik skerpgemaakte potlood steeds aan die skryfoppervlak geheg is; en
 - (c) geen ander kennisgewing, dokument, teken, geskrif of simbool in sodanige stemkompartement is nie.
- (3) Die voorsittende beampte sal periodiek gedurende die verloop van die *tussenverkiesing* sorg dat die binne-omtrek geïnspekteer word om te verseker dat daar voldoen word aan die bepalings van hierdie regulasies en dat die grense van sodanige binne-omtrek korrek en duidelik afgebaken is.

Toelating tot Stemkompartemente

- 46 Behoudens die bepalings van regulasies 45(2) en 53, sal enige persoon anders as 'n kieser wat wil stem, 'n stemkompartement betree nie, en nie meer as een kieser sal op enige tydstep in 'n stemkompartement wees nie.

Inmenging met Kiesers

- 47 Geen persoon sal, behalwe soos by hierdie regulasies voorsiening gemaak is, 'n kieser nader, met hom inmeng, met hom praat of hom bystaan vandat sodanige

kieser 'n stembrief of -briewe ontvang het, totdat sodanige kieser sodanige stembrief of -briewe in die toepaslike stembus geplaas het nie.

Vrae aan Kiesers

- 48 (1) Die voorsittende beampte mag, en sal, indien daartoe versoek deur enige kandidaat of agent, aan die persoon wat om 'n stembrief aansoek doen, in die teenwoordigheid van ten minste twee kandidate of agente, die vrae in vorm ER15 uiteengesit, stel en mag die voorsittende beampte indien dit na sy oordeel toepaslik is, die belang en inhoud van vorm ER15 verduidelik.
- (2) Die voorsittende beampte mag na goeddunke die antwoorde van die persoon op vorm ER15 aanteken en van sodanige persoon eis dat hy die verklaring aflê en onderteken of sy of haar merk daarop aanbring.
- (3) Geen persoon bedoel in subregulasie (1) sal toegelaat word om te stem nie tensy hy of sy die eerste vraag duidelik en beslis positief beantwoord het en die tweede en derde vrae duidelik en beslis negatief beantwoord het en, indien so deur die voorsittende beampte versoek, die verklaring afgelê te merk of te onderteken deur die aanbring van sy of haar merk daarop.
- (4) Geen navraag anders as dié beoog by subregulasie (1) sal by enige stemming na die reg van enige persoon om te stem, gedoen word nie.
- (5) Waar 'n persoon bedoel in subregulasie (1) weier of nalaat om 'n vraag te beantwoord of 'n verklaring af te lê of te onderteken of sy of haar merk daarop aan te bring soos vereis in regulasie (3), mag daardie persoon deur die voorsittende beampte beveel word om die stemburo te verlaat waarna die persoon direk uit die stemburo vanaf die uitgang begelei sal word deur 'n verkiesingsbeampte of polisiebeampte wat aan diens is.
- (6) Wanneer 'n persoon namens 'n bepaalde kieser by 'n verkiesingsbeampte om 'n stembrief aansoek doen en 'n streep reeds deur die naam en nommer van die bepaalde kieser op die *bygewerkte* kieserslys getrek is en die verkiesingsbeampte rede het om te glo dat 'n stembrief reeds in die bepaalde naam uitgereik is, sal die voorsittende beampte aan die persoon wat aansoek om die stembrief doen, die vrae soos in vorm ER15 uiteengesit, stel, die nommer van die teenblad van enige stembrief uitgereik, asook die antwoorde van die aansoeker op vorm ER15 aanteken en van die aansoeker vereis om die verklaring te maak en te onderteken. Die bepalinge van subregulasie (3) tot en met (5), sal *mutatis mutandis* van toepassing wees.

Uitreiking van Stembriewe

- 49 (1) 'n Verkiesingsbeampte by wie 'n persoon om 'n stembrief aansoek doen, sal die persoon versoek om sy identiteitsdokument te vertoon en sy naam en adres te verskaf, en sal oortuig wees dat;

- (a) sodanige persoon se naam op die *bygewerkte* kieserslys vir daardie stemburo verskyn, en
 - (b) die stembrief waarom aansoek gedoen word, nie reeds by daardie stemburo in die naam van die betrokke kieser nie uitgereik is nie.
- (2) Indien 'n verkiesingsbeampte soos bedoel by subregulasie (1) aldus oortuig is of indien die voorsittende beampte so beveel, sal die verkiesingsbeampte;
- (a) op die wyse in subregulasie (3)(b) uiteengesit, bepaal of sodanige kieser oor 'n identifikasiemerk van die tipe by subregulasie (3)(a) toegedien is, beskik; en
 - (b) indien bepaal dat sodanige kieser wel oor sodanige merk beskik, nie verder ingevolge hierdie regulasies optree nie, maar die aangeleentheid onverwyld aan die voorsittende beampte vir aandag ingevolge subregulasie (8) of (9) rapporteer; of
 - (c) indien bepaal dat sodanige kieser nie oor sodanige merk beskik nie, van sodanige kieser vereis om ooreenkomstig die bepalings van subregulasie (3) op te tree.
- (3) Die betrokke verkiesingsbeampte sal sodanige kieser versoek om
- (a) een of meer vingers van die kieser se linker of regterhand met 'n identifikasiemerk te merk deur sodanige vingers soveel kere as wat nodig mag wees in 'n merkvloeistof te doop; en daarna
 - (b) om sodanige vinger of vingers onder 'n ultravioletoelamp te plaas sodat die verkiesingsbeampte vas kan stel of die kieser oor sodanige identifikasiemerk beskik
- (4) Onmiddellik nadat die kieser voldoen het aan die bepalings van subregulasie (3) en die oor die identifikasiemerk beskik, sal die verkiesingsbeampte met betrekking tot sodanige kieser voortgaan met die bepalings van subregulasie (5);
- (5) Die verkiesingsbeampte sal;
- (a) die reeksnommer en naam van die kieser soos aangedui in die *bygewerkte* kieserslys, uitroep;
 - (b) 'n streep deur die naam en *identiteits*nommer van die betrokke kieser op die *bygewerkte* kieserslys trek om aan te toon dat 'n stembrief in *sodanige* naam uitgereik is, of

- (c) elke sodanige stembrief uitskeur en dit met die amptelike merk in die ruimte wat agterop daarvoor aangebring is, merk;
- (d) elke sodanige stembrief een keer in die lengte en daarna dwars vou sodat die amptelike merk aan die buitekant is; en
- (e) elke sodanige stembrief oopvou en dit aan die betrokke kieser oorhandig; en
- (f) *die kieser na 'n vakante stembokkie verwys om te stem.*

(6) Wanneer 'n kieser :

- (a) weier om aan die bepalings van subregulasie (3) op grond daarvan dat hy of sy 'n godsdienstige, gewetens of mediese beswaar teen sodanige merk of prosedure het, te voldoen; of
- (b) aan 'n fisiese gebrek ly wat die toepassing van subregulasie (3) na oordeel van die voorsittende beampte onprakties maak;

sal die bepalings van regulasie 48 *mutatis mutandis* deur die voorsittende beampte met betrekking tot sodanige kieser toegepas word, en sal die verkiesingsbeampte indien deur die voorsittende beampte daartoe gelas, die bepalings van subregulasie (5) onmiddellik daarna uitvoer.

(7) 'n Kieser wat :

- (a) onderworpe aan die bepalings van subregulasie (6) weier om te voldoen aan 'n versoek ingevolge subregulasie (3); of
- (b) oor 'n identifikasiemerk soos bedoel by subregulasie (2)(a) beskik,

sal nie van 'n stembrief voorsien word nie en sal deur die voorsittende beampte gelas word om die stemburo en binne-omtrek onverwylde te verlaat.

Bystand aan Kiesers deur Verkiesingsbeamptes

50 'n Verkiesingsbeampte mag;

- (a) 'n kieser na 'n stemkompartement of stemtafel langsaan verwys;
- (b) 'n kieser inlig dat aanwysings om bystand binne die stemkompartemente aangebring is;

- (c) in enige geval indien hy of sy dit nodig ag, 'n kieser inlig dat hy of sy bystand mag vra van 'n verkiesingsbeampte soos bedoel by regulasies 26(5) of 53, en sodanige kieser na sodanige beampte begelei;
- (d) 'n kieser beveel waar om 'n stembrief te deponeer nadat daardie kieser sy stemreg uitgeoefen het; of
- (e) 'n kieser na die uitgang van die stemburo verwys nadat sodanige kieser die stemproses voltooi het.

Merk en Afhandeling van Stembriewe

- 51 (1) 'n Kieser aan wie 'n stembrief uitgereik is, sal :

- (a) onmiddellik na 'n onbesette sternkompartement gaan;
- (b) sodra binne sodanige sternkompartement sonder verwyd in die geheim 'n kruisie of 'n duidelike aanduiding deur middel van 'n merk of skrifbeeld anders as 'n kruisie op die stembrief maak :
 - (i) in die geval van 'n wyksverkiesing met een vakature in die blok teenoor die naam van simbool van die kandidaat vir wie hy of sy wens te stem; of
 - (ii) in die geval van 'n wyksverkiesing met meer as een vakature, in die blok teenoor die naam en simbool van een of meer kandidate vir wie hy of sy wens te stem, maar wat nie die aantal vakatures by sodanige wyksverkiesing oorskry nie.
- (c) die stembrief so vou dat die amptelike merk aan die buitekant is;
- (d) die amptelike merk op die stembrief aan die voorsittende beampte of aan enige ander verkiesingsbeampte deur sodanige voorsittende beampte daartoe gemagtig, toon en daardie stembrief in die toepaslike stembus plaas; en
- (e) onmiddellik die stemburo deur die uitgang verlaat.

- (2) Geen stembrief sal uit die stemburo verwyder word behalwe soos voorgeskryf by regulasie 58(1) nie.

Inspeksie van Stembriewe en Stembriewe sonder Amptelike Merk

- 52 (1) Indien 'n verkiesingsbeampte enigszins twyfel of 'n stembrief in besit van enige persoon regmatig aan sodanige persoon uitgereik is, mag daardie verkiesingsbeampte sodanige persoon vra om die rugkant van sodanige stembrief te toon sodat die amptelike merk daarop sigbaar is.

- (2) Die voorsittende beampte sal toesien dat die amptelike merk op enige stembrief waarop dit weggelaat is, aangebring word, indien hy of sy tevrede is dat sodanige stembrief andersins behoorlik uitgereik is en nog nie in die stembus geplaas is nie.

Ongeletterde, Blinde of Gestremde Kiesers

- 53 (1) By versoek aan die voorsittende beampte deur 'n kieser wat;

- (a) nie in staat is om 'n stembrief te bekom op die wyse soos bedoel in regulasie 49 nie of nie in staat is om te stem op die wyse soos bedoel in regulasie 51 nie omrede daardie kieser ongeletterd, blind, gebreklik of andersins fisies gestremd is; en

- (b) vergesel is of bygestaan word deur 'n ander persoon wat die ouderdom van agtien jaar bereik het of wat na die mening van die voorsittende beampte die ouderdom van agtien jaar bereik het,

sal die voorsittende beampte as hy of sy tevrede is dat dit die wens van daardie kieser is, aan daardie kieser toestemming verleen om 'n stembrief of briewe te bekom en slegs met die hulp en in die teenwoordigheid van daardie ander persoon te stem, in welke geval enigiets wat deur daardie ander persoon op versoek of met die uitdruklike of stilswyende toestemming van die kieser in verband met die uitoefening van die stem van die betrokke kieser gedoen is, geag word deur daardie kieser self gedoen is.

- (2) Indien enige kieser nie in staat is om 'n stembrief te bekom op die wyse by regulasie 49 voorgeskryf nie, of nie in staat is om te stem op die wyse by regulasie 51 voorgeskryf nie, omdat sodanige kieser ongeletterd, blind, gebreklik of andersins fisies gestremd is, en indien 'n aansoek in terme van regulasie 55(1) gedoen is, sal die voorsittende beampte of sy gematigde verteenwoordiger op versoek van daardie kieser en in teenwoordigheid slegs van nie minder nie as twee agente wat teenwoordig is;

- (a) 'n stembrief vir daardie kieser ingevolge regulasie 49 bekom;
- (b) die stem van sodanige kieser op die stembrief op die wyse soos deur die kieser aangedui aanbring;
- (c) daardie stembrief opvou soos in hierdie regulasies vereis; en
- (d) daardie stembrief in die toepaslike stembus plaas.

- (3) Alles deur 'n beampte ingevolge subregulasie (2) op die versoek of met die uitdruklike of stilswyende toestemming van die kieser in verband

met die uitbring van die stem van die betrokke kieser gedoen, word geag deur sodanige kieser self gedoen.

Beswaar teen Kieser

54 (1) Enige kandidaat, kandidaatsagent of kieser mag, deur 'n verklaring onder eed of bevestiging in ooreenstemming met vorm ER16 voor die voorsittende beampte gemaak, beswaar aanteken teen 'n persoon in die stemburo wat enige stem uitbring op grond daarvan dat daardie persoon nie die kieser is in wie se naam sodanige persoon aansoek gedoen het om 'n stembrief nie, of reeds uitgereik is met 'n stembrief nie.

(2) Die voorsittende beampte sal onverwyld;

(a) die verklaring bedoel in subregulasie (1) voorlees aan die persoon wat die stemreg uitoefen of poog om dit uit te oefen; en

(b) sodanige persoon versoek om 'n verklaring ooreenkomstig vorm ER17 onder eed voor die voorsittende beampte af te lê; en

(c) indien hy of sy dit dienstig ag die belang of inhoud van vorm ER16 en ER17 verduidelik.

(3) Indien die persoon wat sy stemreg uitoefen of poog om dit te doen, die verklaring by subregulasie 2(b) bedoel aflê, onmiddellik nadat hy aldus versoek is ingevolge die genoemde subregulasie, sal die voorsittende beampte daardie persoon toelaat om sy stemreg ingevolge hierdie regulasies uit te oefen.

(4) Indien die persoon wat sy stemreg uitoefen of poog om dit te doen, weier om die verklaring soos bedoel by subregulasie (2)(b) af te lê, onmiddellik nadat hy daartoe versoek is ingevolge die genoemde subregulasie, sal die voorsittende beampte die uitreiking van enige stembrief aan sodanige persoon verbied of, indien 'n stembrief reeds uitgereik is aan sodanige persoon, maar nog nie oor beskik is soos by regulasie 51(1)(d) voorgeskryf nie, beslag lê op daardie stembrief, dit kanselleer en die rede vir die kansellering daarop asook op die teenblad aanbring.

(5) Die voorsittende beampte sal alle verklarings soos beoog by subregulasies (1) en (3) asook alle stembriewe waarop daar ingevolge subregulasie (4) beslag gelê en gekanselleer is, opsy sit in koevert ER18.

(6) Die voorsittende beampte sal enige eed wat in hierdie regulasie beoog word, afneem.

Bedorwe Stembriewe

55 (1) Indien enige kieser 'n stembrief bederf, mag hy of sy dit aan die voorsittende beampte terugbesorg wat, mits hy of sy tevrede is dat

daardie stembrief per abuis bederf is, 'n nuwe stembrief aan sodanige kieser sal uitreik.

(2) Die voorsittende beampte sal, indien hy of sy 'n nuwe stembrief uitreik;

(a) die bedorwe stembrief kanselleer en;

(i) op die toepaslike *bygewerkte* kieserslys teenoor die naam van die kieser aandui dat daardie stembrief gekanselleer is en 'n nuwe stembrief uitgereik is; en

(ii) op die bedorwe stembrief die nommer aanbring van die nuwe stembrief se teenblad op die volgende wyse;

"kyk nuwe teenblad No."

en

(b) die bedorwe stembrief opsyt in koevert ER18.

HOOFSTUK 11

AFSLUITING VAN STEMMING EN DIE OPMAAK EN AFLEWERING VAN TUSSENVERKIESINGSMATERIAAL

Afsluiting van Stemming

- 56 (1) Die voorsittende beampte sal toesien dat;
- (a) die deure van die stemburo gesluit is op die tydstip waarop die *verkiesing* veronderstel is om te sluit, behalwe en uitgesonderd vir sodanige persone wat teen sluitingstyd in die binne-omtrek van 'n stemgebied soos bedoel by regulasie 36(1)(b) is; en
 - (b) geen persoon na die sluitingstyd in die stemburo toegelaat word nie, behalwe en uitgesonderd sodanige persone wat teen die sluitingstyd in die binne-omtrek van die stemgebied soos bedoel in regulasie 36(1)(b) is.
- (2) Die voorsittende beampte sal elke persoon wat teen sluitingstyd in sodanige binne-omtrek is en wat geregtig is om te stem, toelaat om sy stemreg uit te oefen.

Opmaak van Tussenverkiesingsmateriaal

- 57 (1) Die voorsittende beampte sal, *in die teenwoordigheid van 'n lid van die veiligheidsmagte* onmiddellik nadat elke persoon soos bedoel by regulasie 56(2), sy stemreg uitgeoefen het en in die teenwoordigheid van die persone teenwoordig in die stemlokaal;
- (a) die opening in elke stembus toemaak;
 - (b) elke sodanige *geslote* opening met sy amptelike seël verseël;
 - (c) enige sluittoestel verseël of enige sleutel aan die bus vasheg en op sodanige wyse verseël, dat dit nie gebruik kan word sonder om daardie seël te breek nie;
 - (d) kandidate of agente toelaat om 'n seël aan enige sodanige opening aan te bring indien so verkies;
 - (e) die toepaslike vorm ER20 voltooi en onderteken;
 - (f) die teenblaaie van die gebruikte stembriewe van die ongebruikte stembriewe en hul teenblaaie skei en vir hierdie doel enige deelsgebruikte stembriefboek in twee verdeel.
- (2) Die voorsittende beampte sal daarna, in die teenwoordigheid van 'n *lid van die veiligheidsmagte* asook die persone in die stemburo teenwoordig, die materiaal wat in die eerste kolom van die onderstaande Tabel

gespesifiseer is, in die toepaslike koeverte soos gespesifiseer in die tweede kolom van genoemde Tabel plaas en elke koevert toeplak, vasmaak of andersins hanteer sodat dit veilig toegemaak is:

TABEL		
	MATERIAAL	KOEVERT
(a)	Vorms ER5 en ER8	ER6
(b)	Vorms ER15, ER16 en ER17 plus stembriewe waarop beslag gelê is, bedorwe en gekanselleerde stembriewe	ER18
(c)	Ongebruikte stembriewe en teenblaaie	ER19
(d)	Teenblaaie van gebruikte stembriewe	
(e)	Gemerkte kopieë van die kieserslys	
(f)	Vorm ER20	ER21
(g)	Instrumente vir die merk van stembriewe met die amptelike merk	ER25

(3) Die voorsittende beampte sal daarna, in die teenwoordigheid van die *lid van die veiligheidsmagte* asook persone wat in die stemburo aanwesig is :

- (a) die koevert ER6, toepaslike koeverte ER18, ER19, ER21 en ER25, met sy amptelike seël verseël en die kandidate of agente elkeen toelaat om ook 'n seël daarop aan te bring indien so verkies;
- (b) koeverte ER21 en ER25 afsonderlik behou;
- (c) koevert ER6, toepaslike koeverte ER18, ER19, in 'n enkele sak of houer wat vir hierdie doel voorsien is, insluit, die toepaslike etiket ER23 daarop aanbring en sodanige enkele sak of houer met sy of haar amptelike seël verseël en kandidate of kandidaatsagente toelaat om elkeen ook 'n seël daarop aan te bring indien so verkies; en
- (d) daarna sy amptelike seël in die toepaslike koevert ER24 insluit, die flap van sodanige koevert stewig toeplak en daarna sodanige koevert teken.

(4) Die voorsittende beampte sal alle oorblywende ongebruikte skryfbehoeftes, vorms, sny-instrumente, seëllak en soortgelyke *tussen*verkiezingsmateriaal veilig plaas in die enkele karton of houer wat vir hierdie doel voorsien is en die toepaslike etiket ER22 daaraan heg.

(5) *Die Premier mag skriftelik gelas dat die voorsittende beampte nadat daar aan die voorskrifte van subregulasies (1) tot en met (4) voldoen is, en in die teenwoordigheid van daardie lid van die veiligheidsmagte wat hom ingevolge regulasie 58(2) gaan vergesel:*

(a) *vorm ER20A sal voltooi en onderteken en onmiddellik daarna deur sodanige lid van die veiligheidsmagte as getuie onderteken sal word; en*

(b) *saam met sodanige lid van die veiligheidsmagte sodanige vorm aan die kiesbeampte sal oorhandig by aflewering van die materiaal vir die tussenverkiesing ingevolge regulasie 58(2).*

Afwering van Tussenverkiesingsmateriaal aan Kiesbeampte

58 (1) *Die voorsittende beampte sal, onmiddellik nadat voldoen is aan die bepalings van regulasie 57 en vir doeleindes hiervan sonder doelbewuste vertraging, afwyking of onderbreking, tensy vergesel van die lid van die veiligheidsmagte met die instemming van daardie persoon, alle stembusse en materiaal waarby die toepaslike vorm ER21, ER22, ER23, ER24 en ER25, ingesluit is, uit die stemburo verwyder en dit vergesel tot in die hande van die kiesbeampte of adjunk kiesbeampte by die plek daarvoor ingevolge regulasies 34(a) en 34(b) vasgestel.*

(2) *Die voorsittende beampte sal sonder om afbreuk te doen aan sy of haar verpligtinge ingevolge subregulasie (1), daardie kandidate en agente wat onmiddellik teenwoordig en gereed is, toelaat om hom of haar na die plek soos by regulasies 34(a) en 34(b) vasgestel, te volg en sal indien ooreenkomstig regulasie 57(5) daartoe gelas, toelaat dat 'n lid of lede van die veiligheidsmagte aan diens hom of haar vergesel.*

(3) *Die kiesbeampte of adjunk kiesbeampte sal vanaf die tydstop waarop stemburo's moet sluit by die plek ingevolge regulasies 34(a) en 34(b) vasgestel, teenwoordig wees en sal 'n kwitansie aan die voorsittende beampte vir die tussenverkiesingsmateriaal bedoel by subregulasie (1) insluitend 'n verklaring van;*

(a) *die nommers of simbole van stembusse ingevolge regulasie 32(2)(e), oorhandig, welke kwitansie deur beide beamptes met die kwitansie ingevolge regulasie vir 35(2) uitgereik asook van ER20A indien nodig vergelyk moet word en enige verskil deur beide beamptes daarop aangeteken en onderteken moet word.*

(b) *enige seëls of hegtings wat nie ongeskonde aan enige stembus en koeverte ER21, ER24 en ER25 is nie, op soortgelyke wyse aangeteken en deur beide beamptes onderteken sal word.*

(4) *Onmiddellik nadat voldoen is aan die bepalings van subregulasie (1), (2) en (3) sal die kiesbeampte alle sodanige materiaal vir die tussenverkiesing in 'n plek van veilige bewaring hou tot sodanige tydstop as wat hy of sy die beskikbaarstelling daarvan magtig vir doeleides van die tel van stemme.*

HOOFSTUK 12

TEL VAN STEMME EN AANKONDIGING VAN UITSLAG

Beheer van Plek vir die Tel van Stemme

- 59 (1) (a) Die kiesbeampte is in beheer van die plek waar stemme getel word en sal daardie stappe neem en daardie opdragte aan persone teenwoordig, gee as wat nodig is vir die behoorlike hantering van die telling.
- (b) Die kiesbeampte sal bevoeg wees om alle persone behalwe diegene by subregulasie (2) bedoel van die plek vir die tel van stemme, uit te sluit of te verwyder.
- (c) Onderworpe aan die bepalings van subregulasie (2) sal geen persoon die plek vir die tel van stemme sonder die toestemming van die kiesbeampte binnekom of daarbinne wees nie.
- (d) Die bepalings van hierdie subregulasie sal nie vertolk word as sou dit enige bevoegdhede, pligte en funksies wat aan die kiesbeampte by enige ander bepaling van hierdie regulasies opgedra of voorgeskryf is, beperk nie.
- (2) Slegs die volgende persone mag teenwoordig wees in die plek waar stemme getel word :
- (a) die kiesbeampte;
- (b) die voorsittende beampte of beamptes;
- (c) behoorlik aangestelde verkiesingsbeamptes vir die tel van stemme;
- (d) Polisiebeamptes wat aan diens is;
- (e) elke kandidaat vir 'n wyk;
- (f) enige persoon wie se naam ingevolge regulasie 29(1)(a) en (c) op 'n vorm ER8 verskyn om as agent teenwoordig te wees by die tel van stemme en wat behoorlik ingevolge regulasie 30(2)(c) oorhandig en ten opsigte van wie 'n vorm ER8 behoorlik ingevolge regulasie 30(2)(c) oorhandig is; en
- (g) persone wat stembusse en ander *tussen*verkiesingsmateriaal ingevolge regulasie 58 aflewer.
- (3) Nieteenstaande die bepalings van hierdie regulasie mag die kiesbeampte skriftelik toegang tot die plek vir die tel van stemme aan ander vermelde

of spesifieke persone met spesifieke pligte, op die voorwaardes wat sodanige beampte dienstig ag, verleen.

- (4) Sonder om af te wyk van die algemeenheid van die voorafgaande sal persone, insluitend polisiebeamptes aan diens, kandidate en agente wat daarop geregtig of gemagtig is om die plek vir die tel van stemme binne te gaan, aan die gesag, beheer en voorskrifte van die kiesbeampte onderworpe wees.

Vereistes by die Tel van Stemme

60 Die kiesbeampte sal die volgende na die plek waar die stemme getel word, saamneem:

- (a) 'n afskrif van die Wet en hierdie regulasies;
- (b) sy of haar amptelike seël;
- (c) voldoende voorraad *toepaslike* vorms ER26 tot en met ER31; en
- (d) die toepaslike kwitansie of kwitansies in terme van regulasie 58(3) uitgereik is; en
- (e) seëllak of ander seëlmateriale, vuurhoutjies, waspitte, kerse, potloodskerpmaak, papier, bruin papier, sakke, kartonhouers, tou, gom en sny-instrumente.

Tel

- 61 (1) Tydens die stembestelling vir 'n *tussenverkiesing* sal daar afsonderlik voldoen word aan die bepalings van regulasies 63 tot en met 67 ten opsigte van stembriewe van elke wyk en *in die geval van meer as een tussenverkiesing* elke stemburo binne elke wyk geleë; en
- (2) Die kiesbeampte sal nie met die tel van stemme vir enige wyk of stemburo begin voordat die stembusse en alle ander materiaal *vir die tussenverkiesing* van al die stemlokale, indien enige, van daardie wyk, aan hom of haar gelewer is nie.

Pligte en Funksies van Telbeamptes

62 Die kiesbeampte mag enige verkiesingsbeampte onder sy of haar beheer gelas om een of meer pligte en funksies uit te voer soos by hierdie regulasies bepaal.

Kontrole van Tussenverkiesingsmateriaal

63 Die kiesbeampte sal afsonderlik soos volg met die materiaal *vir die tussenverkiesing* wat van elke stemburo en wyk ontvang is, handel:

- (a) Die toepaslike kovert ER24 bevattende die amptelike seël wat deur die voorsittende beampte gebruik is, open.

- (b) Saam met sodanige kandidate of agente wat so verkies, die stembusse, toepaslike koeverte ER21 en ER25 soos bedoel by regulasie 57(3)(a), en die pakkie met die toepaslike etiket ER 22 en ER23 ondersoek ten einde vas te stel of die seëls en hegtings ongeskonde is *en om die unieke nommer of simbool aan elke stembus toegeken, te bepaal.*
- (c) 'n Aantekening van alle geskende seëls of hegtings maak *en enige verskil met betrekking tot sodanige unieke nommer of simbool vergelyk met die kwitansie bedoel by regulasie 58(3).*
- (d)
 - (i) die toepaslike koeverte ER21 met die toepaslike vorm ER20 open;
 - (ii) die stembrieffteenbladnommmers op vorm ER20 met die verslag van ontvangs van teenbladnommers soos bedoel by regulasie 35(2), vergelyk;
 - (iii) die uitslag van die vergelyking op die toepaslike vorm ER20 aanteken en dit met sy of haar handtekening endosseer en dit daarna aan die kandidate en of agente teenwoordig, toon; en
 - (iv) onverwyld voortgaan met die nakoming van die verdere bepalings van hierdie regulasies.

Prosedure by Tel van Stemme

64 Na nakoming van die bepalings van regulasie 63, sal die kiesbeampte:

- (1) *die stembusse in 'n sigbare groep plaas;*
- (2) elke stembus open en leegmaak.
- (3)
 - (a) enige materiaal *van elke stembus ingevolge subregulasie (2) geopen en leeggemaak* wat nie 'n stembrief vir daardie tussenverkiesing is nie, opsysit om ooreenkomstig regulasie 66 mee gehandel te word;
 - (b) die stembriewe oopvou en met die rugkante na bo plaas;
 - (c) enige stembriewe waarop die amptelike merk nie aangebring is nie, opsysit om ooreenkomstig regulasie 66 mee gehandel te word;
 - (d) die stembriewe met die rugkant na bo, tel, en die totaal aldus vasgestel met die totaal soos aangedui op die toepaslike vorm ER20 vergelyk;. en
 - (e) die vergelyking van die totale ooreenkomstig paragraaf (d) op die toepaslike vorm ER20 aanteken en dit met sy of haar handtekening

endosseer en die uitslag daarvan aan die kandidate en of agente teenwoordig, toon; en

- (f) onverwyld voortgaan met die nakoming van die verdere bepalings van hierdie regulasies.

Tel van Stemme

- 65 (1) Die kiesbeampte sal, nadat daar aan die bepalings van regulasie 64 voldoen is, soos volg met die stembriewe, wat nie ingevolge regulasies 64(3)(a) en (c) vir die betrokke wyk opsygesit is nie, handel :

- (a) Draai alle stembriewe met die gesigkant na bo.

