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GENERAL NOTICES

NOTICE 199 OF 2007

LIMPOPO PROVINCIAL GOVERNMENT**OFFICE OF THE PREMIER****LIMPOPO HOUSES OF TRADITIONAL LEADERS ACT, 2005 (ACT NO.5
OF 2005): DETERMINATION OF MATTERS PERTAINING TO
ELECTIONS OF MEMBERS OF LOCAL AND PROVINCIAL HOUSES OF
TRADITIONAL LEADERS**

It is hereby notified that the Premier of Limpopo intends to promulgate the rules governing elections of members of the local and Provincial Houses of Traditional Leaders in terms of sections 3(6) and 26 of the Limpopo Houses of Traditional Leaders Act, 2005 (Act No. 5 of 2005). The discussion document on the said rules is as set out in the Schedule hereunder.

Any person or organization wishing to comment on the said rules may lodge *his*, her or its written comments within 14 days of this publication with:

Ms. Teshell Shikwambana
Office of the Premier
Private Bag X 9483
POLOKWANE
0700

Fax: (015) 287 6443

SCHEDULE

PART I: DEFINITIONS AND INTERPRETATION

Definitions and Interpretation

- I. (I) In these rules, any word to which a meaning has been assigned by the Act shall retain that meaning and unless the context dictates otherwise-

"the Act" means the Limpopo Houses of Traditional Leaders Act, 2005 (Act No.5 of 2005)

"Electoral College" means the Electoral College as defined in the Act;

"Electoral Officer" means the person presiding at an election, referred to in rule 6 of these rules;

"The Act" means the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No.5 2005;

- (2) A person interpreting or applying these rules must-
- (a) do so in a manner that gives effect to the spirit of the Constitution;
 - (b) take into account the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003) and the Act;
 - (c) where necessary, read the rules together with the Act and any other rules issued in terms thereof; and
 - (d) take into account the traditions and customs applicable to the traditional community concerned provided they do not contradict the legislative framework and the Constitution.

PART II: - ELECTIONS

Designation of Electoral Officers

2. (I) The Premier may designate such number of public servants as the Premier may deem necessary to serve as Electoral Officers for the purposes of conducting elections of members of local and Provincial Houses of traditional leaders. The Electoral Officers so designated must have the authority to *dispose of disputes* arising during such elections.

- (2) Designation of public servants as Electoral Officers does not preclude the Premier from exercising powers of an Electoral Officer and any such designation may be withdrawn by the Premier for any reason at any time.

Proclamation of and preparation for elections of Houses of Traditional leaders

3. (1) The Premier must, by notice in the *Gazette* and in accordance with the Act, announce the date of the elections of local Houses as well as the date of the first sitting of the Provincial House. The process of electing local Houses must be completed in one day as announced in terms of this rule.
- (2) The notice announcing the date of elections must stipulate the commencement time, venue and name of the Electoral Officer for each local House.
- (3) The Premier may postpone the elections in general or the election of a particular local House before the proclaimed date of the election if the Premier is of the opinion that proceeding with the elections may grossly prejudice the administration of justice, order, peace and security. The Premier must announce the new election date in accordance with sub-rule (1).

Electoral College

4. The Electoral College consisting of all senior traditional leaders within the jurisdiction of the local House must elect Members of the local House concerned.

Hours of voting

5. The voting hours must be between 07h00 and 19h00, unless the Premier determines otherwise.

Qualification for nomination

6. A person who wishes to stand for and accept a nomination as candidate for election to the local House must comply with the provisions of section 11 and not be subject to a disqualification under section 12 of the Act.

Nominations and election of candidates

7. (1) The Electoral Officer designated for a local House must preside over the election of members that local House.
- (2) Only members of the Electoral College and any other person authorized by the Electoral Officer are allowed into the voting station while elections are in process. A member of the Electoral College must be allowed into the voting station only upon production of acceptable form of identification which must be verified against a pre-arranged register of all eligible senior traditional leaders of the area concerned.
- (3) Only a member of the Electoral College is entitled to make or second a nomination.
- (4) Nominations must be made in the form of Annexure A, signed by a nominator and a seconder, and countersigned by the nominee indicating acceptance of the nomination.
- (5) Any nominee may by written notice to the Electoral Officer withdraw their nomination before election.
- (6) When nominees are fewer than the number of members to be elected, the Electoral Officer must call for further nominations.
- (7) If the number of nominees equals the number of seats to be filled, the Electoral Officer must declare the nominees elected.
- (8) The Electoral Officer must determine the procedure for the elections after consultation with the Electoral College: Provided that the choice of procedure must be limited to the procedures in rules 8 and 9 of these rules.

