
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ELECTORAL COMMISSION

NOTICE 1934 OF 2023

THE ELECTORAL COMMISSION OF SOUTH AFRICA

PROPOSED AMENDMENTS TO THE REGULATIONS PUBLISHED UNDER THE ELECTORAL ACT, 1998 (ACT NO. 73 OF 1998)

The Electoral Commission intends, in terms of section 100 of the Electoral Act, 1998 (73 of 1998), to amend:

1. the Electoral Regulations, 2004, published under GN R12 in Government Gazette No. 25894 of 7 January 2004, as amended by GN R217 published in Government Gazette No. 26058 of 16 February 2004, as amended by GN R344 published in Government Gazette No. 26154 of 12 March 2004, as amended by GN R429 published in Government Gazette No. 26207 of 29 March 2004, as amended by GenN 1206 published in Government Gazette No. 31454 of 26 September 2008, as amended by GN R968 published in Government Gazette No. 37132 of 6 December 2013, as corrected by GenN 31 published in Government Gazette No. 37259 of 23 January 2014, and amended by GN 371 in GG 42289 of 6 March 2019, to the extent set out in Schedule 1 below;
2. Voter Registration Regulations, 1998, published under GN R1340 in Government Gazette No. 19388 of 16 October 1998, as amended by GN R912 published in Government Gazette No. 21558 of 6 September 2000, as amended by GN R15 published in Government Gazette No. 25894 of 7 January 2004, as amended by GN R847 published in Government Gazette No. 27956 of 23 August 2005, as amended by GN R821 published in Government Gazette No. 36961 of 22 October 2013, as corrected by GN R816 published in Government Gazette No. 36960 of 25 October 2013, as amended by GN R970 published in Government Gazette No. 37134 of 6 December 2013, as amended by GN 372 published in Government Gazette No. 42289 of 6 March 2019, and as

amended by Proc R35 published in Government Gazette No. 45060 of 27 August 2021, to the extent set out in Schedule 2 below; and

3. Regulations Concerning the Submission of Candidates, 2004, as published under GN R14 in Government Gazette No. GG 25894 of 7 January 2004, as amended by GenN 1203 published in Government Gazette No. 31451 of 26 September 2008, as amended by GN R1168 published in Government Gazette No. 31558 of 30 October 2008, as amended by GN R969 published in Government Gazette No. 37133 of 6 December 2013, as amended by GN 373 published in Government Gazette No. 42289 of 6 March 2019, to the extent as set out in Schedule 3 below.

Interested persons are invited to submit their written comments on the proposed amendments to the Electoral Commission (for the attention of Kim Kresfelder, Deputy Manager: Registrations) by on 27 August 2023, by-

1. Delivering by hand at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157; or
2. E-mailing to: regulations@elections.org.za

Comments received after the closing date will not be considered.

GENERAL EXPLANATORY NOTE

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

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

SCHEDULE 1

PROPOSED AMENDMENTS TO THE ELECTION REGULATIONS, 2004

Definitions

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

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

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

“(3) The Commission must allow a person, who ~~[is]~~will be outside the Republic on voting day, to **[apply for and]**cast a special vote for compensatory seats in the National Assembly if that person’s name appears on the segment of the **[voter’s]**voters’ roll for persons who are in the Republic, and if that person notified the **[Commission within 15 days after the proclamation of the date of the election]**chief electoral officer by not later than the relevant date stated in the election timetable of his or her intention to vote outside the Republic and the location of the South African embassy, high commission or consulate where he or she will cast his or her vote: Provided that the Commission may make special arrangements for security services personnel serving in that capacity outside the Republic.”

2.2. the substitution of subregulation (4) for the following subregulation –

“(4) The Commission must allow a person to **[apply for and]**cast a special vote for compensatory seats in the National Assembly if that person’s name appears on the segment of the **[voter’s]**voters’ roll for persons ordinarily resident at a place outside the Republic, if that person **[notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention]**–

(a) 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];**
or

(b) intends to vote 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 if that person notified the chief electoral officer by not later than the relevant date stated in the election timetable of his or her intention and the location of the

South African embassy, high commission or consulate where he or she will cast his or her vote.”.

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

3. Regulation 10 is amended by:

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

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

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

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

3.3. the deletion of subregulation (1)(b);

3.4. the substitution for sub-regulation (2) of the following sub-regulation –

“(2) The physical address of the Chief Electoral Officer is Election House, Riverside Office Park, 1303[,] Heuwel Avenue, Centurion, the [**postal**]e-mail address is specialvote@elections.org.za [**Private Bag x 112 Centurion, 0046, the facsimile number is +27 (0) 12 622 5279**] and the website is www.elections.org.za.”;

3.5. the substitution for sub-regulation (3) of the following sub-regulation –

“(3) The places where such a person can **[apply for and]** cast a special vote are at **[any]the** South African embassy, high commission or consulate abroad designated by the Department of International Relations and Cooperation.”;

- 3.6. the substitution in sub-regulation (4) for paragraph (a) of the following paragraph –

“(4)(a) Upon receipt of a notice referred to in subregulation (1) the Chief Electoral Officer must **[consider the application and]**, if satisfied that the person is registered as a voter on the voters’ roll certified for the election, **[approve the application and, if not, reject it]**place the person on the list of special voters for the embassy, high commission or consulate abroad.”;

- 3.7. the deletion in sub-regulation (4) for paragraph (b).