- (b) Plaas opsy vir hantering soos by beoog regulasie 66, alle stembriewe wat:

- (i) stemme aan meer kandidate as die aantal vakatures toeken;

- (ii) ongemerk is; of

- (iii) dubbelsinnig of twyfelagtig is met betrekking tot die stem of stemme wat daarop uitgebring is; of

- (iv) andersins aan verwerping ingevolge regulasie 66(1) onderhewig is.

- (c) Ten opsigte van stembriewe wat nie ingevolge paragraaf (b) opsygesit is nie, die stemme wat vir elke kandidaat uitgebring is, tel.

- (2) Nadat die stembriewe met die gesigkant na bo gedraai is ingevolge subregulasie (1)(a), word dit met die gesig na bo behou.

Kiesbeampte Besluit oor Stembriewe wat Opsygesit is

- 66 (1) Die kiesbeampte sal, saam met sodanige kandidate of agente wat so verkies elke stembrief wat ingevolge regulasies 64(3)(a) en (c), of 65(1)(b) opsygesit is, noukeurig ondersoek en sal, na oorweging van die voorleggings van enige sodanige kandidaat of agent, enige stembrief verwerp en dit nie tel nie, indien dit :

- (a) nie die ampelike merk op het nie;

- (b) stemme toeken aan meer kandidate as die getal vakatures;

- (c) nie gemerk is nie;

- (d) 'n stem uitbring wat nietig is, omdat dit so gemerk is dat die kiesbeampte nie kan vasstel vir watter kandidaat of kandidaat of party die stem of stemme uitgebring is nie;
 - (e) *nie* 'n stembrief *vir daardie tussenverkiesing* is *nie*; of
 - (f) op 'n oorwig van waarskynlikheid nie in die betrokke stemburo uitgereik is nie.
- (2) Die kiesbeampte sal geen stembrief verwerp net omdat 'n merk anders as 'n kruisie, of skrifteken, of 'n handtekening daarop aangebring is nie.
- (3) Die kiesbeampte sal die volgende endosseer :
- (a) die woord "verwerp" op elke stembrief wat deur hom ingevolge subregulasie (1) verwerp is; en
 - (b) die woorde "beswaar teen verwerping" of "beswaar teen aanvaarding", na gelang van die geval, op elke stembrief ten opsigte waarvan 'n kandidaat of agent teen sy besluit beswaar aangeteken het.
- (4) Die kiesbeampte sal toesien dat die stemme wat ingevolge regulasie 65(1)(c) getel is, aangepas is met die toevoeging van enige stem wat deur die kiesbeampte ingevolge hierdie regulasie aanvaar is, of daar beswaar teen die aanvaarding van die betrokke stembrief aangeteken is, of nie.

Afsluiting van Stemtelling

- 67 (1) Onmiddellik nadat daar aan die bepalings van regulasie 66(4) voldoen is, sal die kiesbeampte in die teenwoordigheid van sodanige kandidaat of agente wat teenwoordig mag wees :
- (a) (i) vorm ER30 ten opsigte van elke stemburo, wyk of *munisipaliteit* waarvoor hy of sy verantwoordelik is, voltooi en onderteken;
 - (ii) elke vorm ER30 in sy toepaslike ER31 plaas en sodanige koevert met sy of haar amptelike seël verseël;
 - (b) die afgekeurde stembriewe in een pakkie of houer opmaak, die toepaslike etiket ER27 na gelang van die geval, daaraan heg, en sodanige pakkie met sy of haar amptelike seël verseël;
 - (c) die verwerpte stembriewe in een pakkie of houer opmaak, die toepaslike etiket ER28 na gelang van die geval, daaraan heg, en sodanige koevert met sy of haar amptelike seël verseël; en

- (d) elke vorm ER20 in sy toepaslike koevert ER21 terugplaas en daardie koevert met sy amptelike seël herseël.
- (2) Die kiesbeampte sal daarna :
- (a) die inhoud van die houters onder die toepaslike etikette ER22, ER24 en ER25 verwyder vir wegdoening of toekomstige gebruik;
 - (b) koevert ER6, bevattende vorms ER5 en ER8, aan hom of haar ingevolge hierdie regulasies oorhandig, alle toepaslike vorms ER6 en ER8, en vorm ER9 bevattende sy of haar eie verklaring van geheimhouding in die toepaslike koevert ER29 plaas en daardie koevert met sy of haar amptelike seël verseël; en
 - (c) alle toepaslike koeverte of houters ER21, ER23, ER27, ER28, ER29 en ER31 in 'n sak of kartonhouer plaas, die toepaslike etiket ER33 aan sodanige sak of houer heg en sodanige sak of houer met sy of haar amptelike seël verseël.
- (3) Die kiesbeampte mag twee of meer sakke of kartonhouers vir doeleindes van subregulasie 2(c) gebruik indien hy of sy dit nodig of wenslik ag, in welke geval hy of sy seker moet maak dat :
- (a) die *tussen*verkiesingsmateriaal vir die *tussen*verkiesing in wyke, en vir elke wykstemburo en subburo saamgehou word; en
 - (b) 'n rekord gehou word van elke sak of kartonhouer wat die volgende bevat :
 - (i) die *toepaslike* materiaal vir die *tussen*verkiesing vermeld in paragraaf (a) hierbo; en
 - (ii) die toepaslike koevert ER29.
- (4) Die kiesbeampte sal verantwoordelik wees vir die veilige bewaring van alle verkiesingsdokumente wat by die *tussen*verkiesing gebruik is en hy sal sodanige dokumente behou vir 'n tydperk van een jaar vanaf die dag van die *tussen*verkiesing, waarna dit, tensy anders beveel deur 'n hoërhof, vernietig word.
- (5) Wanneer die kiesbeampte nie die hoof-uitvoerende beampte is nie, sal die kiesbeampte alle *tussen*verkiesingsmateriaal en -dokumente vir bewaring aan sodanige hoof-uitvoerende beampte oorhandig waarna die bepalinge van regulasie 67(4) *mutatis mutandis* op daardie hoof-uitvoerende beampte van toepassing sal wees.

HOOFSTUK 13

VASSTELLING VAN DIE UITSLAG

STEMMING VOLGENS WYKE

Aankondiging van die Uitslag : Wyke

68 (1) Die kiesbeampte sal onmiddellik nadat daar aan die bepalings van regulasie 67 (1) tot en met (3) voldoen is :

(a) (i) in die geval van 'n *wykstussenverkiesing* met een vakature bepaal watter kandidaat met 'n meerderheid van stemme verkies is; en

(ii) in die geval van 'n *wykstussenverkiesing* met meer as een vakature bepaal watter kandidaat verkies is deur vasstelling van :

(aa) die aantal vakatures;

(bb) die aantal stemme vir elke kandidaat uitgebring in dalende numeriese volgorde;

en deur toewysing van een vakature aan elke kandidaat in sodanige volgorde totdat al die vakatures vir daardie wyk aldus toegewys is;

(b) in die geval waar die aantal stemme vir twee of meer kandidaat dieselfde is, op die volgende wyse deur die lot vasstel watter van sodanige kandidaat verkies sal wees :

(i) die name van die kandidaat wat 'n gelyke aantal stemme behaal het op afsonderlike stukkies papier van dieselfde grootte, vorm en voorkoms aanbring, dit so vou dat dit identies vertoon en dit in 'n leë stembus plaas in die teenwoordigheid van die kandidaat of hulle agente;

(ii) die stembus toemaak, dit skud en sonder om daarin te kyk, een van die stukkies papier uit die stembus haal en, in die teenwoordigheid van die kandidaat of hulle agente daardie stukkie papier aan die kandidaat of hulle agente toon en dit onderteken;

(iii) die naam van die kandidaat wie se naam op daardie stukkie papier voorkom, aankondig.

(c) die toepaslike vorm ER26 voltooi;

- (d) die uitslag van die *tussenverkiesing* buite die plek waar die stemme getel is, of op 'n ander plek soos wat hy of sy by kennisgewing in die pers aangedui het, aankondig deur die wyk, die aantal stemme vir elke kandidaat in daardie wyk, en die kandidaat of kandidate wat behoorlik verkies is bekend te maak; en
 - (e) daarna sodanige verslag of vorm of vorms wat die Premier skriftelik mag voorskryf aan sodanige plek of plekke en op sodanige wyse as wat die Premier mag verlang, versend; en
 - (f) in enige geval waar die kiesbeampte nie die hoof-uitvoerende beampte is nie, 'n gesertifiseerde afskrif van die voltooide vorm ER26 aan die hoof-uitvoerende beampte oorhandig.
- (2) Die kiesbeampte sal 'n afskrif van die voltooide vorm ER26 by die kantoor of kantore van die betrokke *munisipaliteit* opplak nie later nie as twee dae na die aankondiging van die uitslag en nie later nie as sewe dae na aankondiging van die uitslag, 'n afskrif daarvan aan die Premier beteken.
- (3) Die kiesbeampte sal nie later nie as sewe dae na die verklaring soos bedoel by subregulasie (1)(d) die name en betrokke wyk van elke kandidaat verkies, publiseer of laat publiseer.
- (4) *Enige kandidaat wat verkies is om 'n wyk van 'n munisipaliteit te verteenwoordig, sal vanaf 22:00 op die dag van die tussenverkiesing gediskwalifiseer wees om as partyverteenwoordiger op 'n partylys vir daardie munisipaliteit aangewys te word.*

AMPSAANVAARDING EN AMPSTERMYN

- 69 Enige persone wat ingevolge hierdie regulasies as raadslid verkies is, sal by die aankondiging daarvan ingevolge regulasie 68(1)(d) waar van toepassing, onverwyld diens as raadslid vir die betrokke raad aanvaar vanaf die *dag van die tussenverkiesing* totdat die volgende verkiesing van die betrokke raad *onderworpe aan die bepalinge van regulasie 2(1)* plaasvind.

ADJUNK KIESBEAMPTE

Funksies en Oordrag van Uitslae en Totale

- 70 (1) Waar die kiesbeampte besluit het dat 'n plek vir die tel van stemme nie onder sy of haar direkte toesig en beheer sal wees nie, en 'n adjunk kiesbeampte ingevolge regulasie 34(c) aangestel het om namens hom of haar op te tree, sal enige verwysing na die kiesbeampte in regulasies 58 tot en met 67(3) vertolk word as 'n verwysing na die betrokke adjunk kiesbeampte.

- (2) Die adjunk kiesbeampte sal, nadat aan die bepalings van regulasies 58 tot en met 67(3) voldoen is, die uitslag van sodanige telling buite die plek waar die stemme getel is bekend maak deur die naam van elke kandidaat en die aantal stemme ten opsigte van elke kandidaat uitgebring, aan te kondig.
- (3) Die adjunk kiesbeampte sal onverwyld aan die kiesbeampte by die plek bedoel by regulasie 34(c) :
 - (a) die uitslag van die telling ooreenkomstig subregulasie 2 op vorm ER32 aangebring tesame met vorm ER30; en
 - (b) alle materiaal en dokumente *vir die tussenverkiesing in die besit van die kiesbeampte* oorhandig.
- (4) Die kiesbeampte sal by ontvangs van al die toepaslike vorms ER32 en ER30 aan die voorskrifte van regulasie 68(1)(a) voldoen

HOOFSTUK 14**SLUITING TYDENS TUSSENVERKIESING****Sluiting en heropening van stemburo**

71. (1) Die kiesbeampte mag by verklaring ingevolge subregulasie (3) 'n stemburo op die dag van die tussenverkiesing sluit in die geval van:

- (a) openbare onrus, steurnis of onlus;
- (b) vloed, storm, aardbewing of ander natuurlike ramp;
- (c) permanente staking of uitstap;
- (d) strukturele ineenstorting, vuur of soortgelyke skade;
- (e) onherstelbare administratiewe onvermoë,

wat die hantering en hou van die tussenverkiesing by sodanige stemburo verhoed, of wat 'n gevaar of dreigement van gevaar vir die veiligheid van verkiesingsbeamptes in die stemgebied van sodanige stemburo inhou.

- (2) 'n Stemburo wat ingevolge subregulasie (1) gesluit is, bly gesluit vir die dag.

- (3) (a) Wanneer die kiesbeampte deur die voorsittende beampte ingelig is of op enige ander wyse inligting ontvang het dat een of meer van die omstandighede in subregulasie (1) vermeld met betrekking tot 'n stemburo aanwesig is, en die kiesbeampte sodanige stappe geneem het as wat nodig of gewens mag wees om homself of haarself van die korrektheid van sodanige inligting vergewis het, mag die kiesbeampte sodanige stemburo gesluit verklaar.

- (b) By die maak van sodanige verklaring sal die kiesbeampte;

- (i) in die openbaar aan sodanige persone wat aanwesig mag wees, verklaar;

(aa) dat die stemburo gesluit is;

(bb) dat die tussenverkiesing by sodanige buro uitgestel is;

(cc) dat sodanige uitgestelde tussenverkiesing plaas sal vind op 'n ander dag, tydstip en plek waarvan kennis gegee sal word, en

(dd) dat die hof ten opsigte van sodanige wyk uitgestel is tot na afhandeling van sodanige uitgestelde tussenverkiesing, en

(ii) onverwyld 'n kennisgewing met die inhoud uiteengesit in (i)(aa) tot en met (dd) hierbo by die plek ingevolge regulasie 20(2)(b)(iv) vir die ontvangs van nominasies en aansoeke bepaal, asook by die plek ingevolge regulasie 34(a) vir die tel van stemme bepaal, vertoon.

Stemburo wat nie geopen het nie

(4) Wanneer 'n stemburo nie vir kiesers vir doeleindes van verkiesing geopen het nie, en sodanige stemburo ingevolge subregulasie (1) as gesluit verklaar is, sal die kiesbeampte sover dit onderomstandighede moontlik is;

(a) in die openbaar aan sodanige persone wat aanwesig mag wees, verklaar:

(i) dat die stemburo gesluit is;

(ii) dat die tussenverkiesing vir sodanige buro uitgestel is; en

(iii) dat sodanige uitgestelde tussenverkiesing plaas sal vind op 'n ander dag, tydstip en plek waarvan kennis gegee sal word;

(b) die ingang tot en uitgang van sodanige buro sluit;

(c) 'n kennisgewing met die inhoud soos aangedui by paragraawe (a)(i) tot en met (iii) by die ingang van die buro plaas;

(d) sodanige opdragte wat nodig mag wees aan verkiesingsbeamptes wat teenwoordig mag wees, met behoorlike inagneming van hul veiligheid, gee;

(e) verseker dat materiaal vir die tussenverkiesing deur hom of haar ingevolge regulasie 35 voorsien, in een of meer geskikte houters deur hom of haar verseël, geplaas word, dit te alle tye veilig en seker bewaar word en so spoedig moontlik by die plek ingevolge regulasie 34(b) gespesifiseer, afgelewer word, of indien nie wenslik, by sodanige ander plek deur die kiesbeampte aangewys: Met dien verstande dat sodanige beampte voorkeur sal gee aan sodanige materiaal en enige spesiale maatreëls as wat nodig en toepaslik mag wees, tref om die veiligheid, sekerheid en aflewering van alle stembriewe en bygewerkte kieserslyste te verseker, en

- (f) *kandidate en agente wat onmiddelik aanwesig en gereed is, toelaat om hom of haar na die plek van aflewering te vergesel.*

Stemburo's wat Geopen het

(5) *Wanneer 'n stemburo geopen het vir kiesers vir doeleindes van verkiesing, en sodanige stemburo word ingevolge subregulasie (1) as gesluit verklaar, sal die voorsittende beampte sover dit onder omstandighede moontlik is;*

- (a) *in die openbaar aan sodanige persone wat aanwesig mag wees, verklaar;*
 - (i) *dat die stemburo gesluit is;*
 - (ii) *dat die tussenverkiesing vir sodanige buro uitgestel is; en*
 - (iii) *dat sodanige uitgestelde tussenverkiesing plaas sal vind op 'n ander dag, tydstip en plek waarvan kennis gegee sal word;*
- (b) *die ingang tot en uitgang van sodanige buro sluit;*
- (c) *'n kennisgewing met die inhoud soos aangedui by paragrawe (a)(i) tot en met (iii) by die ingang van die buro plaas;*
- (d) *sodanige opdragte wat nodig mag wees aan verkiesingsbeamptes wat teenwoordig mag wees, met behoorlike inagneming van hul veiligheid, gee;*
- (e) *die bepalings van regulasies 57 en 58 nakom; of*
- (f) *wanneer, na aanleiding van die omstandighede wat die sluiting van 'n stemburo noodsaak, nie uitvoering gegee kan word aan die bepalings van regulasie 57 en 58 nie, sal die voorsittende beampte in die teenwoordigheid van sodanige persone wat in die stemburo aanwesig mag wees;*
 - (i) (aa) *die opening van elke stembus wat enige stembrief of briewe bevat, sluit en seël, en*
 - (bb) *enige sluittoestel, of knoop seël en enige sleutel aan die bus op so 'n wyse verseël dat dit nie gebruik kan word om die bus oop te sluit sonder om die seël te breek nie;*
 - (ii) *ten minste die volgende in een of meer houters beveilig en verseël;*

- (aa) alle ongebruikte stembriewe asook teenblaaie van gebruikte stembriewe;
- (bb) alle gekonfiskeerde, bedorwe of gekanselleerde stembriewe;
- (cc) alle afgemerkte kopië van die bygewerkte kieserslys of bygewerkte kieserslyste
- (i) ook enige kandidaat en agent wat teenwoordig mag wees, om 'n seël aan enige sodanige opening, sluittoestel of sleutel of houer aan te bring;
- (g) verseker dat alle materiaal vir die tussenverkiesing te alle tye veilig en seker bewaar word en so spoedig moontlik by die plek ingevolge regulasie 34(b) gespesifiseer, afgelewer word, of indien nie wenslik, by sodanige ander plek deur die kiesbeampte aangewys; en
- (h) kandidate en agente wat onmiddelik aanwesig en gereed is, toelaat om hom of haar na die plek van aflewering te vergesel.

Ontvangs van Materiaal

Stemburo wat nie Geopen het nie

- (6) By ontvangs van stembusse en materiaal vir die tussenverkiesing ingevolge subregulasie (4)(e), sal die kiesbeampte onmiddellik saam met sodanige kandidate of agente wat so verkies;
 - (a) die reeksnommer volgorde op die teenblaaie van die stembriewe deur die kiesbeampte ontvang, met die volgorde van sodanige nommers op die kwitansie aan die kiesbeampte deur die voorsittende beampte ingevolge regulasie 35(2) uitgereik, vergelyk;
 - (b) die uitslag van sodanige vergelyking op die vorm ER20 deur die voorsittende beampte ingevolge regulasie 35(1)(j) uitgereik, aanteken en met sy handtekening endosseer, of indien geen sodanige vorm afgelewer is nie, op 'n nuwe vorm ER20 ook tot daardie effek geëndosseer en die resultaat aan sodanige kandidate of agente wat teenwoordig mag wees, toon;
 - (c) sodanige stembriewe tesame met sodanige vorm ER20 plaas in 'n sak of houer gemerk:

UITGESTELDE TUSSENVERKIESING: STEMBRIEWE

Munisipaliteit:

Wyk:

Stemburo:

Datum: *Handtekening:*.....

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk seël.

- (d) *sodanige kieserslys of kieserslyste plaas in 'n sak of houer gemerk:*

UITGESTELDE TUSSENVERKIESING: KIESERSLYS

Munisipaliteit:

Wyk:

Stemburo:

Datum: *Handtekening:*.....

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk seël.

- (e) *items (c) en (d) plaas in 'n sak of houer gemerk:*

UITGESTELDE TUSSENVERKIESING: STEMBRIEWE EN KIESERSLYS

Munisipaliteit:

Wyk:

Stemburo:

Datum: *Handtekening:*.....

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk seël en sodanige sak of houer in veilige bewaring neem totdat die inhoud daarvan heruitgereik word aan die voorsittende beampte vir die hantering en hou van die uitgestelde tussenverkiesing ingevolge subregulasie (13); en

- (f) *'n kwitansie aan die voorsittende beampte vir al die ander materiaal vir die tussenverkiesing aan die kiesbeampte ingevolge subregulasie (4) afgelewer, oorhandig.*

Ontvangs van Materiaal

Stemburo wat Geopen het

- (7) *By ontvangs van stembusse en materiaal vir die tussenverkiesing ingevolge subregulasie (5)(g), sal die kiesbeampte onmiddellik saam met sodanige kandidate of agente wat so verkies;*

- (a) *die stembusse ondersoek om vas te stel of die seëls en hegtings ongeskonde is;*

- (b) *'n verslag opstel van alle geskende seëls en hegtings;*

- (c) 'n verslag opstel van die nommer of simbool op elke stembus ontvang ingevolge regulasie 32(2)(f);
- (d) die reeksnommer volgorde op die teenblaai van die stembriewe deur die kiesbeampte ontvang, met die volgorde van sodanige nommers op die kwitansie aan die kiesbeampte deur die voorsittende beampte ingevolge regulasie 35(2) uitgereik, vergelyk;
- (e) die uitslag van sodanige vergelyking op die vorm ER20 deur die voorsittende beampte ingevolge regulasie 35(1)(j) uitgereik, aanteken en met sy handtekening endosseer, of indien geen sodanige vorm afgelewer is nie, op 'n nuwe vorm ER20 ook tot daardie effek geëndosseer en die resultaat aan sodanige kandidaat of agente wat teenwoordig mag wees, toon;
- (f) sodanige stembriewe tesame met sodanige vorm ER20 plaas in 'n sak of houer gemerk:

UITGESTELDE TUSSENVERKIESING: STEMBRIEWE

Munisipaliteit:

Wyk:

Stemburo:

Datum: Handtekening:

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk seël.

- (g) 'n verslag opstel van seëls of die afwesigheid daarvan op elke ander kartonhouer of houer asook 'n aantekening van die inhoud van elke kartonhouer of houer;
- (h) 'n verslag opstel van die aantal gekonfiskeerde, bedorwe of gekanselleerde stembriewe; sodanige gekonfiskeerde, bedorwe of gekanselleerde stembriewe plaas in 'n koevert gemerk:

UITGESTELDE TUSSENVERKIESING GEKONFISKEERDE, BEDORWE OF GEKANSELLEERDE STEMBRIEWE

Munisipaliteit:

Wyk:

Stemburo:

Datum: Handtekening:

Kiesbeampte

- (i) die bygewerkte kieserslys van sodanige stemburo ondersoek om vas te stel of sodanige lys in alle opsigte met betrekking tot nommer en bladsye volledig en korrek is en die uitslag van sodanige ondersoek aanteken en met sy of haar handtekening op die eerste buiteblad van elke sodanige lys endosseer en die resultaat daarvan aan sodanige kandidaat of agent wat teenwoordig mag wees, toon;

- (j) sodanige lys in 'n sak of houer plaas, gemerk

**UITGESTELDE TUSSENVERKIESING: BYGEWERKTE
KIESERSLYS**

Munisipaliteit:

Wyk:

Stemburo:

Datum: Handtekening:

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk verseël.

- (k) items (f), (h) en (j) plaas in 'n sak of houer gemerk:

**UITGESTELDE TUSSENVERKIESING:
STEMBRIEWE EN BYGEWERKTE KIESERSLYS**

Munisipaliteit:

Wyk:

Stemburo:

Datum: Handtekening:

Kiesbeampte

en sodanige sak of houer met sy of haar amptelike merk seël en sodanige sak of houer in veilige bewaring neem totdat die inhoud daarvan heruitgereik word aan die voorsittende beampte vir die hantering en hou van die uitgestelde tussenverkiesing ingevolge subregulasie (13); en

- (l) 'n kwitansie aan die voorsittende beampte vir al die ander materiaal vir die tussenverkiesing aan die kiesbeampte ingevolge subregulasie (4) afgelewer, oorhandig.

Uitstel van Tussenverkiesing

- (8) (a) Wanneer 'n stemburo ingevolge subregulasie (1) gesluit is, sal die kiesbeampte onmiddellik:

- (i) sodanige sluiting en die omstandighede daarvan aan die Premier en die Minister van Provinsiale Sake en Staatkundige Ontwikkeling rapporteer; en
 - (ii) behoudens die bepalings van subregulasie (11) en (14) 'n dag wat nie meer as vyf (5) dae na sy of haar verklaring van sluiting ingevolge subregulasie (1) waarop 'n uitgestelde tussenverkiesing gehou sal word, aanbeveel.
- (b) Die Premier mag na behoorlike oorweging van sodanige omstandighede die periode van die tussenverkiesing ingevolge regulasie 80 verleng en in die geval waar sodanige verlenging gemaak word, terselfdertyd 'n dag bepaal waarop 'n uitgestelde tussenverkiesing gehou sal word, welke dag nie meer as vyf (5) dae na die datum van die verklaring van sluiting ingevolge subregulasie (1) sal wees nie.
- (c) Die kiesbeampte sal daarop 'n kennisgewing van sodanige uitstel van die tussenverkiesing publiseer met vermelding van die datum deur die Premier onder paragraaf (b) bepaal, die spesifieke ligging van die stemburo waar die tussenverkiesing sal plaasvind, en dat sodanige tussenverkiesing vanaf 07:00 tot om 22:00 op daardie dag ooreenkomstig hierdie regulasies gehou sal word, en kiesers ingevolge subregulasie (6) wat nog nie gestem het voor die sluiting van die stemburo ingevolge subregulasie (1) nie, uitnoui om by die uitgestelde tussenverkiesing te stem.

Reg om te Stem

- (9) Wanneer 'n stemburo ingevolge subregulasie (1) gesluit is en 'n uitgestelde tussenverkiesing ingevolge subregulasie (8) gehou word, sal slegs daardie kiesers wat daarop geregtig was om by sodanige stemburo te stem en wie nie voor die sluiting daarvan gestem het nie, daarop geregtig wees en toegelaat word om by sodanige uitgestelde tussenverkiesing te stem.

Tel van Stemme

- (10) Behoudens die bepalings van subregulasie (11), en wanneer 'n tussenverkiesing by 'n stemburo ingevolge subregulasie (1) uitgestel is, sal die kiesbeampte by hantering van die tel van stemme vir die betrokke munisipaliteit:

- (a) (i) voldoen aan die bepalings van regulasie 61(2), en vir daardie doel, nie die stemme by sodanige tussenverkiesing in enige stemburo binne die wyk waarop die uitgestelde tussenverkiesing betrekking het, tel nie, totdat die uitgestelde tussenverkiesing afgehandel is en daar aan die bepalings van sodanige regulasie voldoen is nie, en

(ii) verseker dat;

(aa) stembusse van al die stemburo's (insluitend die geslote stemburo) in die betrokke wyk, ontvang is; en

(bb) alle ander materiaal vir die tussenverkiesing vanaf elke stemburo in die betrokke wyk ontvang is.

Verseël en in veilige bewaring bly totdat die uitgestelde tussenverkiesing afgehandel is en die tel van stemme in daardie wyk ingevolge hierdie regulasies onderneem is: Met dien verstande dat materiaal vir die tussenverkiesing ander dan stembusse ontvang vanaf die geslote stemburo ingevolge subregulasie (5) mee gehandel sal word.

(b) voldoen aan die bepalings van regulasie 58 tot en met 67(3) ten opsigte van alle wyke ander dan die van 'n wyk bedoel by paragraaf (a);

(c) na voldoening aan die bepalings van regulasie 58 tot en met 67(3), elke toepaslike vorm ER30 en ER32 voltooi en die uitslag van sodanige telling buite die plek waar stemme getel is bekend maak deur aan te kondig:

(i) die naam van die wyk en die naam van elke kandidaat ten opsigte van wie die tussenverkiesing by daardie wyk uitgestel is en ten opsigte waarvan daar nie 'n telling gehou sal word nie totdat sodanige uitgestelde tussenverkiesing afgehandel en voltooi is nie;

(ii) dat geen persone ondertussen verkies is nie en dat die formele verklaring van die uitslag van die tussenverkiesing en die naam van die kandidate wat verkies is na die tel van die uitgestelde tussenverkiesing afgehandel is, bekend gemaak sal word;

(d) na die hou van die telling vir die wyk ten opsigte waarvan 'n tussenverkiesing uitgestel is, en na voldoening aan die bepalings van regulasies 58 to 67(3) met betrekking tot sodanige wyk, die tel vir die tussenverkiesing-uitslag voltooi.

Algemene Kieserslys en Verlies van Sekuriteit

(11) Wanneer 'n stemburo gesluit is ingevolge subregulasie (1) en ten opsigte van sodanige stemburo;

- (a) *die seëls aan een of meer stembusse bevattende stembriewe gebreek is op so 'n wyse dat daar met die inhoud van 'n bus gepeuter kon word; of*
- (b) *gebruikte of ongebruikte stembriewe of teenblaaië, of een of meer afgemerkte bygewerkte kieserslyste gedeeltelik of volledig beskadig of verlore is; of*
- (c) *een of meer bygewerkte kieserslyste nie uitsluitlik vir doeleindes van verkiesing by daardie stemburo bedoel was nie, maar van 'n tipe wat gebruik kan word by een of meer ander stemburo's, en 'n uitgestelde tussenverkiesing nie binne die tydperk ingevolge subregulasie (8) gehou kan word nie; of*
- (d) *die kiesbeampte andersins tevrede is dat daar enige onreëlmatigheid met betrekking tot enige aangeleentheid in verband met die materiaal vir die tussenverkiesing hierbo na verwys was;*

word die tussenverkiesing ingevolge regulasie 80(1) na 'n toekomstige datum uitgestel en word dit ingevolge subregulasie (12) gehou.

