



- (b) by the insertion after the definition of “Independent Commission” of the following definitions:

“ ‘**local municipality**’ has the meaning assigned to it in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);  
 “ ‘**metropolitan municipality**’ has the meaning assigned to it in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);”.

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#### Amendment of section 12 of Act 51 of 1996

2. Section 12 of the Electoral Commission Act, 1996, is hereby amended by the substitution in subsection (2) for paragraph (b) of the following paragraph: 10

“(b) shall be the accounting officer of the Commission for the purposes of the [Exchequer Act, 1975 (Act No. 66 of 1975)] Public Finance Management Act, 1999 (Act No. 1 of 1999), and shall cause the necessary accounting and other related records to be kept; and”.

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#### Amendment of section 15 of Act 51 of 1996, as amended by section 26 of Act 34 of 2003 and section 2 of Act 1 of 2019

3. Section 15 of the Electoral Commission Act, 1996, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The chief electoral officer shall, upon application by a party in the prescribed manner and form, accompanied by the items mentioned in subsection (3), register such party in accordance with this Chapter in respect of— 20

(a) the entire Republic;

(b) a particular province; or

(c) a particular district or metropolitan municipality,

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provided that a party registered for a—

(i) particular province may under such registration only participate in elections for that provincial legislature and for all the municipal councils in that province;

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(ii) metropolitan municipality may under such registration only participate in elections for that metro council; or

(iii) district municipality may under such registration only participate in elections for that district council and for the local council falling within the area of that district municipality.”;

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- (b) by the insertion after subsection (4) of the following subsections:

“(4A) A party applying for registration in terms of subsection (1) must publish the prescribed notice of the application in—

(a) the *Gazette*, in the case of an application referred to in subsection (1)(a);

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(b) the relevant provincial *Gazette*, in the case of an application referred to in subsection (1)(b); or

(c) the relevant provincial *Gazette* or a newspaper circulating in the municipal area concerned, in the case of an application referred to in section (1)(c).

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(4B) Any person may object to an application contemplated in subsection (1) in the prescribed manner and form within 14 days after the publication of the prescribed notice of the application.”; and

- (c) by the insertion after subsection (6) of the following subsection:

“(7) A party that is registered for a particular local municipality on the date on which the Electoral Laws Amendment Act, 2021, comes into operation, must be deemed to be registered in respect of the district municipality within whose jurisdictional area that local municipality is situated.”.

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**Repeal of section 15A of Act 51 of 1996, as inserted by section 93 of Act 27 of 2000 and amended by section 27 of Act 34 of 2003 and section 3 of Act 1 of 2019**

4. Section 15A of the Electoral Commission Act, 1996, is hereby repealed.

**Amendment of section 16 of Act 51 of 1996, as amended by sections 28 and 29 of Act 34 of 2003**

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5. Section 16 of the Electoral Commission Act, 1996, is hereby amended—

(a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) fourteen days have not elapsed since the applicant has submitted to the chief electoral officer proof of publication of the prescribed notice of application **[in the Gazette in the case of an application]** referred to in section 15(4A) **[or in a newspaper circulating in the municipal area concerned in the case of an application referred to in section 15A];**”;

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(b) by the substitution in subsection (1)(c) for the words preceding subparagraph (i) of the following words:

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“(c) a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application or the constitution of the party or the deed of foundation mentioned in section 15 **[or 15A]** contains anything—”; and

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(c) by the substitution for subsection (2) of the following subsection:

“(2) (a) [Any party which] An applicant who is aggrieved by a decision of the chief electoral officer **[to register or]** not to register **[a]** that party may, within 30 days after the party has been notified of the decision, appeal against the decision to the Commission in the prescribed manner.

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(b) Any person who objected to an application in terms of section 15(4B) and who is aggrieved by a decision of the chief electoral officer to register that party may, within 30 days after publication of the notice referred to in section 15(5), appeal against the decision to the Commission in the prescribed manner.”.