- 3.8. the substitution in sub-regulation (4) for paragraph (c) of the following paragraph –

“(c) The Chief Electoral Officer must provide the special voting officer of the embassy, high commission or consulate abroad with a list of voters **[whose applications]**who have notified the Chief Electoral Officer of their intention to cast a special vote at that mission[**have been approved**].”;

- 3.9. the substitution in sub-regulation (7) for the words preceding paragraph (a) of the following words –

“(7) If the applicant has complied with the requirements of **[application contemplated in]** subregulation (1) **[has been approved as contemplated in subregulation (4)(a)]** and –“; and

- 3.10. The deletion in sub-regulation (10) of paragraph (b).

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

4. Regulation 15 is amended by the substitution in sub-regulation (1) for paragraph (a) of the following paragraph –

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

Amendment of Regulation 17 (as substituted by GN R344 of 12 March 2004 and amended by GN R968 of 6 December 2013 and GN 371 of 6 March 2019)

5. Regulation 17 is amended by –

- 5.1. the substitution for sub-regulation (1) of the following sub-regulation –

“(1) A voter~~[The sworn or affirmed statement]~~ referred to in section 24A[(1)(b)] must ~~[be in a form substantially similar to Appendix 4]~~notify the Chief Electoral Officer of his or her intention to cast a vote in another specified voting district within the Republic on voting day by—

(a) handing a written notice in the form substantially similar to Appendix 4, or by causing such application to be handed to the municipal electoral officer of the municipality in which that voter is registered as a voter during office hours on the date or dates stated in the election timetable; or

(b) submitting or causing to be submitted by no later than the date stated in the election timetable, a notice electronically to the chief electoral officer through the official website.”; and

- 5.2. the deletion of subregulation (2).

Amendment of Regulation 18A

6. Regulation 18A is amended by –

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

“(1) If a voter intends to vote in an election for a provincial legislature or regional election and the voter’s name appears in the segment of the voters’ roll for the relevant voting district, but the voter has no address recorded on the voters’ roll or the voter’s address appearing on the voter’s roll is incomplete or inadequate, the voter concerned shall be entitled to vote at that voting station provided that –”

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

“(b) the presiding officer or voting officer determines, in the presence of [party] agents, that the voter’s address or place of ordinary residence as provided in terms of sub-regulation (1)(a) is located within the province or region in respect of which the voter intends to cast a provincial or regional ballot, as the case may be.”;

- 6.3. the substitution for sub-regulation (2) of the following sub-regulation –

“(2) If the presiding officer or voting officer determines that the voter’s address or place of ordinary residence as provided in terms of sub-regulation (1)(a) is located within the province or region in respect of which the voter intends to cast a provincial or regional ballot, the voter concerned shall be allowed to cast a provincial or regional ballot, as the case may be, in terms of section 38 of the Act.”

- 6.4. the substitution in subregulation (3) for the words preceding paragraph (a) of the following words –

“(3) If an **[party]** agent objects to a voter contemplated in sub-regulation (2) being entitled to vote in an election for a provincial legislature or regional election in terms of section 41(1A), the voter concerned must be handed and allowed to mark the ballot paper in secret as if it is a special vote contemplated in sub-regulation 15(6), provided that –”

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

“(4) Once the Commission decides the objections contemplated in sub-regulation (3), the disputed votes are opened in the presence of **[party]** agents and–”;

- 6.6. the substitution in subregulation (4) for paragraph (c) of the following paragraph –

“(c) the ballot papers cast by voters who the Commission has determined to be ordinarily resident in the province or region concerned are counted, and the total number of votes for each party are recorded in that election; and”;

- 6.7. the substitution in subregulation (4) for the second paragraph (c) of the following paragraph –

“([c]d) the designated official must keep a separate record of the results of the votes counted and rejected in terms of sub-regulation (5)(a) and (b).”.

Amendment of Regulation 31

7. Regulation 31 is amended by –

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

“(1) Any interested party wishing to lodge an objection in terms of section 55 of the Act in respect of proceedings concerning voting and counting of votes, that is material to the determination of the final result of the election must do so by serving on the Commission at its offices in Tshwane or by e-mail at objections@elections.org.za, by no later than 21:00 on the second day after voting day, a written notice of objection accompanied by an affidavit or sworn statement containing–”; and

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

“(c) the [postal address and]telephone number where the party can be contacted”;.

Amendment of Regulation 36

8. Regulation 36 is amended by –

- 8.1. the substitution for paragraph (b) of the following paragraph –

“(b) wear, carry or display any clothing, headwear, footwear or other apparel in such a manner that any writing, picture or sign thereon relating to any political party or candidate is visible;”; and

- 8.2. the substitution for paragraph (c) of the following paragraph –

“(c) attempt to induce, influence or persuade a person to vote or not vote for a particular party or candidate; or”.

Amendment of Regulation 38

9. Regulation 38 is amended by the substitution for sub-regulation (1A) of the following sub-regulation –

“(1A)(a) No person may make a photographic or any other form of image of a ballot paper which has been marked by a voter on election day or on a day on which special votes are cast..