- 12
- (a) *Wanneer 'n tussenverkiesing ingevolge subregulasie (11) uitgestel is, sal sodanige uitgestelde tussenverkiesing gehou word ten opsigte van die regsgebied waarop die geaffekteerde tussenverkiesingsmateriaal betrekking het, naamlik in daardie wyk.*
 - (b) *Wanneer die geaffekteerde tussenverkiesingsmateriaal bedoel by subregulasie (11) gebruikte of ongebruikte stembriewe bevat, sal alle stembriewe vir die uitgestelde tussenverkiesing herdruk word: Met dien verstande dat ondanks die bepalings van regulasie 31(1), stembriewe vir 'n uitgestelde tussenverkiesing ooreenkomstig wyke op groen papier gedruk sal wees.*
 - (c) *Die datum van 'n tussenverkiesing ingevolge subregulasie (11) uitgestel sal deur die Premier wat in oorleg met die kiesbeampte sal optree, bepaal word en sal nieteenstaande die bepalings van regulasie 80(1) gehou word nie later nie as een en twintig (21) dae na die datum waarop die stemburo gesluit is.*
 - (d) *Die bepalings van subregulasie (8)(c) sal toegepas word by 'n tussenverkiesing ingevolge paragraaf (c) hierbo gehou.*

Hou van Uitgestelde Tussenverkiesing

- (13) *Wanneer 'n tussenverkiesing ingevolge hierdie subregulasie uitgestel is en die dag waarop die uitgestelde tussenverkiesing gehou sal word, ingevolge subregulasie (8)(b) of (12)(c) bepaal is, sal die voorbereidings*

vir en die hou van sodanige uitgestelde tussenverkiesing onderworpe aan die tydsbeperkings van hierdie subregulasie *mutatis mutandis* ooreenkomstig die bepalings van hierdie regulasies met betrekking tot 'n tussenverkiesing gehou word.

Permanente Sluiting van 'n Stemburo

(14) Wanneer 'n stemburo ingevolge subregulasie (1) gesluit is en -

(a) sodanige stemburo was van een of meer bygewerkte kieserslyste wat nie uitsluitlik vir sodanige buro vir doeleindes van verkiesing aldaar uitgereik nie, maar almal van 'n tipe vir gebruik by een of meer ander buro's uitgereik was; en

(b) die verkiesingskomitee en die Premier op aanbeveling van die kiesbeampte gesamentlik tevrede is;

(i) dat 'n alternatiewe stemburo naby die geslote buro geleë was;

(ii) dat daar redelikerwys van die kiesers verwag kon word:

(aa) om bewus te wees van sodanige alternatiewe stemburo; en

(bb) om vir doeleindes van die tussenverkiesing na sodanige alternatiewe buro oor te plaas; en

(c) die kiesbeampte alle materiaal vir die tussenverkiesing soos vereis by subregulasie (4)(e) of (5)(g) ontvang het en die omstandighede vermeld by subregulasie (11)(a) tot en met (d) nie van toepassing is nie;

mag die kiesbeampte, niesteenstaande die bepalings van subregulasie (8)(b), aanbeveel dat 'n uitgestelde tussenverkiesing ten opsigte van sodanige stemburo nie gehou word nie, en die Premier mag, niesteenstaande die bepalings van subregulasie (8)(b) weier om die tydperk van die tussenverkiesing ten opsigte van sodanige stemburo uit te stel en sodanige tussenverkiesing as gesluit en afgehandel verklaar.

(15) Die kiesbeampte sal onverwyld 'n kennisgewing van enige ingevolge subregulasie (14) geslote en afgehandelde tussenverkiesing publiseer.

(16) Vir doeleindes van regulasie 49A en niesteenstaande die bepalings van regulasie 1(1)(xxiii) beteken kiesbeampte die persoon ingevolge regulasie 30(1) aangestel en sluit dit enige verkiesingsbeampte wat vir doeleindes van regulasie 49A wettig in sy of haar plek optree en onder die uitdruklike en spesifieke gesag van die kiesbeampte staan, in

HOOFSTUK 15**ALGEMEEN****Opening of Inspeksie van Tussenverkiesingsmateriaal**

- 72 (1) Indien die kiesbeampte te enige tyd voor die verseëling van die *tussenverkiesingsmateriaal* in die sak of kartonhouer soos bedoel by regulasie 67(2)(c), rede het om enige onreëlmatigheid te vermoed in verband met enige saak betreffende die *tussenverkiesing*, of enige versuim om aan hierdie regulasies te voldoen, sal hy of sy elke kandidaat, algemene agent en party skriftelik daarvan in kennis stel, en sodanige persone uitnoui om op 'n vermelde tyd en plek teenwoordig te wees, waar hy of sy in teenwoordigheid van sodanige kandidate of agente wat teenwoordig is :
- (a) die betrokke pakkie of koevert sal oopmaak;
 - (b) 'n aantekening van enige sodanige onreëlmatigheid of nie nakoming in duplikaat maak;
 - (c) een kopie van sodanige aantekening behou en die ander kopie in die betrokke pakkie of koevert plaas;
 - (d) die betrokke pakkie heropmaak of die betrokke koevert weer toemaak;
 - (e) die betrokke pakkie of koevert met sy of haar amptelike seël verseël; en
 - (f) die kandidate of agente toelaat om hulle seëls indien so verkies, ook daarop aan te bring.
- (2) Geen verseëelde sak of kartonhouer soos bedoel by regulasie 67(2)(c), of enige pakkie of koevert sal geopen word en geen persoon sal toegelaat word om enige verkiesingsdokument te inspekter nie, behalwe ooreenkomstig 'n hofbevel van 'n hoërhof nadat daardie hof op grond van beëdigde getuienis tevrede is dat die inspeksie of lewering daarvan nodig is vir die instel of voer van 'n geding ten opsigte van 'n misdryf of vir doeleindes van verrigtinge wat die geldigheid van 'n *tussenverkiesing* of verkiesingsuitslag bevraagteken, welke bevel aan sodanige voorwaardes soos wat sodanige hof gerade, noodsaaklik of gewens mag beskou, onderhewig gemaak kan word.
- (3) Wanneer 'n bevel vir die lewering deur die kiesbeampte van enige dokument, pakkie, koevert, sak of kartonhouer in sy of haar bewaring betreffende enige spesifieke *tussenverkiesing*, uitgevaardig is, word :

- (a) die lewering van enige sodanige dokument, pakkie, koevert, sak of kartonhouer deur die betrokke kiesbeampte ingevolge bedoelde bevel of in ooreenstemming met 'n hofreëling, sal afdoende bewys wees dat sodanige dokument, pakkie, koevert, sak of houer met die betrokke *tussenverkiesing* verband hou; en
- (b) enige aantekening wat op enige dokument, pakkie, koevert, sak of kartonhouer deur hom of haar gelewer, voorkom, sal getuienis wees van die inhoud van die betrokke dokument, pakkie, koevert, sak of houters soos deur daardie aantekening aangedui.

Verkiesingskomitee

- 73 (1) (a) 'n *Munisipaliteit* sal nie meer as 30 dae na die verklaring van 'n vakature ingevolge regulasie 2(3) 'n verkiesingskomitee saamstel wat tot 23:59 op die dag wat die *tussenverkiesing* vir sodanige *munisipaliteit* of sodanige later datum deur die Premier bepaal, sal funksioneer.
- (b) Sodanige komitee sal uit drie persone van wie minstens een 'n regsgekwalfiseerde persoon sal wees wat as die voorsittende beampte sal optree, en drie plaasvervangende lede aangestel deur 'n besluit van die raad aangeneem deur 'n meerderheid van nie minder nie as twee derdes van al sy lede, bestaan : Met dien verstande dat die Premier op die skriftelike versoek van die betrokke *munisipaliteit* en indien tevrede dat daar nie 'n paslike regsgekwalfiseerde persoon beskikbaar is nie, die *munisipaliteit* skriftelik kan magtig om 'n ander paslik gekwalfiseerde persoon as voorsittende beampte asook 'n plaasvervanger aan te stel.
- (c) Geen persoon sal as lid van sodanige komitee aangestel word nie indien hy of sy :
- (i) 'n ampsbekleeder van 'n party is;
 - (ii) 'n lid of werknemer van die betrokke *munisipaliteit* is;
 - (iii) nie ingevolge regulasie 3 bevoeg is om as kieser geregistreer te word vir 'n *munisipaliteit* nie;
 - (iv) 'n kandidaat is vir die *tussenverkiesing*; of
 - (v) 'n raadslid van 'n *munisipaliteit* is of op die partylys van 'n party aan wie een of meer setels op 'n *munisipaliteit* ingevolge die provinsiale verkiesingsregulasies toegeken is; of
 - (vi) 'n lid is van 'n hersieningshof soos bedoel by regulasie 7.

(d) 'n Lid van die komitee sal nie verder lid daarvan bly nie en sal sy setel ontruim indien hy of sy :

(i) gediskwalifiseer word vir aanstelling as 'n lid van sodanige komitee;

(ii) sy bedanking by die hoof-uitvoerende beamppte indien; of

(iii) te sterwe kom

en enige vakature wat aldus ontstaan, sal gevul word uit die geskikte plaasvervangende lede, of in die afwesigheid daarvan, so spoedig moontlik deur die *munisipaliteit* met 'n persoon wat wenslik oor dieselfde kwalifikasies as sy of haar voorganger beskik.

(e) Sodanige komitee sal :

(i) poog om enige dispuut of klagte voortspruitend uit 'n besluit deur 'n kieserslysbeamppte of 'n kiesbeamppte geneem soos onder sy aandag gebring deur sodanige beamppte of deur 'n verontregte persoon of party, te besleg;

(ii) enige saak deur die kieserslysbeamppte of kiesbeamppte, voorgelê, oorweeg en daaroor adviseer;

(iii) *nie later as middag op nominasiedag* met betrekking tot enige konflik of klagtes rakende die onderskeidende merk of simbool van 'n persoon vermeld by regulasie (21)(a) of (21)(4) (f), (g) of (h) *oorweeg en beslis*; en

(iv) die wyse waarop kiesers in enige wyk van hul toepaslike stemburo's in kennis gestel moet word beoordeel en beslis en die kiesbeamppte nie later nie as *21 dae voor die dag van die tussenverkiesing* aldus in kennis stel :

Met dien verstande dat die komitee geen saak wat binne die bevoegdhede, funksies en pligte van 'n hersieningshof val, sal ontvang of oorweeg nie: Met dien verstande verder dat niks hierin vervat as beperkend of inmengend met betrekking tot die vervulling van die verantwoordelikhede van 'n kieserslysbeamppte of kiesbeamppte ingevolge hierdie regulasies vertolk sal word nie.

(f) Lede van die komitee sal vergoed word op die basis deur die Premier bepaal, nie later nie as die datum van aanstelling soos

bedoel by subparagraaf (b), of indien nie, deur besluit van die *munisipaliteit*.

(g) In die geval waar enige dispuut met betrekking tot die *tussenverkiesing* ontstaan wat nie van die jurisdiksie van die komitee uit hoofde van die bepalings van paragraaf (e) uitgesluit is nie:

(i) kan die voorsitter van die komitee uit eie beweging en sal hy of sy onverwyld by verwysing van die kiesbeampte of 'n verontrefde party :

(aa) 'n lid of lede of 'n alternatiewe lid of lede van die verkiesingskomitee gelas om die dispuut by wyse van bemiddeling te probeer besleg; of

(bb) onderhewig aan die beskikbaarheid van finansiële voorsiening daarvoor of kosteloos vir die komitee of die *munisipaliteit*, 'n onafhanklike bemiddelaar aanstel wat deur die verkiesingskomitee erken en goedgekeur is, om die dispuut by wyse van bemiddeling te probeer besleg; en

(ii) sodanige tydsbepelings in verband daarmee op lê as wat hy of sy nodig ag: Met dien verstande dat indien die dispuut 24 uur nadat daar met pogings om dit by wyse van bemiddeling te besleg, begin is, nog nie opgelos is nie, sal die verkiesingskomitee onverwyld vergader om die dispuut te beredder en te besleg.

Reg van Toegang tot Kiesers vir Werwing en Kieseropleiding

74 (1) In hierdie regulasie beteken :

"werwer", 'n kandidaat of gemagtigde verteenwoordiger van sodanige kandidaat of van 'n party;

"werwing", politieke werwing, veldtogvoering, aanlokking van lidmaatskap of werwing of die voorsiening van vervoer na en van veldtogvergaderings;

"kieseropleier", 'n persoon wat gemagtig is om kieseropleiding onder beskerming van enige organisasie of maatskappy wat behoorlik skriftelik deur die Premier goedgekeur of gekontrakteer is om kieseropleiding in die provinsie te onderneem;

"wettige bewoner", die persoon wat die oënskynlike eienaar of wettige okkupeerder van die betrokke private gebied of kamer of

woonhuis is, of wie oënskynlik in beheer van die betrokke openbare gebied is; en

"kieser", 'n persoon wie se naam op die ondertekende en gesertifiseerde kieserslys vir 'n *munisipaliteit* ingesluit is.

(2) Enige werwer of kieseropleier het vir doeleindes van werwing of die aanbieding van kieseropleiding toegang tot enige openbare of private gebied waar kiesers woon of werk of wat gereeld besoek word, vanaf die dag waarop die *van die tussenverkiesing* vir die betrokke *munisipaliteit* afgekondig is, tot en met die sluiting van stemburo's in die regsgebied van daardie *munisipaliteit*: *Met dien verstande dat die Premier enige persoon skriftelik mag magtig om oor sodanige mag van toegang te beskik indien dit noodsaaklik geag word om die doelstelling van hierdie regulasies te bereik, met dien verstande verder dat sodanige magtiging die doel van sodanige toegaing sal vermeld.*

(3) Te enige tyd voordat 'n gebied bedoel by subregulasie (2) betree word, of wanneer daardie gebied op versoek van die wettige bewoner betree word, sal *enige persoon bedoel by subregulasie (2).*

(a) sy of haar volle naam verstrekk en die wettige bewoner indien laasgenoemde in die betrokke private of openbare gebied is of geredelik beskikbaar is, inlig dat hy of sy die betrokke gebied betree of gaan betree vir doeleindes van werwing of kieseropleiding; en

(b) indien hy of sy :

(i) 'n kandidaat is, die naam van die *munisipaliteit* waarin hy of sy aan die *tussenverkiesing* gaan deelneem, verstrekk;

(ii) 'n kandidaatsverteenwoordiger is, 'n aanstellingsbrief van die kandidaat waarby hy of sy as 'n verteenwoordiger aangestel is, aanbied met vermelding van die *munisipaliteit* waarin die kandidaat aan die *tussenverkiesing* gaan deelneem;

(iii) kiesersopleiding aanbied, 'n brief van die organisasie namens wie die kieseropleiding aangebied word en 'n gesertifiseerde afskrif van die Premier se skriftelike magtiging toon;

- (iv) enige ander persoon bedoel in regulasie 74(2) is, die magtiging of 'n gesertifiseerde afskrif daarvan aan die wettige bewoner of sy of haar verteenwoordiger toon.

(4) Geen persoon bedoel by regulasie 74(2) sal :

- (a) 'n kamer of woonhuis sonder die toestemming van 'n kieser wat tydens die besoek in die kamer of woonhuis teenwoordig is, of in die afwesigheid daarvan, van enige kieser wat in die kamer of woonhuis ten tye van die besoek teenwoordig is, betree nie;

- (b) met werwing of kieseropleiding van 'n werknemer tydens sy of haar werksure begin of enige ander aktiwiteit soos omskryf deur 'n magtiging ingevolge regulasie 74(2) verleen, sonder die toestemming van die werkgever of sy of haar agent nie.

- (5) Sonder om afbreuk te doen aan die algemene reg van toegang by hierdie regulasie verleen, sal enige persoon soos bedoel by regulasie 74(2) sodanige redelike sekuriteitsmaatreëls normaalweg op besoekers wat die gebied soos bedoel by subregulasie (2) van toepassing is, nakom.

Aanplakbiljette en Plakkate

75 Tydens die tussenverkiesingstydperk :

- (a) sal elke aanplakbiljet, plakkaat, aanplakker, pamflet, omsendbrief of ander gedrukte materiaal wat op die tussenverkiesing betrekking het, op die voorkant daarvan die naam en adres van die drukker en uitgewer daarvan bevat;

- (b) sal geen persoon sodanige materiaal druk, publiseer of pos of veroorsaak dat dit gedruk, gepubliseer of gepos word, of op enige wyse versprei wat nie op die voorkant daarvan die naam en adres van die drukker en uitgewer bevat nie;

- (c) sal die eienaar en publiseerder van elke koerant of tydskrif sorg dra dat die woord "advertensie" as 'n opskrif in sy of haar koerant of tydskrif by enige artikel of paragraaf in sy of haar koerant wat afkomstig is van 'n kandidaat, party of sy agente of ondersteuners gedruk word, die plasing waarvoor betaal is, of sal word, of waarvoor enige vergoeding of kompensasie, of belofte van vergoeding of kompensasie gemaak is of gemaak sal word;

- (d) sal die artikels of paragrawe soos bedoel in paragraaf (c) alle tekste wat *prima facie* blyk of bereken is om die uitslag van die tussenverkiesing te affekteer, en wat enige betaalde advertensie of verslag van 'n toespraak van 'n kandidaat, indien vir die plasing daarvan betaal word, insluit;

(e) sal aan die einde van elke verslag, brief, artikel, aanplakbiljet, plakkaat, pamflet, omsendbrief, spotprent of ander gedrukte materiaal (hierna in hierdie regulasie na verwys as 'n "verkiezingsartikel") wat *prima facie* bedoel of bereken is om die uitslag van die *tussenverkiesing* te beïnvloed, in enige *koerant* geplaas of andersins geproduseer, en in die Republiek gepubliseer is, die volle naam en adres van die persoon of persone deur wie sodanige *tussenverkiesingsartikel* geskryf of geproduseer is bevat: Met dien verstande dat :

- (i) enige *sodanige tussenverkiesingsartikel* in enige *koerant* hierbo vermeld, geplaas en wat wenslik deur die redakteur van daardie *koerant* gewysig is, ook die volle naam van die redakteur sal dra;
- (ii) in die geval waar enige *sodanige artikel* gesamentlik deur twee of meer persone geskryf is, dit vir doeleindes van hierdie regulasie voldoende sal wees indien die verslag as geheel die volle name en adresse van die persone deur wie dit geskryf is, bevat; en
- (iii) in die geval waar opskrifte van enige *tussenverkiesingsartikel* in enige voormelde *koerant* of tydskrif geplaas en van aanplakbiljette, plakstate, aanplakkers of pamflette wat op die *tussenverkiesing* betrekking het, voorsien en in die normale praktyk van 'n *koerant* uitgegee is, sal dit vir doeleindes van hierdie regulasie voldoende wees indien die volle name en adresse van die persone deur wie sodanige opskrifte, aanplakbiljette, plakstate, aanplakkers of pamflette geskryf is, in die uitgawe van die *koerant* waarin sodanige artikel geplaas is, gepubliseer word; en

(f) onderhewig aan die bepalinge van die voorbehoud tot *paragraaf* (e)(iii), sal geen persoon enige *koerant* of ander gedrukte materiaal druk of publiseer waarby enige *tussenverkiesingsartikel* ingesluit is wat nie aan die bepalinge van *paragraaf* (e) voldoen nie.

Skadeloosstelling

76 Geen daad of versuim deur 'n hoof-uitvoerende beampte, kieserslysbeampte, verkiesingsbeampte, voorsittende beampte of lid van 'n verkiesingskomitee of ander persoon deur die voorsittende beampte aangestel om 'n dispuut te versoen of kiesbeampte sal sodanige persoon persoonlik aanspreeklik stel vir enige verlies of skade van enige aard wat deur enige persoon gely is as gevolg van 'n daad of versuim : Met dien verstande dat sodanige daad of versuim nie opsetlik of kwaadwillig is nie en enige koste wat redelik of noodsaaklikerwys aangegaan is deur daardie beampte in die teenstaan van enige eis, vordering, aksie of ander wetlike verrigtinge met betrekking tot sodanige verlies of skade deur die betrokke *munisipaliteit* gedra sal word.

Gelde Betaalbaar aan Verkiezingsbeamptes

77 (1) Elke raad sal, tydens sy eerste gewone vergadering nadat kennis van die dag van die *tussenverkiesing ingevolge regulasie 20(2)* gegee is, deur

besluit die gelde bepaal wat aan verkiesingsbeamptes betaal moet word : Met dien verstande dat sodanige gelde nie verminder sal word voor die finale betaling ingevolge daardie besluit gemaak is nie.

- (2) Die gelde bedoel by subregulasie (1) sal nie die volgende bedrae per dag oorskry nie:

Kiesbeampte:

1 - 10 000 geregistreerde kiesers:	R 400,00
10 001 - 50 000 geregistreerde kiesers:	R 600,00
50 001 - 100 000 geregistreerde kiesers:	R 800,00
100 001 - 250 000 geregistreerde kiesers:	R1 000,00
250 001 en meer geregistreerde kiesers:	R1 250,00

Adjunk kiesbeampte: 70% van die bostaande

Voorsittende Beampte R 240,00

Adjunk Voorsittende Beampte R 200,00

Enige Ander Verkiesingsbeampte: R 160,00

Telbeampte: R 120,00

Vorms, Etiket en Koeverte

- 78 (1) Die vorms, etikette en koeverte in hierdie regulasies bedoel, sal wesenlik in ooreenstemming wees met die voorbeelde hierby uiteengesit, en die woord "koevert" sal insluit enige sak of kartonhouer wat vir daardie doeleindes gebruik word.

- (2) Waar op enige voorbeeld 'n ruimte gelaat is vir die invul van inligting wat regdeur die regsgebied van die *munisipaliteit* of enige wyk dieselfde is, mag daardie inligting na gelang van die geval, tydens die druk van die betrokke vorm, etiket of koevert, aangebring word.

- (3) Enige deel van 'n voorbeeld slegs bedoel vir gebruik in die geval van die regsgebied van 'n *munisipaliteit* wat in wyke verdeel is, mag weggelaat word wanneer die betrokke vorm, etiket of koevert gedruk word vir gebruik in die gebied van 'n *munisipaliteit* wat nie in wyke verdeel is nie.

- (4) Voorsiening mag tydens die druk van 'n vorm, etiket of koevert gemaak word vir die invul of aanvra van inligting wat nie op die betrokke voorbeeld aangedui is nie, indien dit nodig of wenslik geag vir die hou van die *tussenverkiesing*.

- (5) Inligting wat op enige etiket of koevert vereis word, mag, na oordeel van die kiesbeampte, getik of duidelik en leesbaar met die hand geskryf word.

Bevoegdheid om by Versuim op te Tree

- 79 (1) (a) Indien 'n *munisipaliteit*, hersieningshof of enige persoon versuim om binne 'n tydperk by hierdie regulasies voorgeskryf, en ooreenkomstig die voorwaardes deur die Premier bepaal, indien enige, enige bepaling te begin, af te dwing, uit te voer, of enige besluit of raadsbesluit

daaringevolge te neem, of gehoor te gee aan enige opdrag van die Premier ingevolge hierdie regulasies, mag die Premier die uitvoering daarvan begin, gelas, of bepalings of voorskrifte daarvan uitvoer, vir welke doel en versuim hy enige owerheid, liggaam of persoon skriftelik kan magtig om alle stappe en maatreëls in verband daarmee te neem en te tref.

(b) Enige uitgawe ten opsigte van 'n *munisipaliteit* deur die Premier ingevolge paragraaf (a) hierbo aangegaan, sal verhaal mag word van daardie *munisipaliteit* of liggaam en die sertifikaat van die provinsiale rekenmeester of persoon wat in sodanige hoedanigheid optree, sal *prima facie* bewys wees van die korrektheid daarvan.

(c) Ten einde te verseker dat *tussenverkiesings* ingevolge die bepalings van hierdie regulasie gehou word, mag die Premier sonder afbreuk aan enige regte of magte waaroor hy of sy beskik, enige owerheid, liggaam of persoon skriftelik aanstel wat daarop geregtig sal wees om van enige *munisipaliteit of hersieningshof* te vereis om 'n skriftelike verslag soos van tyd tot tyd deur die Premier of sodanige owerheid, liggaam of persoon en in sy of haar uitsluitlike diskresie nodig of wenslik geag word met betrekking tot die *tussenverkiesing* of enige deel daarvan, voor te lê.

(d) Die Premier, owerheid, liggaam of persoon soos bedoel in paragraaf (c) sal oor die bevoegdheid beskik om inspeksie in of by die kantore van enige *munisipaliteit of hersieningshof* te doen ten einde die stand van sake met betrekking tot die *tussenverkiesing* of enige deel daarvan te bepaal en om lêers, boeke, registers en rekords wat op die *tussenverkiesing* betrekking mag hê, te ondersoek en uittreksels daarvan te maak.

(e) Enige owerheid, liggaam of persoon ingevolge paragraaf (c) aangestel, sal, wanneer deur die Premier daarom versoek, 'n skriftelike verslag waarin die stand van sake met betrekking tot die *tussenverkiesing* of enige deel daarvan in een of meer *munisipaliteit of hersieningshof* uiteengesit is, voorlê en aanbevelings in daardie verband maak.

(f) Waar 'n kiesbeampte, kieserslysbeampte of enige verkiesingsbeampte te sterwe kom, bedank, onbevoeg raak of hom of haar andersins van die uitvoering van sy of haar funksies of pligte verskoon en die *munisipaliteit* of kiesbeampte nie sodanige beampte vervang of heraanstel nie of nie daartoe in staat is nie, kan die Premier onverwyld enige raad, liggaam of persoon in die hoedanigheid van sodanige kiesbeampte, kieserslysbeampte of verkiesingsbeampte magtig of aanstel.

- (2) Indien 'n *munisipaliteit*, hersieningshof of enige persoon versuim, of waarskynlik nie in staat is nie om binne die tydperk by hierdie regulasies voorgeskryf, enige bepaling of vereiste uit te voer wat 'n noodsaaklike voorbereiding of voorvereiste vir die hou van die *tussenverkiesing* is, mag die Premier sodanige tydperk voorwaardelik of andersins verleng of aanpas: Met dien verstande dat geen sodanige verlenging of aanpassing toegestaan sal word *sonder die instemming van die Minister* indien dit die hou van die *tussenverkiesing* *nie meer as 136 dae na die verklaring van die vakature ingevolge regulasie 2(3)*, sal verhoed, benadeel of afbreuk daaraan sal doen nie.

Magte van Premier om Tydsbeperkinge te Verleng

- 80 (1) *Behoudens die bepalings van regulasie 79(2)*, mag die Premier by kennisgewing in die Provinsiale Koerant, hetsy met betrekking tot 'n bepaalde *munisiplaiteit*, of met betrekking tot *munisipaliteite* in die algemeen, enige datum of tyd wysig, of enige tydperk verleng wat ingevolge hierdie regulasies voorgeskryf word, hetsy vir die verrigting of voltooiing van enige handeling of funksie, of vir die uitoefening van enige reg, indien hy of sy tevrede is dat daar omstandighede bestaan wat sodanige verrigting, voltooiing of uitoefening binne die voorgeskrewe tydperk of teen die voorgeskrewe datum of tyd of onmoontlik of onredelik moeilik maak.
- (2) Die Premier kan die datum, tyd of tydperk in (1) bedoel voor of na die verstryking van sodanige datum, tyd of tydperk wysig of verleng.

Bevoegdhede van die Hof

- 81 By enige verrigtinge waar die geldigheid van 'n *tussenverkiesing* of verkiesingsuitslag bevraagteken word, mag die hof, tensy die *tussenverkiesing* nietig verklaar word, of beveel dat 'n nuwe *tussenverkiesing* gehou moet word :
- (a) van die totale aantal stemme deur die kiesbeampte as synde die stemme vir 'n kandidaat of 'n party aangekondig, daardie getal stemme wat na die mening van die hof vir sodanige kandidaat of party uitgebring is voortspruitend uit enige korrupte praktyk of in stryd met hierdie regulasies of enige ander wet aftrek;
- (b) enige foute wat deur die kiesbeampte begaan is met die tel of toewysing van stemme of by die aanvaarding of verwerping van stembriewe regstel deur daardie stemme wat volgens die regstelling van sodanige foute, ingevolge hierdie regulasies in berekening gebring of afgetrek moes wees, in berekening te bring of te verwerp; en
- (c) enige *sodanige* ander optrede volg en enige *sodanige* ander opdrag gelas as wat regverdig en billik blyk.

Geldigverklaring

- 82 Geen *tussen*verkiezing is ongeldig of sal deur 'n hof tersyde gestel word nie, as gevolg van 'n fout of nie nakoming van hierdie regulasies of van enige bepaling ingevolge hierdie regulasies, indien dit blyk dat die *tussen*verkiezing wesenlik in ooreenstemming met die beginsels daarin vervat, uitgevoer is en dat sodanige fout of nie nakoming nie die uitslag van die *tussen*verkiezing beïnvloed het nie.

Kieser mag nie Versoek word om te Openbaar hoe Hy of Sy Gestem het nie

- 83 Daar sal van geen persoon in enige verrigting betreffende 'n *tussen*verkiezing verwag word om die naam van die persoon of party vir wie hy of sy gestem het openbaar te maak nie.

Geheimhouding

- 84 Elke verkiesingsbeampte, polisiebeampte, kandidaat of kandidaatsagent, of partyagent en bode wat teenwoordig is by 'n stemburo of by die tel van stemme, sal geheimhouding van die stemming handhaaf.

Verbod op Sekere Politieke Bedrywighede Gedurende Sekere Tydperk Voor en Tydens die Tussenverkiezingstydperk

- 85 (a) Geen persoon sal gedurende die tydperk 48 uur voor tot 23:59 op die dag van die *tussen*verkiezing enige openbare demonstrasie, optog, openbare vergadering of byeenkoms van politieke aard hou of daaraan deelneem nie.
- (b) Die hou van of deelname aan enige aktiwiteit bedoel by paragraaf (a), is 'n misdryf.

