



Electing Councillors

A Guide to Municipal Elections



ELECTING COUNCILLORS

A GUIDE TO MUNICIPAL ELECTIONS

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Law and Development

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The Manual provides us with further insight into the electoral process and will ensure that the various role-players are suitably informed of the rules and regulations governing them. We hope in particular that citizens, the media, political parties and their candidates take note of these legal prescripts.

Foreword

The publication of the Elections Manual is a timely one, occurring just after we celebrate 20 years of democratic local government, and as we stand on the cusp of our fifth fully democratic local government elections in 2021. In the intervening years the system of local government has become entrenched with citizens, government officials and others involved, developing high expectations of the democratic process. This has been heightened with the hosting of successive national, provincial and local government elections since 1994.

The publication of the Elections Manual takes us a step further in deepening our democracy. This year, many young people under the age of 30 registered to vote. The Manual offers them an opportunity to learn more about the electoral process and play a more active role in the politics of today, ensuring that the sacrifices of 1976 were not in vain.

The Manual provides us with further insight into the electoral process and will ensure that the various role-players are suitably informed of the rules and regulations governing them. We hope in particular that citizens, the media, political parties and their candidates take note of these legal prescripts. With our rights come a plethora of responsibilities essential to keeping the democratic dispensation alive and vibrant. We call upon all to play their role in spreading the knowledge ensclosed within these pages to a wide an audience as possible. Enhanced voter education will further safeguard our democracy.

As we head into another election the Manual provides a guiding beacon that promises to light the way through the storms and passions that the elections are bound to unleash. Let this be our handbook as we chart the way forward to another free and fair election.

Department of Cooperative Governance and Traditional Affairs



**Cooperative Governance
Traditional Affairs**

The Dullah Omar Institute (formerly Community Law Centre) is a research and advocacy unit of the Law Faculty of the University of the Western Cape. Through engaged research, teaching and advocacy, the Institute supports processes in South Africa and the region to build inclusive, resilient states that are accountable to citizens and responsive to human rights. It aims to be the leading think tank on multi-level governance and human rights in Africa.

From the authors



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The electoral system for local government combines ward elections with proportional representation.

It is regulated in at least four different statutes, the Electoral Act 73 of 1998, the Local Government: Municipal Structures Act 117 of 1998, the Local Government: Municipal Electoral Act 27 of 2000 and the Local Government: Municipal Systems Act 32 of 2000. More rules can be found in various regulations under these Acts.

The result is an advanced but complex electoral system. This manual outlines the main features of the system in an accessible manner. The objective is to assist anyone who participates in the election or assists in making it happen. This includes voting officials, government officials, councillors, candidates, political parties and members of civil society. The manual also addresses the rules for filling vacancies in between elections.

While the manual is comprehensive it does not address every detail of the electoral system or every conceivable interpretation of the electoral laws. Further detail can be found in the various acts and regulations or obtained from the Independent Electoral Commission. If there is any inconsistency between this manual, and instructions issued on behalf of the IEC, the reader is strongly encouraged to abide by the IEC's instructions.

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The right to vote

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CHAPTER 1

The right to vote

1.1 Who may vote

Anyone registered as a voter on the national common voters' roll may vote. If you are registered as a voter for national and provincial elections, you may vote in a municipal election and you don't have to register again for municipal elections.

1.2 Registration

Anyone who (1) will be 18 years or older on election day and (2) has an identity card, valid temporary identity certificate or green bar-coded identity document, may apply to the municipal electoral officer for registration as a voter. When registering a voter, the IEC must record all of the following details in the voters' roll:

- a sequence number;
- identity number;
- name; and
- physical address.

A mistake in the voters' roll does not necessarily make that roll invalid.

1.3 Register to vote where you live

For municipal elections, the IEC uses that particular municipality's part of the national voters' roll. This part is called a 'segment'. This municipal segment, in turn, consists of the wards and voting districts that fall within the municipality (as on the day that the Minister calls general elections, see para 5.1). The public may inspect the municipal voters' roll. It is available from –

- the IEC's head office in Pretoria;
- the provincial office of the IEC; and
- the office of the relevant Municipal Electoral Officer.

Voting in municipal elections is allowed only at the voting station in the voting district where you are registered. If the IEC registers you, it must ensure you are registered in the voting district in which you are ordinarily resident at that time.

- A person is ordinarily resident at the home or place where that person normally lives and to which that person regularly returns after a period in which he or she was away.

In *Kham v Electoral Commission* (2015), the Constitutional Court determined that the IEC must record information with regard to the voters' residence that is precise enough to place a voter in a specific voting district. For example, the IEC may not just record general references to suburbs, extensions or to streets that fall in two voting districts. However, the IEC does not have to verify whether the address is correct.

There are many reasons why it may be difficult to establish an address. However, the IEC must try to establish a physical address, even if it is some detail that will serve as an address for the purposes of the voters' roll. If there really is no address, the IEC must still register the voter and make sure he or she is registered in the correct ward. The fact that there is no address next to the name does not make the voters' roll illegal. Every party that is registered for elections (see para 4.2) may have agents observe the registration process.

1.4 Change of name or residence

If you are a registered voter and your ordinary place of residence has changed, you must apply to the municipal electoral officer to have your registration details changed.

1.5 Physical disability

If a physical disability makes it impossible for you to travel to the office of the municipal electoral officer to register or to change your registration, you may request the IEC to visit you to conduct the registration.

1.6 Name does not appear, despite registration

If you have applied to be registered in a particular voting district and your name does not appear on the voters' roll for that voting district you may request that your name be included. The request must be accompanied by -

- a form with name, identity number, birth date, finger prints and residential address;
- a statement that your address is within that voting district;
- a statement you have applied for registration in that voting district; and
- proof of that application.

2

What do we vote for?

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CHAPTER 2

What do we vote for?

2.1 Municipal categories

South Africa is divided into three categories of municipalities. In the general municipal elections of 2016, voters elect councillors for these three different categories of municipalities:

<ul style="list-style-type: none"> eight metropolitan municipalities Metropolitan municipalities are ‘stand-alone’ municipalities, i.e. the only local government in that area. 	
<ul style="list-style-type: none"> 44 district municipalities 	<p>District and local municipalities operate in the same area. In other words, a number of local municipalities (varying from three to six or seven) make up one district municipality.</p>
<ul style="list-style-type: none"> 205 local municipalities 	

2.1.1 Metropolitan municipalities

The eight metropolitan municipalities are:

Johannesburg, Cape Town, eThekweni, Nelson Mandela Bay, Tshwane, Mangaung, Ekurhuleni, and Buffalo City. Their councils consist of –

<ul style="list-style-type: none"> 50% ward councillors (independent or nominated by a political party); and
<ul style="list-style-type: none"> 50% councillors that proportionally represent the parties that participated in that election (PR councillors)

2.1.2 Local municipalities

In local municipalities, the municipal council also consists of –

<ul style="list-style-type: none"> 50% ward councillors (independent or nominated by a political party); and
<ul style="list-style-type: none"> 50% councillors that proportionally represent the parties that participated in that election (PR councillors).

Some very small municipalities (with fewer than seven councillors) have no wards. In these municipalities, the council will consist of PR councillors only. Since 2011 there have been no councils without ward councillors, and so no reference to this type of council is made in this manual.

2.1.3 District municipalities

The district municipality (1) co-ordinates the activities of the local municipalities in its area, (2) supports local municipalities and (3) provides certain municipal services.

Every voter in the district municipality is entitled to cast a vote for the district council. However, that voter also votes for the local council. Therefore, the district vote is in addition to the two votes for the local council.

District councils will consist of –

<ul style="list-style-type: none"> 40% PR councillors (elected by all the voters in the district area); and
--

- 60% consisting of councillors appointed by the local municipalities in the district to represent their local municipality in the district council.

2.2 How many ballot papers?

The number of votes you may cast, i.e. the number of ballot papers you receive before entering the voting booth depends on where you live.

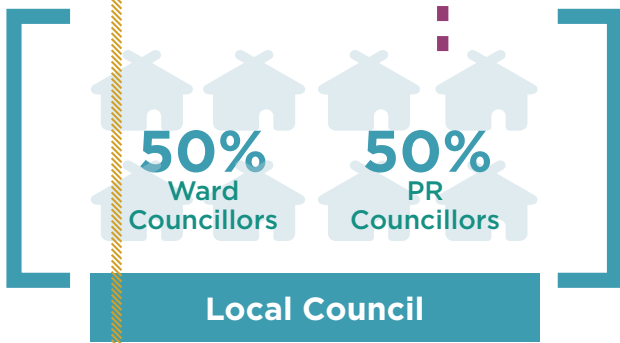
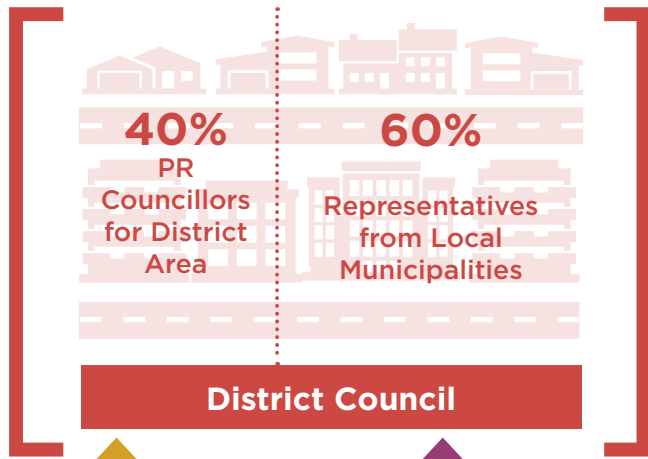
2.2.1 Metropolitan municipality - 2 ballots

1. One vote to elect a ward councillor to the metropolitan council; and
2. One vote to elect a party to the metropolitan council from the list of parties that participate in the election for that metropolitan council.

2.2.2 Local municipality - 3 ballots

1. One vote to elect a ward councillor to the local council;
2. One vote to elect a party to the local council from the list of parties that participate in the election for that local municipality; and
3. One vote to elect a party to the district council from the list of parties that participate in the election for that district municipality.

This is outlined in the diagram on the next page.



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Candidates, Parties and Councillors

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Chapter 3

Candidates, parties & councillors

3.1 Standing for elections and assuming office

There is a difference between –

- the right to stand for elections, i.e. campaign to be elected; and
- the right to become and remain a councillor, once elected.

3.1.1 Right to stand for elections

Every citizen who is qualified to vote for a particular municipality may stand for elections in that municipality. In other words, anyone who is registered on that municipality's segment of the national voters' roll may be nominated as a candidate.

There are a few exceptions. You may not vote in municipal elections if you –

- have been disqualified from voting for the National Assembly;
- are an unrehabilitated insolvent;
- were declared to be of unsound mind by a South African court; or
- were convicted and sentenced, less than five years ago, to more than 12 months' imprisonment without the option of a fine.
This also applies to sentences, laid down outside South Africa, for something that would also be an offense within South Africa. You may vote if you have been sentenced and are waiting for the outcome of an appeal or if you still have time to lodge an appeal.

This means that civil servants, members of Parliament and members of provincial legislatures may stand for election.

A municipal staff member may even stand for election in the municipality where he or she is employed. However, there are rules that apply to this situation:

- If a municipal staff member's candidacy is accepted by the IEC (see para 4.3), he or she must give the certificate of candidacy to the municipal manager. If the municipal manager is the candidate, the certificate must be presented to the mayor.
- From the day after receiving the IEC's certificate until the date on which the result of the election is declared, the official is on compulsory leave.
- If the candidate is elected as councillor the leave continues after the declaration of the result until he or she assumes office as a councillor.
- If there are insufficient leave days to cover that period, the missing days will count as unpaid leave.