(b) No person may make a false statement or furnish false particulars in any application or other document prescribed by these Regulations.”.

Appendices

10. Appendices 1 and 4 are hereby substituted by the corresponding appendices in Annexures 1A and 4.
11. Annexure 1B is inserted as a new Appendix immediately after Appendix 1A.

Short title and commencement

12. These Regulations are called the Amendment to the Election Regulations, 2023, and shall come into operation on the date of publication hereof in the *Gazette*.



APPENDIX 1B

ELECTORAL COMMISSION

APPLICATION FOR A SPECIAL VOTE TO BE CAST AT VOTING STATION FOR NATIONAL AND/OR PROVINCIAL ELECTIONS

Election Date 2 0
D D M M Y Y Y Y

Voting District Number

I, (full name) holder of

..... hereby apply for a special vote at my voting station.

Identity document number

☐ I declare that I am an officer serving in the election or a member of the security services on duty in connection with the election and will be absent from the voting station in the voting district where I am registered as a voter on voting day.

☐ I declare that I will be absent from the voting district in which I am registered to vote on voting day.

Please provide your contact details

Mobile number

Email address

.....
Signature of applicant

.....
Date

OFFICIAL

The applicant is registered as a voter in voting district number

Approval of special vote	Reason for rejection of the application
You have been approved to vote at your voting station on special voting day (indicate date)	You do not qualify to apply for a special vote
	You are not registered as a voter on the voters' roll

.....
Officer of the Electoral Commission

.....
Date



APPENDIX 4
ELECTORAL COMMISSION
NOTIFICATION BY VOTER WHOSE NAME IS NOT ON VOTERS' ROLL
Section 24A in the Electoral Act

Election Date

				2	0		

PARTICULARS OF VOTER

Full names

Surname

Identity number

Mobile number

Email address

Where registered Voting district number

Province

On voting day I will be away from my voting district in which registered and I hereby notify of my intention to vote at the following voting district on voting day

Address on voting day

Street name and number / house
 and zone number
 /estate/complex/hostel name

Suburb / Township / City / Town

Other address (rural)

Signature of applicant

Date

IMPORTANT

- 1.1. If you fail to specify in which voting district number you want to vote, your application will be null and void.
- 1.2. If the voting district number in which you have applied to vote is located outside of the province in which you are registered to vote, you will not be eligible for the provincial or regional ballot papers.

SCHEDULE 2

PROPOSED AMENDMENTS TO THE VOTER REGISTRATION REGULATIONS, 1998

Definitions

1. In this Schedule, unless the context indicates otherwise:
 - 1.1. “the Act” means the Electoral Act, 1998 (Act No. 73 of 1998);
 - 1.2. “the Regulations” means the Voter Registration Regulations, 1998, published under GN R1340 in *GG* 19338 of 6 September 1998, as amended by GN R912 in *GG* 21558 of 6 September 2000, GN R15 in *GG* 25894 of 7 January 2004, GN R847 in *GG* 27956 of 23 August 2005, GN R821 in *GG* 36961 of 22 October 2013 (as corrected by GN R816 in *GG* 36960 of 25 October 2013), GN R970 in *GG* 37134 of 6 December 2013, GN 372 in *GG* 42289 of 6 March 2019 and Proclamation 35 in *GG* 45060 of 27 August 2021; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

Amendment of Regulation 2

2. Regulation 2 is amended by –
 - 2.1. the substitution in subregulation (1) for paragraph (b) of the following paragraph –

“(b) submit his or her application electronically on the official website or mobile application made available by the Commission for that purpose, **[and]** provide the Commission with his or her identity number and details of his or her place of ordinary residence, and comply with the requirements on the said website or mobile application; or”;
 - 2.2. the substitution in subregulation (1) for paragraph (d) of the following paragraph –

“(d) if that person is absent from the Republic, he or she may_

- (i) complete and in person submit an application form similar to Appendix 7, his or her identity document and valid South African passport to a registration officer appointed for that purpose at a South African embassy, high commission or consulate for inclusion in the international segment of the voters' roll; or
- (ii) submit his or her application electronically on the official website or mobile application made available by the Commission for that purpose, provide the Commission with his or her identity number, a valid South African passport number and details of his or her place of ordinary residence, and comply with the requirements on the said website or mobile application.”.

Amendment of Regulation 7

3. Regulation 7 is amended by the substitution for the words preceding subregulation (1) of the following words –

“A person wishing to object to the Commission in relation to the voters' roll or provisional voters' roll in terms of section 15 of the Act, must do so by serving it on the Commission's national [at its]office[s in Tshwane] located at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, or by e-mail directed to objectionsvotersroll@elections.org.za a notice of objection containing the following information:”;

Amendment of Regulation 10

4. Regulation 10 is amended by the substitution therefor of the following regulation–

“The [particulars]registration details of a voter to be entered in the voters' roll when registering a person as a voter[,] are the **[consecutive number, the]** identity number, **[and]** the name of the voter and details of the voter's place of ordinary residence.”

Short title and commencement

5. These Regulations are called the Amendment to the Voter Registration Regulations, 2023, and shall come into operation on the date of publication in the *Gazette*.