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**Amendment of section 23 of Act 51 of 1996**

6. Section 23 of the Electoral Commission Act, 1996, is hereby amended by the deletion of subsection (3).

**Amendment of section 1 of Act 73 of 1998, as amended by section 1 of Act 18 of 2013**

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7. Section 1 of the Electoral Act, 1998 (Act No. 73 of 1998), is hereby amended by the insertion after the definition of “voters’ roll” of the following definition:

“**‘voting day’** means the day on which voting in an election takes place or is to take place;”.

**Amendment of section 16 of Act 73 of 1998, as amended by section 5 of Act 34 of 2003**

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8. Section 16 of the Electoral Act, 1998 (Act No. 73 of 1998), is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The chief electoral officer must provide a certified copy of, or extract from, a segment of the voters’ roll as it exists at that time, to any person who has paid the prescribed fee[.], if the chief electoral officer is satisfied that—

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(a) the person requires that information—

- (i) to monitor the voters’ roll for election purposes;
- (ii) for statistical or research purposes; or
- (iii) any other purpose that is prescribed; and

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(b) providing that information would not involve the unlawful processing of personal information in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).”;.

- (b) by the insertion after subsection (2) of the following subsection:  
 “(2A) Any person who uses the information obtained under subsection (2), for a purpose other than that specified in that subsection, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment.”; 5
- (c) by the substitution for subsection (3) of the following subsection:  
 “(3) Notwithstanding subsection (2), the chief electoral officer must, on payment of the prescribed fee, provide copies of the voters’ roll, or a segment thereof, which includes the addresses of voters, where such addresses are available, to **[all]** a registered **[political parties]** party and an independent candidate contesting the elections.”; 10
- (d) by the substitution for subsection (4) of the following subsection:  
 “(4) The **[voters’ roll with addresses referred to in]** information obtained in terms of subsection (3) may only be used by **[political parties]** a registered party and an independent candidate for election purposes and any person using such information for other purposes is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment.”; and 15 20
- (e) by the insertion after subsection (4) of the following subsection:  
 “(5) For the purposes of subsections (2) and (3), the chief electoral officer may only provide the digits of the identity numbers of voters, which indicate the voters’ date of birth and citizenship, except where the person who requires the information satisfies the chief electoral officer that— 25
- (a) exceptional circumstances require that additional digits of the voters’ identity number be disclosed; and
- (b) providing that information would not involve the unlawful processing of personal information in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).” 30

**Substitution of section 24A of Act 73 of 1998, as inserted by section 7 of Act 34 of 2003**

9. The following section is hereby substituted for section 24A of the Electoral Act, 1998: 35

**“Voting in voting district where voter not registered**

**24A.** A voter who is unable, on voting day, to cast his or her vote at the voting station in the voting district where he or she is registered may, in the prescribed manner, notify the chief electoral officer by no later than the relevant date stated in the election timetable of his or her intention to cast a vote in another specified voting district within the Republic on voting day: Provided that such voter may only vote in the election for the provincial legislature if his or her name appears on a segment of the voters’ roll for the province in which that specified voting district is situated.”. 40

**Amendment of section 27 of Act 73 of 1998** 45

10. Section 27 of the Electoral Act, 1998, is hereby amended—

- (a) by the substitution in subsection (2) for paragraph (b) of the following paragraph:  
 “(b) declaration, signed by the duly authorised representative of the party, that each candidate on the list is qualified to stand for election in terms of the Constitution or national or provincial legislation under Chapter 7 of the Constitution and has signed the prescribed acceptance of nomination;” 50

- (b) by the deletion in subsection (2) of paragraph (c); and  
 (c) by the insertion after subsection (3) of the following subsection:

“(4) Upon request by the Commission, a party must, in the prescribed manner and form, submit an acceptance of nomination signed by a candidate appearing on a party list submitted by that party.”.

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**Amendment of section 28 of Act 73 of 1998, as substituted by section 11 of Act 1 of 2019**

11. Section 28 of the Electoral Act, 1998, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) If a registered party that has submitted a list of candidates has not fully complied with section 27(2)(a), (b), [(c) or] (d) or section 27(4), the chief electoral officer must notify that party of its non-compliance.”; and

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- (b) by the substitution for subsection (2) of the following subsection:

“(2) The notification must be given in the prescribed manner by not later than the relevant date stated in the election timetable, and must indicate that the party has an opportunity to comply with section 27(2)(a), (b), [(c) or] (d) or section 27(4), by not later than the relevant date stated in the election timetable.”.