The municipal staff member who is a candidate for municipal elections may not:

- use any immovable property of the municipality for the purpose of his or her election campaign; Community halls and any other public amenities may be used but on normal terms and conditions.
- use any of the municipality's movable property, such as financial resources, communication technology, equipment, official emblems, official transportation, official mailing lists and intellectual property; or
- use or accept assistance, during working hours, from any of the municipality's officials for the purpose of promoting his or her election campaign

A breach of these regulations constitutes misconduct in terms of the Code of Conduct for Municipal Staff Members.

3.1.2 Right to become and remain a councillor

If you have been elected, you have the right to be a member of the council, except –

- if any of the circumstances listed above that disqualify you from voting are now applicable. (ie you are disqualified from voting for the National Assembly, have become insolvent, have been declared to be of unsound mind or have been sentenced to 12 months or more);
- you are a member of the National Assembly, National Council of Provinces (excluding SALGA delegates in the NCOP) or a provincial legislature; or
- you are a member of another municipal council. This does not apply to councillors appointed from local municipalities to district municipalities, see para 2.1.3.

If you are a municipal staff member and you have been elected onto the council of your employer you are deemed to have resigned on the date immediately before the assumption of office as a councillor. For the time between the declaration of the result and the assumption of office, you must apply for further leave.

The MEC may make an exception to the general rule that a staff member may not be a councillor in his or her municipality. The MEC may do this if the duties as a staff member do not result in a substantial conflict with the work as a councillor.

3.2 Vacation of office

3.2.1 When does a councillor lose his or her seat?

A councillor loses the seat when he or she –

- resigns from the council; The resignation letter must be addressed to the Municipal Manager. In *ANC v Municipal Manager, George Municipality* (2009) the Court decided that a councillor has not legally resigned before the Municipal Manager has actually read the letter.
- any of the circumstances listed above (para 3.1.1) that disqualified him or her from voting have become applicable; or
- the MEC removed the councillor from office for contravening the Code of Conduct for councillors. After that, the person may not stand for election for one year.

A councillor also loses the seat when his or her party membership status changes. The following rules apply:

- If you are a ward councillor and you were nominated by a party, you lose the seat when your party membership ends.
- If you are an independent ward councillor, you lose your seat when you join a registered party.
- If you are a PR councillor, you lose your seat when your party membership ends.

Finally, a local representative to the district council (in other words a councillor who serves on both the local and the district municipality, see para 2.1.3) loses the district council seat when –

- the local council replaces him or her with someone else. Membership of the local council is not affected by this.

3.2.2 When does party membership (and thus council membership) end?

It is not always easy to determine exactly when a councillor lost his or her party membership. Party membership ends if the party member resigns from the party but it also ends if he or she is expelled from the party. When and how these matters work for that party is regulated by the relevant party’s constitution. However, some general rules apply:

- The party’s constitution determines how a member resigns from his or her party. If that procedure is not followed, the resignation may not be effective and councillor membership may thus also continue.
- Crossing of the floor, while permitted between 2002 and 2008, is not permitted. A councillor, who changes party allegiance mid-term, gives up the seat.
- A councillor who has been suspended from his or her party remains a councillor. Suspension is not the same as expulsion. Suspension is temporary (for example, to allow for an investigation, a hearing or an appeal) and may be reversed. Expulsion is permanent.
- If a party member challenges the expulsion by launching an appeal within the party, the consequences for council membership are primarily determined by what the party’s constitution says about the effect of the appeal.
 - If it states that appealing an expulsion means that the expulsion is delayed, an expelled councillor remains a councillor at least until the appeal has been finalised.
 - If it states the opposite, i.e. the appeal does not delay the expulsion and the councillor immediately loses his or her seat despite the appeal.
 - If it says nothing, the appeal will normally delay the expulsion.
- If an expelled party member challenges the party decision in court, the court must be asked to issue an interim order that prevents the councillor from losing his or seat while the trial continues.

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Chapter 4

Preparing for Elections

4.1 Timetable

The IEC prepares for elections in accordance with a timetable. The timetable contains cut-off dates for the various phases and milestones such as the publication of the voters' roll or the submission of party lists. The timetable is law and everyone, including the IEC, must adhere to it.

- Generally, if the timetable says something must be done or submitted by a particular day, it means before 17h00 that day.

The law does not permit the IEC to condone late submissions. However, it may also not act unreasonably. The Electoral Court has, in the past, instructed the IEC to accept nominations that were submitted a few moments after the cut-off time after it found that the party representative entered the building before the cut-off time and that no harm could have resulted from the delay (*National Peoples Party v Electoral Commission (2011)*). However, on other occasions, the Court has shown no sympathy for late submissions, particularly if documents were submitted substantially beyond the cut-off time (*African National Congress v Electoral Commission (2008)*).

4.2 Registration of political parties

Only parties that are registered with the IEC may contest a municipal election. Parties may register nationally, provincially or for a district or metropolitan council. If a party is registered for a province, it may only participate in municipal elections for councils in that province. A party that is registered for a metropolitan council may only contest elections for that metropolitan council. A party that is registered for a district council may only contest elections for that district council or local councils within that district area.

A party that is registered is entitled to representation on a party liaison committee and has free access to any voters' roll. The IEC must protect the party's name, distinguishing mark, symbol and abbreviation.

4.2.1 National party registration

If the party is not yet represented in Parliament, a provincial legislature or a municipal council the application must be accompanied by –

- the party's deed of foundation, adopted at a meeting and signed by 1000 qualified voters;
- the party's name and abbreviation;
- two sets of the party logo in colour;
- a fee of R 5000;
- that party's constitution; and
- proof of publication of a notice in the Government Gazette.
This notice must have been published at least 14 days before the application to the IEC.

4.2.2 Party registration for a province

The application must be accompanied by –

- the party's deed of foundation, adopted at a meeting and signed by 500 qualified voters;
- a fee of R 3000;

- the party's name and abbreviation;
- two sets of the party logo in colour;
- that party's Constitution;
- proof of publication of a prescribed notice in a newspaper circulating in the municipal area. This notice must have been published at least 7 days before the application to the IEC.

4.2.3 Party registration for a municipality

A party may apply to the IEC to register a party for a metropolitan council or a district council. If the party is not yet represented in a council in that area the application must be accompanied by –

- the party's deed of foundation, adopted at a meeting and signed by 300 qualified voters;
- a fee of R 2000 for each municipality the party registers for; and
- the party's name and abbreviation;
- two sets of the party logo in colour;
- that party's Constitution
- proof of publication of a prescribed notice in a newspaper circulating in the municipal area. This notice must have been published at least 7 days before the application to the IEC.

4.2.4 Objections to and appeals against the registration of party

You may only appeal if you lodged an objection to the registration of the party.

4.2.5 Register of parties

The Chief Electoral Officer keeps a register of parties. This register may be inspected free of charge by the public at the office of the Chief Electoral Officer. A copy of a document in the register may be obtained at a small fee.

A party that is not represented in a council or a legislature must annually renew the registration by submitting to the IEC, before the end of January after the previous year of registration, a declaration stating that the party is not dissolved and that it is continuing to operate as a party.

4.3 Nomination of candidates

4.3.1 PR candidates

A political party that wants to contest for PR seats must submit the documents below. They can be submitted by hand to the municipal electoral officer or electronically to the Chief Electoral Officer.

- a party list;
 - the number of candidates on the list may not more than twice the number of PR seats on the relevant council;
 - the names must appear on the list in the order of the party's preference, with the first in order on number one;
 - every party must seek to ensure that 50% of the candidates are women and that women and men are evenly distributed through the list;
- an undertaking that the party, its candidates, its office-bearers, its representatives, members and supporters will adhere to the Electoral Code of Conduct;
- a declaration that none of the candidates on the party list is disqualified from standing for election (see para 3.1.1);
- a deposit fee (to be refunded after the election if the party wins at least one seat) of:
 - R 3 500 in an election in a metropolitan municipality;
 - R 2 000 in an election in a local municipality; and
 - R 1 000 in an election in a district municipality.
 - The fee may be paid to the municipal electoral officer or to the IEC's central payment facility.
- an acceptance of nomination, signed by each party candidate; and
- a copy of the candidates' ID – page where the photo, name and ID number appear

If the identity document or acceptance of nomination is missing, the IEC must notify a party and allow the party to submit what is missing before the deadline in the timetable. Failure to do so will result in that candidate's name being removed from the party list.

If a candidate does not appear on the municipality's voters' roll, his or her name will be removed by the IEC. A list of parties contesting the election must be kept at the office of the local representative of the IEC. Certified copies may be obtained at a small fee. A mistake in the party list does not necessarily make that party list invalid.

Once the IEC has closed the nomination of candidates, a party may not change its party list until election day.

4.3.2 Ward candidates

Ward candidates may be nominated –

- by registered political parties; or
- by persons, who are (1) ordinarily resident in that ward, and (2) registered as voters in that ward (an independent candidate).

A ward candidate's name is submitted on a form to the IEC. This can be done by hand to the municipal electoral officer or electronically to the Chief Electoral Officer. The following must be attached:

- a form with at least 50 signatures of voters, registered in that ward (only if the candidate is independent);

- acceptance of nomination signed by the candidate;
- a copy of the candidates' identity page where the photo, name and ID number appear;
- a deposit fee of R1000 or an independent ward candidate and for a party aligned ward candidate whose party is not participating in the PR election of that municipality;

The fee may be paid to the municipal electoral officer or to the IEC's central payment facility.

This deposit will be refunded after the election if he or she received at least 10 per cent of the votes cast in the ward or if he or she wins a seat.
- an undertaking, signed by the candidate, to be bound by the Electoral Code of Conduct;
- a declaration, signed by the candidate, that he or she is not disqualified from standing for election (see para 3.1.1); and
- in the case of an independent candidate, a recent photograph.

4.3.3 Documents missing?

If the acceptance of nomination and/or the copy of the identity document are missing from the application, the IEC must notify the nominating party or the prospective independent candidate. The party or candidate must then be permitted to submit what is missing. The deadlines for the IEC's notification and the submission of missing information are in the timetable. If any of the other required documents are missing, the IEC is not compelled to do this.

The IEC must accept a nomination if (1) the above criteria are met and (2) the candidate is registered in the municipality. This means that a ward candidate does not need to be registered in the ward(s) that he or she is contesting. To assess whether the candidate is registered in the municipality, the IEC only needs to consult the voters' roll.

A list of ward candidates must be kept at the office of the local representative. Certified copies may be obtained at a small fee.

4.4 Voting officers

4.4.1 General

There must be one or more voting stations in each voting district. The IEC must appoint as many voting officers per voting station as necessary. They must assist the Presiding Officer. The following persons may not be voting officers:

- party or ward candidates;
- party or ward agents; and
- someone holding political or executive office in a party.

Voting officers are subject to the instructions and authority of the Chief Electoral Officer, who also determines the terms and conditions of their appointment and remuneration. Voting officers must be impartial and exercise their duties independently and without fear, favour, or prejudice.

Voting officers are not allowed to give support to or oppose any party or ward candidate or any of the issues on which parties or ward candidates disagree. Voting officers must not harm the independence of the Commission by any membership, association, statement or conduct. They must sign a declaration of secrecy.

The Chief Electoral Officer may dismiss voting officers on grounds of misconduct, incompetence, incapacity, absence without leave, bias, contravening the declaration of secrecy or any other rule set out in this paragraph. A voting officer may resign by giving one month's notice.

4.4.2 Presiding officer and Deputy Presiding Officer

The IEC must appoint a Presiding Officer and Deputy Presiding Officer for each voting station.

The Presiding Officer must manage, coordinate and supervise the voting and is responsible for the safe-keeping of voting materials. The Presiding Officer and Deputy Presiding Officer are voting officers which means that the rules above apply to them.

4.5 Agents

Parties may appoint two agents per room or area as indicated by the IEC. If voting will take place in multiple rooms or enclosed areas, the party may appoint two agents per room or area. If the votes will not be counted at the voting station, the party may appoint four agents per counting venue.

Independent ward candidates may appoint one agent per voting station in the ward. If voting takes place in multiple rooms or enclosed spaces the candidate may appoint one agent for each room or area. If the votes will not be counted at the voting station, the candidate may appoint two agents per venue.