Voting by show of hands

8. (1) The Electoral Officer must complete a nomination form for all the nominees in alphabetical surname order.
- (2) When the final list has been drafted, the candidates must leave the meeting until the voting has been concluded.
- (3) The Electoral Officer must, where necessary, assign other officials to assist in the counting of votes.

- (4) The Electoral Officer must call the name of each candidate, whereafter the members of the Electoral College attending the meeting will vote by show of hands.
- (5) Voting must be done on a one person one vote basis per seat.
- (6) The member must show his or her vote by standing up and raising his or her hand, whereafter the Electoral Officer must, when the counting has been finalized and the total votes for that candidate has been announced, ask such member to sit down.
- (7) The procedure spelt out in sub-rules (4) up to (6) must be repeated until all candidates have been voted for.
- (8) Whenever two or more candidates who being the lowest in votes on the poll have the same number of votes, the voting must be repeated in respect of those candidates to determine the candidate who will be elected.
- (9) After the voting has been completed, the Electoral Officer must finalise the results in order of the highest votes received and determine the successful candidates to serve in the local House.
- (10) The Electoral Officer must thereafter reconvene the meeting of the Electoral College wherein the Electoral Officer must announce the results.
- (I I) The record of the election process must be signed by the Electoral Officer, and sent by the Electoral Officer to the Premier within 7 days after the conclusion of the election process.

Voting by Secret Ballot

9. (I) The Electoral Officer must complete the ballot form by filling the names of the candidates nominated during the meeting *in* terms of these rules and must contain all nominated names in alphabetic order with a space next to each name to allow for an indication of choice by means of a mark..
 - (2) The Electoral Officer must, after completing the ballot form, distribute all the election material as prescribed in Annexure F of these rules.
 - (3) Before voting takes place, the Electoral Officer must explain-
 - (a) the secret ballot voting procedure;
 - (b) that voting is on one person one vote basis per seat;

- (c) that the ballot forms will be reconciled against the number of voters after the voting has taken place;
 - (d) that the counting of votes and finalisation of results will take place once voting has been done;
 - (e) that the results will be issued immediately after counting has been completed;
 - (f) that nominees with the highest number of votes are elected into the local House; and
 - (g) that whenever two or more candidates who being the lowest in votes on the poll have the same number of votes, the voting must be repeated in respect of those candidates to determine the candidate who will be elected.
- (4) The Electoral Officer must determine the number of participating voters and distribute the exact number of ballot forms
- (5) The Electoral Officer must direct voters to deposit their ballots in the deposit boxes provided for that purpose.
- (6) A person, other than the presiding officer or a voting officer, may assist a voter in voting, but only **if**-
- (a) the voter requires assistance due to physical disability;
 - (b) the voter has requested to be assisted by that person; and
 - (c) the presiding officer is satisfied that the person rendering assistance **is**-
 - (i) at least 18 years old; and
 - (ii) not an observer or a candidate.
- (7) The Electoral Officer, at the request of a voter who is unable to read, must assist that voter to cast a vote and provide such assistance in the presence of two or more voters who are able to read.
- (8) In applying sub-rule 7, the secrecy of voting contemplated in these rules must be preserved as far as possible.

- (9) When the voting has been finalised the Electoral Officer assisted by other officials must immediately reconcile the ballot forms and count the votes.
- (10) When counting has been finalised and the results have been determined, the Electoral Officer must record the result by completing a result form on a form substantially similar to Annexure B. The Electoral Officer must announce the results to the meeting as soon as he or she is satisfied of the accuracy thereof.
- (11) The Electoral Officer must sign the record of the election process send the signed record to the Premier within 7 days after the conclusion of the election process.
- (12) The Premier must keep the record referred to in sub-rule 11 for the whole term of office of the local House.

