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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

ELECTORAL COMMISSION

NO. R. 4724

15 April 2024

AMENDMENT TO THE ELECTION REGULATIONS, 2004

The Electoral Commission has, in terms of section 100 of the Electoral Act 73 of 1998, made the regulations set out in the Schedule.

GENERAL EXPLANATORY NOTE

[] Words or phrases in bold type square brackets indicate omissions or deletions from existing enactments; and

_____ Words or phrases underlined with a solid line indicate insertion in existing enactments.

SCHEDULE 1**Definitions**

1. In this Schedule, unless the context indicates otherwise –
 - 1.1. “the Act” means the Electoral Act, 1998 (Act No. 73 of 1998);
 - 1.2. “the Regulations” means the Election Regulations, 2004, published under GN R12 in GG 25894 of 7 January 2004, as amended by GN R217 in GG 26058 of 16 February 2004, GN R344 in GG 26154 of 12 March 2004, GN R429 in GG 26207 of 29 March 2004, GenN 1206 in GG 31454 of 26 September 2008, GN R968 in GG 37132 of 6 December 2013 (as corrected by GenN 31 in GG 37259 of 23 January 2014), GN R371 in GG 42289 of 6 March 2019, and GN 2369 in GG 50301 of 15 March 2024; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

Amendment of Regulation 6 (as substituted by GN R968 in GG 37132 of 6 December 2013)

2. Regulation 6 is amended by –
 - 2.1. the substitution for subregulation (3) of the following subregulation –

“(3) The Commission must allow a person, who [is]will be outside the Republic on voting day, to **[apply for and]**cast a special vote if that person’s

name appears on the segment of the **[voter's]voters'** roll for persons who are in the Republic, and if that person notified the **[Commission within 15 days after the proclamation of the date of the election]**chief electoral officer by not later than the relevant date stated in the election timetable of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic.”; and

- 2.2. the substitution in subregulation (4) of for words preceding paragraph (a) of the following words –

“(4) The Commission must allow a person to **[apply for and]**cast a special vote for compensatory seats in the National Assembly if that person’s name appears on the segment of the **[voter's]voters'** roll for persons ordinarily resident at a place outside the Republic, and if that person notifies the **[Commission within 15 days after]**chief electoral officer by no later than the [proclamation of the]relevant date [of]stated in the election timetable of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote.”.

Amendment of Regulation 7 (as substituted by GN 371 in GG 42289 of 6 March 2019)

3. Regulation 7 is amended by the substitution in subregulation (1) for paragraph (a) of the following paragraph –

“(a) delivering or causing to be delivered to the municipal electoral officer of the municipality within whose area he or she is registered as a voter by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1A; or”.

Amendment of Regulation 8 (as substituted by GN 371 in GG 42289 of 6 March 2019)

4. Regulation 8 is amended by:

- 4.1. the substitution in subregulation (1) for paragraph (a) of the following paragraph –

“(a) delivering or causing to be delivered to the municipal electoral officer of the municipality in which the voting district where the vote will be cast is situated, by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1A; or”; and

4.2. the substitution in subregulation (1) for paragraph (b) of the following paragraph –

“(b) submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the website[**special vote system**].”.

Amendment of Regulation 9 (as substituted by GN 371 in GG 42289 of 6 March 2019)

5. Regulation 9 is amended by:

5.1. the substitution for the heading of the following heading:

“Election officers, security services members and voters’ intended absence from the voting district on voting day”;

5.2. the substitution in subregulation (1) for paragraph (a) of the following paragraph –

“(a) handing a written application in the form substantially similar to Appendix 1B, or by causing such application to be handed, to the municipal electoral officer of the municipality in which that voter is registered as a voter during office hours on the date or dates stated in the election timetable;”; and

5.3. the substitution in subregulation (1) for paragraph (b) of the following paragraph –

“(b) submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the website[**special vote system**]; or”.

Amendment of Regulation 10 (as substituted by GN 371 in GG 42289 of 6 March 2019)

6. Regulation 10 is amended by:

6.1. the substitution for the heading of the following heading:

“Notice of intention **[and application for]**to cast a special vote outside the Republic”;

6.2. the substitution in subregulation (1) for the words preceding paragraph (a) of the following words –

“(1) Persons referred to in subregulation 6 (3)**[or (4)]** who want to vote outside the Republic on a date designated for that purpose in the election timetable, must notify the Commission of their intended absence from the Republic on voting day, their intention to vote on the date designated for special votes in the election timetable, and the location of the place where they will cast their vote, which must be a place referred to in subregulation (3), and must do so by —”;

6.3. the substitution in subregulation (1) for paragraph (a) of the following paragraph –

“(a) submitting or causing to be submitted an application electronically to the chief electoral officer through the website**[special vote system within 15 days after the proclamation of the date of]**by the relevant date set in the election timetable; or”;

6.4. the deletion of subregulation (1)(b); and

6.5. the deletion of sub-regulation (2).

Amendment of Regulation 15 (as substituted by GN 371 of 6 March 2019)

7. Regulation 15 is amended by:

7.1. the substitution in sub-regulation (1) for paragraph (a) of the following paragraph –

“(a) delivering, or causing to be delivered, to the municipal electoral officer

of the voting district within whose area he or she is registered as a voter by not later than the date stated in the election timetable, a written application in a form substantially similar to Appendix 1A; or”; and

- 7.2. the substitution in sub-regulation (1) for paragraph (b) of the following paragraph –

“(b) submitting or causing to be submitted by no later than the date stated in the election timetable, an application electronically to the chief electoral officer through the website[special vote system].”.

Amendment of Regulation 15A (as substituted by GN 371 of 6 March 2019)

8. Regulation 15A is amended by:

- 8.1. the substitution in sub-regulation (1) for paragraph (a) of the following paragraph –

“(a) delivering or causing to be delivered to the municipal electoral officer of the municipality in which the voting district where the vote will be cast is situated, by not later than the relevant date or dates stated in the election timetable, a written application in a form substantially similar to Appendix 1A or”; and

- 8.2. the substitution in sub-regulation (1) for paragraph (b) of the following paragraph –

“(b) submitting or causing to be submitted by no later than the date stated in the election timetable, a written application electronically to the chief electoral officer through the website[special vote system].”.

Amendment of Regulation 15B (as substituted by GN 371 of 6 March 2019)

9. Regulation 15B is amended by:

- 9.1. the substitution in sub-regulation (1) for paragraph (a) of the following paragraph –

“(a) by handing a written application in a form substantially similar to Appendix 1B, or by causing such application to be handed to the municipal

electoral officer of the municipality in which that person is registered as a voter during office hours on the date or dates stated in the election timetable;” and

- 9.2. the substitution in sub-regulation (1) for paragraph (b) of the following paragraph –

“(b) electronically to the chief electoral officer through the website**[special vote system]** by no later than the date stated in the election timetable; or”.

Appendices

10. Appendix 1 is hereby substituted by the corresponding appendix 1A.
11. Annexure 1B is inserted as a new Appendix immediately after Appendix 1A.

Short title and commencement

12. These Regulations are called the Amendment to the Election Regulations, 2024, and shall come into operation on the date of publication hereof in the *Gazette*.

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