HOOFSTUK 16**MISDRYWE EN STRAWWE****Inmenging met Tussenverkiesingsprosedure**

86 Enige persoon wat :

- (a) weier of versuim om te voldoen aan *enige* lasgewing, opdragte of bevel wettig uitgereik deur of ten behoeve van die kieserslysbeampte, kiesbeampte of enige verkiesingsbeampte;
- (b) weier of versuim om 'n stemburo of plek vir die tel van stemme of binne-omtrek te verlaat wanneer daartoe beveel ingevolge regulasie 36 of 59;
- (c) 'n stemburo of plek vir die tel van stemme of binne-omtrek strydig met regulasie 37 of 59 binnegaan of daarin vertoef; of
- (d) 'n verkiesingsbeampte of kandidaat-agent dwarsboom of verhinder in die uitvoering van sy of haar wettige pligte,

is aan 'n misdryf skuldig.

Skending van Geheimhouding

87 Enige persoon wat :

- (a) regulasie 47 of 84 oortree;
- (b) wederregtelik poog om vas te stel of direk of indirek enige ander persoon help om vas te stel vir watter kandidaat of kandidate of party enige persoon van plan is om te stem of gestem het;
- (c) direk of indirek enige persoon aan wie 'n stembrief uitgereik is oorreed of probeer oorreed om sy of haar stembrief te vertoon nadat hy dit gemerk het, op sodanige wyse om die naam of name van die kandidaat of kandidate vir wie hy of sy gestem het, openbaar te maak;
- (d) op enige ander stembrief as die stembrief wat aan hom of haar uitgereik is, enige merk of skrifteken plaas waardeur die persoon wat sy stem daarop uitgebring het, geïdentifiseer mag word;
- (e) behalwe in antwoord op 'n vraag wat wettig aan hom gestel is gedurende die verloop van hofverrigtinge, van 'n bevoegde hof, enige inligting bekendmaak of meedeel wat hy of sy rakende die kandidaat of kandidate of party vir wie 'n stem uitgebring is op enige stembrief mag bekom het; of

- (f) wederregtelik die seël of hegstuk breek of op enige wyse die inhoud van 'n stembus, pakkie of koevert oopmaak of verwyder, soos bedoel by regulasies 51(2), 57, 67 of 68,

is aan 'n misdryf skuldig.

Onbehoorlike beïnvloeding

- 88 (1) Enige persoon wat, direk of indirek, teen of aan *enige ander persoon* of enige eiendom dwang, geweld of seksuele teistering gebruik of die gebruik daarvan bewerkstellig, of dreig om dit te gebruik of die gebruik daarvan te bewerkstellig of enige leed, skade, verlies of nadeel berokken of dreig om dit te berokken :

- (a) met die *bedoeling* om sodoende enige persoon te dwing, te oorreed of te beïnvloed :

- (i) om te stem of hom of haar daarvan te weerhou om te stem, hetsy enigsins, of vir enige party of enige kandidaat of op enige ander wyse; of

- (ii) om enige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard by te woon of daaraan deel te neem, of om hom of haar van bywoning daarvan of deelname daaraan te weerhou, of op 'n ander wyse steun te verleen aan of vir 'n party of 'n kandidaat; of

- (b) met die gevolg dat 'n persoon wat:

- (i) gestem het, gepoog het om te stem of hom of haar daarvan weerhou het om te stem, hetsy enigsins, of vir 'n bepaalde party, of kandidaat of op enige ander wyse; of

- (ii) enige sodanige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard bygewoon of daaraan deelgeneem het, of hom of haar daarvan weerhou het om dit by te woon of daaraan deel te neem, of steun verleen het soos voormeld,

is aan 'n misdryf skuldig.

- (2) Enige persoon wat *enige ander* persoon oorreed, beïnvloed of oorhaal om in die *tussenverkiesing* te stem, met die wete dat sodanige ander persoon nie geregtig is om in die betrokke *tussenverkiesing* te stem nie, is aan 'n misdryf skuldig.

- (3) Enige persoon wat, direk of indirek, deur dwang of intimidasie:

- (a) die vrye uitoefening van stemreg deur enige kieser belemmer of verhinder of dreig om dit te belemmer of te verhinder; of
 - (b) op enige wyse die uitslag van enige *tussenverkiesing* beïnvloed, is aan 'n misdryf skuldig.
- (4) Enige persoon wat, direk of indirek, deur dwang, intimidasie of andersins, enige kieser wat reeds by die *tussenverkiesing* gestem het, dwing of oorreed :
- (a) om aan sodanige of enige ander persoon die naam van die party of kandidaat waarvoor die kieser gestem het, mee te deel; of
 - (b) om die stembrief waarop sodanige kieser sy of haar stem gemerk het op so 'n wyse te vertoon as om aan sodanige of enige ander persoon die naam van die party of die kandidaat waarvoor die kieser gestem het, bekend te maak,
- is aan 'n misdryf skuldig.

Omkopery

89

- (1) Enige persoon wat, direk of indirek :

- (a) enige geldwaardige teenprestasie vir hom- of haarself of vir enige ander persoon aanvaar of daarvoor kontrakteer, sodat hy of sy of sodanige ander persoon stem of instem om te stem, of hom of haar daarvan weerhou, of instem om hom of haar daarvan te weerhou om te stem, hetsy enigsins, of vir enige party of enige kandidaat op enige ander wyse; of
- (b) na die *tussenverkiesing*, enige geldwaardige teenprestasie aanvaar vir hom- of haarself, of vir enige ander persoon, as gevolg van die oorreding of beïnvloeding van enige persoon om te stem of hom of haar daarvan te weerhou om te stem soos vermeld;
- (c) enige geldwaardige teenprestasie gee, leen of verkry, of instem, aanbied of beloof om dit te gee, leen of verkry, aan of vir enige kieser, of enige ander persoon, ten einde enige persoon te oorreed of beïnvloed:
 - (i) om te stem of hom of haar daarvan te weerhou om te stem, hetsy enigsins, of vir enige party of enige kandidaat of op enige ander wyse; of
 - (ii) enige politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard by te woon of daaraan deel te neem, of hom of haar te weerhou van bywoning daarvan

of deelname daaraan, of op 'n ander wyse steun te verleen aan of vir 'n party of 'n kandidaat; of

- (d) as gevolg daarvan dat 'n persoon gestem het of hom of haar daarvan weerhou het om te stem, hetsy enigins, of vir 'n party of enige kandidaat, op enige ander wyse, enige geldwaardige teenprestasie gee, leen of verkry of instem, aanbied of beloof om dit te gee, leen of verkry, aan of vir enige ander kieser, of aan of vir enige ander persoon,

is aan 'n misdryf skuldig.

- (2) Enige persoon wat, as gevolg van sy of haar aanvaarding van enige geldwaardige teenprestasie, stem of hom of haar daarvan weerhou om te stem, hetsy enigins, of vir enige party, of enige kandidaat of op enige ander wyse, is aan 'n misdryf skuldig.

Uitgee vir Ander

- 90 Enige persoon wat gedurende die *tussenverkiesing* by enige stemgebied soos bedoel by regulasie 36(1) :

- (a) aansoek doen om 'n stembrief in die naam van 'n ander persoon, hetsy lewend, afgestorwe of denkbeeldig;
- (b) behalwe soos in regulasie 53 bepaal, 'n stem in die naam van 'n ander persoon uitbring;
- (c) nadat hy of sy op die wyse in hierdie regulasies bepaal, gestem het, weer stem of aansoek doen om 'n stembrief in dieselfde *tussenverkiesing*; of
- (d) stem met die wete dat hy of sy nie geregtig is om in die betrokke *tussenverkiesing* te stem nie,

is aan 'n misdryf skuldig.

Verbod op Bemoeiing met Kieserregistrasie en Tussenverkiesingsmateriaal

- 91 (1) Enige persoon wat enige *kieserregistrasie* of *tussenverkiesingsmateriaal* verwyder, vernietig, versteek of skend of bystand verleen by die verwydering, vernietiging, versteking of skending daarvan, behalwe op gesag van hierdie regulasies is aan 'n misdryf skuldig.
- (2) Enige persoon wat van enige ander persoon 'n eis op vorm ER1 of op 'n vorm wesenlik in ooreenstemming met vorm ER1 ontvang of aanvaar, sal toesien dat daardie eis betyds aan die kieserslysbeampte by die adres op vorm ER1 vir die betrokke *munisipaliteit* aangedui, afgelewer word en enige persoon wat opsetlik of nalatig versuim om dit te doen, is aan 'n misdryf skuldig.

Verbod op Ongemagtigde Druk, Vervaardiging en Verskaffing van Stemateriaal en Tussenverkiesingsmateriaal

- 92 Enige persoon wat regstreeks of onregstreeks, enige tussenverkiesingsmateriaal in verband met die *tussenverkiesing* druk, vervaardig of verskaf of die druk, vervaardiging of verskaffing daarvan bewerkstellig, behalwe op gesag van 'n *munisipaliteit*, is aan 'n misdryf skuldig.

Verbod op Bemoeiing met Vrye Politieke Werwing en Veldtogvoering

- 93 Enige persoon wat :

- (a) regstreeks of onregstreeks, deur dwang, geweld, seksuele teistering of andersins te gebruik of daarmee te dreig, die hou van 'n politieke vergadering, optog, betoging of ander gebeurtenis van 'n politieke aard, of enige ander persoon van die bywoning of deelname daaraan, verhinder;
- (b) 'n wenselijke ontwrigting veroorsaak met die opset om 'n geregistreerde party te verhinder om 'n openbare politieke vergadering te hou;
- (c) die reg van toegang soos bedoel by regulasie 74 belemmer of verhinder of dreig om dit te belemmer; of
- (d) 'n lid of 'n verteenwoordiger van die *munisipaliteit* belemmer of verhinder of dreig om hom of haar te belemmer of verhinder om toegang tot kiesers in 'n bepaalde gebied, hetsy openbaar of privaat, te verkry op die wyse en gedurende tydperk of periode voorgeskryf, vir doeleindes van kieserregistrasie,

is aan 'n misdryf skuldig.

Verbod op Maak van Opsetlike Vals Verklarings of Publisering van Vals Inligting

- 94 Enige persoon wat :

- (a) 'n vals verklaring maak of vals besonderhede verskaf in 'n verklaring wat ingevolge hierdie regulasie vereis word met die wete dat sodanige verklaring of besonderhede vals is of sonder redelike gronde vir oortuiging dat dit waar is; of
- (b) op enige wyse hoe ook al vals inligting publiseer, herhaal of versprei met die doel om :
 - (i) die *tussenverkiesing* te ontwrig of te verhinder;
 - (ii) vyandigheid of vrees te skep ten einde die proses of uitslag van die *tussenverkiesing* te beïnvloed; of

- (iii) andersins die proses of uitslag van die *tussenverkiesing* te beïnvloed,

is aan 'n misdryf skuldig.

Ander Oortredings

95 (1) Enige persoon wat :

- (a) enige stembrief of die amptelike merk daarop vervals, namaak of wederregtelik vernietig of verander;
- (b) sonder behoorlike magtiging enige stembrief aan enige persoon uitreik;
- (c) enige vervalste of nagmaakte stembrief of enige stembrief anders as die stembrief wat hy ingevolge die wet gemagtig is om in die stembus te plaas, in 'n stembus plaas;
- (d) wederregtelik enige stembrief of ander *tussenverkiesingsmateriaal* uit die stemburo verwyder; of
- (e) wederregtelik enige stembus of stembrief wat op daardie oomblik in gebruik is vir doeleindes van 'n *tussenverkiesing* vernietig, oopmaak of andersins daarmee peuter; of
- (f) rook, of behalwe soos toegelaat ten einde 'n plig ingevolge hierdie regulasies uit te voer, 'n vuurhoutjie trek of aansteker of enige ontvlambare stof in die stemburo gebruik;
- (g) ander dan 'n polisiebeampte of lid van die veiligheidsmagte aan diens in besit van 'n vuurwapen, 'n stemburo of die binne-omtrek van 'n stemgebied betree of vertoef;
- (h) wat die bepalings van regulasies 16, 75 of 85(a) oortree of versuim om daaraan te voldoen; of
- (i) enige oortreding van hierdie regulasies begaan,

is aan 'n misdryf skuldig.

- (2) Enige persoon wat 'n vals verklaring maak in antwoord op 'n vraag wat gevra is in terme van of in 'n verklaring soos bedoel by regulasies 48 of 54, is aan 'n misdryf skuldig tensy hy of sy bewys dat hy of sy nie geweet het dat sodanige verklaring vals was nie.

Strawwe

- 96 (1) Enige persoon wat skuldig bevind word aan enige van die misdrywe bedoel in hierdie Hoofstuk is, indien skuldig bevind aan 'n oortreding van 'n bepaling van :
- (a) regulasie 88(1), (3) of (4) of 90, 91, 93(a) of 94(b), strafbaar met 'n boete wat nie R100 000 te bowe gaan nie of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, of met daardie boete sowel as daardie gevangenisstraf;
 - (b) regulasie 89, strafbaar met 'n boete of met gevangenisstraf vir 'n tydperk van hoogstens vier jaar, of met daardie boete wat nie R80 000 te bowe gaan nie sowel as daardie gevangenisstraf;
 - (c) regulasie 87, 88(2), 85 of 93(b), (c) of (d), strafbaar met 'n boete wat nie R60 000 te bowe gaan nie of met gevangenisstraf vir 'n tydperk van hoogstens drie jaar, of met daardie boete sowel as daardie gevangenisstraf;
 - (d) regulasie 86(d) of 94(a), strafbaar met 'n boete wat nie R40 000 te bowe gaan nie of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf; of
 - (e) regulasie 58(1) of 86(a), (b) of (c), strafbaar met 'n boete wat nie R20,000 te bowe gaan nie of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande, of met daardie boete sowel as daardie gevangenisstraf.
- (2) Enige persoon wat skuldig bevind word aan 'n oortreding van hierdie regulasies, sal, indien 'n ander straf nie spesifiek voorgeskryf is nie, strafbaar wees met 'n boete wat nie R40 000 te bowe gaan nie of gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met daardie boete sowel as daardie gevangenisstraf.

Oortredings Gerapporteer aan die Staatsaanklaer

- 97 Die kiesbeampte sal enige waarskynlike of beweerde oortreding van hierdie regulasies so spoedig moontlik nadat hy of sy van sodanige waarskynlike of beweerde oortreding bewus geraak het aan die staatsaanklaer rapporteer.

HOOFSTUK 17

REGLEMENT VAN ORDE, ONDESKRYWERS, TOEPASSING EN ADMINISTRASIE DAARVAN

Woordomskrywing

98 (1) Vir doeleindes van regulasies 98 tot en met 138 asook Bylae 2, 3, 4, en 5 tensy uit die samehang anders blyk, beteken :

- (a) "**dag**", 'n aaneenlopende tydperk van vier en twintig uur beginnende om middernag, *uitgesluit* 'n Saterdag, Sondag of openbare vakansiedag soos bedoel by die Wet op Openbare Feesdae, 1994 (Wet 36 van 1994);
- (b) "**kandidaat**", enige persoon wie se naam ingevolge regulasie 21(2)(b), (c) of (d) in die openbaar verklaar is; en sluit dit, tensy dit uit die samehang anders blyk, 'n voorgestelde kandidaat in;
- (c) "**kandidaatsverteenwoordiger**", enige persoon soos bedoel by regulasie 99(1)(c)(i) tot en met (v);
- (d) "**ondersteuner**", 'n persoon of organisasie wie se naam as lid of finansiële ondersteuner op 'n amptelike lys van 'n plaaslike, provinsiale of nasionale ledelys of lys van finansiële ondersteuners van 'n party verskyn, of wat andersins as 'n ondersteuner of finansiële ondersteuner van 'n party of kandidaat identifiseer kan word;
- (e) "**Premier**", die Premier soos bedoel by artikel 144(1) van die Grondwet in die toepassing en uitvoering van al die bevoegdhede en funksies hom of haar by regulasie 101 opgedra, in oorleg met die Uitvoerende Raad van die provinsie;
- (f) "**verteenwoordiger**", 'n kandidaatsverteenwoordiger;
- (g) "**voorgeskrewe**", by hierdie regulasies voorgeskryf;
- (h) "**voorgestelde kandidaat**", enige persoon ten opsigte van wie 'n nominasievorm ingevolge regulasie 21(1) ingehandig of ingevolge regulasie 21(5), gewysig is;
- (i) "**Sekretaris**", die persoon ingevolge regulasie 116 en 117 as sodanig aangestel of sy of haar gevolmagtigde verteenwoordiger.

Onderskrywers van die Verkiesingsgedragskode, Strawwe en Strafmaatreëls

99 (1) Die Verkiesingsgedragskode (hierna verwys na as "die Kode") in Bylae 2 by hierdie regulasies :

- (a) word geag onderskryf te wees deur elke kandidaat as 'n vereiste vir aansoek om registrasie of aflewering en aanvaarding van nominasie; asook *elke party of kandidaat of tradisionale leier wat by wyse van woord of daad, direk of indirek aan voorbereidings vir of veldtogvoering of openbare debat met betrekking tot die tussenverkiesing deelneem of organiseer*;
 - (b) is binne die regsgebied van die *munisipaliteit* waarop sodanige *tussenverkiesing* betrekking het, bindend op :
 - (i) sodanige party;
 - (ii) elke ampsdraer, *en*;
 - (iii) enige ander lid, verteenwoordiger of ondersteuner van sodanige party.
 - (c) is binne die regsgebied van die *munisipaliteit* waarop sy of haar nominasie betrekking het, bindend op:
 - (i) sodanige kandidaat;
 - (ii) elke agent deur sodanige kandidaat ingevolge regulasie 21(1) gemagtig;
 - (iii) elke agent of bode deur sodanige kandidaat ingevolge regulasie 23 aangestel;
 - (iv) elke persoon wat sodanige kandidaat se nominasievorm ingevolge regulasie 21(1), of enige gewysigde of reggestelde nominasievorm ingevolge regulasie 21(5) onderteken het; en
 - (v) enige ander verteenwoordiger of ondersteuner van sodanige kandidaat of kandidaat; en
 - (d) sal vanaf *die datum van verklaring van die vakature ingevolge regulasie 2(3) tot en met die verklaring van die uitslag ingevolge regulasie 68 bindend wees*.
- (2) Behoudens die bepalinge van regulasie 109, sal enige party of partyverteenwoordiger, partykandidaat of kandidaatsverteenwoordiger wat enige bepaling van die Kode verbreek, by bevinding van die verbreking van enige sodanige bepaling, onderhewig wees aan een of meer van die volgende strawwe of strafmaatreëls waarvan enige of almal op bepaalde voorwaardes opgeskort mag word :

- (a) in die geval van 'n party wie of kandidaat of verteenwoordiger wat 'n bepaling van die Kode verbreek het :
- (i) 'n formele waarskuwing;
 - (ii) 'n boete wat nie R100 000 te bowe gaan nie;
 - (iii) 'n bevel wat sodanige party, kandidaat of verteenwoordiger hetsy permanent of vir 'n bepaalde tydperk verbied om enige mediatyd te gebruik, insluitend enige sodanige televisie- of uitsaaidienste wat aan sodanige party, kandidaat of verteenwoordiger vir doeleindes van die *tussenverkiesing* beskikbaar gestel is of *gestel mag word*;
 - (iv) 'n bevel wat sodanige party, kandidaat of verteenwoordiger verbied om :
 - (aa) bepaalde openbare vergaderings, betogings of opmarses of enige sodanige tipe vergadering, betoging of opmars, te hou of te reël;
 - (bb) die regsgebied van die *munisipaliteit* of enige gedeelte daarvan of enige wyk of wyke daarin te betree met die doel om lidmaatskap te werf of vir enige ander doeleinde van die *tussenverkiesing*;
 - (cc) plakkate of baniere op te rig of om reklameliteratuur te publiseer en te versprei;
 - (dd) reklameliteratuur te publiseer of te versprei en advertering vir doeleindes van die *tussenverkiesing* te doen,
- of om die reg van sodanige party, kandidaat of verteenwoordiger om dit te doen, in te kort;
- (v) 'n bevel wat sodanige party, kandidaat of verteenwoordiger verbied om buitelandse befondsing te ontvang, hetsy in die geheel of gedeeltelik, insluitende 'n bevel wat die terugbetaling van enige sodanige fondse of enige gedeelte van sodanige fondse reeds ontvang, binne 'n bepaalde tydperk vereis;
- (b) in die geval van 'n party, kandidaat of verteenwoordiger wat die bepaling van die Kode verbreek het :
- (i) deur enige handeling of versuim wat geweld of intimidasie met betrekking tot of wat die obstruksie of verhinderings van

vrye of veilige toegang deur enige party, kandidaat, verteenwoordiger of kieser insluit :

(aa) 'n bevel wat enige sodanige party, kandidaat of verteenwoordiger van enige gebied, insluitend enige wyk of stemburo waarbinne sodanige verbreking voorgekom het, uitsluit;

(bb) 'n bevel wat die aansoek ten opsigte van 'n kandidaat, sy of haar nominasie soos bedoel by regulasie 21(1), of die aanvaarding van 'n nominasie ingevolge regulasie 21(3)(c), of verkiesing ingevolge regulasie 21(3)(b) kanselleer en gevolglik die reg van enige sodanige kandidaat *kanselleer* om in die gebied waar sodanige verbreking voorgekom het, aan die *tussenverkiesing* deel te neem; of

(cc) 'n bevel wat (meer as een bevel ingevolge subparagrafe (i)(aa), of (bb) hierbo, insluit;

(ii) deur enige bedrieglike handeling *waardeur* stemme verkry is, 'n bevel waarby die aantal stemme ten gunste van sodanige kandidaat verkry, verminder word met 'n bepaalde aantal stemme.

Vermoedens by Uitgevoerde Handeling of Versuim om Sekere Handeling Uit te Voer

100 Indien daar by enige verrigtinge ingevolge hierdie regulasies bewys is dat enige by regulasie 115 bedoelde handeling deur 'n kandidaatsvertteenwoordiger uitgevoer is, of dat sodanige verteenwoordiger versuim het om enige sodanige handeling uit te voer :

(a) by die uitoefening van sy of haar bevoegdhede of in die uitvoering van sy of haar pligte of funksies as sodanige verteenwoordiger, word sodanige handeling geag deur daardie kandidaat uitgevoer te wees of deur sodanige kandidaat versuim is; of

(b) by die uitvoering van die sake of bevordering of poging tot bevordering van die belange van sodanige kandidaat, word sodanige handeling of versuim geag deur sodanige kandidaat en elke ander persoon wat tydens die uitvoering van sodanige handeling of versuim sodanige kandidaatsvertteenwoordiger was, uitgevoer of versuim te wees, tensy bewys word dat sodanige ander persoon nie aan sodanige handeling of versuim deelgeneem het nie en dat sodanige kandidaat of persoon nie in staat was om te voorkom dat sodanige handeling of versuim gelang van die geval, dit nie kon verhoed het nie.

Instelling en Samestelling van Verkiesingstribunale

- 101 (1) Die Premier mag by proklamasie soveel Verkiesingstribunale instel as wat hy of sy nodig mag ag en sal die regsgebied of regsgebiede van sodanige tribunaal of tribunale by sodanige proklamasie afgebaken en ingesluit word.
- (2) 'n Verkiesingstribunaal by subregulasie (1) ingestel, beskik by afkondiging van sodanige proklamasie oor al die bevoegdhede, pligte en funksies van 'n Verkiesingstribunaal ingevolge hierdie regulasies.
- (3) 'n Verkiesingstribunaal bestaan uit een persoon wat 'n prokureur, advokaat of akademiese prokureur aan 'n universiteit verbonde is, met ten minste vyf jaar ervaring in ten minste een of meer sodanige hoedanighede, of 'n afgetrede regter wat deur die Premier as voorsittende beampte aangewys en tot die amp aangestel is.
- (4) Indien 'n voorsittende beampte weens afwesigheid of ongesteldheid nie in staat is om die verhoor van 'n klagte te voltooi nie, word sodanige verhoor *de novo* voor 'n ander voorsittende beampte begin.

Bevoegdhede, Pligte en Funksies van Verkiesingstribunale

- 102 (1) 'n Verkiesingstribunaal wat enige aangeleentheid binne sy jurisdiksie aanhoor, sal op die voorgeskrewe wyse ondersoek na die aangeleentheid instel, dit oorweeg en sodanige beslissing, bevel of bevele maak wat na sy mening billik en regverdig is.
- (2) 'n Verkiesingstribunaal wat enige persoon of party skuldig bevind aan 'n verbreking of versuim om enige bepaling van die Kode na te kom, mag enige by hierdie regulasies voorgeskrewe straf of strafmaatreël opleë wat hy onder die omstandighede as toepaslik beskou.
- (3) 'n Verkiesingstribunaal sal oor enige ander bevoegdhede, pligte en funksies soos wat opgedra mag word, beskik.

Instelling en Samestelling van Verkiesingsappèltribunale

- 103 (1) Die Premier sal een Verkiesingsappèltribunaal met jurisdiksie ten opsigte van die provinsie, of meer Verkiesingsappèltribunale ten opsigte van gebiede by sodanige proklamasie bepaal en ingesluit, instel soos wat hy of sy nodig ag.
- (2) 'n Verkiesingsappèltribunaal ingevolge subregulasie (1) ingestel sal by sodanige proklamasie oor al die regte, pligte en funksies van 'n Verkiesingsappèltribunaal ingevolge hierdie regulasies beskik.
- (3) 'n Verkiesingsappèltribunaal bestaan uit drie persone deur die Premier aangestel, van wie :

- (a) die voorsitter 'n prokureur, advokaat, 'n akademiese regspraktisyn aan 'n universiteit verbonde met nie minder nie as tien jaar ondervinding in een of meer sodanige hoedanighede of afgetrede regter sal wees;
 - (b) een 'n prokureur, advokaat, 'n akademiese regspraktisyn verbonde aan 'n universiteit met nie minder nie as vyf jaar ondervinding in een of meer sodanige hoedanighede of afgetrede regter sal wees; en
 - (c) een 'n geskikte persoon wat nie regsgekwalfiseerd of oor sodanige ondervinding hoef te beskik nie, sal wees.
- (4) Die beslissing van 'n meerderheid van die lede van 'n Verkiesingsappèltribunaal is 'n beslissing van sodanige Tribunaal.

Bevoegdhede, Pligte en Funksies van Verkiesingsappèltribunale

- 104 (1) 'n Verkiesingsappèltribunaal wat enige aangeleentheid binne sy jurisdiksie aanhoor, sal op die voorgeskrewe wyse ondersoek na die aangeleentheid instel, dit oorweeg en sodanige beslissing, bevel of bevele maak wat na sy mening billik en regverdig is.
- (2) 'n Verkiesingsappèltribunaal wat enige persoon of party skuldig vind aan 'n verbreking of versuim om enige bepaling van die Kode na te kom, mag enige voorgeskrewe straf of strafmaatreël oplê wat hy onder die omstandighede as toepaslik beskou.
- (3) 'n Verkiesingsappèltribunaal wat enige appèl aanhoor of enige beslissing hersien, sal ondersoek daarna op die voorgeskrewe wyse instel, dit oorweeg en bekragtig, wysig of die besluit, bevel, straf of strafmaatreël van 'n Verkiesingstribunaal tersyde stel, of sodanige ander besluit maak of bevel, straf of strafmaatreël oplê as wat die Verkiesingstribunaal na sy mening moes maak, gegee of opgelê het.
- (4) 'n Verkiesingsappèltribunaal sal oor enige ander bevoegdhede, pligte en funksies beskik soos *wat voorgeskryf mag word*.

Appèl en Hersiening

- 105 (1) Enige eiser of respondent mag binne die voorgeskrewe tydperk en op die voorgeskrewe wyse na die Verkiesingsappèltribunaal appèlleer teen enige besluit, bevel, straf of strafmaatreël wat deur enige Verkiesingstribunaal ten opsigte van sodanige eiser of respondent gemaak, gegee of opgelê is.
- (2) Enige eiser of respondent mag enige besluit van enige Verkiesingstribunaal binne die voorgeskrewe tydperk en op die voorgeskrewe wyse deur die Verkiesingsappèltribunaal laat hersien.

Verteenwoordiging by Verrigtinge van Tribunale

- 106 (1) Enige natuurlike persoon wat 'n eiser of respondent tot enige verrigtinge van 'n Tribunaal is, sal persoonlik voor so 'n Tribunaal verskyn en mag hom- of haarself verteenwoordig of skriftelik 'n verteenwoordiger aanstel.
- (2) Enige ander persoon of party wat 'n eiser of respondent tot die verrigtinge van 'n Tribunaal is, mag skriftelik 'n verteenwoordiger aanstel.

Aard van Tribunale, Rekords en Afdwinging van Geregtelike Proses

- 107 (1) Elke Verkiesingstribunaal en Verkiesingsappèltribunaal is 'n tribunaal van oorkonde.
- (2) (a) Die mondelinge getuienis tydens die verrigtinge gelewer en die bevindings van 'n Verkiesingstribunaal of Verkiesingsappèltribunaal en die bevindings van sodanige Tribunaal en indien deur die voorsittende beamppte of voorsitter verlang, sal die pleidooie by of ten behoeve van die partye by die verrigtinge aangevoer, of per hand of meganies aangeteken word.
- (b) Die oorkonde van die verrigtinge van 'n Tribunaal sluit in:
- (i) enige eedsverklarings en gepaardgaande dokumentasie ingehandig ter ondersteuning van die bevel, straf of strafbepaling geëis;
 - (ii) enige mondelinge getuienis aangebied;
 - (iii) enige beswaar teen enige getuienis gelewer of aangebied;
 - (iv) die verrigtinge van die Tribunaal in die algemeen, insluitend die verrigtinge van 'n ondersoek ter plaatse;
 - (v) enige dokument, toepaslik in alfabetiese volgorde gemerk, ingehandig ter ondersteuning van enige mondelinge getuienis; en
 - (vi) enige bevindings van sodanige Tribunaal en die redes daarvoor.
- (3) Elke geregtelike proses uitgevaardig of in verband met enige verrigtinge wat by 'n Tribunaal ingestel of ingestel gaan word, bevel van, en enige straf of strafmaatreël deur enige Tribunaal opgelê, is regdeur die Provinsie van krag.