An agent must be South African citizen and may not be a party or ward candidate in the election.

4.6 Accredited observers

Any organisation may apply to the IEC for permission to observe an election. The IEC keeps a register of accredited observers and issues certificates of accreditation.

Accredited observers may observe the election and be present at any proceedings concerning voting, counting and the determination of results. Observers must wear an identification tag and must comply with any order of a voting officer or a member of the security services acting on the instruction of a voting officer. They are bound by a Code of Conduct for Accredited Observers.

5

Voting day

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Chapter 5

Voting Day

5.1 General elections

The Minister of Cooperative Governance and Traditional Affairs calls general municipal elections and sets a date for those elections. This is published in the Government Gazette.

The national Minister must postpone the date for general municipal elections on request by the IEC, if the IEC finds that it is not possible to conduct a free and fair election on that day. Any postponed general elections must take place within 90 days of the expiry of the term of municipal councils.

5.2 By-elections

A by-election must be called when a ward councillor vacates office (see para 3.2). A by-election must also be called if:

- the IEC does not declare the result of an election within the required seven days (see para 6.4)
 - if the problem lies in the election in a specific ward, a by-election must be held for that ward only;
- a court sets aside the election of a council or the election in a ward; or
- a council is dissolved by the MEC.

The municipal manager must inform the MEC for local government and the IEC of a vacancy in a ward within 14 days from the date the vacancy occurred. The MEC must set a date for the by-election, after consulting the IEC, and publish the date in the provincial gazette. The election must be held no longer than 90 days after the day the seat became vacant.

The MEC may not call a by-election if (1) a general local government election will be held within nine calendar months of the vacancy arising and (2) the MEC has decided, in consultation with the Minister, that the by-election must stand over until that general election.*

The MEC must postpone, by notice in the *Provincial Gazette*, the date for a by-election on request by the IEC, if the IEC finds that it is not possible to conduct a free and fair election on that day. A postponed by-election must take place within 90 days of -

- the voting day of the previous election, if the by-election is held because the IEC did not declare a result;
- the day on which a court set aside the result of the election in that council or ward;
- the day on which the council was dissolved; or
- the day on which the vacancy occurred.

5.3 Postponement at one voting station

The IEC may postpone voting at a *particular voting station*, if the IEC finds that a free and fair election will not be possible at that voting station on voting day. The postponement must be made known to the public and, if possible, a notice must be put up at the voting station on the original voting day, stating that voting has been postponed. The same time limits to postponement as above apply (see para 5.2 for postponement of by-elections).

5.4 Special votes

A voter who is unable to vote on voting day and/or unable to vote at his or her voting station may apply to cast a special vote. Special votes are conducted prior to voting day and within the voting district where the voter is registered. In principle, the special vote must be cast at the relevant voting station. However, voters who are unable to make it to the voting station due to physical infirmity may apply to vote at their place of residence.

5.5 Strikes and lockouts

Strikes or lockouts on voting day by persons working in public transport or telecommunication are prohibited and not protected by the Labour Relations Act.

5.6 Voting stations

The IEC establishes voting stations in each voting district. When the IEC determines the location, it looks into matters that affect the free, fair and orderly conduct of the election and the need to avoid congestion at the voting station. The IEC may consult with parties and candidates.

A list of voting stations in the municipality must be available for inspection at the office of the local representative. Certified copies may be obtained at a small fee.

The IEC may relocate a voting station if necessary to ensure a free and fair election.

5.6.1 Boundary

Before a voting station opens for voting the Presiding Officer must determine the boundary of the voting station after consulting with party agents and security personnel (if they are available at the voting station). The boundary must be clearly demarcated by means of signs, markers or tape. The Presiding Officer may change the boundary of the voting station at any time if it is necessary to ensure proper control and security at that voting station. Before doing so, the Presiding Officer must consult party agents and members of the security services who are present.

5.6.2 Mobile voting stations

In large and sparsely populated voting districts, voters have to travel long distances to reach the voting station. In those areas, the IEC may establish *mobile* voting stations. This mobile voting station may exist in addition to, or instead of, the normal voting station.

The IEC must give sufficient publicity to the route, locations and estimated times of stopping of the mobile voting station.

5.7 Opening times

The voting station must be opened for voting at *07h00* and closed at *21h00*. Nobody may be admitted to a voting station for the purpose of voting after the voting station has closed for voting.

Voting must continue until every voter has voted who is entitled to vote and who reported at the voting station for voting *before closing time*.

On voting day, the IEC may extend voting hours at a voting station until as late as midnight on that day.

On voting day, the IEC may close a voting station temporarily if it is temporarily impossible to have a free and fair election there.

5.8 Powers and duties of the Presiding officer and Deputy Presiding Officer

The Presiding Officer must manage, co-ordinate and supervise the voting and is also responsible for the safe-keeping of voting materials. Objections against alleged irregularities in voting procedures must be dealt with by the Presiding Officer. The Presiding Officer must also ensure order at the voting station, for which he or she may order the security services present to assist. The Presiding Officer has the power to exclude persons from the

voting station (see para 5.16). The Deputy Presiding Officer must act as Presiding Officer when the Presiding Officer is absent, temporarily unable to act or when the office of Presiding Officer for the voting station is vacant.

5.9 Who is present at the voting station?

On voting day, each voting station must be staffed by the Presiding Officer, Deputy Presiding Officer and voting officers appointed for that voting station.

The Presiding Officer may allow party candidates in the voting station.

He or she allows as many party candidates to be present as can be comfortably accommodated at any specific time, considering the demands of a free and fair election.

Party agents must be South African citizens and may not be party or ward candidates themselves. While present at the voting station or counting venue, they -

- | |
|---|
| <ul style="list-style-type: none">• must wear identification tags; |
| <ul style="list-style-type: none">• comply with orders issued by election officers or security personnel, acting on instruction of an election officer; |
| <ul style="list-style-type: none">• may not display or distribute billboards, posters, placards or pamphlets; |
| <ul style="list-style-type: none">• may not wear any clothes, foot- or headwear that shows any writing, picture or sign relating to any party or candidate; |
| <ul style="list-style-type: none">• may not try to induce, influence or persuade a person not to vote or to vote in a particular way. |

A party agent may observe (but not interfere with) the voting, counting and determination of results. The absence of an agent or candidate does not make election proceedings invalid. Agents may object to any alleged irregularities with the Presiding Officer or Counting Officer. Party and ward candidates have the same rights as agents.

5.10 Voting materials

The IEC determines the design of ballot papers, ballot boxes and voting booths. Ballot boxes must be designed in such a way that they can be securely closed. The IEC must also determine the manner in which the ballot boxes are to be numbered, labeled, closed, secured, opened, sealed and unsealed. Voting booths must be designed in such a way that voters are able to mark the ballot paper secretly. Before a voting station opens for voting, the IEC must supply the Presiding Officer with all necessary voting materials, including -

- | |
|--|
| <ul style="list-style-type: none">• ballot papers; |
| <ul style="list-style-type: none">• ballot boxes; |
| <ul style="list-style-type: none">• voting compartments; |
| <ul style="list-style-type: none">• the certified segment of the voters' roll for the voting district; and |
| <ul style="list-style-type: none">• a receipt to be signed by the Presiding Officer, detailing the voting materials. |

5.11 Empty ballot boxes

Immediately before opening the voting station for voting, the Presiding Officer must -

- show all agents and candidates present that each ballot box that will be used at that voting station is empty;
- immediately after they have assured themselves that a ballot box is empty, seal that ballot box. All openings, except for the opening through which the ballot papers must be deposited must be closed and secured tightly. This must be done by means of a seal so that ballot papers cannot be inserted into or removed from the ballot box through those openings.

5.12 Voting procedure

A voter is entitled to vote on production of an identity document. The steps listed below must be followed.

5.12.1 Verification

The election officer to whom the ID is presented must verify –

- whether the voter is the person described in the ID (fingerprints may be taken);
- whether the voter's name appears on the voters' roll for that voting district;
- whether the voter has not already voted in the election.

If a voter wants to vote in an election and his or her name appears on the voters' roll for the relevant voting district, but he or she has no (adequate) address recorded on the voters' roll, he or she may still vote at that voting station subject to two requirements –

- the voter must provide his or her address, or the details of his or her place of ordinary residence, to the presiding officer or voting officer; and
- the presiding officer or voting officer must determine, in the presence of agents, that the address or place of ordinary residence is located within the ward or municipality concerned.

If the voter's name appears on the relevant part of the voters' roll, an objection may only be based one of two things, namely –

- that the voter was fraudulently included on that part of the voters' roll; or
- exceptional circumstances exist for the late objection.

At any time before a voter has been given a ballot paper, an agent or ward candidate may object to that voter being allowed to vote.

An agent, a ward candidate or the voter concerned may also object if the voter is refused a ballot paper.

5.12.2 Recording

If the election officer is satisfied with regard to these matters, he or she must –

- record that the voter has voted;
- mark the voter's hand by drawing a short line on the voter's left thumb and left thumb nail with visible ink that cannot be removed;

- If the voter does not have a left thumb or left thumb nail or if it is impractical (due to injury, disease etc.) to mark the left thumb or left thumb nail, any other left finger may be marked. If it is impossible to mark a left finger, a finger and nail of the right hand must be marked. If no finger and nail can be marked at all, the Presiding Officer must write the voter's name, address, ID number and the reasons why marking could not take place, on a list kept for that purpose.
- stamp the back of the ballot paper with the official stamp for the election; and
- hand the ballot paper(s) to the voter.

5.12.3 Casting the votes

The voter then –

- enters an empty voting compartment;
- marks the ballot paper(s) secretly, indicating the party or candidate he or she wishes to vote for;
- folds the ballot paper(s) to conceal the vote;
- takes the ballot paper(s) to a ballot box and shows the official stamp to an election officer;
- places the ballot paper(s) in the ballot box; and
- leaves the voting station without delay.

If the voter (1) marks a ballot paper in a way that does not indicate a party or candidate before the ballot paper is placed in the ballot box or (2) changes his or her mind before the ballot paper is placed in the ballot box, the voter may return it to the Presiding Officer or voting officer. He or she then receives a new ballot paper after the original has been marked “cancelled” on the back and has been filed separately. A voter may only be issued with new ballot papers twice after the first ballot papers were issued.

5.13 Closing and sealing of ballot boxes

As soon as a ballot box is full, the Presiding Officer must, in the presence of the agents and candidates that are there, close the opening through which ballot papers were put in the ballot box with a seal.

After the last vote has been cast, the last ballot box and any unused ballot boxes must be closed and sealed similarly. The Presiding Officer must allow party agents present to also affix their seal to the ballot boxes.

A sealed box must remain sealed until opened for counting and must remain in the voting station, within sight of everyone present, until counting starts. If counting takes place at another counting venue, it must remain at the voting station until transported to the counting venue.

5.14 Voting at a mobile voting station

When only a mobile voting station is used in one voting station, the same voting procedures, adjusted insofar as necessary, apply.

When both a mobile and a normal voting station are used in one voting station–

- the mobile voting station must be managed as an integral part of the normal voting station;

- voting material for the mobile voting station must be supplied to the Presiding Officer of the normal voting station who must in turn, supply the Presiding Officer of the mobile voting station with the necessary voting material and obtain a receipt from that officer;

Voting at a mobile voting station at a particular location continues until every voter has voted -

- who is entitled to vote in that voting district; and
- who reported for voting before the stopping time at that location had expired.

5.15 Assistance to voters with a physical disability

If a voter needs assistance because of a physical disability (including blindness or other visual impairment), the Presiding Officer may allow someone who is not an election officer to assist. The Presiding Officer may only allow this if the voter has requested assistance from that person and the Presiding Officer is satisfied that the person giving assistance is at least 18 years old and not an agent or candidate.

If a voter is physically disabled and requests assistance from the officials at the voting station, the Presiding Officer or voting officer must assist that person in the presence of an observer (if available) and two agents appointed by different parties or candidates (if available). The Presiding Officer or voting officer must try to maintain the secrecy of the voting as far as possible.