SCHEDULE 3

PROPOSED AMENDMENT TO THE REGULATIONS CONCERNING THE SUBMISSION OF CANDIDATES, 2004

Definitions

1. In this Schedule, unless the context indicates otherwise:
 - 1.1. “the Act” means the Electoral Act, 1998 (Act No. 73 of 1998);
 - 1.2. “the Regulations” means the Regulations Concerning the Submission of List of Candidates, 2004, published under GN R14 in *GG* 25894 of 7 January 2004, as amended by GenN 1203 in *GG* 31451 of 26 September 2008, GN R1168 in *GG* 31558 of 30 October 2008, GN R969 in *GG* 37133 of 6 December 2013, and GN 373 in *GG* 42289 of 6 March 2019; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

2. Amendment of Regulation 2

Regulation 2 is amended by-

- 2.1. The insertion in subregulation (1) of the following new paragraphs after paragraph (c):

“(d) The declaration to be signed by the duly authorised representative of the party in terms of section 27(cA) must be in a form similar to Appendix 3.

“(e) The voters referred to in section 27(cB) must sign a form substantially similar to Appendix 10 in the case of an election for the National Assembly and Appendix 11 in the case of an election for a provincial legislature, as the case may be, and the party contemplated in section 27(cB) must electronically submit the identity numbers of all such registered voters on the CNS system and comply with the requirements displayed on the CNS system.”.

3. Insertion of Regulation 2A

The following regulation is inserted immediately after regulation 2:

“2A Nomination of independent candidates

(1) The nomination of an independent candidate referred to in section 31A of the Act must be submitted:

- (a) in a form substantially similar to Appendix 8 in the case of a regional election for the National Assembly or Appendix 9 in the case of an election for a provincial legislature; or
- (b) electronically by providing the information required in the relevant fields and uploading the annexures required for that purpose on the CNS system and complying with the requirements displayed on the CNS system.

(2) The voters referred to in section 31B(3)(a) must sign a form substantially similar to Appendix 10 in the case of a regional election for the National Assembly or Appendix 11 in the case of an election for a provincial legislature, as the case may be, and the nominator must electronically submit the identity numbers of all such registered voters on the CNS system and comply with the requirements displayed on the CNS system.

(4) The undertaking and declarations by the candidate referred to in section 31B(3)(c), (d) and (e) must be in a form substantially similar to Appendix 9”.

4. Amendment of Regulation 3

Regulation 3 is amended by-

4.1. The substitution in subregulation (1) for paragraph (a) of the following paragraph:

“(a) [two]three hundred thousand rand (R[2]300 000-00) in respect of a[n] party contesting all nine regional elections and the election for compensatory seats in the National Assembly; [and]”;

4.2. The insertion in subregulation (1) after paragraph (a) of the following paragraph:

“(aA) two hundred and twenty-five thousand rand (R225 000-00) in respect of a party contesting an election for compensatory seats in the National Assembly and one regional election: Provided that a party contemplated in this paragraph contesting more than one regional election shall deposit twenty-five thousand rand (R25 000-00) in respect of each additional regional election it contests; and”;

4.3. The insertion after subregulation (1) of the following new subsection:

“(1A) The amount to be deposited in terms of section 31B(3)(b) of the Act is–

- (a) twenty thousand Rand (R20 000-00) in respect of each regional election for the National Assembly; and
- (b) fifteen thousand Rand (R15 000-00) in respect of an election of a provincial legislature.”.

4.4. The deletion in subregulation (2) of paragraph (a).

4.5. The substitution for subregulation (3) of the following subregulation:

“(3) If a party or an independent candidate pays the deposit in the manner contemplated in subregulation (2)(b), such a party or independent candidate must [electronically] submit written proof of such payment to the Commission
=

- (a) by hand to the office of the Chief Electoral Officer situated at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion; or
- (b) by uploading it onto the CNS system,

by no later than the date stated in the timetable for the submission of the documents contemplated in section 27(1) or 31B(3), as the case may be.”.

5. **Amendment of Regulation 4**

The following regulation is substituted for regulation 4:

“(1) The notification by the chief electoral officer to a party that it has not fully complied with section 27(2)(a), (b), [(c) or] (d) or section 27 (4) of the Act when submitting a list of candidates, must be served on that party and must be in a form similar to Appendix 6.

(2) The notification by the chief electoral officer to an independent candidate that he or she has not fully complied with section 31B(3)(c), (d), (e), (f) or section 31B(4) of the Act when submitting his or her nomination, must be served on that independent candidate and must be in a form similar to Appendix 6A.”.

6. Amendment of Regulation 5

Regulation 5 is amended by the insertion of the following subregulations after subregulation (2):

“(3) The fee to be paid in terms of section 31D(5) of the Act for a certified copy of, or extract from, a list of candidates or accompanying documents is one Rand (R1-00) per page.

(4) The fee to be paid in terms of section 31F(2) of the Act for a certified copy of, or extract from, a list of candidates entitled to contest an election or accompanying documents is one Rand (R1-00) per page.”.