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**Amendment of section 30 of Act 73 of 1998**

12. Section 30 of the Electoral Act, 1998, is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

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- “(b) **[there is no]** a party has failed to submit the prescribed acceptance of nomination signed by the candidate as contemplated in section 27(4); or”.

**Amendment of section 33 of Act 73 of 1998, as amended by section 9 of Act 34 of 2003, section 2 of Act 40 of 2003 and section 6 of Act 18 of 2013**

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13. Section 33 of the Electoral Act, 1998, is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:

“(3) In an election for the National Assembly, the Commission must allow a person, who **[is]** will be outside the Republic on voting day, to **[apply for and]** cast a special vote if that person’s name appears on the segment of the **[voter’s] voters’** roll for persons who are in the Republic, and if that person notifies the **[Commission within 15 days after the proclamation of the date of the election]** chief electoral officer, in the prescribed manner, by no later than the relevant date stated in the election timetable of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic.”;

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- (b) by the substitution for subsection (4) of the following subsection:

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“(4) In an election for the National Assembly, the Commission must allow a person to **[apply for and]** cast a special vote if that person’s name appears on the segment of the **[voter’s] voters’** roll for persons ordinarily resident at a place outside the Republic, if that person **[notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention]** presents himself or herself to vote **[outside the Republic and the location of]** at the South African embassy, high commission or consulate on whose segment of the voters’ roll his or her name appears **[where he or she will cast his or her vote]**.”; and

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(c) by the insertion after subsection (4) of the following subsection:

“(4A) In an election for the National Assembly, the Commission must allow a person to cast a special vote if—

- (a) that person’s name appears on the segment of the voters’ roll for persons ordinarily resident at a place outside the Republic; 5
- (b) that person intends to vote at a specified voting station within the Republic or at a South African embassy, high commission or consulate other than one on whose segment of the voters’ roll his or her name appears; and
- (c) he or she notifies the chief electoral officer in the prescribed manner by no later than the relevant date stated in the election timetable of his or her intention to vote at a specified voting station within the Republic or at a specified South African embassy, high commission or consulate.”. 10

#### Amendment of section 50 of Act 73 of 1998

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14. Section 50 of the Electoral Act, 1998, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) After determining the result at a voting station, the counting officer must complete a prescribed form reflecting the result of the count in respect of each ballot conducted at the voting station— 20

- (a) the number of ballot papers supplied to the voting station;
- (b) the result at the voting station;
- (c) the number of counted ballot papers that were not disputed;
- (d) the number of counted ballot papers that were disputed;
- (e) the number of rejected ballot papers that were not disputed; 25
- (f) the number of rejected ballot papers that were disputed;
- (g) the number of cancelled ballot papers; and
- (h) the number of unused ballot papers.”; and

(b) by the substitution in subsection (4) for paragraph (a) of the following paragraph: 30

“(a) seal in separate containers each of the items listed in the prescribed form mentioned in subsection (1) and the written record of any objections in terms of section 48 or 49; and”.

#### Amendment of section 99 of Act 73 of 1998

15. Section 99 of the Electoral Act, 1998, is hereby amended by the insertion after subsection (1) of the following subsection: 35

“(1A) A Code is binding from the date on which the notice calling an election is published to the date on which the result of the election is declared.”.

#### Amendment of Schedule 3 to Act 73 of 1998

16. Schedule 3 to the Electoral Act, 1998, is hereby amended by the substitution in item 3 for subitem (1) of the following subitem: 40

“(1) The determination of seats contemplated in items 1 and 2 must be completed by the Commission [**not later than 31 March 1999**] before every election and the Commission must publish such a determination in the prescribed manner.”. 45

#### Amendment of section 1 of Act 27 of 2000, as amended by section 1 of Act 1 of 2016

17. Section 1 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), is hereby amended—

(a) by the insertion after the definition of “counting officer” of the following definition: 50

“‘**district council**’ has the meaning assigned to it in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);” and

- (b) by the deletion of the definition of “**district management area**”.