Kostebevele Tydens Verrigtinge van Tribunale

- 108 'n Tribunaal mag 'n bevel waaringevolge die redelike uitgawes wat werklik en noodsaaklikerwys deur enige persoon of party wie of wat 'n eiser of respondent

tot die verrigtinge is of enige ander persoon of party tot die verrigtinge aangegaan is, wat deur die voorsittende beampte of voorsitter, na gelang van die geval, goedgekeur is, deur enige ander persoon of party, hetsy ten volle of gedeeltelik te betaal, maak.

Instelling van Verrigtinge

- 109 (1) Die kiesbeampte mag ten opsigte van die regsgebied waarvoor hy of sy aangestel is hetsy uit eie beweging of op grond van enige verslag te enige tyd aan hom of haar gemaak, te enige tyd verrigtinge instel in:
- (a) die Verkiesingsappèltribunaal, in die geval van 'n beweerde verbreking van die Kode wat na sy of haar oordeel van so 'n aard is dat dit onderworpe mag wees aan 'n straf of strafmaatreël ingevolge regulasie 99(2)(a)(iv), (v), (vi) of (b);
 - (b) die Verkiesingstribunaal in wie se regsgebied sodanige verbreking, onreëlmatigheid, oortreding of versuim na bewering voorgekom het, in die geval van enige ander verbreking van die Kode.
- (2) 'n Verkiesingstribunaal wat 'n beweerde verbreking van die Kode ingevolge subregulasie (1)(b) bereg, mag die straf of strafmaatreël bedoel by regulasie 99(2)(a)(i), (ii) of (iii) oplê: Met dien verstande dat sodanige Tribunaal 'n aangeleentheid wat na sy oordeel 'n straf of strafmaatreël regverdig wat sy jurisdiksie te bowe gaan, op die voorgeskrewe wyse na die Verkiesingsappèltribunaal mag verwys met 'n aanbeveling in verband met die oplegging van 'n gepaste straf of strafmaatreël.
- (3) By verwysing en op aanbeveling van 'n Verkiesingstribunaal ingevolge subregulasie (2), mag die Verkiesingsappèltribunaal die voorgeskrewe of enige ander straf of strafmaatreël in regulasie 99(2) bedoel, oplê wat hy toepaslik vind.
- (4) 'n Verkiesingsappèltribunaal wat 'n beweerde verbreking van die Kode ingevolge subregulasie (1)(a) bereg, mag 'n straf of strafmaatreël in regulasie 99(2)(a)(i), (ii) of (iii) beoog ten opsigte daarvan, of enige ander straf of strafmaatreël in regulasie 99(2) beoog, oplê.
- (5) In die geval waar die Premier weier om 'n Verkiesingstribunaal ingevolge regulasie 101(1) in te stel, sal die Verkiesingsappèltribunaal alle beweerde verbrekings van die Kode aanhoor en mag dit enige straf of strafmaatreël in regulasie 99(2) bedoel, oplê.
- (6) By die besluit in verband met toepaslike strawwe of strafmaatreëls sal die betrokke Tribunaal enige ander gevolg wat op grond van dieselfde gebeurtenis uit siviele of kriminele verrigtinge mag spruit, in gedagte hou.

Sekretariële en Ander Dienste

- 110 Die administratiewe en sekretariële werk aan die verrigting van die werksaamhede van 'n Verkiesingstribunaal en die Verkiesingsappéltribunaal verbonde word onder die gesag en verantwoordelikheid van die Direkteur-generaal van die provinsie verrig deur die Sekretaris en beamptes van die provinsiale regering of sodanige ander persone wat vir die doel deur sodanige Direkteur-generaal aangewys is wat onder die beheer, bevel en toesig van die Sekretaris sal wees.

Bevoegdhede, Pligte en Funksies van Sekretaris

- 111 (1) Die Sekretaris is bekleed met die bevoegdhede, pligte en funksies hom of haar by hierdie regulasies opgedra.
- (2) (a) Die bevoegdhede, pligte en funksies by hierdie regulasies aan die Sekretaris opgedra en voorgeskryf, mag deur die Sekretaris persoonlik uitgevoer word of deur :
- (i) enige ander persoon direk of indirek deur die bevoegde gesag binne die regsgebied van die provinsie aangestel of aangewys; of
 - (ii) enige ander beampte in die staatsdiens vir doeleindes van die administrasie van enige bepaling van hierdie regulasies beskikbaar gestel,
- skriftelik deur die Sekretaris daartoe gemagtig.
- (b) Enige amptenaar of beampte soos bedoel in paragraaf (a) mag enige bevoegdhede, pligte en funksies onder die beheer, voorskrifte en toesig van die Sekretaris uitoefen en verrig.

Aanstelling van Tolke

- 112 (1) Indien enige persoon wat getuienis in verrigtinge voor 'n Tribunaal lewer, verkies om daardie getuienis in enige ander taal anders as een van die amptelike tale te lewer, sal die Sekretaris die aanstelling van 'n persoon op die voorwaardes wat die Sekretaris bepaal, as tolk reël om sodanige getuienis na een van die amptelike tale en *vice versa* te vertaal.
- (2) (a) Enige persoon ingevolge subregulasie (1) aangestel, sal voor die aanvang met sy of haar funksies vir die eerste keer, 'n eed aflê of 'n bevestiging in die formaat hieronder uiteengesit, onderteken;

Ek AB verklaar hiermee onder Eed/bevestig opreg dat ek na die beste van my vermoë, getrou en juis uit die taal wat ek aangesê word om te tolk in die Verkiesingstribunaal en/of die Verkiesingsappéltribunaal in een van die amptelike tale sal tolk en omgekeerd.

(In die geval van die aflegging van die Eed)

So help my God

(b) 'n Eed of bevestiging in paragraaf (a) bedoel, word voor die Sekretaris of voorsittende beampte van die betrokke Tribunaal, na gelang van die geval, afgelê of gemaak.

Premier Gebonde

113 Die Premier is aan regulasies 101 en 103 gebonde tot die mate dat hy of sy in ooleg met die Uitvoerende Raad van die Provinsie waar aldus by hierdie regulasies voorgeskryf, sal handel.

HOOFSTUK 18**VERKIESINGSTRIBUNALE****Regsgebiede en Setels van Verkiesingstribunale**

- 114 (1) Die plek deur die Sekretaris binne sy of haar regsgebied aangewys en by kennisgewing in die Provinsiale Koerant gepubliseer, is die setel van 'n Verkiesingstribunaal.
- (2) Ondanks die bepalings van subregulasie (1), mag 'n Verkiesingstribunaal na gelang van omstandighede by sodanige ander plek of plekke binne sy regsgebied sitting hou soos wat van tyd tot tyd deur die Verkiesingstribunaal of Sekretaris bepaal is.

Aangeleentheid deur Verkiesingstribunale Bereg en Beslis

- 115 (1) Behoudens die bepalings van subregulasie (2) is 'n Verkiesingstribunaal bevoeg om enige bewering aan te hoor of te beslis met betrekking tot enige handeling of versuim deur enige party of persoon wat :
- (a) 'n verbreking van die Kode uitmaak in soverre sodanige party of persoon ingevolge die bepalings van regulasie 99 aan die Kode gebonde is;
 - (b)
 - (i) 'n poging, bedoeling of dreigement om enige handeling of versuim om sodanige handeling uit te voer, uitmaak; of
 - (ii) met enige ander persoon saamsweer om enige handeling uit te voer of te versuim om enige sodanige handeling uit te voer; of
 - (iii) 'n aansporing, aanstigting, opdrag of verkryging van enige ander persoon om 'n handeling uit te voer of te versuim om sodanige bedoelde handeling uit te voer, uitmaak.
- (2) 'n Verkiesingstribunaal beskik nie oor die bevoegdheid om enige aangeleentheid bedoel by subregulasie (1) te bereg of te beslis nie, tensy:
- (a) die handeling in subregulasie (1) bedoel na bewering hetsy ten dele of ten volle in die regsgebied van sodanige Verkiesingstribunaal uitgevoer of uitgevoer moes wees, of in die geval van meer as een sodanige handeling of versuim, ten minste een sodanige handeling hetsy ten dele of in die geheel binne die regsgebied van Verkiesingstribunaal uitgevoer of uitgevoer moes wees; of
 - (b) die party of persoon teen wie die verrigtinge in die Verkiesingstribunaal ingestel is of oor 'n adres beskik wat binne die regsgebied van sodanige Verkiesingstribunaal geleë is of wat ingevolge hierdie regulasies geïdentifiseer was as sou hy of sy oor

'n adres binne sodanige regsgebied beskik het op die tydstip toe die Kode ingevolge regulasie 99 op so 'n party of persoon van toepassing gemaak is; of

- (c) sodanige party of persoon wat in sodanige verrigtinge verskyn, beweer dat die Verkiesingstribunaal nie oor die regsbevoegdheid beskik om die aangeleentheid ingevolge hierdie subregulasie te bereg en te beslis nie.

(3) Indien gedurende die verrigtinge van enige aangeleentheid voor 'n Verkiesingstribunaal :

- (a) dit aan die voorsittende beampte blyk dat sodanige Verkiesingstribunaal nie oor die bevoegdheid ingevolge subregulasie (2) beskik om sodanige aangeleentheid te bereg en te beslis nie, sal die voorsittende beampte;

- (i) met die instemming van al die partye by die verrigtinge voortgaan met sodanige aangeleentheid asof daardie Verkiesingstribunaal oor die bevoegdheid beskik om sodanige aangeleentheid te bereg en te beslis; of

- (ii) indien sodanige instemming nie verleen word nie, die oorkonde van die verrigtinge dienooreenkomstig endosseer en sodanige oorkonde aan die Verkiesingstribunaal wat ingevolge subregulasie (2) oor die bevoegdheid beskik om sodanige aangeleentheid te bereg en te beslis, of in die afwesigheid van sodanige ander Verkiesingstribunaal, aan die Verkiesingsappéltribunaal versend, waarop sodanige aangeleentheid in laasgenoemde Verkiesingstribunaal of Verkiesingsappéltribunaal voortgesit word asof dit daar ingestel is;

- (b) sodanige Tribunaal van mening is dat die aangeleentheid 'n straf regverdig wat sy jurisdiksie te bowe gaan, maak die voorsittende beampte 'n aantekening tot daardie effek op die oorkonde van die verrigtinge en word sodanige oorkonde aan die Verkiesingsappéltribunaal versend vir beregtiging en beslissing van die aangeleentheid waarop sodanige aangeleentheid deur die Verkiesingsappéltribunaal ingevolge regulasie 101(2) en (3) oorweeg en afgehandel word.

Instelling van Verrigtinge in Verkiesingstribunale

- 116 (1) Enige party, vereniging, liggaam of persoon (hierna die eiser genoem) wat enige verrigtinge ingevolge hierdie regulasies in 'n Verkiesingstribunaal teen enige party of persoon (hierna die respondent genoem) met betrekking tot enige aangeleentheid in regulasie 115 bedoel wil instel, sal 'n beëdigde verklaring waarin die feitelike bewerings en betoë ter

ondersteuning van die klagte uiteengesit is, aan die kiesbeampte vir die regsgebied van die oorgangsraad aangestel waarop die klagte betrekking het, voorsien.

(2) Die kiesbeampte sal poog om waar moontlik enige aangeleentheid met betrekking tot 'n klagte ingevolge subregulasie (1) by hom of haar ingedien, deur middel van bemiddeling op te los en kan vir die doel sodanige klagte ingevolge regulasie 73(1) na die Verkiesingskomitee verwys.

(3) (a) Indien die kiesbeampte weier om verrigtinge in verband met 'n klagte soos bedoel by subregulasie (1) by hom of haar ingedien, in te stel, word dit geag dat 'n dispuut soos bedoel by regulasie 73(1)(e)(i) bestaan en sal die kiesbeampte onverwyld sodanige klagte na die Verkiesingskomitee by regulasie 73 ingestel, verwys en ook sy of haar skriftelike redes vir sodanige weiering aan die Verkiesingskomitee en die klaer voorsien.

(b) Ondanks enigiets in hierdie regulasies tot die teendeel vervat, mag die Verkiesingskomitee na deeglike oorweging van sodanige dispuut, die kiesbeampte versoek om verrigtinge met betrekking tot die klagte in te stel, waarna die kiesbeampte ingevolge hierdie regulasies sal optree.

(4) Enige feit wat tydens bemiddeling ingevolge subregulasie (2) of regulasie 73(1)(e)(i) aan die lig gekom het is geprivilegeerd.

(5) Indien die kiesbeampte handelend soos bedoel by regulasie 109, beoog om enige verrigtinge in 'n Verkiesingstribunaal ingevolge hierdie regulasies teen 'n respondent met betrekking tot enige aangeleentheid soos bedoel in regulasie 115, in te stel, sal hy of sy daardie verrigtinge deur middel van 'n dagvaardiging vergesel van 'n ondersteunende beëdigde verklaring wat wesenlik in ooreenstemming met die vorm in Bylae 3 vervat is, instel waarin:

(a) die oplegging van die straf, strafbepaling of die voorwaardes teen die respondent geëis op die feitelike bewerings en betoë in voormelde beëdigde verklaring gebasseer, uiteengesit is;

(b) die tyd en datum soos deur die Sekretaris bepaal, wat 'n datum, nie minder as vyf dae na die datum waarop die dagvaardiging op die respondent gedien is nie, sal wees, waarop en die plek waar die aangeleentheid vir beregtiging en beslissing ter rolle geplaas is;

(c) 'n beroep op die respondent gedoen word om, indien hy of sy voornemens is om die aangeleentheid te verdedig :

- (i) nie minder nie as twee dae voor die datum vir beregting en beslissing bepaal, 'n beëdigde verklaring waarin die respondent op die bewerings in die beëdigde verklaring tot die dagvaardiging antwoord, by die Sekretaris in te dien; of
 - (ii) indien die respondent voornemens is om slegs 'n regsvraag te opper, 'n skriftelike kennisgewing van sy of haar voorneme voor of op die datum in item (i) vermeld, by die Sekretaris in te dien waarin sodanige vraag uiteengesit is.
- (6) Die eiser word in elke dagvaardiging as die eiser aangehaal en die eis sal na die instelling van verrigtinge deur die kiesbeampte deur sodanige eiser aangekla word: Met dien verstande dat bedoelde kiesbeampte, indien dit vir hom of haar in belang van geregtigheid blyk te wees :
- (a) as eiser aangehaal en die eis mag voortsit; of
 - (b) te enige tyd gedurende die verrigtinge namens die eiser of respondent tussenbeide mag tree;
- (7) (a) Die Sekretaris moet :
- (i) die dagvaardiging in subregulasie (4) bedoel, uitreik deur *die oorspronklike* te onderteken en sy of haar seël of amptelike stempel daarop te plaas;
 - (ii) 'n opeenvolgende nommer aan elke dagvaardiging deur hom of haar uitgereik, toeken,
- (b) Enige ander beëdigde verklaring of dokument gedurende die verrigtinge van 'n Verkiesingstribunaal ingedien, sal met sodanige nommer deur die party wat sodanige verklaring of dokument indien, gemerk wees.
- (8) 'n Eiser of respondent by die verrigtinge van 'n Verkiesingstribunaal is nie daarop geregtig om enige beëdigde verklarings, uitgesonderd die in subregulasie (5) bedoel, in te dien nie, behalwe met spesiale vergunning van die Verkiesingstribunaal op goeie gronde gegrond en onderworpe aan die voorwaardes deur die Verkiesingstribunaal bepaal, indien enige, ten einde die verrigtinge met die nodige regverdigheid en geregtigheid aan alle partye tot 'n spoedige bevinding te bring.
- (9) Die respondent sal in sy of haar beëdigde verklaring soos bedoel by subregulasie (5)(c)(i), al die materiële feite wat in die ondersteunende beëdigde verklaring by die dagvaardiging aangeheg, beweer word, of erken, ontken, beken of vermeld watter van die feite nie erken word nie en tot watter mate en alle materiële feite waarop hy of sy steun, *kortliks* uiteensit.

Wyse van Dagvaardiging van Partye as Respondente

117 By enige verrigtinge van 'n Verkiesingstribunaal teen 'n party :

(a) sal enige ampsdraer as verteenwoordiger van daardie party gedagvaar word, waarop daar met die persoon aldus as sodanige verteenwoordiger gedagvaar mee gehandel word asof hy of sy die party en respondent is teen wie die verrigtinge ingestel is : Met dien verstande dat :

(i) indien die genoemde persoon gedurende enige stadium van die verrigtinge ophou om sodanige ampsdraer van daardie party te wees, ontvlug of nie in staat is om die verrigtinge by te woon nie, die betrokke Tribunaal van tyd tot tyd en op versoek van die eiser genoemde persoon mag vervang met enige ander persoon wat 'n ampsdraer, kandidaat of gemagtigde verteenwoordiger van genoemde party tydens genoemde vervanging is, waarop die verrigtinge sal voortgaan asof daar geen vervanging plaasgevind het nie;

(ii) die dagvaardiging van 'n ampsdraer, kandidaat of gemagtigde verteenwoordiger van 'n voormelde party om daardie party in enige verrigtinge teen hom te verteenwoordig, sal nie daardie ampsdraer, kandidaat of gemagtigde verteenwoordiger kwytsteld van enige verrigtinge teen hom of haar in sy of haar persoonlike hoedanigheid nie;

(b) sodanige party sal in die naam *van sodanige party* gedagvaar word.

Wyse van Dagvaardiging van 'n Kandidaat of Kandidaatsverteenwoordiger of Party as Respondente

118 (1) By enige verrigtinge van 'n Verkiesingstribunaal :

(a) teen 'n kandidaat, word die kandidaat as respondent gedagvaar; of

(b) teen 'n kandidaatsverteenwoordiger, word die kandidaat sowel as die kandidaatsverteenwoordiger as respondente gedagvaar; of

waarop daar met die persoon of persone of party aldus gedagvaar, gehandel mag word asof hy, sy, of hulle, na gelang van die geval, die persoon en die respondent is teen wie die verrigtinge ingestel is: Met dien verstande dat indien die bedoelde persoon of persone op enige stadium van die verrigtinge ophou om 'n kandidaat of kandidaatsverteenwoordiger te wees, ontvlug of nie in staat is om die verrigtinge by te woon nie, die betrokke Tribunaal die bedoelde persoon of persone op versoek van die eiser van tyd tot tyd, met 'n ander persoon wat ten tye van die vervanging 'n kandidaatsverteenwoordiger is, kan vervang, waarop die verrigtinge sal voortgaan asof daar nie 'n plaasvervanging plaasgevind het nie.

- (2) Enige kandidaat of kandidaatsverteenwoordiger, sal in die naam van sodanige persoon op die toepaslike nominasievorm, aansoek om registrasie of openbare verklaring van nominasie ingevolge hierdie regulasies aangedui; of in die geval van 'n verteenwoordiger wat 'n agent of bode is, in die naam van sodanige persoon ingevolge regulasie 34 aangestel; of in die geval van 'n verteenwoordiger wat 'n ondersteuner is, in die naam van sodanige ondersteuner, gedagvaar word.

Diening van Dagvaardigings

119 (1) 'n Eiser wat nie die kiesbeampte is nie, mag :

- (a) enige dagvaardiging wat ingevolge regulasie 116(1) op sy of haar aandrang uitgereik is, op die bedoelde respondent persoonlik dien; of
- (b) met die respondent se voorafverkreë toestemming, sodanige dagvaardiging op die respondent se regsverteenwoordiger dien; of
- (c) sodanige dagvaardiging aan die kiesbeampte oorhandig vir diening op die respondent soos voorgeskryf by subregulasie (2).

(2) (a) Die eiser wat diening van 'n dagvaardiging deur die kiesbeampte verlang, sal die oorspronklike dagvaardiging asook soveel afskrifte as wat daar respondente is, aan die betrokke kiesbeampte in die betrokke regsgebied voorsien.

(b) Behoudens die bepalings van hierdie regulasie word enige dagvaardiging deur die kiesbeampte op die respondent gedien deur 'n afskrif daarvan op een van die volgende wyses te bestel :

(i) op die respondent persoonlik of op sy of haar behoorlik gemagtigde agent;

(ii) in die geval van 'n party by die adres van sodanige party *se nasionale hoofkantoor of provinsiale hoofkantoor in die provinsie waarin die tussenverkiesing gehou gaan word;*

(iv) *waar sodanige verteenwoordiger 'n partyondersteuner is, by die adres van sodanige ondersteuner;*

(v) *in die geval van 'n kandidaat, by die adres van sodanige kandidaat soos ingevolge regulasie 21 vermeld op die toepaslike ER4 vorm;*

(vi) in die geval van 'n kandidaatsverteenwoordiger:

(aa) by die adres van sodanige verteenwoordiger ingevolge regulasie 21 vermeld;

- (bb) waar sodanige verteenwoordiger 'n agent of bode is, by die adres van sodanige agent of bode soos op die ingevolge regulasie 10(1) *bygewerkte* kieserslys aangedui; of
- (cc) waar sodanige verteenwoordiger 'n kieser is wat sodanige kandidaat se nominasie of gewysigde nominasie onderteken het, by die adres van sodanige sodanige kieser in die *bygewerkte* kieserslys soos aangedui op vorm ER4; of
- (dd) waar sodanige verteenwoordiger 'n ondersteuner is, by die adres van sodanige ondersteuner;
- (vi) in die geval 'n regs persoon, vennootskap of vereniging van persone, hetsy geïnkorporeer al dan nie, by sy kantoor op 'n ampsdraer of werknemer daarvan of op enige van sy lede of ampsdraers by sy of haar woning of besigheidsadres;

Met dien verstande dat waar sodanige diening gedoen is, die kiesbeampte die naam van die persoon op wie dit gedien is, asook die hoedanigheid van die persoon in verhouding tot die respondent op die relaas van diening van die dagvaardiging moet aandui en waar sodanige diening op die wyse *bedoel* by subparagraaf (ii) tot en met (vi), gedoen is, mag die Verkiesingstribunaal, indien daar rede is om te vermoed dat die dagvaardiging aldus gedien, nie werklik tot die respondent se kennis gekom het nie, in die afwesigheid van bevredigende getuienis tot die teendeel, sodanige diening as ongeldig hanteer.

- (3) Waar die party of persoon op wie 'n dagvaardiging gedien moet word, sy of haar adres gesluit hou en in die proses diening van die dagvaardiging op sodanige party of persoon verhoed, is dit voldoende om 'n afskrif daarvan aan die buite- of hoofdeur van sodanige plek of adres vas te heg.
- (4) Die eiser of kiesbeampte mag in enige geval waar teenstand met die behoorlike diening van die betrokke dagvaardiging ondervind is, of redelikerwys verwag word, enige vredesbeampte versoek om die nodige bystand te verleen by die uitvoering van sodanige diening.
- (5) Indien 'n dagvaardiging deur 'n eiser op die respondent persoonlik of *regsverteenwoordiger* gedien is soos voorgeskryf by subregulasie (1)(a) of (b), moet die eiser die volgende ontvangserkenning verkry en die oorspronklike dagvaardiging en ontvangserkenning so spoedig moontlik by die Sekretaris inhandig:

Ek, CD, synde die respondent/regsverteenvoordiger van die respondent in die saak tussen die eiser en myself/respondent, erken hiermee dat 'n afskrif van die dagvaardiging in sodanige saak op my persoonlik gedien is en dat die oorspronklike dagvaardiging aan my getoon is.

Geteken teop hierdie.....dag
van.....19.....

HANDTEKENING

(6) Die kiesbeampte stel die Sekretaris onverwyld skriftelik in kennis dat:

- (a) diening met vermelding van die datum en wyse van diening behoorlik geskied het; of
- (b) hy of sy nie in staat was om die diening uit te voer nie en die rede daarvoor,

en besorg die oorspronklike dagvaardiging aan die Sekretaris.

(7) Die kiesbeampte se relaas van diening en die ontvangserkenning in subregulasie (5) vermeld, is *prima facie* bewys van die inhoud daarvan.

Beregtings en Beslissings in Verkiesingstribunale

120 (1) Die normale bewysregreëls vind nie toepassing by die verrigtinge van 'n Verkiesingstribunaal of 'n Verkiesingsappèltribunaal nie en mag sodanige Tribunaal enige toepaslike feit op sodanige wyse as wat dit goedvind, bepaal.

(2) Indien op die datum waarop die aangeleentheid vir beregtiging en beslissing ter rolle geplaas is :

- (a) die eiser en respondent tot die verrigtinge voor die Verkiesingstribunaal, hetsy persoonlik of by wyse van 'n regsverteenvoordiger verskyn, sal elk slegs een geleentheid kry om die Verkiesingstribunaal toe te spreek en geen ander geleentheid sal gebied word nie, tensy die Verkiesingstribunaal spesiale toestemming na aanleiding van grondige redes aangevoer en op die voorwaardes soos deur hom bepaal, indien enige, verleen het;

- (b) die eiser versuim om op die tydstip vir beregtiging en beslissing vasgestel, te verskyn, mag die Verkiesingstribunaal die aangeleentheid afwys of 'n bevel wat onder die omstandighede as dienstig of toepaslik geag word, maak;

(c) die respondent versuim om *aldus* te verskyn, mag die Verkiesingstribunaal die aangeleentheid behoudens die bepalings van subregulasie (3), oorweeg en indien tevrede dat 'n bevel in die dagvaardiging geëis geregverdig is, so 'n bevel uitreik of enige ander bevel wat onder die omstandighede as dienstig of geskik geag word, maak.

(3) 'n Respondent teen wie 'n bevel ingevolge subregulasie (2)(c) uitgereik is, mag so gou doenlik nadat die bevel tot sy of haar kennis gekom het, by die Verkiesingstribunaal om die opheffing van sodanige bevel aansoek doen by wyse van skriftelike kennisgewing aan die eiser, en die Verkiesingstribunaal mag, op grond van goeie redes aangevoer, sodanige bevel ter syde stel en 'n gepaste bevel maak ten einde die verrigtinge tot 'n spoedige einde te bring.

(4) Indien die aangeleentheid nie op sterkte van die beëdigde verklarings in terme van regulasie 116 ingedien, besleg kan word nie, mag die Verkiesingstribunaal :

(a) inkwisitoriaal ondersoek instel om die toepaslike feite te bepaal en mag die Tribunaal vir hierdie doel enige eiser, respondent of persoon tydens enige stadium van die ondersoek ondervra;

(b) gelas dat mondelinge getuienis op in die bevel gespesifiseerde geskilpunte onverwyld of op 'n datum of datums ten tye van die maak van die bevel bepaal, aangehoor word ten einde enige geskilpunt of feit te besleg;

(c) enige persoon of party by die verrigtinge teenwoordig, of enige ander persoon of party by wyse van 'n getuiedagvaardiging wesenlik in ooreenstemming met die vorm in Bylae 4 uiteengesit en deur die Sekretaris uitgereik, gelas om op 'n datum of datums ten tye van die maak van die bevel bepaal, voor hom te verskyn *om deur die Verkiesingstribunaal ondervra te word of* om as 'n getuie ondervra of gekruisondervra te word, of indien nodig, enige dokument of voorwerp vir ondersoek voor te lê;

(d) die kiesbeampte gelas om enige in die bevel gespesifiseerde plek of voertuig binne te gaan om daar vir enige gespesifiseerde dokument of voorwerp te soek en daarop beslag te lê vir voorlegging en ondersoek tydens die verrigtinge van sodanige Verkiesingstribunaal;

(e) enige ander sodanige bevel maak wat nodig geag word om tot 'n regverdigende en spoedige bevinding met betrekking tot die aangeleentheid te kom.