7. Amendment of Regulation 6

Regulation 6 is amended by-

7.1. The substitution for subregulation (1) of the following subregulation:

“(1) A person [**wishing to**] objecting in terms of section 30(1) or section 31E(1) of the Act to the nomination of a candidate, must do so by serving on the Commission by hand at its national office in Pretoria or by e-mail directed to candidatesobjection@elections.org.za a notice of objection containing the following information -

- (a) the objector’s full names, postal address, home or office address, telephone or cellphone number and [**telefax number**] e-mail address;

- (b) full particulars of the candidates whose nomination is objected to;
- (c) the reasons for making the objection;
- (d) details of supporting documentation accompanying the notice of objection (if any); and
- (e) proof of service of the objection on the registered party that nominated the candidate or, in the case of an independent candidate, the independent candidate himself or herself."; and

7.2. The substitution for subregulation (2) of the following subregulation:

“(2) The Commission must notify the objector and the registered party that nominated the candidate, or the candidate in the case of an independent candidate, of its decision by serving on them a written notice in a form similar to Appendix 7.”.

8. **Amendment of Regulation 7**

Regulation 7 is amended by-

8.1. The substitution for subregulation (1) of the following subregulation:

“(1) An objector, candidate or registered party that nominated the candidate wishing to appeal against a decision of the Commission in terms of section 30(4) or section 31E(4) of the Act, must do so in accordance with the rules of the Electoral Court.”; and

8.2. The substitution for subregulation (2) of the following subregulation

“(2) The Electoral Court must notify the parties to an appeal and the Chief Electoral Officer of its decision in terms of section 30(5) or section 31E(5) of the Act by transmitting the contents of the decision to them by **[telefax or]**E-mail or by hand.”.

APPENDIX 1

Electoral Commission

NOMINATION OF CANDIDATES FOR THE NATIONAL ASSEMBLY (NATIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998



Election Date: _____

Name of Registered Party: _____

I, _____ (Name of Authorised Party Representative)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hereby:

1. Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;
2. Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;
3. Attach proof that I have been duly authorized to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and
4. Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

NOTE: If a party nominating candidates is not represented in the National Assembly or any provincial legislature, that party must also complete Appendix 10 and upload the identity numbers of the voters on the candidate nomination system.

Place

Signature

Date

Contact # (1)

Contact # (2)

Email Address: _____

Address: _____

LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY (NATIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998 (ACT NO. 73 OF 1998)

Name of Party _____

National _____

Order #	Identity Number	Full Name(s)	Surname
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
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18.			
19.			
20.			

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APPENDIX 2

Electoral Commission

**NOMINATION OF CANDIDATES FOR THE NATIONAL ASSEMBLY
(REGIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998**



Election Date: _____

Region: _____

Name of Registered Party: _____

I, _____ (Name of Authorised Party Representative)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hereby:

1. Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;
2. Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;
3. Attach proof that I have been duly authorized to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and
4. Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

NOTE: If a party nominating candidates is not represented in the national Assembly or any provincial legislature, that party must also complete Appendix 10 and upload the identity numbers of the voters on the candidate nomination system.

Place

Signature

Date

Contact # (1)

Contact # (2)

Email Address: _____

Address: _____

LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY (REGIONAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998 (ACT NO. 73 OF 1998)

Name of Party _____

Region _____

Order #	Identity Number	Full Name(s)	Surname
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
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19.			
20.			

NB: A4 paper on which the necessary columns have been drawn may be used if the space provided is inadequate.

APPENDIX 3

Electoral Commission

NOMINATION OF CANDIDATES FOR THE PROVINCIAL LEGISLATURE (PROVINCIAL LIST) IN TERMS OF THE ELECTORAL ACT, 1998



Election Date: _____

Province: _____

Name of Registered Party: _____

I, _____ (Name of Authorised Party Representative)

ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Hereby:

1. Undertake to bind the party, its candidates/persons holding political or executive office in the party, its representatives, members and supporters to the Electoral Code of Conduct;
2. Declare that each candidate on the list is qualified to stand for election in terms of section 47 and/or section 106 of the Constitution of South Africa or national or provincial legislation or any applicable legislation;
3. Declare that each candidate on the list is registered to vote within the province in which the election will take place.
4. Attach proof that I have been duly authorized to make the nomination and undertaking on behalf of the party and to deal with matters in connection therewith; and
5. Submit herewith proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

NOTE: If a party nominating candidates is not represented in the National Assembly or any provincial legislature, that party must also complete Appendix 10 and upload the identity numbers of the voters on the candidate nomination system.

Place

Signature

Date

Contact # (1)

Contact # (2)

Email Address:

Address:

APPENDIX 6A

Electoral Commission

NOTIFICATION OF NON COMPLIANCE



Candidate Nominator:

Contact Number:

Region:

Contact Number:

Email Address:

You are hereby notified that you have submitted a list/lists of the candidates for the **NATIONAL ELECTIONS** to be held on xx, but you have not complied with the provisions as set out in section 27 of the electoral Act, 1998 (Act.no 23 of 1998) in the following respect:

Candidate Non Compliance					
ID Number	Surname	First Name	Copy of ID	Copy Acceptance of Nomination	Candidate Photo

Please note that you have the opportunity to comply with Section not later than: **Date xx**, should you fail to comply within the specified date and time, above candidates will be disqualified.