5.16 Removal of persons from the voting station

The Presiding Officer may order anyone to leave the area of a voting station. Reasons must be given when requested.

With regard to persons on the list below, they may only be ordered to leave the voting station when their conduct is not conducive to a free and fair election:

- a party agent who is entitled to be present at a voting station (see para 4.5);
- a ward candidate;
- party candidates that have been granted permission by the Presiding Officer to be present (see 5.9);
- a person appointed by an accredited observer;

The following persons may not be excluded from the voting station by the Presiding Officer.

- a member, employee or officer of the IEC;
- a voter present for the purpose of voting; and
- persons with specific authorisation from the IE

5.17 Revote

If ballot papers at a voting station are lost, destroyed or unlawfully removed before counting of the votes has finished, the IEC may allow a revote at that voting station on another day. The date of the revote must be made known in an appropriate way.

5.18 Objections

An agent, a ward candidate or a voter may object to any conduct of anyone present at a voting station.

Objections must be made in writing and handed to the Presiding Officer. He or she must investigate the circumstances and may ask questions to anyone that may be able to assist. The Presiding Officer must then decide on the objection, write up the decision and inform the objector and other parties involved of the outcome.

5.19 Closing procedure

As soon as practical after the closing of a voting station, the Presiding Officer must, in the presence of any agents and candidates present, complete the ballot paper statement with the number of –

<ul style="list-style-type: none">• ballot boxes entrusted to the Presiding Officer;
<ul style="list-style-type: none">• used ballot boxes;
<ul style="list-style-type: none">• unused ballot boxes;
<ul style="list-style-type: none">• ballot papers for each ballot entrusted to that Presiding Officer;
<ul style="list-style-type: none">• issued ballot paper for each ballot;
<ul style="list-style-type: none">• unissued ballot papers for each ballot; and
<ul style="list-style-type: none">• cancelled ballot papers for each ballot.

Each unused ballot box must be sealed. Party agents may also affix their seals.

The voters' roll, all unused ballot papers, all cancelled ballot papers and the record with objections concerning voting (see below) must be sealed in separate containers. Party agents may also affix their seals.

5.20 Delivering the voting material

Usually, the Presiding Officer is also the Counting Officer. However, if the Presiding Officer is not the same person as the Counting Officer, and the votes will be counted at the voting station where the votes were cast, the Presiding Officer must deliver the items mentioned above to the Counting Officer.

If counting takes place at another place than the voting station where the votes were cast, the Presiding Officer of the voting station must deliver to the Counting Officer of the counting venue:

<ul style="list-style-type: none">• the ballot paper statement;
<ul style="list-style-type: none">• the sealed, used ballot boxes;
<ul style="list-style-type: none">• the sealed, unused ballot boxes;
<ul style="list-style-type: none">• the sealed containers (see above).

If both a normal voting station and a mobile voting station are used, the Presiding Officer of that mobile voting station must deliver all the items mentioned above to the Counting Officer of the normal voting station. The Counting Officer must then open all the ballot boxes from both voting stations, mix all the ballot papers and then proceed with sorting the ballot papers, counting the votes and determining the results for that voting station.

6

Counting and determining results

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Chapter 6

Counting and determining the result

6.1 Who counts?

6.1.1 Counting officer

For each voting station or other venue where votes will be counted, the IEC appoints a Counting Officer and a Deputy Counting Officer. They may be the same person as the Presiding Officer, Deputy Presiding Officer or Voting Officer. The Counting Officer must manage, coordinate and supervise the counting of the votes and has the same power with regard to maintaining order as the Presiding Officer (see 5.16). Objections with regard to alleged irregularities in counting procedures must be dealt with by the Counting Officer.

6.1.2 Counter

The IEC must appoint as many Counters per voting station or other counting venue as necessary. The Deputy Presiding Officer or a Voting Officer may be the same person as a Counter. Counters assist the Counting Officer in the counting of the votes.

6.2 When and where?

Counting must start as soon as possible after the voting station has been closed and it must continue uninterrupted until all the votes have been counted. Counting may be suspended but only with the consent of the Commission (i.e. de central leadership of the IEC). If counting is suspended, the Counting Officer must make sure the voting materials are safe.

Counting takes place at the voting station (unless the voting station is mobile). The IEC may determine, in the interests of a free and fair election, that counting must take place at another venue than the voting station.

6.3 Counting procedure

The counting of votes takes place in the following four steps:

6.3.1 Verification

The Counting Officer examines whether the seals are intact and allows any agents or ward candidates present to do the same. The Counting Officer then verifies the information on the ballot paper statement with the material that he or she received.

Any irregularities must immediately be taken up with the Presiding Officer who delivered the material. The Counting Officer, together with the Presiding Officer must try to resolve the irregularity. Agents and ward candidates that are present must be fully informed and allowed to be present at discussions and to contribute. If the material has been tampered with or is missing, the Counting Officer must call in a member of the police to investigate and search for missing material.

A full written report must be made of each irregularity, of how it has been dealt with and of the outcome of the investigation. These reports must be submitted to the Chief Electoral Officer as soon as possible.

Agents and ward candidates may object to the Counting Officer in writing if the verification was not done properly. The Counting Officer must investigate the objection, make a decision and keep a record of each objection and decision.

6.3.2 Counting of votes

The Counting Officer must open all the used sealed ballot boxes. The counting of votes must be conducted as follows:

1. The ballot papers are sorted according to the relevant ballots that took place at that voting station (see para 2.2).
2. The ballot papers for each ballot are counted and compared with the total number of ballot papers issued (and not cancelled) for that ballot.

3. The ballot papers are examined in order to determine whether any must be rejected.

Rejected ballot papers

A ballot paper must be rejected by the Counting Officer if -

- it gives away the identity of the voter;
- a vote is cast for more than one party or ward candidate;
- it is unmarked;
- it is marked in such a way that it is not possible to determine the voter's choice;
- it does not have the official stamp at the back;
- it is not an official ballot paper.

Rejected ballot papers must be marked "rejected" at the back and filed separately.

Disputes

Agents or ward candidates may dispute a Counting Officer's rejection or acceptance of a ballot paper. The ballot paper must then be marked "disputed". Accepted ballot papers that are disputed must be counted. Rejected ballot papers that are disputed must be filed separately.

4. The remaining ballot papers are sorted face up according the party or ward candidate that was voted for on the ballot paper.

5. The ballot papers for each party or each ward candidate are bound in packages of ten and thereafter in ten packages of ten, bound together with elastic bands.

The ballot papers for each party or each ward candidate are counted and the totals recorded.

Agents or ward candidates may object, in writing, to the Counting Officer about any alleged irregularity in the sorting of ballot papers or inaccuracy in the counting of votes. The objection must be made before the Counting Officer has completed the result form (see below). The Counting Officer must investigate the objection and make a decision about the objection. The Counting Officer may order a recount. When the Counting Officer orders a recount, the result of the count must be determined and recorded afresh. The Counting Officer must keep a record of each objection and decision.

6.3.3 Result

When counting has been completed, the Counting Officer must complete the result form, which reflects the result of the count in respect of each ballot. The result in respect of each ballot must be forwarded to the municipal electoral officer.

The Counting Officer must seal in separate containers:

- the ballot paper statement;
- the voters' roll for that voting district;
- the unused ballot papers;
- the cancelled ballot papers;
- the record of objections concerning voting; and
- the record of objections concerning sorting ballot papers and counting votes.

These containers must be delivered to the municipal electoral officer.

6.4 Declaration of the result

After the IEC has received all the results from the voting stations within the municipality, it must declare the result in public. The result must be declared within seven days after the elections. If the IEC is unable to determine and declare the result of an election within seven days, it may, within that period, apply to the Electoral Court for an extension. The Electoral Court will only grant this if there are good reasons to do so.

6.5 General objections against election

After the results have been declared, an interested party may object in writing against any aspect of an election. This procedure must be followed before resorting to court action.

The objection may relate to –

- voting or counting procedures;
- unlawful interference with or obstruction of election activities in or around a voting station; and
- interference with or influencing, intimidation or obstruction of voters in or around a voting station.

In *Kham v Electoral Commission (2015)*, the Constitutional Court held that complaints about the registration of voters that preceded the election do not fall under this section. So the aggrieved candidates could take their case straight to court.

There is an important limit on the scope for general objections against the outcome. The objection must be “material to the declared result of the election”. In other words, the irregularity must have been able to disrupt who was elected. For example, in a ward election, a discrepancy in the number of ballots cast and the number of spoiled ballot papers, totaling fewer ballot papers than the difference between the winner and the runner-up, was not material to the result, according to the Court in *Independent Party v Independent Electoral Commission (2001)*.

The objection must reach the IEC’s head office in Pretoria *by not later than 17h00 on the second day after voting day*. The IEC may, however, on good cause shown, condone a late objection

The objection must contain –

- reference to the relevant election and the relevant section of the Municipal Electoral Act in terms of which the objection is brought;
- full name, physical address, postal address, telephone number and, if available fax number and email of the person or party that objects;
- the interest of the objector in the matter;
- details of the objection and the aspect of the election concerned;
- detailed reasons for the objection;
- what the objector wants the IEC to do about the complaint;
- a list of supporting documents, accompanying the notice; and

- proof that copies of the notice and other documents have been given to other interested parties. This does not mean that every party and candidate in the election must be included. Only those parties and candidates that stand to be affected by the outcome of the objection must be included. For example, when a small party that had won less than 1% of the elections was not included, it did not make the objection inadmissible, according to the Court in *Independent Party v Independent Electoral Commission (2001)*.

In dealing with the objection, the IEC may investigate, collect further information or conduct a hearing. Within three days the IEC must either reject or uphold the objection.

If the IEC decides to uphold the objection before the result has been determined, it may –

- decide that some or all votes cast at a particular voting station must be disregarded;
- decide that some or all the votes cast for a particular party or candidate at a particular voting station must be deducted from the votes cast for that party or candidate in the election; or
- reduce the number of votes cast for a party or a candidate.

If the IEC decides to uphold the objection after the result of an election has been declared, it may amend the result. It may also choose to refer the objection to the Electoral Court if it is of the opinion that the matter is so serious that it may justify the setting aside of the election.

The Electoral Court may –

- reject the objection;
- amend the election result;
- set aside the election; or
- make another appropriate order.

While the Electoral Court considers the matter, the declared result of an election stands.

The objector and any party involved must be notified immediately of the IEC's decision which must include reasons, however brief.

In *Inkatha Freedom Party, Nongoma and Another v Electoral Commission (2014)* the problem was that the presiding officer had not stamped the ballot papers that were used for special voting. He then refused to count those votes because ballot papers without the IEC's stamp may not be counted. The special votes would have changed the outcome of the ward election and the issue was thus material to the election result. The IEC upheld the objection that was lodged but decided to refer the matter to the Electoral Court. The Court decided, however, that the IEC should not have referred the matter to it. Instead, the IEC should have amended the election result using the uncounted special votes. The matter concerned an administrative error, there was no foul play and nobody had opposed the objection. Setting aside the election would have caused great damage to the IEC, the municipality and the residents of the municipality.

If the Court sets aside an election long after the elections were held, it may do so without retrospective effect. In other words, the judgment applies from the day of the judgment going forward and not from the day of the election. This is to avoid uncertainty over the validity of municipal decisions taken in the meantime (see *Kham v Electoral Commission (2015)*).

6.6 Appeals

An objector or party involved in the objection who feels aggrieved by the IEC's decision may, within seven days of the decision, appeal to the Electoral Court. The Electoral Court may -

- reject the appeal;
- amend the IEC's decision;
- set aside the election; or
- make another appropriate order

During the appeal, the declared result of an election stands.