- (5) 'n Eiser of respondent tot die verrigtinge waarby ingevolge subregulasie (4)(b) 'n bevel tot die lewering van mondelinge getuienis gemaak is, wat vir doeleindes van die bepaling van die aangeleenthede in die bevel gespesifiseer, wens dat enige persoon of party by sodanige verrigtinge as getuie verskyn om ondervra en gekruisondervra te word, of indien nodig, enige dokument of voorwerp vir ondersoek in te dien:
- (a) mag reël dat sodanige persoon of party by wyse van 'n getuiedagvaardiging wesenlik in ooreenstemming met die vorm in Bylae 4 hierby uiteengesit en deur die Sekretaris uitgereik, gelas word om op 'n bepaalde datum daarin gespesifiseer, voor die betrokke Verkiesingstribunaal te verskyn, of indien nodig, enige dokument of voorwerp vir ondersoek voor te lê;
- (b) sal :
- (i) reël dat sodanige kennisgewing *mutatis mutandis* in ooreenstemming met die bepalings van regulasie 119 asof die kennisgewing 'n dagvaardiging is, gedien word;
- (ii) aan so 'n persoon of party 'n bedrag geld wat nodig mag wees om sodanige persoon of party te vergoed vir sy of haar redelike vervoeruitgawes na en van sy of haar adres oorhandig of reël dat dit oorhandig word.
- (6) Indien enige persoon of party ingevolge subregulasie (4) of (5) gelas is om voor 'n Verkiesingstribunaal te verskyn om as getuie deur die Tribunaal ondervra en gekruisondervra te word of om enige dokument of voorwerp aan die betrokke Verkiesingstribunaal voor te lê, versuim om teenwoordig te wees of om getuienis te lewer of om sodanige dokument of voorwerp voor te lê, of tensy verskoon, versuim om gedurende die verrigtinge aanwesig te bly, mag die Verkiesingstribunaal, indien tevrede dat :
- (a) die kennisgewing in subregulasie (4) of (5) bedoel, behoorlik op sodanige persoon of party gedien is; en
- (b) die vervoerkoste bedoel in subregulasie (5)(b)(ii) aangebied of betaal is,
- die kiesbeampte skriftelik op die wyse deur die Tribunaal bepaal, beveel om sodanige persoon of party te arresteer en aan te hou en toe te sien dat hy of sy voor die betrokke Verkiesingstribunaal gebring word, ten einde hom of haar deur die Tribunaal as 'n getuie ondervra of kruisondervra te word en indien nodig, enige dokument of voorwerp vir ondersoek voor te lê.
- (7) 'n Persoon of party wat ingevolge hierdie regulasie voor 'n Verkiesingstribunaal moet verskyn om deur die Tribunaal as 'n getuie

ondervra of gekruisondervra te word en indien nodig enige dokument of voorwerp vir ondersoek voor te lê, is daarop geregtig om deur die Tribunaal, eiser of respondent wat sy of haar teenwoordigheid in sodanige verrigtinge verkry het, vergoed te word vir die billike vervoer- en verblyfuitgawes wat sodanige persoon of party aangegaan het om die verrigtinge by te woon en sodanige ander fooie en toelaes wat aan hom of haar betaalbaar sou wees indien hy of sy 'n getuie in 'n siviele verhoor in 'n landdroshof sou wees.

- (8) Die bepalings van regulasie 119(4) en (5) sal nie inbreuk maak op die bevoegdheid van 'n Verkiesingstribunaal om te besluit dat voldoende getuienis gelewer is waarop tot 'n beslissing gekom kan word en om te gelas dat geen verdere getuienis gelewer sal word of dat geen verdere getuienis sal verskyn nie.

Bevele wat deur Verkiesingstribunale Uitgereik Mag Word

- 121 (1) 'n Verkiesingstribunaal is bevoeg om by bevinding dat 'n eiser nie op die bevel soos geëis, geregtig is nie, die eis af te wys, of, by bevinding dat die betrokke respondent op oorwig van waarskynlikhede enige handeling by regulasie 115 bedoel uitgevoer het of veronderstel was om dit uit te voer, 'n bevel uit te vaardig :

- (a) in die geval van enige handeling of versuim soos bedoel by subregulasie 115(1), waaringevolge enige een of meer strawwe of strafbepalings by regulasie 99(2)(a)(i), (ii) of (iii) bedoel, die betrokke respondent opgelê word om;

(i) 'n boete wat nie R100 000 te bowe gaan nie, te betaal;

(ii) by wyse van 'n verbiedende interdik sodanige handeling te staak, daarvan weerhou word om die handeling uit te voer, of sodanige handeling te staak tot die omvang daarvan in sodanige bevel gespesifiseer;

(iii) by wyse van 'n gebiedende interdik sodanige handeling tot die omvang daarvan in sodanige bevel gespesifiseer, uit te voer, of enige gevolg wat uit sodanige handeling of versuim spruit, soos op die wyse in die bevel gespesifiseer, reg te stel;

(iv) by wyse van 'n vergoedende bevel aan enige party of persoon wat vermoënskade as gevolg van sodanige handeling of versuim gely het, sodanige bedrag wat na die oordeel van die Verkiesingstribunaal nodig is om sodanige party of persoon te vergoed vir sodanige skade, te betaal:

- (b) in die geval van 'n handeling of versuim om sodanige handeling uit te voer deur enige partyverteenvoordiger of kandidaatsverteenvoordiger wat 'n respondent by die verrigtinge

is, teenstrydig met die opdragte of doelstellings van sodanige party of kandidaat onderskeidelik, waaringevolge die betrokke party of kandidaat by wyse van 'n gebiedende interdik gelas word om sodanige verteenwoordiger uit sy of haar amp as verteenwoordiger te verwyder of waar toepaslik in 'n ander hoedanigheid in diens te hou soos in die betrokke bevel gespesifiseer;

- (c) enige bevel anders dan 'n bevel soos bedoel by regulasie 99(2)(a)(iv), (v), (vi) of (b) na gelang van omstandighede, insluitend 'n kostebevel teen enige van die partye.

- (2) Die bepaling van subregulasie (1) word nie so vertolk dat dit die Verkiesingstribunaal sou verhinder om waar toepaslik twee of meer van die bevels in daardie subregulasie bedoel, uit te vaardig nie.

- (3) Enige boete enige party of persoon ingevolge subregulasie (1) opgelê, moet aan die Sekretaris betaal word wat die bedrag onverwyld in die Staatsinkomste Fonds sal stort.

- (4) Enige bedrag deur enige party of persoon by enige verrigtinge van 'n Verkiesingstribunaal as boete betaalbaar, moet deur die Sekretaris gevorder word, of by wyse van 'n vergoedende bevel, deur die betrokke party of persoon asof sodanige bedrag ingevolge 'n vonnis van 'n landdroshof met jurisdiksie in die gebied van die Verkiesingstribunaal gegee is.

- (5) Enige bevel ander dan 'n bevel bedoel by subregulasie (4) deur 'n Verkiesingstribunaal uitgereik, word vir doeleindes van die uitvoering daarvan geag 'n bevel van dieselfde aard deur die Afdeling van die Hooggeregshof van Suid-Afrika met jurisdiksie in die gebied van die Verkiesingstribunaal geleë, gegee te wees.

- (6) 'n Verkiesingstribunaal maak sy bevinding, uitspraak en bevel tesame met die redes vir sodanige bevinding, uitspraak en bevel in die openbaar op 'n plek en datum deur hom bepaal bekend, en moet ook sodanige plek en datum aan alle partye tot die verrigtinge, bekend maak.

Tussentydse Bevele as Dringende Aangeleenthede Geëis

- 122 (1) Behoudens die bepalinge van subregulasie (2), mag 'n Verkiesingstribunaal te enige tyd;

- (a) 'n bevel waarby daar van die tydsbeperkings by regulasie 125 bedoel, afgesien word *uitvaardig*; of

- (b) 'n verbiedende interdik soos bedoel by regulasie 121(1)(a)(iii), as tussentydse maatregel *uitvaardig*, totdat die aangeleentheid finaal

bereg en beslis kan word, of tot sodanige vroeër datum deur die betrokke eiser voorsien,

- (2) 'n Verkiesingstribunaal mag nie 'n bevel soos bedoel by subregulasie (1) uitreik nie, tensy dit op grond van getuienis, hetsy mondeling of by wyse van beëdigde verklaring aan hom voorgelê, tevrede is :

(a) dat die betrokke dagvaarding ooreenkomstig regulasie 119, op die betrokke respondent gedien is, of indien die vertraging in die uitvoering van sodanige diening die doel van die bevel verlang, sal verydel, sodanige ander wyse wat na oordeel van die Verkiesingstribunaal onder die omstandighede redelik is;

(b) dat die eiser bewys het dat :

(i) 'n reg waarop die klaer geregtig is geskend is, word, of geskend gaan word na aanleiding van 'n handeling of versuim deur die respondent soos bedoel by regulasie 115;

(ii) daar 'n redelike verwagting is dat die klaer onherstelbare skade sal ly indien die bevel verlang nie as 'n tussentydse maatreeël toegestaan word nie; en

(iii) die balans van gerief die toestaan van sodanige bevel begunstig.

HOOFSTUK 19

APPÈLTRIBUNALE

Instelling, Regsgebiede en Setels van Verkiesingsappèltribunale

- 123 Die plek waar die provinsiale afdeling van die Hooggeregshof gesetel is, is die setel van die Verkiesingsappèltribunaal.

Appelle teen Uitsprake en Bevele van Verkiesingstribunale

- 124 (1) (a) 'n Appèl soos bedoel by regulasie 105(1) moet deur die betrokke eiser of respondent nie later nie as drie dae van die datum waarop die betrokke uitspraak, bevel, straf of strafbepaling wat ingevolge regulasie 121(6) deur die betrokke Verkiesingstribunaal bekendgemaak is, aangeteken word.
- (b) Sodanige appèl word aangeteken deur 'n kennisgewing van appèl waarin die gronde vir appèl volledig uiteengesit is, en die feitelike- en regsbevindings waarteen geappelleer word, uiteengesit is, by die Sekretaris by die setel van die betrokke Verkiesingstribunaal in te dien.
- (c) Sodanige eiser of respondent sal onverwyld 'n afskrif van sodanige kennisgewing van appèl op enige ander persoon wat 'n eiser of respondent by die verrigtinge van die Verkiesingstribunaal was, voorlê.
- (2) Die Sekretaris moet :
- (a) by ontvangs van 'n kennisgewing van appèl, in oorleg met die voorsitter van die Verkiesingsappèltribunaal, onverwyld 'n datum, nie later nie as vyf dae vanaf die datum van sodanige ontvangs bepaal of sodanige later datum soos deur die betrokke voorsitter bepaal, waarop die appèl aangehoor sal word;
- (b) onverwyld die eiser of respondent tot die verrigtinge van die datum aldus bepaal, in kennis stel; en
- (c) afskrifte van die oorkonde van die verrigtinge nie later nie as drie dae voor die datum aldus bepaal, aan die Verkiesingsappèltribunaal beskikbaar stel en op versoek van enige eiser of respondent by die verrigtinge en by betaling van sodanige bedrag deur die Sekretaris bepaal, aan enige sodanige eiser of respondent voorsien.
- (3) Kennis van appèl aan 'n Appèltribunaal sal nie die opskorting van enige uitspraak, bevel, straf of strafmaatreël van die betrokke Verkiesingstribunaal tot gevolg hê nie, tensy die Verkiesingsappèltribunaal op aansoek aan hom gerig, na skriftelike

kennisgewing aan al die ander eisers of respondente tot die verrigtinge, anders bepaal.

Appèlle Aangehoor en Beslis deur, en Bevele van Appèltribunale

125 (1) 'n Appèl by 'n Verkiesingsappèltribunaal word *mutatis mutandis* op die wyse waarop appèlle vanaf landdroshowe in siviele aangeleenthede in die Hooggeregshof aangehoor word, aangehoor.

(2) Die Verkiesingsappèltribunaal mag :

(a) by die aanhoor van 'n appèl van 'n Verkiesingstribunaal, enige getuienis, mondeling of by wyse van beëdigde verklaring wat die Verkiesingstribunaal moes aanhoor, maar verkeerdelik nagelaat het om aan te hoor, aanvaar, of na sy oordeel die aangeleentheid na die betrokke Verkiesingstribunaal terugverwys om sodanige getuienis tesame met sodanige opdragte vir die afneem van daardie getuienis, aan te hoor.

(b) na die aanhoor van enige sodanige appèl, enige bevel deur die betrokke Verkiesingstribunaal gemaak, bevestig, ter syde stel of wysig, of enige bevel soos wat omstandighede mag vereis en wat na sy mening deur die Verkiesingstribunaal gemaak moes wees, maak.

Instelling van en Prosedure by Verrigtinge Ingevolge Regulasie 100 by Verkiesingsappèltribunale

126 Die bepalings van regulasie 115(1) en (2), 116, 117, 118, 119, 120, 121(3), (4), (5) en (6) en 122 is *mutatis mutandis* van toepassing op verrigtinge in 'n Verkiesingsappèltribunaal met betrekking tot 'n verbreking van die Kode soos bedoel by regulasie 109, insluitend :

(a) die wyse van dagvaarding van partye by sodanige verrigtinge;

(b) die diening van dagvaardings op respondente in sodanige verrigtinge;

(c) die wyse waarop aangeleenthede in sodanige verrigtinge bereg en beslis word; en

(d) enige tussentydse bevel wat as dringende maatreeël geëis word.

Bevele wat deur Verkiesingsappèltribunale Uitgereik mag word

127 'n Verkiesingsappèltribunaal is bevoeg om by bevinding dat die eiser nie op die bevel geëis, geregtig is nie, sodanige eis van die hand te wys, of, by bevinding dat dit op oorwig van waarskynlikhede bewys is dat die betrokke respondent die Kode verbreek het, indien 'n bevel soos bedoel by regulasie 99(2) of 121(1) na sy oordeel gegee moes word, enige sodanige bevel of bevele uit te reik.

Hersiening van Uitsprake van Verkiesingstribunale

- 128 Enige verrigtinge waarby 'n uitspraak van 'n Verkiesingstribunaal hersien word, sal binne 10 dae nadat uitspraak gelewer is of binne sodanige langer tydperk na lewering van sodanige uitspraak soos deur die Verkiesingsappèltribunaal op goeie gronde toegelaat, in aanvang neem.

Instelling van Hersieningsverrigtinge

- 129 (1) Enige eiser of respondent by enige verrigtinge van 'n Verkiesingstribunaal wie of wat 'n besluit van sodanige Verkiesingstribunaal wil laat hersien, neem sodanige uitspraak op hersiening deur 'n kennisgewing van hersiening, wesenlik in die vorm soos in Bylae 5 vervat, aan die voorsittende beampte van sodanige Verkiesingstribunaal en aan enige ander eiser of respondent wat deur die uitspraak geraak word te rig, sodanige kennisgewing by die Sekretaris by die setel van die Verkiesingsappèltribunaal af te lewer en dit op die wyse in regulasie 119 bepaal, op alle ander eisers of respondente daardeur geraak, te dien, waarin :

(a) sodanige tyd en datum soos deur die Sekretaris na oorleg met die voorsitter van die betrokke Verkiesingsappèltribunaal bepaal, welke datum nie minder nie as vyf dae na die datum waarop die kennisgewing van hersiening aan die voorsittende beampte gelewer is, of op elke ander eiser of respondent gedien is, welke ookal die later datum is waarop en die plek waar die hersiening vir verhoor ter rolle geplaas is, uiteengesit is;

(b) die uitspraak wat hersien moet word, uiteengesit is;

(c) sodanige voorsittende beampte en elke eiser of respondent versoek word om redes aan te voer waarom die uitspraak nie op hersiening geneem moet word en tersyde of reggestel moet word nie,

(d) sodanige voorsittende beampte en elke eiser of respondent, indien enige van hulle die aangeleentheid wil teenstaan, versoek word om:

(i) nie later nie as twee dae voor die datum waarop die aangeleentheid vir verhoor ter rolle geplaas is, aan die Sekretaris 'n beëdigde verklaring af te lewer waarin sodanige voorsittende beampte, eiser of respondent op die bewerings in die beëdigde verklaring by die kennisgewing van hersiening aangeheg, antwoord; of

(ii) indien sodanige voorsittende beampte of eiser of respondent slegs 'n regspraak wil opper, 'n skriftelike kennisgewing van daardie voorneme voor of op die datum by item (i) vermeld, waarin die vraag uiteengesit is, by die Sekretaris af te lewer,

- (2) Die kennisgewing van hersiening bedoel by subregulasie (1) moet ondersteun wees deur 'n beëdigde verklaring by sodanige kennisgewing aangeheg waarin die gronde, feite en omstandighede op grond waarvan die uitspraak hersien en tersyde of reggestel moet word.
- (3) Die Sekretaris sal by ontvangs van 'n kennisgewing van hersiening, afskrifte van die oorkonde van die verrigtinge, nie later nie as vyf dae voor die verhoordatum soos by subregulasie (1) bepaal, aan die Verkiesings-appèltribunaal, die voorsittende beampte van die beurokke Verkiesingstribunaal en op versoek van enige eiser of respondent by die verrigtinge en by betaling van sodanige bedrag deur die Sekretaris bepaal, aan sodanige eiser of respondent beskikbaar stel.
- (4) Enige eiser of respondent tot die verrigtinge waarby die betrokke uitspraak hersien word, mag by ontvangs van die oorkonde, een stel aanvullende beëdigde verklarings indien.

Wyse van Verhoor van Hersieningsaangeleenthede in Verkiesingsappèltribunale

130 (1) Indien op die verhoordatum van 'n hersiening :

- (a) die betrokke voorsittende beampte en al die eisers en respondente voor die Verkiesingsappèltribunaal verskyn, word elke party tot die verrigtinge, hetsy persoonlik of by wyse van 'n regsverteenwoordiger, een geleentheid gebied om die Verkiesingsappèltribunaal toe te spreek, en geen verdere geleentheid sal gebied word nie, tensy die Verkiesingsappèltribunaal spesiale toestemming na aanleiding van grondige redes aangevoer en op die voorwaardes soos deur hom bepaal, indien enige, verleen het;
- (b) die betrokke voorsittende beampte of enige eiser of respondent tot die verrigtinge versuim om op die tydstip vir verhoor bepaal, te verskyn, mag die Verkiesingsappèltribunaal sodanige bevel wat hy onder die omstandighede dienstig of gepas ag, maak.

(2) Indien die aangeleentheid nie op grond van die beëdigde verklarings ingevolge regulasie 116 ingedien, beslis kan word nie, mag die Verkiesingsappèltribunaal :

- (a) die verrigtinge inkwisitoriaal voortsit om die toepaslike feite te bepaal en mag die Tribunaal vir hierdie doel enige eiser of respondent of persoon op enige tydstip van die verrigtinge ondervra;
- (b) gelas dat mondelinge getuienis met betrekking tot aangeleenthede in die lasgewing gespesifiseer, in sodanige volgorde, onmiddellik

- of op 'n datum of datums tydens die maak van so 'n bevel, bepaal, aangehoor word om enige dispuut of feit by te lê;
- (c) enige persoon of party by die verrigtinge teenwoordig, of enige ander persoon of party by skriftelike kennisgewing wesenlik ooreenkomstig die *getuiedagvaarding* in Bylae 4 hierby uiteengesit en deur die Sekretaris uitgereik, gelas om op 'n datum of datums ten tye van die maak van sodanige bevel bepaal, voor hom te verskyn om deur die Tribunaal ondervra te word, of indien nodig as 'n getuie ondervra en gekruis ondervra te word of enige dokument of voorwerp vir ondersoek voor te lê;
 - (d) die kiesbeampte gelas om enige plek of voertuig in die lasgewing gespesifiseer te betree om na enige dokument of voorwerp te soek en daarop beslag te lê vir voorlegging en ondersoek tydens die verrigtinge van sodanige Tribunaal;
 - (e) sodanige ander bevel maak as wat nodig geag word om 'n regverdige en spoedige uitspraak in die aangeleentheid te verseker.
- (3) 'n Eiser of respondent by die verrigtinge waarby ingevolge subregulasie (2)(b) gelas is dat mondelinge getuienis aangehoor moet word, wat vir doeleindes van bepaling van die aangeleenthede in die lasgewing bepaal, wens dat enige persoon of party in sodanige verrigtinge verskyn om as getuie ondervra en gekruisvra te word, of, indien nodig, enige dokument of voorwerp vir ondersoek voor te lê;
- (a) mag sodanige persoon of party by skriftelike kennisgewing in die formaat wesenlik ooreenkomstig die *getuiedagvaarding* in Bylae 4 uiteengesit en deur die Sekretaris uitgereik, laat gelas om op sodanige datum daarin bepaal voor die betrokke Verkiesingstribunaal te verskyn, of indien nodig, enige dokument of voorwerp vir ondersoek voor te lê;
 - (b) sal -
 - (i) sodanige kennisgewing *mutatis mutandis* in ooreenstemming met die bepalings van regulasie 119 asof dit 'n dagvaarding is, laat dien;
 - (ii) aan so 'n persoon of party 'n bedrag geld wat nodig mag wees om sodanige persoon of party te vergoed vir sy of haar redelike vervoeruitgawes na en van sy of haar adres oorhandig of reël dat dit oorhandig word.
- (4) Indien enige persoon of party ingevolge subregulasie (2) of (3) gelas is om voor 'n Verkiesingsappèltribunaal te verskyn om deur die Tribunaal as 'n getuie ondervra en gekruisvra te word, of om enige dokument of

voorwerp aan die betrokke Verkiesingsappèltribunaal voor te lê, versuim om teenwoordig te wees of om getuienis te lewer of om sodanige dokument of voorwerp voor te lê, of tensy verskoon, versuim om gedurende die verrigtinge aanwesig te bly, mag die Verkiesingsappèltribunaal, indien tevrede dat;

- (a) die kennisgewing in subregulasie (2) of (3) bedoel, behoorlik op sodanige persoon of party gedien is; en
- (b) die vervoerkoste bedoel in subregulasie (3)(b)(ii) aangebied of betaal is,

die kiesbeampte skriftelik in die vorm soos deur hom bepaal, gelas om die arrestasie en aanhouding van sodanige persoon of party te bewerkstellig en hom of haar voor sodanige Tribunaal te bring ten einde hom of haar te laat ondervra deur die Tribunaal of as 'n getuie ondervra of gekruisvra te word of indien nodig enige dokument of voorwerp vir ondersoek voor te lê.

- (5) 'n Persoon of party wat ingevolge hierdie regulasie voor 'n Verkiesingsappèltribunaal moet verskyn om deur die Tribunaal ondervra te word of om as 'n getuie ondervra of gekruisvra te word of enige dokument of voorwerp vir ondersoek voor te lê, is daarop geregtig om deur die Tribunaal, eiser of respondent wat sy of haar teenwoordigheid in sodanige verrigtinge verkry het, vergoed te word vir die billike vervoeren verblyfuitgawes wat sodanige persoon of party aangegaan het om die verrigtinge by te woon en sodanige ander fooie en toelaes wat aan hom of haar betaalbaar sou wees indien hy of sy 'n getuie in 'n siviele verhoor in 'n landdroshof sou wees.

- (6) Die bepalings van regulasie 130(2) en (3) sal nie inbreuk maak op die bevoegdheid van 'n Verkiesingsappèltribunaal om te besluit dat voldoende getuienis gelewer is waarop tot 'n beslissing gekom kan word nie en te beveel dat geen verdere getuienis gelewer sal word of dat geen verdere getuie sal verskyn nie.

HOOFSTUK 20

ALGEMEEN

Dwarsboming of Belemmering

- 131 Enige party of persoon wat die kiesbeampte of enige verteenwoordiger van die kiesbeampte of enige vredesbeampte by die diening van 'n visenteringslasbrief, dagvaarding of getuiedagvaarding dwarsboom of belemmer, is aan 'n misdryf skuldig.

Tribunaal Behoudens Steurnis Oop vir Publiek

- 132 (1) Behoudens die bepaling van subregulasie (2) word verrigtinge van 'n Verkiesingstribunaal of Verkiesingsappèltribunaal openlik en in die openbaar gehou.
- (2) Indien enige persoon teenwoordig by die verrigtinge van 'n Verkiesingstribunaal of Verkiesingsappèltribunaal die orde van sodanige Tribunaal versteur, mag daardie Tribunaal gelas dat sodanige persoon verwyder en in aanhouding gehou word totdat die Tribunaal verdaag, of mag die Tribunaal, indien orde na sy oordeel nie verder gehandhaaf kan word nie, gelas dat die Tribunaalvertrek ontruim word en dat die publiek nie teenwoordig mag wees by die verrigtinge nie.

Minagting

- 133 'n Persoon wat 'n lid van die Verkiesingstribunaal of die Verkiesingsappèltribunaal tydens 'n verhoor van sodanige Tribunaal, of die Sekretaris, of die kiesbeampte, of sy of haar verteenwoordiger by daardie sitting opsetlik beledig, of wat die verrigtinge van 'n Tribunaal opsetlik onderbreek of andersins wangedra in die plek waar die sitting van 'n Tribunaal plaasvind, is strafbaar met 'n summiere vonnis of by dagvaarding tot 'n boete wat nie R500,00 te bowe gaan nie.

Persone wat Namens Kiesbeampte Optree

- 134 Die Direkteur-generaal van die provinsiale regering sal sodanige persoon of persone wat hy of sy nodig of dienstig ag, skriftelik aanstel of aanwys om met of namens enige kiesbeampte vir doeleindes van die instelling van verrigtinge of andersins met die uitvoering van die bepalinge van regulasie 108 tot en met 132 in die geheel of ten dele behulpsaam te wees, in welke geval sodanige persone die gemagtigde verteenwoordiger van die kiesbeampte sal wees en bevoeg sal wees om in sy of haar naam op te tree en behoorlik gemagtig sal wees om alle stappe in gevolge voormelde regulasies benodig of verlang, uit te voer.

Insae in Dokumente deur Publiek en Bewaring Daarvan

- 135 (1) Die dokumente van 'n Verkiesingstribunaal of Verkiesingsappèltribunaal sal tydens gewone kantoorure en onder die toesig van die Sekretaris ter insae deur die publiek beskikbaar wees en daardie dokumente sal by sodanige plek en vir sodanige tydperk as wat die Direkteur-generaal

van die provinsiale regering mag bepaal, beskikbaar wees en bewaar word.

- (2) Die Direkteur-generaal mag na verstryking van die tydperk in subregulasie (1) bedoel, gelas dat die dokumente aldus bewaar, na 'n gespesifiseerde plek van bewaring verwyder, vernietig of andersins mee gehandel moet word.

HOOFSTUK 21**MISDRYWE EN STRAWWE MET BETREKKING
TOT GEDRAGSKODE****Misdrywe en Strawwe**

- 136 (1) *Enige party of persoon* wat skuldig bevind is aan enige misdryf bedoel by regulasies 84 tot en met 133 ten opsigte waarvan 'n straf nie uitdruklik voorgeskryf is nie, is strafbaar met 'n boete wat nie R20 000 te bowe gaan nie, of tot gevangenisstraf van hoogstens een jaar.
- (2) (a) Enige party of persoon wat 'n bevel van 'n Verkiesingstribunaal of Verkiesingsappèltribunaal oortree of versuim om dit na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete wat nie R20 000 te bowe gaan nie, of tot gevangenisstraf van hoogstens een jaar,
- (b) Enige party of persoon wat behoorlik ingevolge hierdie regulasies gedagvaar is om getuienis af te lê of om enige dokument of voorwerp in sy of haar besit of beheer voor te lê, wat :
- (i) sonder wettige rede aldus versuim om te verskyn of getuienis af te lê of sodanige dokument of voorwerp ooreenkomstig die dagvaarding voor te lê; of
- (ii) tensy behoorlik verskoon, versuim om gedurende die verrigtinge teenwoordig te bly,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete wat nie R20 000 te bowe gaan nie, of tot gevangenisstraf van hoogstens een jaar.

HOOFSTUK 22

TOEPASSING VAN REGULASIES

Bylae

- 137 Hierdie regulasies en die Bylaes tot hierdie regulasies word saamgelees.

Kort Titel en inwerkingtreding

- 138 Hierdie regulasies heet die *Tussenverkiezingsregulasies vir Plaaslike Regering, 1997*, en tree op 1 Januarie 1998 in werking.

Reg **4(5)**
 4(6)

ER1

MUNISIPALITEIT VAN

POS AAN:

KIESERSLYSKANTOOR

POSBUS

OF

LEWER AF AAN:

KIESERSLYSKANTOOR/-KANTORE
(STRAATADRES)

EIS OM AS KIESER GEREgistREER TE WORD
(DRUKSKRIF ASB.)

VAN

1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385</
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VOORNAME[illegible]IDENTITEITS-
NOMMER[illegible]**ADRES**

**BETEKEN DIE ADRES VAN U WOONPLEK OF TEN OPSIGTE WAARVAN U
EIENDOMSBELASTING, WATER, ELEKTRISITEIT, ENS. BETAAL. 'N
POSBUS NOMMER IS ONAANVAARBAAR. INDIEN U HULP BENODIG,
RAADPLEEG ASB U NAASTE KIESERSLYSKANTOOR.**

STRAATNOMMER
EN NAAM,
VOORSTAD EN
WOONGEBIED OF
ADRES DEUR DIE
KIESERSLYS-
BEAMPTTE AAN U
VERSTREK

TELEFOON
NOMMER

--	--	--	--	--	--	--	--	--

(INDIEN VAN TOEPASSING)

GROND VIR EIS:
(MERK ASB. DIE TOEPASLIKE BLOK)

EK WOON BY HIERDIE ADRES	EK WOON NIE BY HIERDIE ADRES NIE, MAAR EK BETAAL EIENDOMSBELASTING OF WATER, ELEKTRISITEIT, ENS.
--------------------------------	--

EK SAL OP DIE DAG VAN DIE TUSSENVERKIESING 18 JAAR OF OUER WEES.
EK EIS HIERMEE OM AS KIESER GEREGISTREER TE WORD.

HANDTEKENING

DATUM

Reg 4(6)(b)
4(6)(d)(i)

ER2

AAN: DIE KIESERSLYSBEAMPTE
[ADRES VAN MUNISIPALITEIT]

MUNISIPALITEIT VAN.....*

BESWAAR TEEN EIS OM OP DIE KIESERSLYS GEREgistREER TE WORD

Ek,(volle naam)

woonagtig te

.....(volledige huisadres),

maak beswaar daarteen dat

(volle naam, identiteitsnommer en adres van die persoon teen wie beswaar gemaak word)

op die kieserslys ingesluit word.