Signature of duly authorised representative of the Commission

Date

APPENDIX 8

Electoral Commission**NOMINATION OF INDEPENDENT CANDIDATE [REGIONAL] IN TERMS OF 31(A) AND ACCEPTANCE
OF NOMINATION IN TERMS OF 31(B) OF THE ELECTORAL ACT**

Election Date: _____

Region: _____

Details of Independent CandidateName _____ ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact Number: _____ Email Address: _____

Date: _____ Signature of Candidate: _____

Details of NominatorName _____ ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact Number _____ Email Address _____

I, _____ (Nominator) hereby nominate _____
(Candidate) at _____ on _____ day of _____ in the year _____

To contest the above-mentioned elections as an independent Candidate

The candidate

1. Has accepted his/her nomination as independent candidate by signature appended above;
2. Undertakes to be bound by the Electoral Code of Conduct,
3. Declares that he/she is not disqualified from standing for election in terms of the Constitution or any applicable legislations,
4. Give notice of intention to contest the Election in terms of Regional Seat _____ [Region]
5. Submits the following:
 - a. a copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appears;
 - b. An A5 sized head and shoulders picture of candidate;
 - c. Proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

Note: If the candidate is not represented in the National Assembly or any provincial legislature, please also complete Appendix 10 and upload the identity numbers of the voters set out therein on the candidate nomination system.

Date: _____

Signature of Nominator _____

APPENDIX 9

Electoral Commission

**NOMINATION OF INDEPENDENT CANDIDATE [PROVINCIAL] IN TERMS OF 31(A) AND ACCEPTANCE
OF NOMINATION IN TERMS OF 31(B) OF THE ELECTORAL ACT**



Election Date: _____

Province: _____

Details of Independent Candidate

Name _____ **ID Number**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact Number: _____ **Email Address:** _____

Date: _____ **Signature of Candidate:** _____

Details of Nominator

Name _____ **ID Number**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Contact Number _____ **Email Address** _____

I, _____ (Nominator) hereby nominate _____
(Candidate) at _____ on ____ day of _____ in the year _____

To contest the above-mentioned elections as an Independent Candidate

The candidate

1. Has accepted his/her nomination as independent candidate by signature appended above;
2. Undertakes to be bound by the Electoral Code of Conduct,
3. Declares that he/she is not disqualified from standing for election in terms of the Constitution or any applicable legislations,
4. Give notice of intention to contest the Election in terms of Provincial Seat _____ [Province] and confirm that I am a registered voter in this province.
5. Submits the following:
 - a. a copy of the page of the candidate's identity document on which the candidate's photo, name and identity number appears;
 - b. An A5 sized head and shoulders picture of candidate
 - c. Proof of payment made in favour of the Electoral Commission as prescribed deposit for contesting the election.

Note: If the candidate is not represented in the National Assembly or any provincial legislature, please also complete Appendix 10 and upload the identity numbers of the voters set out therein on the candidate nomination system.

Date: _____

Signature of Nominator _____

APPENDIX 10

Electoral Commission

LIST OF SIGNATURES TO CONTEST NATIONAL ASSEMBLY REGIONAL SEAT - SECTION 27 (CB)(I) AND 31(B)(3)(A)(I)(BB)

Unrepresented Party ☐ Independent ☐

Name of Party/Independent: _____

Notice is hereby given of the Intention to contest the National Assembly for Seat in

Region _____

I confirm that the signatures collected below are for registered voters.

We the undersigned support the nomination of _____ Party/Independent) for National Assembly

Order #	Identity Number	Full Name(s)	Surname
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

: A4 paper on which the necessary columns have been drawn may be used if the space provided is inadequate.



APPENDIX 11

Electoral Commission

LIST OF SIGNATURES TO CONTEST PROVINCIAL LEGISLATURE - SECTION 27 (CB)(II) AND 31(B)(3)(A)(II)

Unrepresented Party ☐ Independent ☐

Name of Party/Independent: _____

Notice is hereby given of the Intention to contest the Provincial Legislature Seat in

Province _____

I confirm that the signatures collected are for registered voters that reside in _____ (Province)

We the undersigned support the nomination of _____ Party/Independent) for _____ (Province)

Order #	Identity Number	Full Name(s)	Surname
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

THE ELECTORAL COMMISSION OF SOUTH AFRICA

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Pageof

**PROPOSED AMENDMENTS TO THE REGULATIONS PUBLISHED UNDER THE
ELECTORAL COMMISSION ACT, 1996 (ACT NO. 51 OF 1996)**

The Electoral Commission intends, in terms of section 23 of the Electoral Commission Act, 1996 (51 of 1996), to amend:

4. the Regulations for the Registration of Political Parties, 2004, published under GN R13 in Government Gazette No. G 25894 of 7 January 2004, as amended by GenN 1204 published in Government Gazette No. GG 31452 of 22 September 2008, as amended by GN R151 published in Government Gazette No. 34044 of 23 February 2011, and as amended by Proc R35 published in Government Gazette No. 45060 of 27 August 2021, to the extent set out in Schedule 4 below;
5. Regulations Relating to Activities Permissible Outside of Voting Stations on Voting Day, 2008, published under GenN 1205 in Government Gazette No. 31453 of 22 September 2008, to the extent set out in Schedule 5 below; and
6. Regulations on Party Liaison Committees, 1998, published under GN R824 in Government Gazette No. 18978 of 19 June 1998, to the extent as set out in Schedule 6 below.
 - Interested persons are invited to submit their written comments on the proposed amendments to the Electoral Commission (for the attention of Kim Kresfelder, Deputy Manager: Registrations) by on 27 August 2023, by-
3. Delivering by hand at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157; or
4. E-mailing to: KresfelderK@elections.org.za

Comments received after the closing date will not be considered.