7

Allocating seats and filling vacancies

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Chapter 7

Allocating seats and filling vacancies

7.1 Introduction

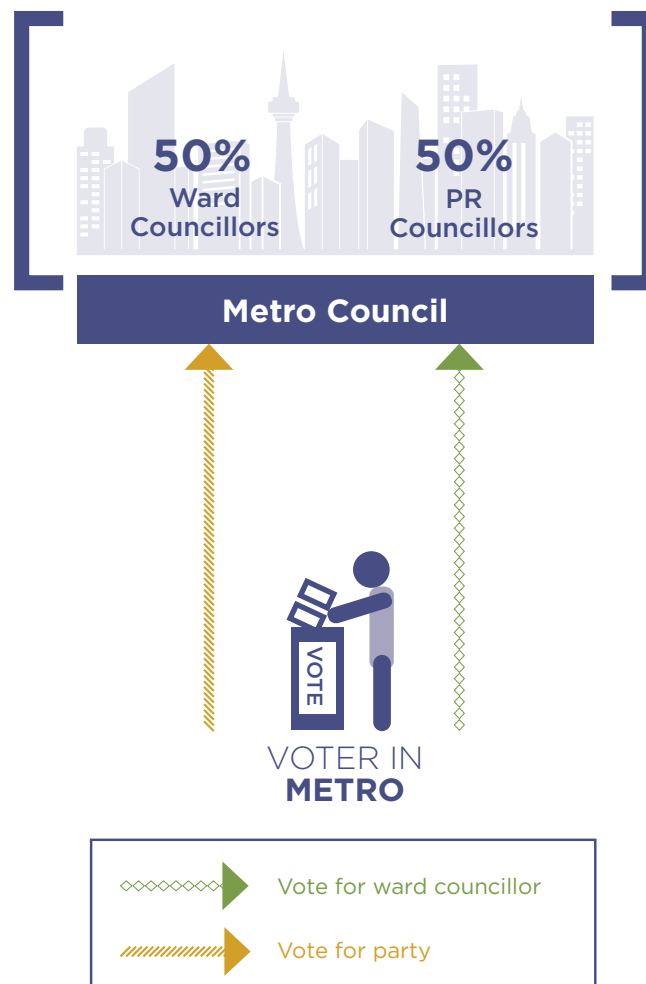
How are votes translated into seats on the council? Different formulas are used for the allocation of seats to the various municipal councils. This chapter explains for every possible situation, how the votes are translated into seats.

It deals with:

- ward and PR elections in a metropolitan municipality;
- ward and PR elections in a local municipality;
- elections for a district council;
 - PR elections in entire district;
 - determining how many representatives a local municipality may send to the district; and
 - election of local municipality's representatives to the district council.

Secondly, what happens when a seat becomes vacant? How does the IEC fill the vacancy? The second part of each section explains how ward and PR vacancies are filled in that particular category of municipality.

7.2 Metropolitan municipality



7.2.1 Elections for a ward councillor

In the election for a ward councillor, the ward candidate who receives the most votes is the elected councillor for that ward. If two or more candidates receive an equal number of votes, the result will be determined by lot.

7.2.2 PR elections

The allocation of seats to the parties that participated in the election for the PR seats in the council of a metropolitan municipality takes place in the four steps outlined below.

Step 1: Determining the quota

A To work out how many votes are needed for a party to win a PR seat on a metropolitan council, the following formula is used (fractions should be disregarded):

$$\text{QUOTA} = \frac{\text{A}}{\text{B} - \text{C}} + 1$$

- A** represents the **total number of valid votes cast for all parties, that is:**
- all votes cast in the PR ballot; plus
 - all votes cast in the ward ballot for *ward candidates that represent parties.*
- B** represents the number of seats in the metropolitan council
- C** represents the number of independent ward councillors elected in the election

Example: Quota for a seat on the council of Metropolitan Municipality A

Metropolitan Municipality A:

1 400 000 voters

70 % turnout, which means that 980 000 voters voted (assume no rejected ballot papers)

200 council seats: 100 ward, 100 PR

40 ward elections won by independent ward candidates, 60 ward elections won by party aligned ward candidates

400 000 votes were cast for party aligned ward candidates

$$\text{QUOTA} = \frac{980\,000 + 400\,000}{200 - 40} + 1 = 8626$$

Step 2: Allocating seats

The allocation of seats to a party takes place according to the following formula:

**Votes cast for the party in the
PR ballot + Votes cast for the party
in the ward ballot ***

Quota

* Votes for the party's ward candidates.

Example: Allocating seats

4 parties participated in the election for the council of Metropolitan Municipality A:

Party X: 260 000 PR votes
100 000 ward votes
15 ward councillors elected

$$\frac{260\,000 + 100\,000}{8626} = 41.73$$

Party Y: 245 000 PR votes
80 000 ward votes
9 ward councillors elected

$$\frac{245\,000 + 80\,000}{8626} = 37.67$$

Party Z: 200 000 PR votes
60 000 ward votes
8 ward councillors elected

$$\frac{200\,000 + 60\,000}{8626} = 30.14$$

Party Q: 275 000 PR votes
160 000 ward votes
28 ward councillors elected.

$$\frac{275\,000 + 160\,000}{8626} = 50.42$$

Result:

Party X: 41 seats
Party Y: 37 seats
Party Z: 30 seats
Party Q: 50 seats

158 seats

There are 160 'party seats' (all the PR seats + ward seats that were won by party aligned ward candidates) which means that 2 seats remain unallocated.

Step 3: Allocating the remaining seats

It is possible that not all seats, belonging to parties in the council can be allocated to parties by applying the result of this formula, because the formula may result in fractions of seats. In that case, the fractions of each party must be compared and the remaining seat must be allocated to the party that has the highest fraction. If more than one seat remains, one seat goes to the party with the highest fraction, one seat to the party with the second highest fraction etc.

If the fraction of two or more parties is equal, the seat must be awarded to the party that received the most valid votes.

Example: Allocating the remaining seats

Fractions:

Party X:	.73
Party Y:	.67
Party Z:	.14
Party Q:	.42

The first remaining seat goes to **Party X** (highest fraction)

The second remaining seat goes to **Party Y** (second highest fraction)

Result:

Party X:	$41 + 1 = 42$ seats
Party Y:	$37 + 1 = 38$ seats
Party Z:	30 seats
Party Q:	50 seats
	160 seats

Step 4: Deducting the ward councillors that represent parties

The number of elected ward councillors that are aligned to the party must be deducted from the result of Step 3.

This then gives the final number of seats to which a party is entitled.

Example: Deducting the ward councillors that represent parties

Final result:

Party X:	is entitled to 42 PR seats 'overall' and has 15 ward councillors elected:
	$42 - 15 = 27$ PR seats
Party Y:	$38 - 9 = 29$ PR seats
Party Z:	$30 - 8 = 22$ PR seats
Party Q:	$50 - 28 = 22$ PR seats
	100 PR seats

7.2.3 Filling seats

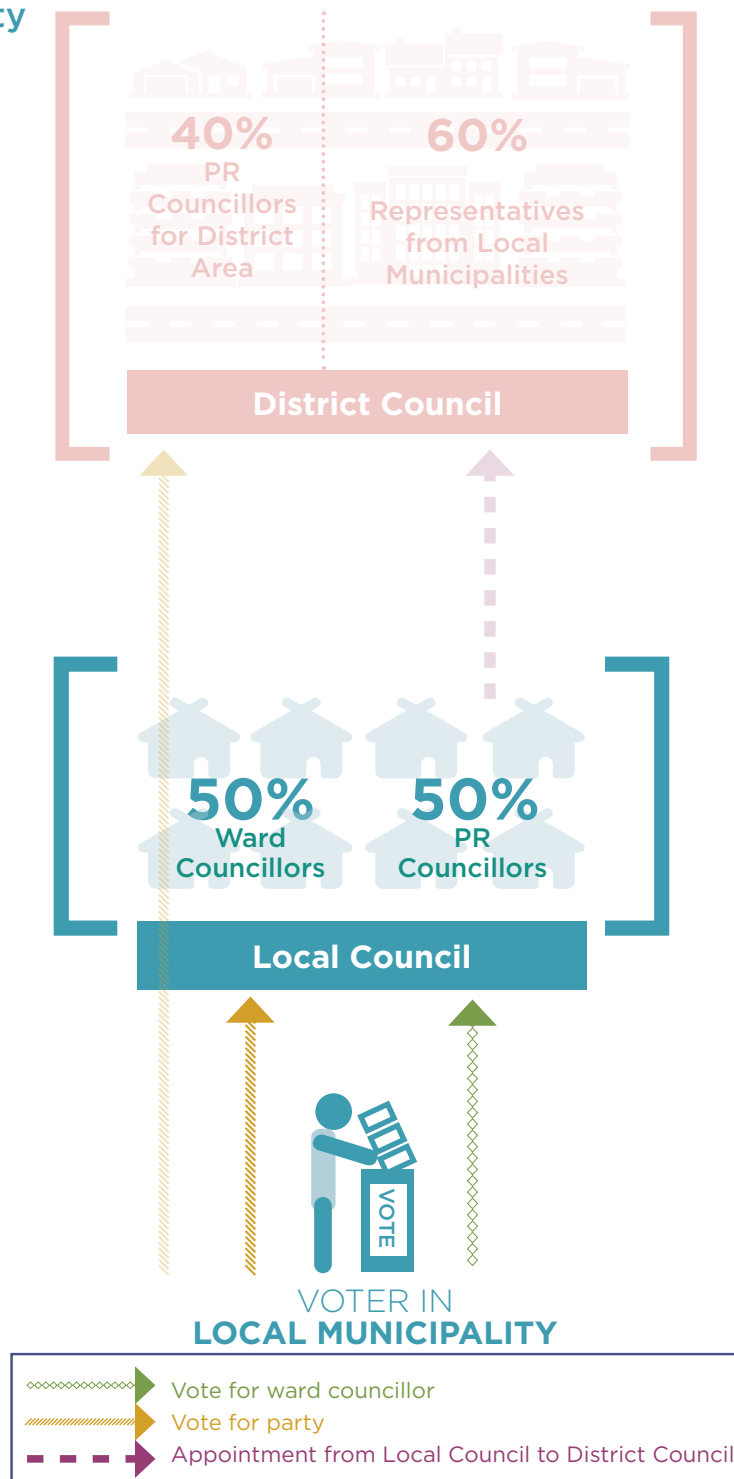
The IEC determines who fills PR seats from party lists, by taking from the party list a number of candidates that is equal to the number of seats a party is entitled to starting with number one on the list.

7.2.4 Filling vacancies

How a vacancy is filled, depends on whether it concerns a ward councillor or a PR councillor. The vacancy left by a ward councillor who vacates office is filled through a by-election. See para 5.2 for the calling of a by-election. When a PR councillor vacates office after he or she has been elected from the PR list, the IEC goes back to the PR list and declares elected whose name is at the top of the list. The municipal manager must notify the IEC of a PR vacancy within 14 days of the vacancy occurring.

However, before the IEC fills the vacancy, the party may change its list and thus determine who is next in line. It must do so within 21 days after the councillor vacated office. After that 21 day period has expired the IEC must declare who fills the vacancy with 14 days. The IEC may not accept changes to the list that were submitted outside of the 21-day period.

7.3 Local municipality



7.3.1 Elections for a ward councillor

In the election for a ward councillor, the ward candidate who receives the most votes is the elected councillor for that ward. If two or more candidates receive an equal number of votes, the result will be determined by lot.

7.3.2 PR elections

The allocation of seats to the parties that participated in the election for the PR seats in the council of a local municipality takes place in the four steps outlined below.