Election representivity

10. Where the required minimum of women representivity has not been reached, the female candidates should be declared elected in the place of the *lowest* male candidates of equal number in order to satisfy the provisions of gender representivity as provided for in the Act.

Election disputes and appeals

11. (1) A candidate who wishes to lodge a complaint regarding the procedures or processes or results of the elections must do so by lodging such complaint in writing with the Electoral Officer at the voting station by means of a form contained in Annexure C.
 - (2) The Electoral Officer must seek to resolve the dispute through mediation or negotiation, failing which the Electoral Officer must make a decision.
 - (3) The Electoral Officer must record the objection and his or her decision, and must verbally inform the objector and any other party involved or affected, of his or her decision.
 - (4) Where the objector is still not satisfied with the decision of the Electoral Officer the objector may lodge an appeal within forty-eight hours of the Electoral Officer's decision with the Premier or any person whom the Premier may delegate to handle such appeals.

Swearing in of elected members and election of Chairperson and Deputy Chairperson

- 12.(1) A magistrate of the relevant district must administer the swearing in of newly elected members of the local House within twenty-one days of the elections or the final announcement of results of the elections, in the form provided for in Annexure D.
- (2) Every local House must, on the same date and immediately after its members have been sworn in, proceed to elect Chairperson and Deputy Chairperson.
- (3) The Electoral Officer designated for the local House concerned must preside over the election of chairperson and deputy chairperson.
- (4) The election of Chairperson must be conducted by calling for the nominations and secondment of nominations of not more than three names for that position.
- (5) Every nomination must be submitted on the form contained in Annexure A and must be signed by the nominator, seconder, and the nominee to demonstrate acceptance of the nomination.
- (6) The Electoral Officer must announce the names of persons duly nominated as provided for in this rule and no debate shall be allowed in respect of such announcement.
- (7) In the event that only one nomination has been made, that person must be declared elected in that position.
- (8) The election must be done by means of secret ballot on the basis of one person one vote per position.
- (9) (a) If no nominee obtains a majority of all the votes so cast, the nominee who has received the smallest number of votes must be eliminated and a further ballot must be taken in respect of the remaining nominees, this procedure being repeated as often as may be necessary until a nominee receives a majority of all the votes cast and is declared duly elected.
- (b) For the purpose of paragraph (a), whenever two or more nominees being the lowest on the poll have received the same number of votes, the Local House concerned must, by separate vote, to be repeated as often as may be necessary, determine which of those nominees must be eliminated.

- (10) Whenever-
- (a) only two nominees have been nominated; or
 - (b) after the elimination of one or more nominees in accordance with this rule, only two nominees remain, and there is an equality of votes between those two nominees, the Electoral Officer must announce the result of the election, the time at, the date on and the place where a further meeting of the local House concerned will be held, being a date not more than seven days thereafter as the Premier shall have directed.
- (11) At the further meeting referred to in sub-rule (10), the provisions of this Schedule must apply as if such further meeting was the first meeting called for the purpose of the election in question.
- (12) The Electoral Officer must declare and announce the final result at the meeting.
- (13) The procedure in this rule must apply to the election of Deputy Chairperson.
- (14) After the Chairperson and Deputy chairperson have been duly elected they must be sworn in, in the same manner as in sub-rule (1) with regard to their respective positions.

Election of other members of Executive Committees of local Houses

13. The Chairperson of a local House must preside over the election of the other members of the Executive Committee. The election procedure in rule 12 shall, with the necessary adjustments, apply to such elections.

Allocation of seats and Election of members of local houses to Provincial House

- 14.(1) Each local House must elect its representatives to serve in the Provincial House in accordance with section 14 of the Act. The number of representatives per local House must be in accordance with Annexure E.
- (2) When electing its representatives to serve in the Provincial House the local house must seek to ensure representivity from the municipalities under the district for which the local house has been established.

- (3) The Electoral Officer must preside over the elections referred to in sub-rule (1). The election procedure in rule 12 shall, with the necessary adjustments, apply to such elections.
- (4) The Chairperson of a local House must submit a list of duly elected representatives of that local House in the Provincial House, to the Premier within five days of such elections.