GENERAL EXPLANATORY NOTE

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

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

SCHEDULE 4

PROPOSED AMENDMENTS TO THE REGULATIONS FOR THE REGISTRATION OF POLITICAL PARTIES, 2004

Definitions

1. In this Schedule, unless the context indicates otherwise –
 - 1.1. “the Act” means the Electoral Commission Act, 1996 (Act 51 of 1996);
 - 1.2. “the Regulations” means the Regulations for the Registration of Political Parties, 2004, published under GN R13 in GG 25894 of 7 January 2004, as amended by GenN 1204 in GG 31452 of 22 September 2008, GN R151 in GG 34044 of 23 February 2011 and Proclamation 35 in GG 45060 of 27 August 2021; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

Amendment of Regulation 2

2. Regulation 2 is amended by–
 - 2.1. the substitution in subregulation (1) for paragraph (a) of the following paragraph –

“(1)(a) Every application referred to in section 15(1) of the Act must be submitted to the Chief Electoral Officer;

(i) _____ in a form substantially similar to Annexure 1 delivered to the Commission's national office; or";

(ii) _____ electronically by completing the electronic form similar to Annexure 1 available for that purpose on the official website and uploading the necessary accompanying documents.".

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

“(b) The notice of application referred to in section 15(4A) of the Act must be in a form substantially similar to Annexure 2 and may also be submitted electronically as contemplated in regulation 2(1)(a)(ii).”.

Amendment of Regulation 7

3. Regulation 7 is amended by the substitution for subregulation (2) of the subregulation–

“(2) The register of parties and a copy of every document lodged with the Chief Electoral Officer for the purposes of the registration of a party, or the renewal of the registration of a party, the changes of the registered name, abbreviated name, distinguishing mark or symbol of a party or the cancellation of the registration of a party, shall be kept for inspection by the public at the office of the Chief Electoral Officer and, subject to the provisions of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), any person may inspect the register and if requested a copy of the register to be made available [**free of charge**] electronically during office hours.”.

Amendment of Regulation 8

4. Regulation 8 is amended by–

4.1. the substitution for paragraph (a) of the following paragraph –

“(a) be entitled to be represented on a **[party]**political liaison committee as contemplated in the regulations on **[Party]**Political Liaison Committees;”;

4.2. the deletion of paragraph (b);

4.3. the insertion of a new subregulation (2) in the following terms –

“(2) A party’s registered name, abbreviation and logo will appear on the ballot paper for any election that a party registered under these regulations contests provided that the party has fully complied with all requirements for such elections.”.

Short title and commencement

5. These Regulations are called the Amendment to the Regulations for the Registration of Political Parties, 2023, and shall come into operation on the date of publication hereof in the *Gazette*.

SCHEDULE 5

PROPOSED AMENDMENTS TO THE REGULATIONS RELATING TO ACTIVITIES PERMISSIBLE OUTSIDE VOTING STATIONS ON VOTING DAY, 2008

Definitions

1. In this Schedule, unless the context indicates otherwise –
 - 1.1. “the Act” means the Electoral Commission Act, 1996 (Act 51 of 1996);
 - 1.2. “the Regulations” means the Regulations Relating to Activities Permissible Outside Voting Stations on Voting Day, 2008, published under GenN 1205 in GG 31453 of 22 September 2008; and
 - 1.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

Substitution of Regulation 4

2. The following regulation is hereby substituted for regulation 4:

“4(1) If, in the opinion of the presiding officer, a facility is likely to impede voters’ access, the presiding officer may instruct the party or candidate responsible for the facility to move the temporary operational facility elsewhere.

(2) If, in the opinion of the presiding officer, a party, agent or candidate engages in conduct likely to impede voters’ access or contravene provisions of the Electoral Code of Conduct, the presiding officer may instruct the party, agent or candidate to cease and desist from such conduct.”

Substitution of Regulation 5

3. The following regulation is hereby substituted for regulation 5:

“If parties, agents and or candidates cannot agree amongst themselves on the positioning of their facilities, the presiding officer may be called upon to decide the dispute and issue instructions accordingly to the parties and or candidates, as the case may be.”

Short title and commencement

4. These Regulations are called the Amendment to the Regulations relating to Activities Permissible Outside Voting Stations on Voting Day, 2023, and shall come into operation on the date of publication hereof in the *Gazette*.

SCHEDULE 6

PROPOSED AMENDMENTS TO THE REGULATIONS ON PARTY LIAISON COMMITTEES, 1998

Definitions

13. In this Schedule, unless the context indicates otherwise:
- 13.1. “the Act” means the Electoral Commission Act, 1996 (Act No. 51 of 1996);
- 13.2. “the Regulations” means the Regulations on Party Liaison Committees, 1998, published under GN R824 in GG 18978 of 19 June 1998, as amended by and Proclamation 35 in GG 45060 of 27 August 2021; and
- 13.3. any word or expression to which a meaning has been assigned in the Act and/or the Regulations shall have that meaning.