Step 1: Determining the quota

- A** To work out how many votes are needed for a party to win a PR seat on a local council, the following formula is used (fractions should be disregarded):

$$\text{QUOTA} = \frac{\text{A}}{\text{B} - \text{C}} + 1$$

- A** represents the **total number of valid votes cast for all parties, that is:**
- all votes cast in the PR ballot; plus
 - all votes cast in the ward ballot for *ward candidates that represent parties.*
- B** represents the number of seats in the local council
- C** represents the number of independent ward councillors elected in the election

Example: Quota for a seat on the council

of Metropolitan Municipality B (with wards)

Metropolitan Municipality B:

30 000 voters, who all cast their votes (100 % turnout, assume no rejected ballot papers)

18 council seats: 9 ward, 9 PR

3 ward elections won by independent ward candidates, 6 ward elections won by party aligned ward candidates

20 000 votes were cast for party aligned ward candidates

$$\text{QUOTA} = \frac{30\ 000 + 20\ 000}{18 - 3} + 1 = 3334$$

Step 2: Allocating seats

The allocation of seats to a party takes place according to the following formula:

$$\frac{\text{Votes cast for the party in the PR ballot} + \text{Votes cast for the party in the ward ballot}^*}{\text{Quota}}$$

Quota

* Votes for the party's ward candidates.

Example: Allocating seats

3 parties participated in the election for the council of Metropolitan Municipality B:

Party X: 10 000 PR votes
6 000 ward votes
1 ward councillors elected

$$\frac{10\,000 + 6\,000}{3334} = 4.79$$

Party Y: 5 000 PR votes
8 000 ward votes
3 ward councillors elected

$$\frac{5\,000 + 8\,000}{3334} = 3.89$$

Party Z: 15 000 PR votes
6000 ward votes
2 ward councillors elected

$$\frac{15\,000 + 6\,000}{3334} = 6.29$$

Result:

Party X: 4 seats
Party Y: 3 seats
Party Z: 6 seats

13 seats

There are 15 'party seats' (all the PR seats + ward seats that were won by independants) - 2 seats remain unallocated.

Step 3: Allocating the remaining seats

It is possible that not all seats, belonging to parties in the council can be allocated to parties by applying the result of this formula, because the formula may result in fractions of seats. In that case, the fractions of each party must be compared and the remaining seat must be allocated to the party that has the highest fraction. If more than one seat remains, one seat goes to the party with the highest fraction, one seat to the party with the second highest fraction etc.

If the fraction of two or more parties is equal, the seat must be awarded to the party that received the most valid votes.

Example: Allocating the remaining seats

Fractions:

Party X: .79
Party Y: .89
Party Z: .29

The first remaining seat goes to **Party Y**
(highest fraction)

The second remaining seat goes to **Party X**
(second highest fraction)

Result:

Party X: 4 + 1 = 5 seats
Party Y: 3 + 1 = 4 seats
Party Z: 6 seats

15 seats

Step 4: Deducting the ward councillors that represent parties

The number of elected ward councillors that are aligned to the party must be deducted from the result of Step 3.

This then gives final the number of seats to which a party is entitled.

Example: Deducting the ward councillors that represent parties

Final result:

Party X: is entitled to 5 PR seats 'overall'
and has 15 ward councillors
elected:
5 - 1 = 4 PR seats

Party Y: 4 - 3 = 1 PR seats

Party Z: 6 - 2 = 4 PR seats

9 PR seats

7.3.3 Filling seats and filling vacancies

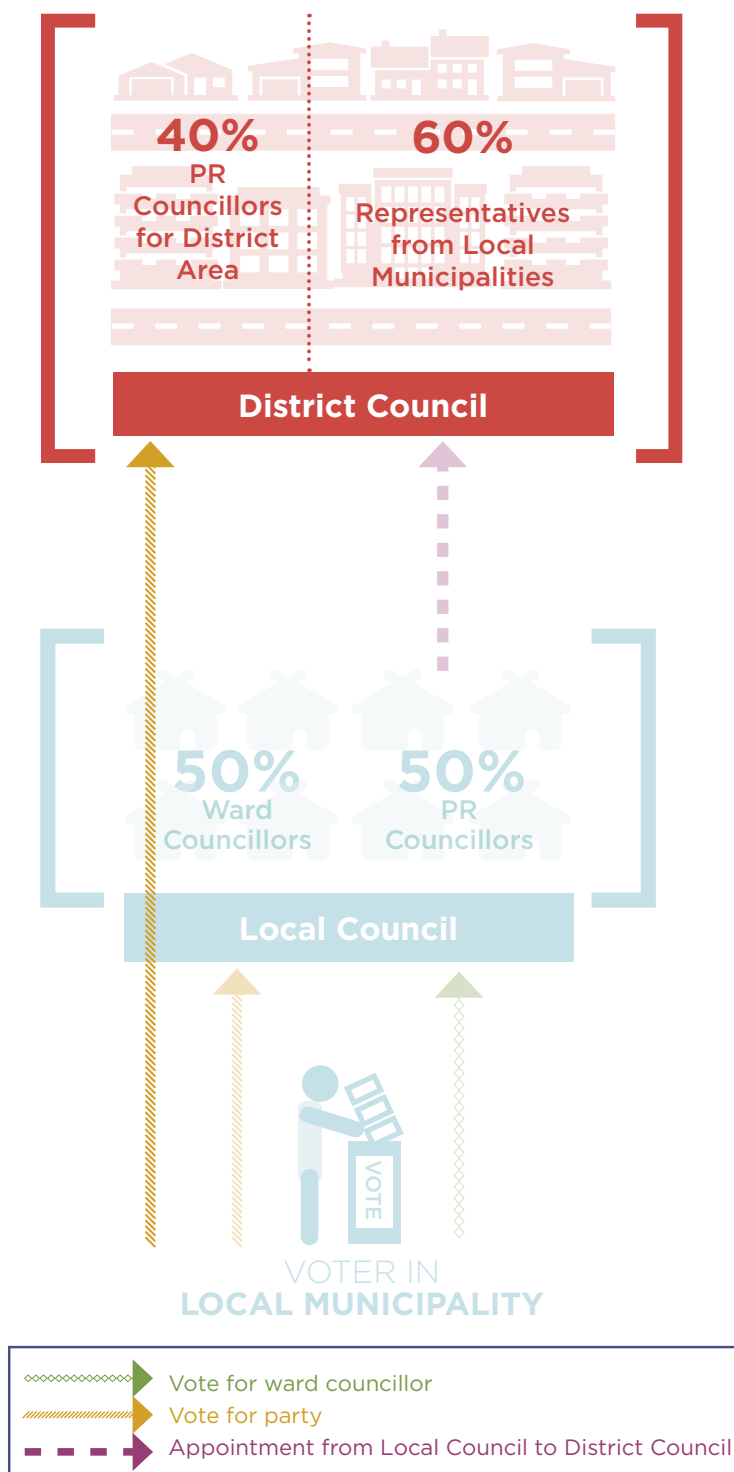
The rules and procedure for filling seats and filling vacancies is the same as for metropolitan municipalities (see paras 7.2.3 and 7.2.4).

7.4 District Municipality

Forty percent of the district council comprises of PR councillors representing the entire district. Paragraphs 7.4.1 to 7.4.3 explain how the IEC determines the number of seats for a party, which contested for these PR seats and fills vacant seats.

The remaining 60% of the district council consists of representatives from the local municipalities in the district. They are *appointed* by the councils of the respective local municipalities after an internal election. Paragraphs 7.4.4 to 7.4.7 explain how the IEC determines the number of seats a local municipality may fill, how the seats are filled and how vacancies are filled.

7.4.1 Number of seats for a party representing the entire district on the district council



Step 1: Determining the quota

To work out how many votes are needed for a party to win a PR seat on a district council, the following formula is used (fractions should be disregarded):

$$\text{QUOTA} = \frac{\text{total number of valid votes cast for all parties}}{\text{Number of PR seats for the district area in the district council}^*} + 1$$

* = 40% of the total number of seats

Example: Quota of votes for a seat representing the entire district area in District Municipality D

District Municipality D:

360 000 voters, who all cast their votes (100 % turnout)

42 council seats, of which 17 are PR seats for the district area.

Party A received 70 000 votes from that entire area.

$$\text{QUOTA} = \frac{360\,000}{17} + 1 = 21\,177$$

Step 2: Allocating seats

The allocation of seats to a party takes place according to the following formula:

$$\frac{\text{Total number of votes cast for the party}}{\text{Quota}}$$

Example: Allocating seats

4 parties participated in the election for the PR seats, representing the entire district, of the council of District Municipality D:

Party X: 70 000 votes from entire District

$$\frac{70\,000}{21\,177} = 3.30$$

Party Y: 55 000 votes from entire District

$$\frac{55\,000}{21\,177} = 2.59$$

Party Z: 90 000 votes from entire District

$$\frac{90\,000}{21\,177} = 4.24$$

Party Q: 145 000 votes from entire District

$$\frac{145\,000}{21\,177} = 6.84$$

Result:

Party X:	3 seats
Party Y:	2 seats
Party Z:	6 seats
Party Q:	6 seats

15 seats

There are 17 seats available - 2 seats remain unallocated

Step 3: Allocating the remaining seats

It is possible that not all the PR seats, representing the entire district area, in the district council can be allocated to parties, by applying the result of this formula, because the formula may result in fractions of seats. In that case, the fractions of each party must be compared and the remaining seat must be allocated to the party that has the highest fraction. If more than one seat remains, one seat goes to the party with the highest fraction, one seat to the party with the second highest fraction etc.

If the fraction of two or more parties is equal, the seat must be awarded to the party that received the most valid votes.

Example: Allocating the remaining seats

Fractions:

Party X:	.30
Party Y:	.59
Party Z:	.24
Party Q:	.84

The first remaining seat goes to **Party Q**
(highest fraction)

The second remaining seat goes to **Party Y**
(second highest fraction)

Result:

Party X:	3 seats
Party Y:	2 + 1 = 3 seats
Party Z:	4 seats
Party Q:	6 + 1 = 7 seats
	<hr/>
	17 seats

7.4.2 Filling seats

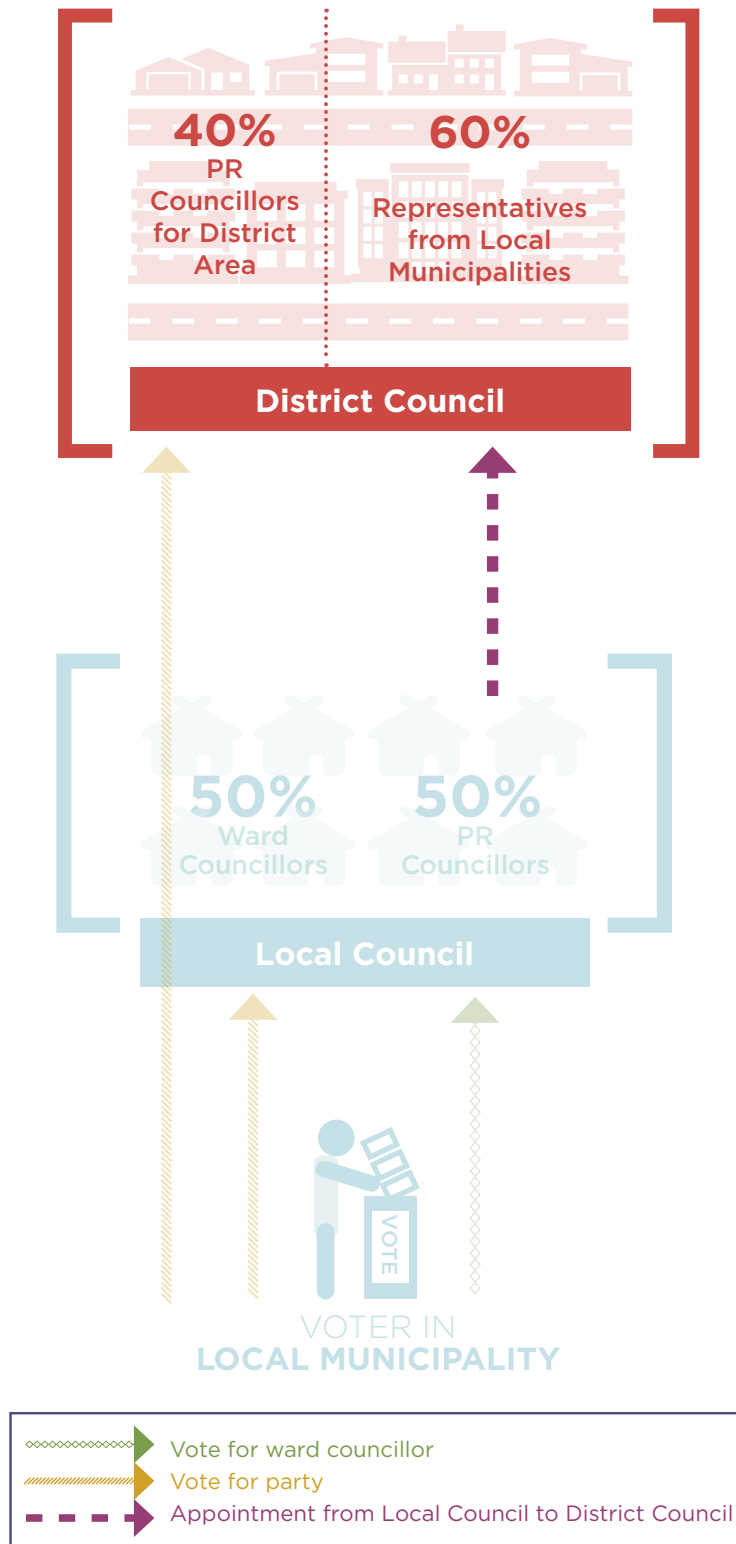
The IEC determines who fills the district PR seats from party lists, by taking from the party list a number of candidates that is equal to the number of seats a party is entitled to starting with number one on the list.