My beswaar berus op die volgende gronde:

Handtekening van Beswaarmaker

Telefoonnommer van Beswaarmaker:

Datum

(H)

(W)

L.W. HIERDIE VORM MOET AAN BOSTAANDE ADRES GEPOS WORD OF
MOET PER HAND BY DIE VOLGENDE KANTORE INGEHANDIG WORD:

(1)

(2)

*(Naam van Munisipaliteit)

Reg 18

ER3

(Voorkant van stembrief)

(Perforasie)*

Teenbladnommer	U mag vir NIE MEER AS Kandidate stem nie		
Munisipaliteit	(KANDIDAAT)* (SIMBOOL)*(MERK)*		
Tussenverkiesing vir wyksraadslid vir	JONES, Vera Joan		
Wyk	MBULE, Mwakhe		
Datum	SMIT, Jan		

*Inligting tussen hakies moet nie op die stembrief gedruk word nie

(Agterkant van stembrief)

AMPTELIKE MERK

Munisipaliteit van

VERKIESING VAN WYKSRAADSLID

Vir

Wyk

(Datum)

Reg 21(1)

ER4

MUNISIPALITEIT VAN

Die Kiesbeampte

..... (Munisipaliteit)

..... (Adres)

.....

.....

NOMINASIE VAN KANDIDAAT VIR WYKSVERKIESING*(Moet deur voornemende kandidate voltooi word)*

Datum van tussenverkiesing

KANDIDAAT SE BESONDERHEDE

Van

Ander Name

Identiteitsnommer

Woonadres

Wyk waarin woonagtig

Hierdie nominasie is vir Wyk van die bogemelde Munisipaliteit

Telefoonnommer: (H) (W)

AANVAARDING EN SERTIFIKAAT DEUR DIE KANDIDAAT OF AGENT

Ek,

.....
 die bogemelde kandidaat/agent van die bogemelde kandidaat, behoorlik daartoe gemagtig om nominasie namens hom te aanvaar, aanvaar hierdie nominasie en sertifiseer dat *ek/sodanige kandidaat *nie ingevolge Regulasie 21(1) of (2) gediskwalifiseer is om as 'n raadslid vir die bogemelde Munisipaliteit verkies te word nie.

Datum

Handtekening van Kandidaat of Agent

L.W. DIE GESKREWE MAGTIGING DAT DIE AGENT DIE NOMINASIE NAMENS DIE
 KANDIDAAT MAG AANVAAR, MOET HIERDIE NOMINASIEVORM VERGESEL.

KIESERS WAT NOMINEER

Hiermee nomineer ons die bogenoemde kandidaat.

Voorletters en van

ID Nommer

Wyksnommer

Handtekening
van kieser

.....

**Skrap wat nie van toepassing is nie*

Reg 27(1)(a)

ER5A

MUNISIPALITEIT VAN**

AANSTELLINGSERTIFIKAAT VAN STEMBURO-VERKIESINGSBEAMPTE

Datum van tussenverkiesing:.....

Van:

Ander Name:

Identiteitsnommer:

Stemburo: (adres van stemburo)

Wyk:

Ek stel die bogenoemde persoon aan as:

- * Adjunk kiesbeampte
- Voorsittende Beampte
- Stembeampte
- Telbeampte
- Vertaalbeampte
- Verkiesingsbeampte

by bogenoemde adres.

Ek sertifiseer dat die bovermelde persoon 'n verklaring ingevolge vorm ER8 gemaak het.

Datum

Kiesbeampte

(Moet in Koevert *ER6 of ER29 ingesluit word)

* Skrap wat nie van toepassing is nie

** Naam van Munisipaliteit

Reg 27(1)(a)

Vorm ER5B

MUNISIPALITEIT VAN.....**

AANSTELLINGSERTIFIKAAT VAN TELBURO-VERKIESINGSBEAMPTTE

Datum van tussenverkiesing:.....

Van:

Ander Name

Identiteitsnommer:

Telburo (adres van telburo)

.....

.....

.....

Wyk

Ek stel die bogenoemde persoon aan as **Telbeampte** by bogenoemde adres.

Ek sertifiseer dat die bovermelde persoon 'n verklaring ingevolge vorm ER8 gemaak het.

Datum_____
Kiesbeampte

*Skrap wat nie van toepassing is nie

**Naam van Munisipaliteit

Reg 27(1)(a)
27(1)(b)
57(3)

Koevert ER6

MUNISIPALITEIT VAN..... **

Datum

*Wyk/Stemburo

HIERDIE KOEVERT BEVAT:

AANSTELLING VAN VERKIESINGSBEAMPTTE (ER5)

VERKLARING VAN GEHEIMHOUDING (ER8)

(Moet in Pakket ER 23 ingesluit word)

* Skrap wat nie van toepassing is nie
** Naam van Munisipaliteit

Reg 29(2)

ER7

MUNISIPALITEIT VAN.....

AANSTELLING VAN AGENTE EN BODES VIR 'N WYKSKANDIDAAT

(Moet deur Kandidaat voltooi word)

Die Kiesbeampte

-----Munisipaliteit

Ek stel die volgende persone aan as my agente by die stemburo(s) hieronder aangedui en/of om teenwoordig te wees wanneer die stemme getel word by die aangeduide telburo's.

STEMBURO TELBURO WYK NOMMER:	VOLLE NAAM VAN AGENT	I.D. NO.	HOEDANIGHEID (d.w.s.) BODE/SPEZIALE AGENT/ALGEMENE AGENT/TELAGENT

Datum

Handtekening van Kandidaat

* (Elke kandidaat by 'n verkiesing mag die volgende aanstel:

- (a) Elke Algemene Agent wat na alle stemburo's sowel as tel van stemme mag gaan
- (b) Twee spesiale agente vir elke stemburo
- (c) Een bode vir elke stemburo
- (d) Een agent wat teenwoordig mag wees wanneer getel word.)

Reg 30(3)

ER8

MUNISIPALITEIT

VAN.....**

VERKLARING VAN GEHEIMHOUDING

(MOET DEUR KANDIDAATSAGENTE EN BODES VOLTOOI WORD)

Verklaring van geheimhouding met betrekking tot die tussenverkiesing op

..... (datum) vir
*(naam van Munisipaliteit) vir
*(wyk)
(stemburo)

*Ek,(volle name en identiteitsnommer)
 het regulasie 102 van die Tussenverkiesingsregulasies vir Plaaslike Regering gelees en verstaan dit ten volle, en ek onderneem om niks te doen wat daardeur verbied word en om die geheimhouding van die stemming te handhaaf en te bevorder.

*Ek,(volle name en identiteitsnommer)
 kan nie lees nie, maar regulasie 102 van die Tussenverkiesingsregulasies vir Plaaslike Regering, aan my voorgelees verstaan ek ten volle en onderneem ek om niks te doen wat daardeur verbied word en om die geheimhouding van die stemming te handhaaf en te bevorder.

Handtekening
 Benaming (Kiesbeampte, agent, telagent,
 bode ens.)

Datum

Afgelê en geteken voor my teop hierdiedag van19...

*Kommissaris van Ede/Kiesbeampte/
 Adjunk kiesbeamptes/Voorsittende Beampte

(Moet in Koevert *ER6 of ER29 ingesluit word)

* Skrap wat nie van toepassing is nie
 ** Naam van Munisipaliteit

Reg 30(1)

ER9

MUNISIPALITEIT VAN **

VERKLARING AANGAANDE GEDRAGSKODE VIR VERKIESINGSBEAMPTES

(Moet deur Kiesbeamptes, Adjunk kiesbeamptes, Voorsittende beamptes en elke ander verkiesingsbeampte voltooi word)

Verklaring rakende die tussenverkiesing wat gehou staan te word op:

.....(datum) vir
*(naam van munisipaliteit) vir
*(wyk)
*(stemburo)

* Ek Volle name en identiteitsnommer)
 het die Gedragkode vir Verkiesingsbeamptes vervat in Bylae 1 van die
 Tussenverkiesingsregulasies vir Plaaslike Regering gelees en verstaan dit ten volle, en ek
 onderneem om daaraan gebonde te wees.

* Ek Volle name en identiteitsnommer)
 kan nie lees nie maar het die Gedragkode vir Verkiesingsbeamptes vervat in Bylae 1 van die
 Tussenverkiesingsregulasies vir Plaaslike Regering vir my laat voorlees en verstaan dit ten volle,
 en ek onderneem om daaraan gebonde te wees.

HANDTEKENING_____
DATUM

 Benaming (Kiesbeampte, agent, telagent
 Bode, ens.)

Afgelê en geteken voor my tehierdie.....dag van19.....

 *Kommissaris van Ede/Kiesbeampte/
 Adjunk kiesbeampte/Voorsittende beampte
*(Moet in koevert *ER6 of ER29 ingesluit word)*

* Skrap wat nie van toepassing is nie

** Naam van munisipaliteit

Reg 33(1)

Koevert ER10

MUNISIPALITEIT VAN.....*

AMPTELIKE MERK-INSTRUMENTE

Aan: Voorsittende Beampte

Stemburo

Aantal amptelike merk-instrumente uitgereik

Datum.....

Wyk/Stemburo

Kiesbeampte

(Die inhoud van hierdie koevert moet oopgemaak en gebruik word om stembriewe te merk).

* Naam van Munisipaliteit

Reg 34(b)

ER11

MUNISIPALITEIT VAN.....*

Die Voorsittende Beampte

..... Stemburo

KENNISGEWING TEN OPSIGTE VAN TELBURO

Die tel van stemme ten opsigte van u stemburo sal te
(telburo) plaasvind.

Besorg asseblief alle tussenverkiesingsmateriaal in die hande van die Kiesbeampte of sy gemagtigde verteenwoordiger by die bogemelde telburo onmiddellik nadat u stemburo gesluit het en nadat u die voorgeskrewe prosedures met betrekking tot tussenverkiesingsmateriaal voltooi het.

Handtekening van Kiesbeampte

Datum

* *Naam van Munisipaliteit*

Reg 42(b)

(140) ER12

VOORSKRIFTE VIR DIE VOORLIGTING VAN KIESERS

WYKSKANDIDAAT

- Maak 'n merk in die leë blok langs die naam en simbool van die kandidaat vir wie u wil stem.
- Vou u stembrief sodat die **amptelike merkstempel** agter op u stembrief aan die **buitekant** is.

Nadat u bostaande stappe voltooi het, moet u die stembrief na die persoon wat by die stembus staan neem, die **amptelike merk** wys en die stembrief in die stembus sit.

AS U 'N FOUT MAAK OP U STEM BRIEF

- Neem u bedorwe stembrief na 'n beampte in die stemburo en sê vir hom of haar dat u 'n fout op u stembrief gemaak het.
- Gee u bedorwe stembrief vir daardie beampte en gaan saam met hom of haar om 'n nuwe te kry.
- Gaan terug na die stembokkie met u nuwe stembrief, voltooi u stem en neem u stembrief na die persoon by die stembus.

Reg 41(2)

(11) ER13

ROOK OF DIE AANSTEEK VAN ONTVLAMBARE MATERIAAL IN DIE STEMLOKAAL IS
VERBODE

Plaas **Rook Verbode** teken hier, net
in swart en wit

Reg 41(1)

ER14

MUNISIPALITEIT VAN.....*

STEMBURO

STEMTYE

07:00 TOT 22:00

* *Naam van Munisipaliteit*

Reg 48(1)
48(2)

ER15

MUNISIPALITEIT VAN **

**VRAE WAT GESTEL MAG WORD AAN 'N PERSOON WAT AANSOEK DOEN
OM 'N STEM BRIEF**

Datum

Wyk/Stemburo

1. Is u (volle name)

..... wie se naam teenoor (identiteitsnommer)

..... op die kieserslys vir hierdie wyk/stemburo verskyn?

Antwoord:

2. Het u reeds onder hierdie naam en ID nommer in hierdie tussenverkiesing gestem by hierdie of enige ander stemburo?

Antwoord:

3. Is u gediskwalifiseer om te stem op die gronde/vir die redes wat in regulasie 2 uiteengesit is?

Antwoord:

Ek verklaar dat die bepalings van regulasie 2 aan my verduidelik is en dat my antwoorde soos hierbo aangeteken waar en juis is.

Handtekening van persoon wat aansoek doen om 'n stembrief

Datum

Bostaande verklaring is voor my afgelê en onderteken te hierdie...dag van19...

'n Stembrief is/is nie* aan die aansoeker uitgereik.

Handtekening van Voorsittende Beampte

(Moet in Koevert ER 18 ingesluit word).

* Skrap indien nie van toepassing nie

** Naam van Munisipaliteit

Reg 54(1)

ER16

MUNISIPALITEIT VAN **

BESWAAR DAARTEEN DAT 'N PERSOON 'N STEM UITBRING

Datum

Wyk/Stemburo

Ek, (volle naam)

..... (identiteitsnommer) glo en onderneem om te

bewys dat die persoon wat aansoek gedoen het om/aan wie 'n stembrief uitgereik is* in die naam van

..... (volle name)

..... (identiteitsnommer) teenoor nommer..... op die Kieserslys

van hierdie (wyk/stemburo) nie sodanige persoon is nie.

Handtekening van Beswaarmaker

Bostaande verklaring is afgelê, geteken en beëdig/bevestig voor my te op hierdie

..... dag van 19.....

Handtekening van Voorsittende Beampte

(Moet in Koevert ER18 ingesluit word)

* Skrap wat nie van toepassing is nie

** Naam van Munisipaliteit

Reg 54(2)

ER17

MUNISIPALITEIT VAN.....**

VERKLARING DEUR PERSOON WAARTEEN BESWAAR GEMAAK IS

Datum

Wyk/Stemburo

Ek verklaar dat ek(volle naam),
..... die persoon wie se naam teenoor (identiteitsnommer)
.....op die Kieserslys vir
hierdie wyk/stemburo verskyn is, en dat die verklaring dat ek nie sodanige persoon is nie, wat deur
.....(volle naam) gemaak en aan my voorgelê is, vals is.

Handtekening van Verklaarder_____
Datum

Bostaande verklaring is afgelê, geteken en beëdig/bevestig voor my te.....
hierdie.....dag van19.....

Handtekening van Voorsittende Beampte

'n Stembrief is/is nie* aan die verklaarder uitgereik.

* Skrap wat nie van toepassing is nie.

** Naam van Munisipaliteit

(Moet in Koevert ER18 ingesluit word)

Reg 54(5)
55(2)(b)

Koevert ER18

MUNISIPALITEIT VAN **

Datum:

Wyk/Stemburo:

HIERDIE KOEVERT BEVAT:***VOLTOOIDE ANTWOORDE OP VRAE (VORMS ER15)****VOLTOOIDE BESWARE DAARTEEN DAT PERSONE
STEMME UITBRING (VORMS ER16)****VOLTOOIDE VERKLARINGS DEUR PERSONE TEEN WIE
BESWAAR GEMAAK IS (VORMS ER 17)****GEKANSELLEERDE STEMBRIEWE EN STEMBRIEWE
WAAROP BESLAG GELê IS**

* Skrap waar daar geen toepaslike vorm ingesluit is nie.

** Naam van Munisipaliteit

(Moet in Pakket ER23 ingesluit word)

Reg 57(3)(a) & (c)

KoevertER19

MUNISIPALITEIT VAN*

Datum

Wyk/Stemburo

HIERDIE KOEVERT BEVAT:*

ONGEBRUIKTE STEMBRIEWE EN TEENBLAAIE

TEENBLAAIE VAN GEBRUIKTE STEMBRIEWE

AFGEMERKTE KOPIË VAN DIE BYGEWERKTE KIESERSLYS

(Moet in Pakket ER23 ingesluit word)

*Naam van Munisipaliteit

Reg 67(1)(d)

ER20

MUNISIPALITEIT VAN.....*

STEMBRIEFVERSLAG- WYKSVERKIESING

NAAM VAN STEMBURO EN/OF NOMMER:	DATUM VAN TUSSENVERKIESING:
NAAM VAN WYK EN/OF NOMMER:	

		TEENBLAD NOMMERS		TOTALE STEMBRIEWE
		VAN	TOT	
A	Stembriewe van Kiesbeampste ontvang			
B	Stembriewe uitgereik aan Kiesers			
C	Stembriewe bedorwe/gekanselleer of op beslag gelê in Stemburo's			
D	TOTALE AANTAL STEMBRIEWE WAT IN STEMBUSSE MOET WEES (B-C)			

..... (Voorsittende Beampste) (Datum)
----------------------------------	------------------

VIR (ADJUNK) KIESBEAMPTSE SE GEBRUIK ALLEENLIK

		TEENBLAD NOMMERS	
		VAN	TOT
E	Teenbladnommers aangebring deur die Voorsittende Beampste by ontvangs van Stembriewe		
F	Teenbladnommers vermeld by Lyn A en Lyn B hierbo: Versoen noukeurig (omkring korrekte blok) Indien NEE, verskaf verklaring van teenstrydigheid.	JA	NEE

..... (Kiesbeampste/Adjunk Kiesbeampste) (Datum)
---	------------------

	STEMBRIEWE GEVIND IN STEMBUSSE VIR HIERDIE STEMBURO	
G	Gaan direk voort met telling	
H	Sit eenkant vir beslissing	
I	TOTALE STEMBRIEWE GEVIND IN STEMBUSSE (G + H)	
J	TEENSTRYDIGHEID (I - D)	
..... (Kiesbeampste/Adjunk Kiesbeampste)	 (Datum)

(Moet in Koevert ER21 ingesluit word)

* Naam van Munisipaliteit

Reg 57(5)(a)
58(3)(a)

ER20A

STEMBUS VERVOERVORM

Munisipaliteit:

Wyk:

Stemburo:

Datum van Tussenverkiesing:

GEBRUIKTE EN VERSEËLDE STEMBUSSE GETAL EN SIMBOOL	ONGEBRUIKTE EN ONGESEËLDE STEMBUSSE GETAL EN SIMBOOL
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.
6.	6.
7.	7.
8.	8.
9.	9.
10.	10.
11.	11.
12.	12.

Ek sertifiseer hiermee dat die bovermelde stembusse teen die sluiting van die tussenverkiesing en na voldoening aan die bepalings van regulasie 57 vir aflewering aan die Kiesbeampte ingevolge regulasie 58(1) in die stemburo was.

VOORSITTENDE BEAMPTTE

Naam:

Handtekening:

Getuienis

Lid van Veiligheidsmag

Naam:

Nommer:

Rang:

Handtekening:

Hierdie dokument moet voltooi word deur die Voorsittende Beampte onmiddellik nadat al die tussenverkiesingsmateriaal ingevolge regulasie 57 verseël was en onmiddellik voor verwydering vanaf die stemburo vir aflewering van die tussenverkiesingsmateriaal aan die Kiesbeampte.

Reg 58(1)
63(b) & (d)

Koevert ER21

MUNISIPALITEIT VAN*

STEMBRIEFVERSLAG (VORM ER20) WYKSVERKIESING

Datum

Wyk/Stemburo

(Moet in Pakket Er23 ingesluit word)

* Naam van Munisipaliteit

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12	

Ek verklaar hiermee dat die owerstaande stemburo's teen die sluiting van die verkiesing op 19 Desember 1997 in die stemburo was.

VOORSITTENDE BEAMPT

Naam:

Handtekening:

Getekend:

Lid van Verrekening

Naam:

Naam:

Rang:

Handtekening:

Hierdie stemburo is slegs vir die gebruik van die Verrekening en slegs vir die gebruik van die Verrekening. Hierdie stemburo is slegs vir die gebruik van die Verrekening en slegs vir die gebruik van die Verrekening.

Reg 57(4)
58(1)

Etiket ER22

MUNISIPALITEIT VAN.....*

ONGEBRUIKTE VORMS, SKRYFBEHOEFTE EN ANDER
TUSSENVERKIESINGSMATERIAAL

Datum

Wyk/Stemburo

(Die inhoud van hierdie pakket moet na die tussenverkiesing geopen en weer gebruik word.)

* Naam van Munisipaliteit

Reg 57(3)(c)
58(1)

Etiket ER23

MUNISIPALITEIT VAN.....*

Datum

Wyk/Stemburo

PAKKET BEVATTENDE KOEVERTE

ER6
ER18
ER19

(Moet deur die Kiesbeampte in sak/bus verseël word onder etiket ER33 nadat die tel van stemme voltooi is.)

* Naam van Munisipaliteit

Reg 35(1)(j)
57(3)(d)

(d) 2 Koevert ER24

MUNISIPALITEIT VAN.....*

AMPTELIKE SEël

Aan: Kiesbeampste

Seël in koevert: JA/NEE**

Datum

Wyk.....

Stemburo

Handtekening van Voorsittende Beampste

(Die inhoud van hierdie pakket moet na die tussenverkiesing geopen en weer gebruik word).

* Naam van Munisipaliteit

** Skrap wat nie van toepassing is nie

Reg 57(3)(a) & (b)

Koevert ER25

Aan: Kiesbeampte

MUNISIPALITEIT VAN.....*

MERK-INSTRUMENTE VIR DIE MERK VAN AMPTELIKE STEMBRIEWE

(Aantal instrumente in koevert)

Datum:

Wyk/Stemburo:

(Moet deur die Voorsittende Beampte met die amptelike seël verseël word)

* Naam van Munisipaliteit

ER26A(i)

UITSLAG VAN TELLING – WYKSKANDIDATE

NAAM VAN STEMBURO EN/OF NOMMER	DATUM	VAN	TUSSENVERKIESING:
NAAM VAN WYK EN/OF NOMMER			
NAAM VAN TELBURO EN/OF NOMMER			

		TOTALE AANTAL STEMME	TOTALE AANTAL STEMBRIEWE
1	TOTALE STEMBRIEWE GEVIND IN STEMBURO STEMBUSSE <i>(Van Lyn 1 op (Adjunk) Kiesbeampte se endossement op Vorm ER20A)</i>		

[illegible]

..... (Kiesbeampste/Adjunk Kiesbeampste) (Datum)
--	---------------------------

* *Naam van Munisipaliteit*

Reg 60(c)
68(1)(c) & (f)

ER 26A(ii)

MUNISIPALITEIT VAN.....*

VERKLARING VAN UITSLAG – WYKSKANDIDATE

NAAM VAN WYK EN/OF NOMMER	DATUM VAN TUSSENVERKIESING:
NAAM VAN TELBURO EN/OF NOMMER:	

Ek verklaar dat by die verkiesing in die bogenoemde wyk die totale aantal stemme wat vir elke kandidaat uitgebring is, in die volgorde waarop dit op die stembrief verskyn en daardie gemerk met 'n (*) asterik behoorlik as raadslede vir die bogenoemde wyk verkies is.

	KANDIDATE (In die volgorde soos op die stembrief verskyn)	Stem- buro No.....	Stem- buro No.....	Stem- buro No.....	Stem- buro No.....	Stem- buro No.....	TOTAAL
1	AANTAL STEMME VIR KANDIDAAT UITGEBRING						
2	VERWERPTE STEMME						
3	TOTALE GETAL STEMBRIEWE GETEL (1+2)						

..... (Kiesbeampste/Adjunk Kiesbeampste) (Datum)
---	------------------

* Naam van Munisipaliteit

..... (Datum) (Kiesbeampste/Adjunk Kiesbeampste)
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ER26A(iii)

VERKLARING VAN UITSLAG – WYK KANDIDATE

WYK:	DATUM	VAN	TUSSENVERKIESING:
		

Ek verklaar dat by die tussenverkieëing in die bogenoemde wyk die totale aantal stemme uitgebring vir elke kandidaat soos dit op die stembrief verskyn soos volg is:

[illegible]

Die volgende kandidaat is verkies as Raadslid vir die bostaande wyk
NAAM

.....
 (Kiesbeampte) (Datum)

* *Naam van Munisipaliteit*

Reg 60(c)
68(1)(c) & (f)

ER26B

MUNISIPALITEIT VAN.....*

VERKLARING VAN UITSLAG (WYKSKANDIDATE)

Datum

Wyk

Ek verklaar dat gedurende die tussenverkiesing in bogenoemde wyk die totale aantal stemme uitgebring vir elke kandidaat in die volgorde waarvolgens hulle in die stembrief verskyn, soos volg is:

KANDIDATE

TOTALE GETAL STEMME

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.....

Die volgende is verkies as Raadslid (-lede) vir die bostaande wyk.

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

Datum

Handtekening van Kiesbeampte

* Naam van Munisipaliteit

Reg 67(1)(b)

Etiket ER27

* MUNICIPALITEIT VAN.....*

GETELDE STEMBRIEWE – WYKSKANDIDATE

Datum

Wyk/Stemburo

(Moet nadat die stemme getel is deur die Kiesbeampte in sak/houer ER33 geplaas word)

* Naam van Munisipaliteit

Reg 67(1)(c)

Etiket ER28

MUNISIPALITEIT VAN.....*

VERWERPTE STEMBRIEWE – WYKSKANDIDATE

Datum

Wyk/Stemburo

(Moet nadat die stemme getel is deur die Kiesbeamppte in sak/houer ER33 geplaas word)

* Naam van Munisipaliteit

Reg 27(1)(c)
27(1)(d)
30(2)(a), (b) & (c)
67(2)(b)

Koevert ER29

MUNISIPALITEIT VAN.....*

Datum

Wyk/Stemburo

HIERDIE KOEVERT BEVAT:

AANSTELLING VAN VERKIESINGSBEAMPTE (VORMS ER5)

VERKLARING MET BETREKKING TOT GEHEIMHOUDING
(VORMS ER8) AAN DIE KIESBEAMPTE OORHANDIG*(Moet nadat die stemme getel is deur die Kiesbeampste in sak/houer ER33 geplaas word).** *Naam van Munisipaliteit*

Reg 67(1)(a)
70(3)(a)

ER30

MUNISIPALITEIT VAN.....*

VERSLAG VAN GETELDE STEM BRIEWE – WYKSVERKIESING

Datum:

Munisipaliteit**....., of

Wyk**....., of

Stemburo**.....

A	Aantal stembriewe getel uit stembus (Reg 64(3)(d))	Totaal
B	Aantal stembriewe verwerp en nie getel nie (Reg 66)	Totaal
C	Aantal geldige stembriewe Getel: (A minus B)	Totaal

Handtekening van Kiesbeampte/Adjunk kiesbeampte

(Moet in Koevert ER31 ingesluit word)

* Naam van Munisipaliteit

** Identifiseer en vermeld of hierdie verslag slegs betrekking het op 'n stemburo of op 'n wyk, m.a.w. uit 'n aantal stemburo's bestaan; of betrekking het op 'n munisipaliteit, m.a.w. uit 'n aantal wyke bestaan.

Reg 67(1)(a)

Koevert ER31

MUNISIPALITEIT VAN.....*

VERSLAG VAN GETELDE STEM BRIEWE (VORM ER30) WYKSVERKIESING

Datum:

Munisipaliteit**:

Wyk**

Stemburo**

** Naam van Munisipaliteit**** Identifiseer en vermeld of hierdie verslag slegs betrekking het op 'n stemburo; of op 'n wyk, m.a.w. uit 'n aantal stemburo's bestaan; of betrekking het op 'n munisipaliteit, m.a.w. uit 'n aantal wyke bestaan.*

Reg 70(3)(a)

ER32

* 70(4)

MUNISIPALITEIT VAN.....**

VERKLARING VAN AANTAL STEMME (WYKSKANDIDATE)

Datum:

Wyk*

Stemburo*

Ek verklaar dat die aantal stemme vir elke party in die volgorde waarin hulle op die stembrief verskyn in die bovermelde wyk uitgebring, soos volg is:

KANDIDATE

AANTAL STEMME

.....

.....

Datum

Handtekening van Kiesbeampte/Adjunk
 Kiesbeampte

* Identifiseer en dui aan of hierdie uitslag betrekking het op slegs 'n stemburo of 'n wyk, m.a.w. bestaande uit 'n aantal stemburo's; of op meer as een wyk betrekking het.

** Naam van Munisipaliteit

Reg 67(2)(c)

Etiket ER33

VIR KIESBEAMPTSE SE GEBRUIK

MUNISIPALITEIT VAN.....*

SAK/HOUER BEVATTENDE ALLE VERKIESINGSDOKUMENTE

Tussenverkiesingsdatum:

Wyk/Stemburo:

* Naam van Munisipaliteit

BYLAE 1

GEDRAGSKODE VIR TUSSENVERKIESINGSBEAMPTES

Hierdie Kode het ten doel om elke verkiesingsbeampte daartoe te verbind om toe te sien dat elke kieser sy of haar reg om in die geheim met waardigheid, gerief en vrymoedigheid te stem, uit te kan oefen.

1. Elke verkiesingsbeampte onderneem :

- (1) om niks te doen wat 'n kieser mag beïnvloed om vir of teen enige kandidaat of party te stem nie;
- (2) om die geheimhouding van *die tussenverkiesing* by elke stemburo te handhaaf.
- (3) om met sorg, bekwaamheid en hoflikheid al sy of haar pligte en werksaamhede uit te voer in ooreenstemming met die wettige opdragte van die kiesbeampte.
- (4) om streng onpartydig te wees in die uitvoering van hierdie pligte en werksaamhede, en om niks by wyse van daad, houding, gedrag of spraak te doen wat 'n ander indruk kan skep nie;
- (5) om hom- of haarself van enige intimidasie, druk, seksuele teistering, besering, benadeling of dreigement van weerwraak aan enige persoon of beskadiging van enige eiendom wat die uitslag van die *tussenverkiesing* mag ontwrig of beïnvloed te disassosieer en ferm af te keur; en
- (6) om alle materiaal *vir die tussenverkiesing* aan hom of haar toevertrou veilig te bewaar.

2. Elke kiesbeampte sal hom- of haarself weerhou van enige poging, aanbieding of versoek :

- (1) om vas te stel hoe 'n kieser gestem het of van voorneme is om te stem;
- (2) om 'n kieser te oorreed om te toon of bekend te maak hoe hy of sy gestem het;
- (3) om enige merk op enige stembrief te maak waarby 'n kieser geïdentifiseer kan word;
- (4) om 'n persoon te beïnvloed of behulpsaam te wees om te stem welwetend dat so 'n persoon nie geregtig is om te stem nie;
- (5) om sonder die nodige magtiging openbaar te maak vir watter kandidaat of party daar op enige stembrief of briewe gestem is; of

- (6) om sonder die nodige magtiging enige kieser te nader, 'n teken te gee of met enige kieser te praat vanaf die oomblik wat die kieser die binne-omtrek van die stemburo binnegegaan het totdat die kieser sy of haar stembrief in die stembus geplaas en die stemlokaal verlaat het.