Amendment of the preamble

14. The preamble is amended by substituting for it of the following preamble:

“Section 5(1)(g) of the Electoral Commission Act, 1996, describes it as a function of the Electoral Commission to establish and maintain liaison and co-operation with parties. [T]he Commission is of the opinion that formal structures of [party]political liaison committees will facilitate [such] liaison and co-operation. In terms of section 23 of the Electoral Commission Act, 1996, the Electoral Commission has, therefore, made the regulations set out in the Schedule.”.

Amendment of Regulation 1

15. Regulation 1 is amended by the insertion after the definition of “the Act” of the following definition:

“‘independent candidate’ has the meaning assigned to it in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998) and includes a person nominated in terms of section 16(1)(b) of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000)”.

Amendment of Regulation 2

16. Regulation 2 is amended by:

16.1. The substitution for the heading thereof of the following heading:

“Establishment of **[party]political** liaison committees”;

16.2. The substitution for the words preceding subregulation (1) of the following words:

“The Electoral Commission establishes the following **[party]political** liaison committees:”;

16.3. The substitution for subregulation (1) of the following subregulation:

“2.1 A **[party]political** liaison committee in the national sphere with not more than two representatives from every registered party represented in the National Assembly and not more than one representative of every member of the National Assembly who was elected as an independent candidate.”

16.4. The substitution for subregulation (2) of the following subregulation:

“2.1 A provincial **[party]political** liaison committee for each province with-

2.2.1 not more than two representatives from every registered party represented in the legislature of the province concerned;**[and]**

2.2.2 not more than two representatives from every registered party represented in the **[party]political** liaison committee in the national sphere but not represented in the provincial party liaison committee concerned~~[.]~~; and

2.2.3 not more than one representative of every independently elected member of the National Assembly”;

16.5. The substitution in subregulation (3) for the words preceding paragraph 2.3.1 of the following words:

“Municipal **[party]political** liaison committees for a **[single]**municipality **[or a group of municipalities]**e with-”;

16.6. The substitution in subregulation (3) for paragraph 2.3.2 of the following paragraph:

“2.3.2 not more than two representatives from every registered party represented in the **[party]political** liaison committee in the relevant province, but not represented in the municipal **[party political liaison committee]** concerned;**[and]**”;

16.7. The substitution in subregulation (3) for paragraph 2.3.3 of the following paragraph:

“2.3.3 not more than one representative of every independent councillor represented in the municipal council **[or councils]** concerned~~[.]~~**;** and”;

16.8. The insertion in subregulation (3) of the following paragraph after paragraph 2.3.3:

“2.3.4 not more than one representative of every independently elected member of the National Assembly”.

Amendment of Regulation 3

17. Regulation 3 is amended by substituting for it of the following regulation:

“3.1 The Commission may co-opt any person or representative onto any specific **[party]political** liaison committee.

3.2 The Commission may, upon written application by any person or registered party, co-opt any such person or registered party onto any specific political liaison committee on good cause shown.”

Amendment of Regulation 4

18. Regulation 4 is amended by substituting for it of the following regulation:

“After the date of **[promulgation of]** certification of the candidates for an election, in terms of any legislation, until the date of declaration of results of that election, any registered party which, or independent candidate who, has complied with the requirements for contesting that election shall be entitled to representation on the **[party]political** liaison committee established in respect of the legislature for which that election is promulgated.”

Amendment of Regulation 5

19. Regulation 5 is amended by substituting for it of the following regulation:

“The Commission shall designate a person as its representative for every [party]political liaison committee and that person shall act as convenor of and chairperson at meetings of the [party]political liaison committee.”

Amendment of Regulation 6

20. Regulation 6 is amended by substituting for it of the following regulation:

“[Party]Political liaison committees will serve as **[vehicles for consultation]** fora for consultation and co-operation between the Commission, **[the registered parties concerned]**candidates, represented parties and independently elected representatives, on all electoral matters, aimed at the delivery of free and fair elections.”.

Amendment of Regulation 7

21. Regulation 7 is amended by—

21.1. the substitution for the words preceding paragraph 7.1 of the following words—

“**[Parties]**Members of political liaison committees are responsible for all expenses incurred by their representatives in respect of their participation in [party]political liaison committees in all spheres of government.”;

21.2. the substitution for paragraph 7.1 of the following paragraph –

“7.1 Should a **[party]member of a specific political liaison committee** be unable to send a representative to attend a meeting of the national or provincial [party]political liaison committee because it does not have the means to pay his or her necessary travel and accommodation expenditure, the Commission may, on application, endeavour to assist that **[party]member** by way of a contribution towards such expenses from funds voted by Parliament for this purpose or from funds that may have been made available by donors for this purpose.”

Amendment of Regulation 8

22. Regulation 8 is amended by substituting for it of the following regulation:

“These Regulations shall be called the Regulations on [**Party**]Political Liaison Committees, 1998, and shall commence on 19 June 1998.”

Short title and commencement

23. These Regulations are called the Amendment to the Regulations on Political Liaison Committees, 2023, and shall come into operation on the date of publication in the *Gazette*.