7.4.3 Filling a vacancy when councillor vacates office

When a district PR councillor vacates office after he or she has been elected from the PR list, the IEC goes back to the PR list and declares elected whose name is at the top of the list. The municipal manager must notify the IEC of a PR vacancy within 14 days of the vacancy occurring.

However, before the IEC fills the vacancy, the party may change its list and thus determine who is next in line. It must do so within 21 days after the councillor vacated office. After that 21 day period has expired the IEC must declare who fills the vacancy with 14 days. The IEC may not accept changes to the list that were submitted outside of the 21-day period.

7.4.4 Number of seats for representatives from local municipalities



This part deals with the 60% of the district council, which consists of representatives from the local municipalities in the district area. They are appointed by the councils of the respective local municipalities after an internal election (see para 2.1.3).

Before seats can be allocated to councillors representing a local municipality on the district council, the IEC must first determine how many representatives a local municipality will have on the district council. Once it is determined how many representatives a local municipality may send to the district council, the number of seats for that particular party can be determined. The number of representatives from a local council is determined on the basis of the number of registered voters in that local municipality and takes place in three steps.

Step 1: Determining the quota of voters for a local municipality seat on the district council

The quota of registered voters that a local municipality must have, in order to be entitled to one seat on the district council is determined in accordance with the following formula (fractions disregarded):

$$\text{QUOTA} = \frac{\text{Number of voters on the voters' roll for entire district}}{\text{Number of seats for representatives of local municipalities on the district council*}} + 1$$

* = 60% of the total number of seats

Example: Quota of voters for a local municipality seat on the district council

District Municipality D:

360 000 registered voters in the district

42 seats on the district council

25 seats for representatives of local municipalities (60% of 42)

$$\text{QUOTA} = \frac{360\ 000}{25} + 1 = 14\ 401$$

Step 2: Allocating seats to the local municipality

The allocation of seats to a local municipality is done by the following formula:

**Number of voters registered in the
local municipality**

Quota

If the calculation results in a figure less than 1, the local municipality is entitled to 1 seat only. In that case, it does not participate in any further allocation of remaining seats.

Example: Allocating seats to local municipalities C, B, E, F, G and H

6 local municipalities compete for the seats on the 60% segment of the district council

Local Municipality C: 9 000 voters

$$\frac{140\,000}{14\,401} = 9.72$$

14 401

Local Municipality B: 30 000 voters

$$\frac{30\,000}{14\,401} = 2.08$$

14 401

Local Municipality E: 140 000 voters

$$\frac{140\,000}{14\,401} = 9.72$$

14 401

Local Municipality F: 80 000 voters

$$\frac{80\,000}{14\,401} = 5.55$$

14 401

Local Municipality G: 96 000 voters

$$\frac{96\,000}{14\,401} = 6.66$$

14 401

Local Municipality H: 5 000 voters

$$\frac{5\,000}{14\,401} = 0.34$$

14 401

Result:

- Local Municipality C:** 1 seat
- Local Municipality B:** 2 seats
- Local Municipality E:** 9 seats
- Local Municipality F:** 5 seats
- Local Municipality G:** 6 seats
- Local Municipality H:** 1 seat

There are 25 seats available – 1 seat remain unallocated

Step 3: Allocating the remaining seats

It is possible that not all the 60 % seats on the district council can be allocated to local municipalities' representatives by applying the result of this formula, because the formula may result in fractions of seats. In that case, the fractions of each local municipality must be compared and the remaining seat must be allocated to the local municipality that has the highest fraction. If more than one seat remains, one seat goes to the municipality with the highest fraction, one seat to the municipality with the second highest fraction etc.

If a local municipality is entitled to 1 seat only because the number that results out of Step 2 is less than 1, it does not participate in any allocation of remaining seats.

Example: Allocating the remaining seats

Fractions:

Local Municipality C:	.62 (does not participate)
Local Municipality B:	.08
Local Municipality E:	.72
Local Municipality F:	.55
Local Municipality G:	.66
Local Municipality H:	.34 (does not participate)

24 seats

The remaining seat goes to Local Municipality **E** (highest fraction)

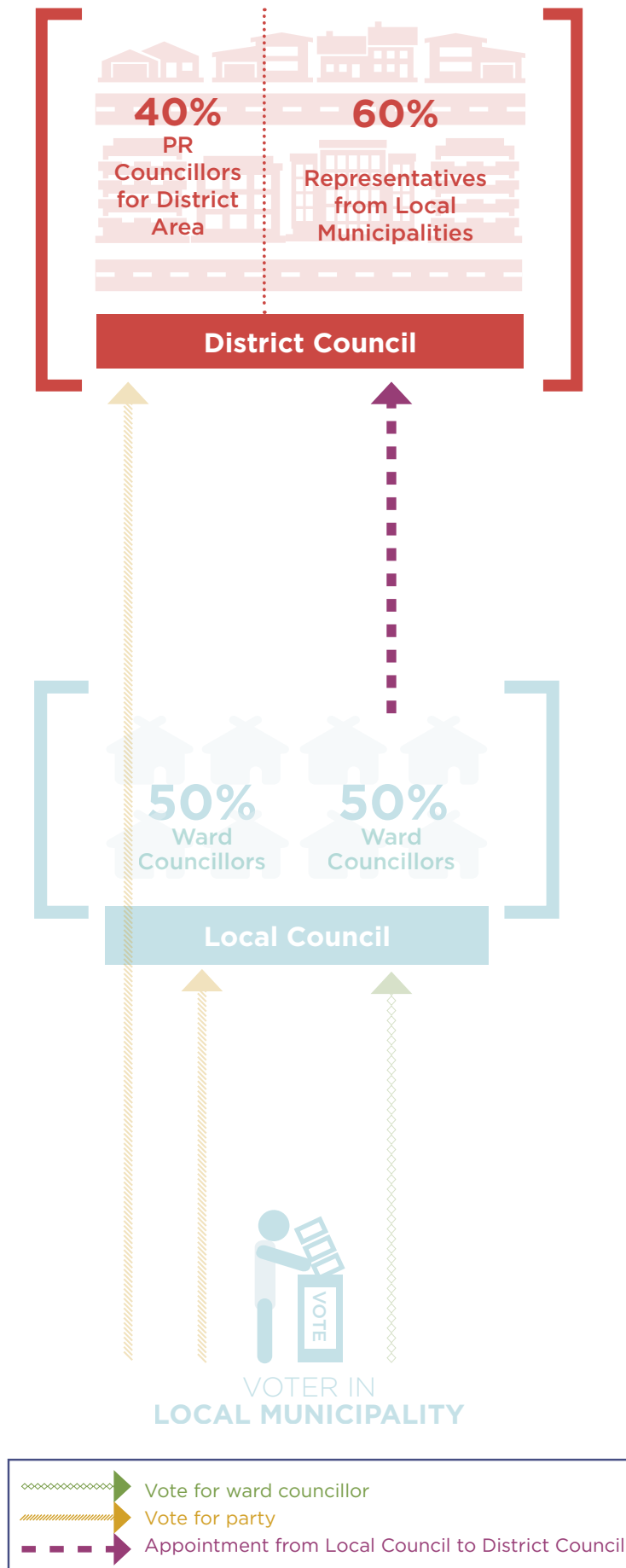
Final Result:

Local Municipality C:	1 seat
Local Municipality B:	12 seats
Local Municipality E:	9 + 1 = 10 seats
Local Municipality F:	5 seats
Local Municipality G:	6 seats
Local Municipality H:	1 seat

25 seats

7.4.5 Election of local representatives to the district council

A local council appoints representatives to the district council by electing them from its members. In other words, the council conducts an internal election to determine who will represent the local municipality on the district council.



The municipal council may not conduct these elections alone. The IEC must manage these elections, usually during the very first council meeting.

If the local council may send one representative only, the procedure is as follows:

- any councillor may nominate a candidate
- each councillor has one vote; and
- the candidate who receives the most votes is elected.

If the local council may send more than one representative, each party or individual councillor may submit one list with names of candidates in order of preference, together with the candidates' written acceptance of candidacy. A councillor may not appear on more than one list. Parties and councillors must seek to ensure that 50% of the candidates are women, and that women and men are evenly distributed through the list. Strictly speaking, these lists are not party lists but lists of candidates. The list may comprise candidates from one party but it may also comprise candidates from multiple parties and/or independents.

Each councillor then casts one vote for one list.

The result of the election is determined as follows:

**Step 1:
Determining the quota**

The quota of votes for a seat on the council of a district municipality representing a local municipality is calculated as follows:

$$\text{QUOTA} = \frac{\text{number of members of the local council}}{\text{Number of district council seats awarded to that local council}} + 1$$

**Example:
Quota of votes for a seat on District Council D representing Local Municipality B**

Local Municipality B:

Local Municipality B has been awarded 2 seats on District Council D (see 6.4.2)
Local Municipality B has 18 councillors

$$\text{QUOTA} = \frac{18}{2} + 1 = 10$$

Step 2: Allocating seats

The seats are allocated as follows:

Number of votes cast for the list

Quota

Example: Allocating seats

Parties X, Y and Z, represented on the council of Local Municipality B (see 6.2) participate in the election for those 2 seats. Independent councillor P and independent councillor R both submitted a list of candidates.

Party X: 3 votes

$$\frac{3}{10} = 0.30$$

Party Y: 2 votes

$$\frac{2}{10} = 0.20$$

Party Z: 8 votes

$$\frac{8}{10} = 0.80$$

Cllr P: 4 votes

$$\frac{4}{10} = 0.40$$

Cllr P: 1 vote

$$\frac{1}{10} = 0.30$$

Neither of the participating parties or councillor get enough votes for their lists. No seats can be allocated.

Step 3: Allocating the remaining seats

It is possible that not all the seats on the district council that are allocated to the local municipality can be allocated to parties and individuals who participated, by applying the result of this formula, because the formula may result in fractions of seats. In that case, the fractions of each party must be compared and the remaining seat must be allocated to the party that has the highest fraction. If more than one seat remains, one seat goes to the party with the highest fraction, one seat to the party with the second highest fraction etc.

Any seats that are not awarded in terms of the formula of step 2, must be allocated by comparing the surplus of each party and the remaining seats are awarded to the parties concerned in sequence of the highest surplus.

Example: Allocating the remaining seats

The first remaining seat goes to party Z (highest fraction).

The second remaining seat goes to Councillor P's list (second highest fraction)

7.4.6 Filling seats

The IEC determines who fills the seats on the district council reserved for the local municipality, by taking from the candidates' list a number of candidates that is equal to the number of seats that list is entitled to starting with number one on the list.