3. Geen verkiesingsbeampte sal, sonder die nodige magtiging :

- (1) enige amptelike merk op enige stembrief plaas of enige stembrief neem of enige stembrief aan enige persoon voorsien nie;
- (2) enige merk op 'n stembrief maak of enige stembrief in 'n stembus plaas nie;
- (3) enige stembrief uit die stemlokaal verwyder nie;
- (4) 'n stembus nader of aanraak nie;
- (5) 'n stemkompartement binnegaan, tensy spesifiek opdrag gegee is om die stemkompartement se inhoud na te gaan wanneer geen kieser daarbinne is nie of wanneer wettige bystand aan 'n ongeletterde, blinde of gestremde kieser verleen word nie;
- (6) die seël breek of die hegstuk van enige stembus oopmaak of enige inhoud van 'n stemboekie, stembus, pakkie of koevert verwyder wat enige *tussenverkiesingsmateriaal* bevat nie;
- (7) enige *tussenverkiesingsmateriaal* vanaf 'n stemlokaal verwyder of hetsy deur daad of versuim, hulp aan iemand verleen om dit te doen nie; of
- (8) enige materiaal *vir die tussenverkiesing* merk of daarop skryf of enige merk of skrif daarop uitwis nie.

4. Geen verkiesingsbeampte sal :

- (1) direk of indirek enige geld, geskenk of belofte van enige kandidaat of party of enige verteenwoordiger of agent van so 'n kandidaat of party aanvaar nie;
- (2) enige kieser, verkiesingsbeampte, kandidaat, verteenwoordiger, agent, bode of ander verkiesingsbeampte verhinder of verhoed om toegang tot 'n stemgebied op die voorgeskrewe wyse en binne die voorgeskrewe ure te verkry nie;
- (3) enige materiaal *vir die tussenverkiesing* vernietig, verberg of beskadig nie;

- (4) 'n stembrief of enige amptelike merk daarop vernietig of verander nie;
- (5) enigiets anders behalwe 'n gemagtigde stembrief of stembriewe in 'n stembus plaas nie;
- (6) in 'n stemburo rook, of, tensy wanneer dit verlang word vir doeleindes van die *tussen*verkiezing, 'n vuurhoutjie trek of 'n aansteker aansit of enige vlambare materiaal ontsteek nie;
- (7) behalwe met die uitdruklike toestemming van die kiesbeampste in 'n stemlokaal of 'n telburo eet of drink nie;
- (8) binne enige stemlokaal of die binne-omtrek of telburo enige drank bevattende alkohol of enige ander middel met 'n bedwelmende of verdowende uitwerking, inbring, hou of gebruik nie; of
- (9) enige wapen of embleem of kledingstuk in 'n stemlokaal dra wat aandui dat so 'n verkiesingsbeampste geassosieer of redelikerwys met enige party of kandidaat in die *tussen*verkiezing geassosieer kan word nie.

5. Elke verkiesingsbeampste sal in die uitvoering van sy of haar pligte met vriendelikheid, onpartydigheid en met inagneming van die waardigheid, vertroue en klaarblyklike behoeftes van 'n kieser :

- (1) 'n kieser versoek om sy of haar identiteitsdokument te toon;
- (2) 'n kieser versoek om sy of haar naam en adres te verskaf;
- (3) met sorg die nommer, naam en adres van so 'n kieser, indien enige, op die kieserslys identifiseer en doodtrek;
- (4) waar nodig, die kiesbeampste om bystand of advies vra;
- (5) die kieser na 'n stemkompartement of 'n stemtafel verwys;
- (6) 'n kieser in kennis stel dat inligtingsvoorskrifte binne die stemkompartement aangebring is;
- (7) 'n kieser meedeel waar 'n stembrief of briewe geplaas moet word nadat die kieser sy stem uitgebring het;
- (8) 'n kieser nadat hy of sy 'n stem uitgebring het na die uitgang van die stemburo verwys;
- (9) enige blinde, ongeletterde, verswakte of gestremde kieser, of een wat die dienste van 'n tolk benodig, in kennis stel dat die verkiesingsbeampste bystand aan so 'n kieser kan verleen en hom of haar na daardie beampste verwys of, waar van toepassing, daardie beampste na die kieser verwys.

6. Enige verkiesingsbeampte aangestel om bystand te verleen aan 'n blinde, ongeletterde, verswakte of gestremde kieser, sal bystand verleen slegs tot die mate deur so 'n kieser versoek en met inagneming van so 'n kieser se reg om self die keuse te maak om sy of haar stembrief of stembriewe persoonlik en in die geheim te merk of andersins mee te handel.
7. Elke verkiesingsbeampte is gebonde daaraan om spesiale bystand, sorgsaamheid, hoflikheid en respek aan enige kieser wat probleme ondervind of wat nie in staat is om 'n identiteitsdokument te toon of 'n adres te verskaf nie, of wie se naam op die kieserslys verskyn nie, of gekanselleer of verwyder is, of wie se vermoë of reg om te stem aangeveg word, te toon.
8. Elke verkiesingsbeampte onderneem :
 - (1) om alle opleidingsklasse of werkwinkels en die stemlokaal of -lokale wat aan hulle toegewys is gedurende die ure deur die kiesbeampte aangewys by te woon en teenwoordig te wees.
 - (2) om stiptelik vir diens aan te meld en om enige vorms of verklarings ingevolge die *Tussenverkiesingsregulasies* vir Plaaslike Regering, 1997 vereis, te voltooi;
 - (3) om sy of haar verantwoordelikhede onpartydig, sonder vooroordeel of voorkeur met die nodige inagneming van die spesiale behoeftes van ongeletterde, onsekere, gestremde of andersins benadeelde kiesers uit te voer; en
 - (4) om 'n atmosfeer van kalm bekwaamheid, waardigheid, integriteit en veiligheid binne die stemburo en binne-omtrek te handhaaf en te ondersteun, en ongeag enige beswaar, steurnis of woordewisseling, sy of haar spesifieke en onmiddellike werksaamhede met sorg en toewyding voort te sit en te verrig.
9. Elke verkiesingsbeampte aanvaar dat uitsonderlike omstandighede of onvoorsiene gebeure dit vir 'n verkiesingsbeampte nodig mag maak om sy of haar werksaamhede te verrig onder buitengewoon moeilike omstandighede, en mag 'n verkiesingsbeampte noop om nuwe of addisionele take binne sy of haar vermoë te verrig maar wat buite sy of haar aangewese pligte val.
10. Elke verkiesingsbeampte sal :
 - (1) die behoefte aan en die reg van behoorlik gemagtigde kandidate, agente, verteenwoordigers en bodes om in die stemburo en binne-omtrek teenwoordig te wees erken;
 - (2) die rol van hierdie persone as waarnemers en monitors en, waar ingevolge die *Tussenverkiesingsregulasies* vir Plaaslike Regering, 1997,

gemagtig, die reg van so 'n persoon om deur middel van die kiesbeampte teen onreëlmatige prosedures of twyfelagtige kiesers beswaar te maak aanvaar;

- (3) (a) erken en aanvaar dat 'n kandidaat, agent, verteenwoordiger of bode nie gemagtig of daarop geregtig is om enige voorskrif of instruksie aan enige verkiesingsbeampte te gee of oor te dra nie en dat 'n beampte nie toegelaat is om enige sodanige beweerde voorskrif of instruksie na te kom of uit te voer nie; en
- (b) onmiddellik enige sodanige beweerde voorskrif of opdrag rapporteer en die persoon of persone betrokke aan die kiesbeampte identifiseer;

- (4) te alle tye 'n vriendelike, onpartydige en onpersoonlike verhouding met alle kandidate, agente, verteenwoordigers en bodes binne die stemburo en binne-omtrek handhaaf; en

- (5) erken dat 'n verkiesingsbeampte nie daarop geregtig is om enige verversings of persoonlike diens as 'n reg te ontvang nie en sal nie uitdruklik of by implikasie, enige verversings of persoonlike diens van enige kandidaat, party, agent, verteenwoordiger of bode versoek nie : Met dien verstande dat 'n verkiesingsbeampte ongevraagde en beskeie verversings mag aanvaar wat openlik en in gelyke mate aan alle beamptes by 'n stemlokaal deur of met die instemming van 'n meerderheid van kandidate en partye wie se name op die stembriewe vir daardie wyk verskyn aangebied is.

11. Geen verkiesingsbeampte sal, gedurende die *tussenverkiesing*stydperk:

- (1) 'n kandidaat of op 'n partylys by die *tussenverkiesing* wees nie;
- (2) 'n lid of raadslid van 'n munisipaliteit of op die partylys van 'n party aan wie een of meer setels op die raad ingevolge die voormalige *verkiesingsregulsies* toegeken is, wees nie;
- (3) werk vir of deur enige party of kandidaat in verband met die *tussenverkiesing* betaal word nie; of
- (4) 'n ampsbeksleër van 'n party wees nie.

12. Vir doeleindes van hierdie Gedragskode vir Tussenverkiesingsbeamptes beteken:

- (1) "**binne-omtrek**", enige plek soos bedoel by regulasie 41(1)(b);
- (2) "**Stemgebied**", enige plek soos bedoel by regulasie 41(1);
- (3) "**stemburo**", enige plek soos bedoel by regulasie 41(1)(a).

BYLAE 2**VERKIESINGSGEDRAGSKODE**

1. Hierdie Kode het ten doel die bevordering van omstandighede wat bevorderlik is vir die hou van vrye en regverdige *tussen*verkiesings en 'n klimaat van demokratiese verdraagsaamheid waarbinne verkiesingsaktiwiteite sonder vrees vir dwang, intimidasie of weerwraak kan plaasvind.
2. Alle partye, kandidate en verteenwoordigers aan die Kode by regulasie 99 gebonde, sal poog om hierdie Kode se doelstelling te bevorder ten einde verkiesingsveldtogte en openbare debat in alle dele van die provinsie te laat plaasvind.
3. Partye, kandidate en verteenwoordigers verbind hulle :
 - (a) om wye reklame aan die Kode te verleen;
 - (b) om kieseropleidingsveldtogte te bevorder;
 - (c) om geweld en intimidasie te veroordeel;
 - (d) om hul lede en ondersteuners dienooreenkomstig opdrag te gee.
4. Partye, kandidate en verteenwoordigers erken en onderneem om nie inbreuk te maak nie op die reg van enige party, kandidaat, verteenwoordiger, kieser of deelnemer aan die *tussen*verkiesing;
 - (a) om verskillende politieke en ander menings te stel;
 - (b) om die beleid en programme van partye en kandidate te debatteer en teen te staan;
 - (c) om vryelik en veilig lede en ondersteuning van kiesers te werf;
 - (d) om openbare vergaderings te hou;
 - (e) om openbare vergaderings by te woon;
 - (f) om verkiesingsliteratuur en veldtogmateriaal te versprei;
 - (g) om kennisgewings en advertensies te publiseer en te versprei;
 - (h) om baniere, plakkate en aanplakbiljette op te rig;

- (i) om vrye en veilige toegang tot enige gebied te hê; en
- (j) om verkiesingsveldtogte deur alle wettige middele te bevorder.

5. Partye, kandidate en verteenwoordigers onderneem :

- (a) om geweld en intimidasie te veroordeel;
- (b) om hulle van enige handeling waarby geweld of intimidasie betrokke is, te weerhou;
- (c) om hulle van taal wat tot geweld of intimidasie aanleiding mag gee te weerhou;
- (d) om hulle van enige handeling wat aanleiding mag gee tot geweld of intimidasie te weerhou;
- (e) om te verseker dat geen vuurwapens of wapens van enige aard in of by 'n stemburo of politieke of verkiesingsvergaderings of in die verloop van enige opmars, vertoning of enige ander gebeurtenis van 'n politieke of verkiesingsaard, gedra of vertoon word nie;
- (f) om hulle van die publikasie of herhaling van vals, lasterlike of opruiende aantygings met betrekking tot enige party, kandidaat of ander persoon in verband met die *tussen*verkiesing te weerhou;
- (g) om met ander partye, kandidate en verteenwoordigers in goeie trou saam te werk en te skakel en sover moontlik reëlins met betrekking tot openbare vergaderings, vertonings of opmars wat op dieselfde tyd en plek van soortgelyke politieke of verkiesingsgebeurtenisse deur ander partye of kandidate georganiseer saamval, te vermy;
- (h) om niks te doen wat enige party of kandidaat direk of deur middel van werwers en verteenwoordigers te weerhou van toegang tot kiesers vir doeleindes van kieseropleiding, fondsinsameling, werwing van lede en die aanlokking van ondersteuning, verhinder nie;
- (i) om die naskrywing van die simbole, kleure of akronieme van enige party of kandidaat te vermy;
- (j) om die verwydering, skending of beskadiging van politieke of verkiesings-veldtogmateriaal van enige party of kandidaat te ontmoedig en indien moontlik te verhoed;
- (k) om hulle van die aanbod, hetsy direk of indirek, van finansiële of materiële aansporing of vergoeding of posisie aan enige persoon as

teenprestasie van sodanige persoon se aansluiting of nie-aansluiting by enige party; ondersteuning of nie-ondersteuning van enige kandidaat; bywoning of wegbly van enige politieke of verkiesingsgebeurtenis; stem of wegbly daarvan, of op enige besondere wyse; of die aanvaarding, van die hand wys of terugtrekking van nominasie as kandidaat by die *tussenverkiesing*, te weerhou;

- (l) om hulle van enige aanbod of poging om misbruik te maak van 'n posisie of mag, voorreg, of invloed, insluitend ouerlike, patriargale of tradisionele gesag, vir politieke of verkiesingsdoeleindes, insluitend enige aanbod van vergoeding of dreigement of straf, te weerhou;
- (m) om hulle van enige diskriminasie op grond van ras, geslag, etniesiteit, klas of geloof in verband met die *tussenverkiesing* en politieke- of verkiesingsaktiwiteit, te weerhou;
- (n) met betrekking tot die rol van vroue :
 - (i) om die reg van vroue om by die *tussenverkiesing* te stem, te aanvaar en toe te laat;
 - (ii) om die volle deelname deur vroue in politieke of verkiesingsaktiwiteite op die basis van gelyke geleenthede, te aanvaar;
 - (iii) om toegang deur vroue tot politieke of verkiesingsvergaderings, geriewe en plekke te verseker;
 - (iv) om die reg van vroue om met partye, kandidate, werwers en verteenwoordigers in verband met die *tussenverkiesing* te kommunikeer, te respekteer; en
 - (v) om hulle van dwang of poging tot dwang van enige vrou om 'n besondere politieke party of verkiesingsgedrag te aanvaar, of om deel te neem of om van deelname aan enige politieke of verkiesingsaktiwiteit uitgesluit te word, te weerhou;
- (o) om samewerking te verleen by die amptelike ondersoek na aangeleenthede en bewerings wat uit die *tussenverkiesing* spruit;
- (p) om alle redelike stappe te neem om die veiligheid van verkiesingsbeamptes, kieserslysbeamptes en hul gevolmagtigde verteenwoordigers teen belediging, gevaar of bedreiging in die uitvoering van hul ampspligte, te verseker;

- (q) om kiesers met betrekking tot die geheimhouding en integriteit van die stem en dat niemand sal weet hoe enige ander persoon gestem het nie, te verseker;
 - (r) om die nodige en redelike stappe ter dissiplinering te neem om sodanige party of kandidaat se verteenwoordigers, werknemers en ondersteuners te weerhou van :
 - (i) 'n verbreking van die Kode;
 - (ii) die pleging van enige misdryf ingevolge hierdie regulasie of enige ander wet;
 - (iii) die pleging van enige omskrewe verkiesingsonreëlmatigheid;
 - (iv) die oortreding van of versuim om enige bepaling van hierdie regulasies na te kom; en
 - (s) om kommunikasie met die Provinsiale Regering, die kieserslysbeampte, die kiesbeampte en die verkiesingskomitee, asook met partye en kandidate op plaaslike vlak, insluitend die uitruil van name, adresse en kontak telefoon en faksimileenommers van verkiesingsagente en ander toepaslike ampsdraers en verteenwoordigers te vestig en in stand te hou.
6. Elke party, kandidaat of genomineerde verteenwoordiger sal sy of haar teenwoordigheid en deelname by vergaderings van enige skakelkomitee of ander forums in verband met die *tussen*verkiesing deur of namens die Premier belê, verseker.

BYLAE 3

Regulasie 116(5)

TUSSENVERKIESINGSREGULASIES VIR PLAASLIKE REGERING, 1997

DAGVAARDINGSVORM

IN DIE VERKIESINGSTRIBUNAAL

(Munisipaliteit van)*

In die saak tussen:

Saaknommer199.....

AB

.....Applikant

CD

.....Respondent

AAN:

CD, van(meld adres);

NADEMAAL dit beweer word dat u die Verkiesingsgedragskode oortree het, deurdat u op omtrent die

.....dag van199..... en by of

naby

NEEM KENNIS dat u hierdeur gedagvaar word deur AB van

(gebied van Munisipaliteit) om sitting te neem by

op diedag van199.....

om redes aan te voer waarom die volgende bevel nie teen u toegestaan sal word nie:

1.
2.
3.

NEEM VERDER KENNIS dat die aangehegte beëdigde verklaring gebruik sal word ter ondersteuning van die bevel deur die applikant verlang;

NEEM VERDER KENNIS dat indien u van voorneme is om verdediging aan te teken moet u;

- (a) nie later nie as twee dae voor die datum waarop die saak vir beregting en 'n beslissing ter rolle geplaas is (of, in die geval van 'n dringende aansoek op of voor) by die Sekretaris by die setel van die bogenoemde Verkiesingstribunaal:
- (i) enige beëdigde verklaring of verklarings in antwoord op die feite en ander bewerings vervat in die aangehegte beëdigde verklaring; en
- (ii) indien u van voorneme is om u te beroep op enige regspraak, 'n geskrewe kennisgewing van u voorneme om so te doen wat die regspraak uiteensit, in te dien
- en onverwyld die applikant (of sy of haar regsvertegenwoordiger) by ondergenoemde adres in kennis te stel dat u so gedoen het; en
- (b) om op die datum en tyd waarvoor hierdie saak vir beregting en 'n beslissing ter rolle geplaas is voor die Verkiesingstribunaal verskyn.

NEEM VERDER KENNIS dat indien u in gebreke bly om die beëdigde verklaring of kennisgewing soos gemeld in te dien of om voor die Verkiesingstribunaal te verskyn op die datum en tyd waarvoor hierdie saak vir beregting en 'n beslissing ter rolle geplaas is, mag 'n bevel soos hierin uiteengesit sonder verdere kennisgewing aan u, teen u gemaak word.

GEDATEER te op hierdie
dag van 199.....

.....
**EISER (OF SY OF HAAR REGSVERTEEN-
WOORDIGER**

.....
SEKRETARIS

ADRES:

ADRES:

TEL NO.:

TEL NO.:

FAKS NO.:

FAKS NO.:

** Naam van Munisipaliteit*

BYLAE 4

Regulasie 120(5)

TUSSENVERKIESINGSREGULASIES VIR PLAASLIKE REGERING, 1997

GETUIEDAGVAARDING

IN DIE VERKIESINGSTRIBUNAAL

(Munisipaliteit van)*

In die saak tussen:

Saaknommer:199.....

AB

.....

.....Applikant

CD

.....

.....Respondent

AAN:

EF, van(meld getuie se adres);

NEEM KENNIS DAT u hiermee gelas word om persoonlik voor die Verkiesingstribunaal te verskyn vir die (Munisipaliteit) sitting te

omop diedagvan 199..... om getuienis in bogenoemde saak te lewer en, indien nodig, die dokumente en artikels in die lys hieronder uiteengesit saam met u te bring en aan die Verkiesingstribunaal vir ondersoek voor te lê.

NEEM VERDER KENNIS DAT sou u, nadat u daartoe kennis gegee is, versuim om voor die bogenoemde Verkiesingstribunaal te verskyn om getuienis te lewer en, indien nodig, om die vermelde dokumente en artikels met u saam te bring en u versuim om so te verskyn of sodanige dokumente en artikel voor te lê, of, tensy verskoon versuim om teenwoordig te bly gedurende die verrigtinge:

- (a) kan die Verkiesingstribunaal 'n lasbrief vir u arrestasie uitreik om u voor sodanige Verkiesingstribunaal te bring om sodanige getuienis af te lê of om sodanige dokumente en artikels voor te lê; en
- (b) is u skuldig aan 'n oortreding van regulasie 129(5) saamgelees met regulasie 145(2)(b) van die Tussenverkiesingsregulasies vir Plaaslike Oorgangsregering 1997, en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000,00 en by gebrek aan betaling met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

GEDATEER teop hierdie dag van199.....

BYLAE 5

Regulasie 129(1)

VORM VAN KENNISGEWING VAN HERSIENING

IN DIE VERKIESINGSAPPELTRIBUNAAL

(Munisipaliteit van)*

In die hersieningsaak van:

Saaknommer.....199.....

AB

.....Hersieningsapplikant

en CD

.....Voorsittende Beampte

EF

.....Respondent

HERSIENINGSKENNISGEWING

NEEM KENNIS dat u deur AB van(meld adres)

kennis gegee word om voor die Verkiesingsappeltribunaal vir die

.....(Munisipaliteit) met sitting te

om op diedag van

199..... te verskyn, om redes aan te voer waarom die beslissing gedateer die

.....dag van199.....in saaknommer

in die Verkiesingstribunaal vir die(Munisipaliteit) nie hersien en tersyde

gestel of reggestel behoort te word nie en, waarom die volgende bevel nie toegestaan moet word nie:

1.

2.

3.

(sit die smeekbede hier uiteen):

NEEM VERDER KENNIS dat ter ondersteuning van die aansoek die aangehegte beëdigde verklaring van gebruik sal word;

NEEM VERDER KENNIS dat indien u van voorneme is om verdediging in hierdie aangeleentheid aan te teken, moet u:

(a) nie later nie as twee dae voor die datum waarop die saak vir beregting en 'n beslissing te rolle geplaas is (of in geval van 'n dringende aansoek voor of op by die Sekretaris by die setel van bogenoemde Verkiesingstribunaal:

(i) enige beëdigde verklaring of verklarings in antwoord op die feite en ander bewerings genoem in die aangehegte beëdigde verklaring; en

(ii) indien u van voorneme is om enige regspraak te opper, 'n skriftelike kennisgewing van u voorneme waarin sodanige vraag uiteengesit is, indien en

onverwyld die hersieningsapplikant (of sy of haar regsverteenvoorder) by ondergenoemde adres in kennis te stel dat u dit gedoen het; en

(b) om op die datum en plek waarvoor hierdie aansoek vir beregting en 'n beslissing te rolle geplaas is, voor die Verkiesingsappèltribunaal verskyn.

NEEM VERDER KENNIS DAT indien u in gebreke sou bly om die beëdigde verklaring of kennisgewing sou bly om die beëdigde verklaring of kennisgewing soos hierbo vermeld in te dien of indien u in gebreke sou bly om voor die bogenoemde Verkiesingsappèltribunaal te verskyn op die datum, tyd en plek waarvoor hierdie saak vir beregting en beslissing ter rolle geplaas is, mag 'n bevel soos hierin uiteengesit sonder verdere kennisgewing aan u, gemaak word.

GEDATEER te op hierdie dag van 199.....

HERSIENINGSAPPLIKANT

(of sy of haar verteenwoordiger)

ADRES:

TELEFOONNOMMER:

FAKSNOMMER:

AAN: CD

Die Voorsittende Beampite van die Verkiesingstribunaal

..... (meld adres)

EN AAN: EF
Respondent

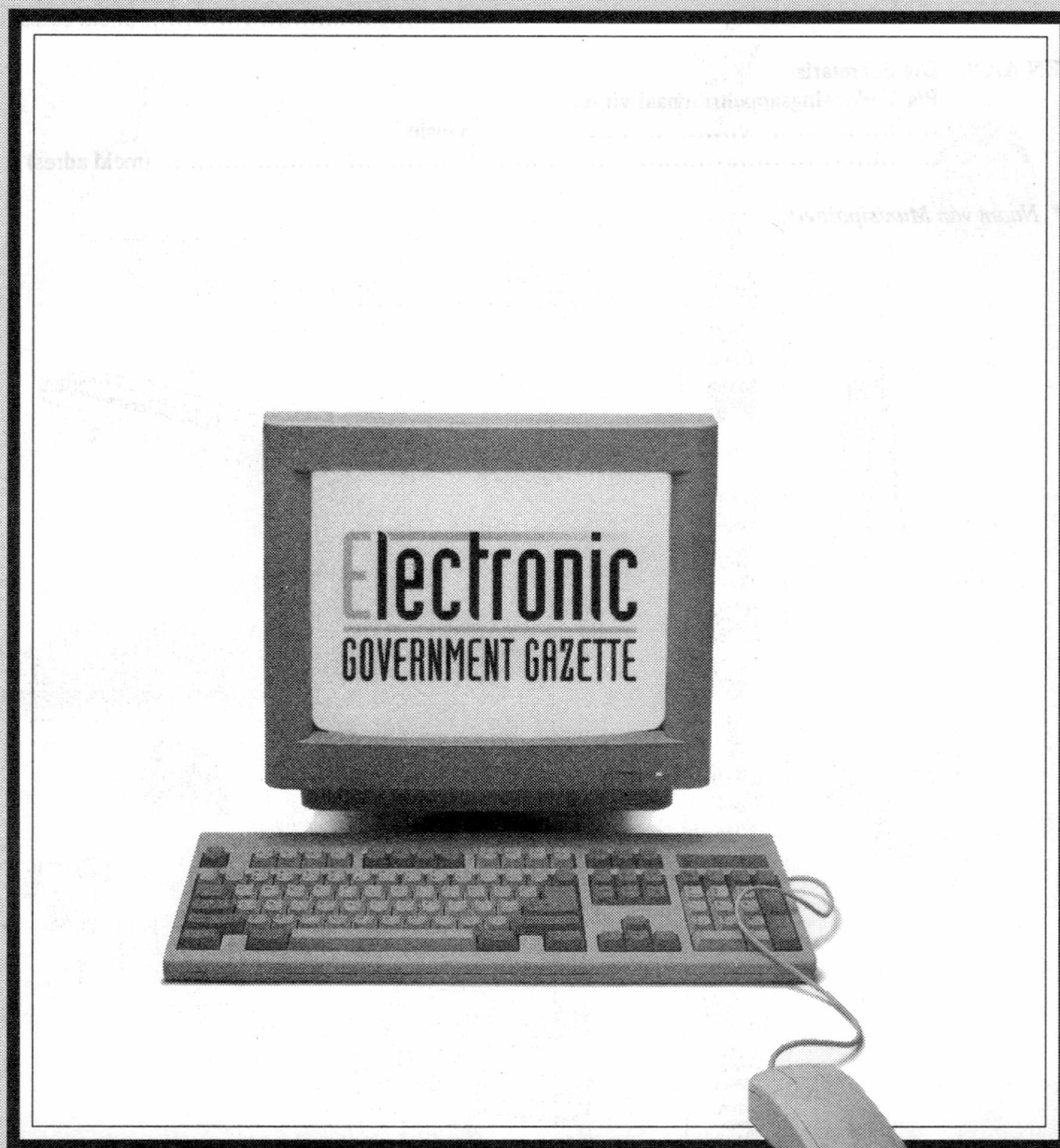
.....(meld adres)

EN AAN: Die Sekretaris
P/a Verkiesingsappèltribunaal vir die

.....provincie

.....(meld adres)

* *Naam van Munisipaliteit*



LET YOUR MOUSE DO THE WALKING

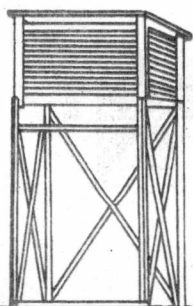
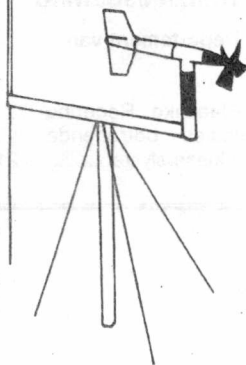
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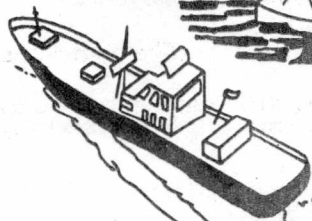
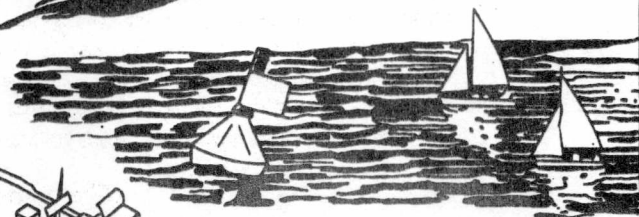
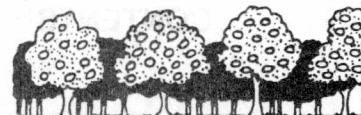
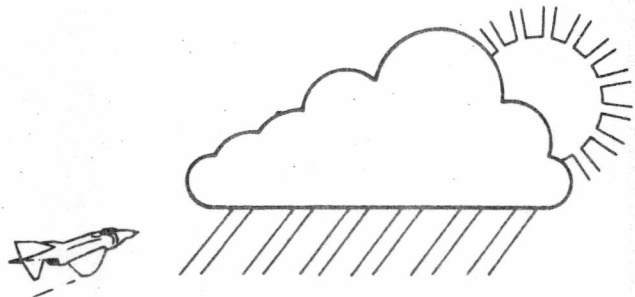


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