**Amendment of section 14 of Act 27 of 2000, as amended by section 2 of Act 14 of 2010 and section 2 of Act 1 of 2016**

**18.** Section 14 of the Local Government: Municipal Electoral Act, 2000, is hereby amended—

- (a) by the substitution in subsection (1)(a) for subparagraph (iv) of the following subparagraph: 5  
 “(iv) a declaration that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution or any applicable legislation and that each of those candidates has signed the prescribed acceptance of nomination; and”;
- (b) by the deletion of subsection (2);
- (c) by the substitution for subsection (3) of the following subsection: 15  
 “(3) The **[following documents must be attached to a party list when the list is submitted to the]** Commission may, in the prescribed form and manner, request the following information from a party:[:]  
 (a) A prescribed acceptance of nomination signed by each party candidate; and  
 (b) a copy of the identity card or that page of the candidate’s identity document on which the candidate’s photo, name and identity number appear.”; and 20  
 (d) by the deletion of subsection (4).

**Amendment of section 17 of Act 27 of 2000, as amended by section 4 of Act 14 of 2010 and section 4 of Act 1 of 2016**

**19.** Section 17 of the Local Government: Municipal Electoral Act, 2000, is hereby amended—

- (a) by the deletion in subsection (2) of paragraphs (b) and (c);
- (b) by the substitution in subsection (2) for paragraph (d) of the following paragraph: 30  
 “(d) a deposit equal to a prescribed amount, if any, payable **[by means of a bank guaranteed cheque in favour of the Commission]** in the prescribed form and manner;”; and
- (c) by the substitution for subsection (2A) of the following subsection: 35  
 “(2A) **[If any document mentioned in paragraphs (b) and (c) of subsection (2) were not attached to the nomination, the]** The Commission [must] may in the form and manner as may be prescribed request from the Party or person—  
 (a) **[notify the nominating party or person in writing by no later than the date stated in the election timetable]** an acceptance of nomination signed by the candidate; and 40  
 (b) **[allow the nominating party or person to submit the outstanding document by no later than a date stated in the election timetable]** a copy of the identity card or that page of the candidate’s identity document on which the candidate’s photo, name and identity number appear.” 45

**Amendment of section 47 of Act 27 of 2000**

**20.** Section 47 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the insertion after subsection (6) of the following subsections:



“(7) The Commission may prescribe a different voting procedure, which must accord with the provisions of this section, for those voters whose names appear on the voters’ roll, without addresses: Provided that if such voter’s place of ordinary residence is located outside the relevant—

- (a) ward on whose segment of the voters’ roll that voter’s name appears, the voter concerned may not vote in the ward election contemplated in section 22(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); 5
- (b) local or metropolitan municipality on whose segment of the voters’ roll that voter’s name appears, the voter concerned may not vote in the election contemplated in section 22(1)(a) or the ward election contemplated in section 22(1)(b) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); 10
- (c) district municipality on whose segment of the voters’ roll that voter’s name appears, the voter concerned may not vote in the election for members of the district council contemplated in section 23(1)(a) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).” 15

#### Amendment of section 84 of Act 27 of 2000

21. Section 84 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the substitution for subsection (1) of the following subsection: 20

“(1) A mistake in the certified segment of the voters’ roll referred to in section 6 or **[a party] the final list of candidates [submitted by a party in terms of section 14]** referred to in sections 15 and 18 does not invalidate that segment of the voters’ roll or that **[party] list of candidates.**”.

#### Substitution of section 87 of Act 27 of 2000

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22. The following section is hereby substituted for section 87 of the Local Government: Municipal Electoral Act, 2000:

“(1) The Electoral Code of Conduct binds every party contesting an election and every **[party and ward]** candidate.

(2) The Electoral Code of Conduct is binding from the date on which the notice calling an election is published to the date the result of the election is declared.”. 30

#### Short title and commencement

23. This Act is called the Electoral Laws Amendment Act, 2021, and comes into operation on a date determined by the President by a proclamation in the *Gazette*.