7.4.7 Filling a vacancy when local representative to the district vacates office

When a local representative to the district vacates office (see para 3.2), the IEC goes back to the candidates' list and declares elected whose name is at the top of the list. The decision to send another local councillor to the district council is therefore not simply a council resolution. It is an election, managed by the IEC. The municipal manager must notify the IEC of a vacancy within 14 days of the vacancy occurring.

Before the IEC fills the vacancy, the party or candidate who submitted the list may change it and thus determine who is next in line. It must do so within 21 days after the councillor vacated office. After that 21 day period has expired the IEC must declare who fills the vacancy with 14 days. The IEC may not accept changes to the list that were submitted outside of the 21-day period.

Notes

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8

Campaigning and conduct

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Chapter 8

Campaigning And Conduct

8.1 Introduction

The Municipal Electoral Act contains two sets of rules that deal with conduct before, during and after municipal elections:

- a set of general rules that apply to everyone;
- the Electoral Code of Conduct, which is binding on parties, party candidates and ward candidates contesting the election.

8.2 General rules of conduct

8.2.1 Registration and voting

- It is not allowed to compel someone (not) to vote or register or to vote in a particular way;
- It is prohibited to persuade someone to register or to vote, knowing that that person is not entitled to do so. It is also prohibited to make someone believe that he or she is entitled to register or vote, knowing that that person is not entitled to do so.
- It is not allowed to compel someone (not) to support a party or candidate or (not) to attend or participate in a political meeting or event.

8.2.2 On voting day

- On voting day, no billboard, placard, pamphlet or poster, which is aimed at influencing the outcome of the election may be put up, displayed or distributed within the boundaries of a voting station.
- On voting day, no person may hold or take part in any political meeting or event or engage in any political activity (other than voting).
- It is prohibited to apply for a ballot paper in the name of another person, whether living, dead or made-up.
- It is not allowed to vote at a voting station, where you are not entitled to vote or to cast more votes that you are entitled to.
- Without permission from the IEC, no person may disclose information about voting or counting, open a ballot box or container or break its seal.
- No person may interfere with a voter's right to secrecy when casting a vote.
- During voting hours, nobody may print, publish or distribute the result of any exit poll taken in that election.

8.3 General

- Nobody may prevent the holding of any political meeting or event, unless it is done in terms of the law.
- No person, when required to make a statement, may make a false one, knowing that it is false or without believing on reasonable grounds that it is true.
- No false information may be published with the intention of disrupting or preventing an election, creating hostility or fear to influence an election or to influence the conduct or outcome of an election.
- Placards, billboards and posters, published by parties or candidates may not be defaced or removed, unless it is done in terms of the law.
- Without permission from the IEC, no voting or election material may be printed, manufactured or supplied.
- Without permission from the IEC, no voting or election material may be removed, concealed, damaged, destroyed or used for a purpose other than elections.
- Directions, instructions and orders of the IEC, its members, employees or of election officials must be obeyed, unless they are unlawful.
- Nobody is allowed to interfere with the independence or impartiality of the IEC or obstruct or hinder any election official in carrying out his or her task.
- Nobody is allowed to prevent any election official, party or ward candidates or their representatives, observers or voter educators from access to voters, whether in public or private places.
- It is prohibited to pretend to be an election official, party or ward representative, candidate, observer or voter educator.
- Nobody may prejudice someone for performing or having performed a certain function related to the municipal elections.
- The work that the IEC does between the calling of the election (see para 5.1) and the day the results are

declared (see para 6.4) is an 'essential service' for the purpose of the Labour Relations Act. This means that strikes or lockouts of IEC personnel are not allowed during that time

- Nobody may use public funds, except for the funds allocated to a party in terms of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), for the purpose of a political campaign.
- From the day on which the notice calling an election is published to the day that the result is declared the following applies:

- Billboards, placards, posters, pamphlets that intend to affect the outcome of the election must clearly state the full name and address of the printer and publisher.

- If an article in a publication comes from a (member or supporter of a) party, from a person holding political or executive power in that party or from a (supporter of a) candidate, the publisher must head that article with the word 'advertisement'. This applies only to articles inserted in the publication for payment.

8.4 Electoral Code of Conduct

The Electoral Code is binding on every party, every party candidate and every ward candidate contesting an election. Its purpose is to promote free and fair elections by promoting tolerance of democratic political activity, free political campaigning and open public debate.

Every party and every candidate must promote this purpose, publicise this Code and promote and support efforts to educate voters. Parties must ensure, and take steps to ensure, that candidates, persons holding political or executive office within their party, their representatives, agents and supporters comply with the Code.

Ward candidates must ensure, and take steps to ensure, that representatives and supporters comply with the Code.

8.4.1 Elections must be free

- Every party and every candidate must state in public that everyone has the right -

- to freely express political beliefs and opinions;

- to challenge and debate political beliefs and opinions of others;

- to organise and participate in any political activity, such as canvassing, recruiting members, putting up and distributing promotion material etc.

- No person may offer any reward to another person to persuade him or her -

- (not) to join a party;

- (not) to attend a political meeting;

- (not) to vote or vote in a particular way; or

- to refuse nomination as a candidate or withdraw as a candidate.

- No person may abuse a position of power, privilege or influence, whether it be parental, patriarchal, traditional or employment authority to influence the conduct or outcome of an election.
- No person may carry or display arms or weapons at a political meeting or event.

8.4.2 Elections must be fair

- Parties and candidates must accept the result of the election or otherwise challenge it in court.
- Parties must liaise with other parties contesting an election and try to avoid the calling of public political meetings, rallies or other political events at the same time and place as another party contesting the election.
- No party or candidate may use language or act in a way that may provoke violence during an election or may provoke the intimidation of candidates, party members, representatives or supporters of parties or candidates, or voters.
- No party or candidate may publish false or defamatory allegations about a party, its candidates, representatives or members or about a ward candidate or his or her representatives.
- No party or candidate may plagiarise the symbols, colours or acronyms of other parties.
- No party or candidate may discriminate on grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political activity.
- Any action that undermines free and fair elections must be condemned in public by every party and every candidate.
- No person may unreasonably prevent any other person from access to voters for voter education, collecting signatures, recruiting members, raising funds or canvassing support for a party or candidate.
- No person may deface, remove or destroy billboards, placards, posters or any other election material of a party or candidate, unless it is done in terms of the law.

8.4.3 Women's rights

- Parties and candidates must respect the right of women to communicate freely with parties and candidates and facilitate the full and equal participation of women in politics.
- Parties and candidates must ensure free access of women to public political meetings, rallies or other political events and take steps to ensure that women may freely engage in politics.

8.4.4 Role of the IEC

- Parties and candidate must recognise the IEC's authority to conduct the election and assure voters of the IEC's impartiality.
- Lawful directions, instruction or orders of the IEC or any of its members, employees or officers must be followed by parties and candidates.
- Parties and candidates must stay in touch with the IEC and other parties contesting the election. Parties must ensure that representatives attend meetings of party liaison committees or other meetings convened by the IEC. Parties and candidate must also facilitate access by persons working for the IEC to their political events.
- When the IEC conducts an investigation, parties and candidates must co-operate.
- Parties and candidates must ensure, and take steps to ensure the safety of persons working for the IEC and their protection from insult, danger or threat by any representative or supporter.

8.4.5 Role of the media

- Parties and candidates must respect the role of the media, before, during and after an election and may not refuse the media access to public political events.
- Parties and candidates must also take steps to ensure that journalists are not subjected to harassment, intimidation, threat or assault by representatives or supporters.

8.5 Enforcement

Members, employees and officers of the IEC may enter private places if that is necessary for carrying out a task under the Act. Any reasonable attempt must be made to notify the people living in that private place.

Courts may enforce the general rules and the Electoral Code of Conduct. They may impose penalties, in the interest of free and fair elections. The Electoral Court has the final say in respect of all electoral disputes and complaints about infringements of the Code of Conduct. Its decisions are final.



Explanation of terms and names

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Agents

An agent, appointed by a political party or a ward candidate, may observe (but not interfere with) the voting, counting and determination of results. Agents may object against any alleged irregularities with the Presiding Officer or Counting Officer. Party and ward candidates have the same rights as agents.

Ballot

A ballot refers to the election held for a particular segment of a municipal council. In each election, several ballots will be conducted. For example, in elections in a local council with wards, three ballots will be conducted; one ballot to elect a ward councillor, one ballot to elect the party representatives on the local council and one ballot to elect the party representatives on the district council.

Ballot box

The ballot box is the box in which the voter deposits the ballot paper(s) and where the ballot papers are kept until counting starts.

Ballot paper

The ballot paper is the paper on which the voter indicates the candidate or party of his or her choice.

Ballot paper statement

The ballot paper statement needs to be filled in by the Presiding Officer, after the voting station has closed. It reflects the number of used, unused and cancelled ballot papers and ballot boxes.

Chief electoral officer

The Chief Electoral Officer is the head of the IEC's administration and is the accounting officer.

Counter

The IEC must appoint as many 'Counters' per voting station as necessary. The Deputy Presiding Officer or a Voting Officer may be the same person as a Counter. Counters assist the Counting Officer in the counting of the votes.

Counting officer

For each voting station and for each counting venue, a 'Counting Officer' and a 'Deputy Counting Officer' has to be appointed. They may be the same person as the Presiding Officer, Deputy Presiding Officer or Voting Officer. The Counting Officer must manage, co-ordinate and supervise the counting of the votes and has the same powers with regard to maintaining order as the Presiding Officer. Objections with regard to alleged irregularities in counting procedures must be dealt with by the Counting Officer.

Counting venue

The counting venue is the place where the counting of the votes cast in a certain voting station, takes place. This is usually the same venue as the voting station, except when the IEC decides that the votes will be counted elsewhere or when a mobile voting station has been used.

Election Official

When reference is made to an 'election official', it includes any member, employee or officer of the Commission, the Chief Electoral Officer as well as the members of the Commission.

Independent electoral commission

The Independent Electoral Commission (IEC) is responsible for managing elections and ensuring that they are free and fair. Other specific duties of the IEC are the compilation and maintenance of the voters' roll and a register of

parties, voter education and the adjudication of electoral disputes. The Commission consists of five members, one of whom must be a judge.

Mec

The MEC is the member of the Provincial Executive (Provincial Cabinet), responsible for local government in the Province.

Mobile voting station

A mobile voting station is a vehicle with a voting station in it. It drives a certain route on voting day, allowing people in sparsely populated areas to vote on certain locations.

Municipal electoral officers

The IEC appoints 'local representatives' to represent the IEC in each municipality. Usually, the IEC appoints an official within the municipality, eg. the municipal manager, as the local representative. They are called 'municipal electoral officers'.

Municipal Manager

The Municipal Manager is the head of the administration of the municipality.

Party list

A party list is a list with the names of the candidates that a political party has put forward in a PR election.

Presiding officer

The IEC must appoint a 'Presiding Officer' and 'Deputy Presiding Officer' for each voting station. The Presiding Officer must manage, coordinate and supervise the voting and is responsible for the safe-keeping of voting materials.

Quota

The quota in an election for a local council or in an election for the district council is the number of votes a party must receive in order to be entitled to one seat on that council.

A quota is also used in the determination of the number of representatives from local municipality to the district council. There it means the number of voters that must be registered in the local municipality for it to be entitled to one seat on the district council (that seat is then 'filled' by means of a PR election).

Result form

This form reflects the result of each ballot conducted in a particular voting station; it must be filled in by the Counting Officer after the counting has been completed and objections have been dealt with.

Segment (of the voters' roll)

The segment of the voters' roll is that part of the national voters' roll that corresponds to a defined geographical area, such as a province, municipality, ward or voting district.

Voting compartment

The voting compartment is the screened off area in the voting station where voters go in to mark the ballot paper

Voting officer

The IEC must appoint as many 'Voting Officers' per voting station as necessary. Voting Officers must assist the Presiding Officer.



**Cooperative Governance
Traditional Affairs**



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
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Embassy of Switzerland to South Africa, Botswana,
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