Election of Chairperson and Deputy Chairperson of Provincial House

15. (1) At the first meeting of the Provincial House presided over by the Premier or a Member of the Executive Council designated by the Premier, the members of the Provincial House must be sworn in by a judge of the High Court of South Africa in accordance with Annexure D, after which the Provincial House must sit to elect Chairperson and Deputy Chairperson of the Provincial House.
 - (2) The election of chairperson must be conducted by calling for the nominations and secondment of nominations of not more than three names for that position.
 - (3) Every nomination must be submitted on the prescribed form in the form of Annexure A and must be signed by the nominator, seconder, and the nominee to demonstrate acceptance of the nomination.
 - (4) The names of persons duly nominated as provided for in this rule must be announced by the Presiding Officer and no debate shall be allowed in respect of such announcement.
 - (5) In the event that only one nomination has been made, that person must be declared elected in that position.
 - (6) The election must be done by means of secret ballot on the basis of one person one vote per position.
 - (7) (a) If no nominee obtains a majority of all the votes so cast, the nominee who has received the smallest number of votes must be eliminated and a further ballot must be taken in respect of the remaining nominees, this procedure being repeated as often as may be necessary until a nominee receives a majority of all the votes cast and is declared duly elected.
(b) For the purpose of paragraph (a), whenever two or more nominees being the lowest on the poll have received the same number of votes, the Local House concerned must, by separate vote, to be repeated as often as may be necessary, determine which of those nominees must be eliminated.

- (8) Whenever-
- (a) only two nominees have been nominated; or
 - (b) after the elimination of one or more nominees in accordance with this rule, only two nominees remain, and there is an equality of votes between those two nominees, the Electoral Officer must, announce the result of the election, the time at, the date on and the place where a further meeting of the Local House concerned will be held, being a date not more than seven days thereafter as the Premier shall have directed
- (9) At the further meeting referred to in sub-rule (8), the provisions of this Schedule must apply as if such further meeting was the first meeting called for the purpose of the election in question.
- (10) The Presiding Officer must declare and announce the final result at the meeting
- (11) The procedure in this rule must be applied to the election of Deputy Chairperson.
- (12) After the Chairperson and Deputy Chairperson have been duly elected they must be sworn in, in the same manner as in sub-rule (1) with regard to their respective positions.

Publication of names of Members local and Provincial Houses

16. The Premier must publish the names of the elected members of local and Provincial Houses in the Gazette within fourteen days after the elections.

By-Elections

17. (1) Whenever a vacancy occurs in a local or Provincial House in terms of the Act the vacancy must be filled within six weeks in accordance with procedure which applied when the predecessor was elected.
- (2) The Premier must convene a meeting of the relevant Electoral College for the purposes of such elections.

Offences and Penalties

18. Any person who makes a false statement or furnishes false particulars in any application or other document prescribed in these rules is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both such fine and imprisonment.

Short title

17. These rules are called the Rules Governing Elections of Members of the Local and Provincial Houses.

ANNEXURE A

Nomination form

NOMINATION OF CANDIDATES FOR THE

HOUSE OF TRADITIONAL LEADERS

*NB: This form may be used for the nomination of candidates for membership, Chairpersonship, Deputy Chairpersonship or Executive.

Election date:

_____ (Identity number: _____)

being a Senior Traditional Leader of the _____ Traditional Community hereby

nominate _____ (Identity number: _____)

and Senior Traditional Leader of _____ Traditional Community to contest the

election in the abovementioned House of Traditional Leaders as *Member/Chairperson/Deputy Chairperson.

**Delete whichever ;s not applicable.*

Signature of nominator:

Place:

Date:

Contact details of nominator:

Signature of candidate/nominee:

Place:

Date:

Contact details of candidate/nominee

ANNEXURE B

Results form

RESULTS FORM TO BE COMPLETED BY ELECTORAL OFFICER IN RESPECT OF VOTES CAST IN
THE RELEVANT VOTING STATION

Election date: -

Voting Station: -

RESULTS OF COUNT

CANDIDATE NAME	NUMBER OF VOTES	SIGNATURE OF CANDIDATE
Signature of Counting Officer:	Name of Counting Officer:	Identity number:
Date:	Telephone contact number:	After Hours contact number:

ANNEXURE C

OBJECTION OR COMPLAINT AGAINST A MATTER CONCERNING ELECTIONS

Election date:

-

Voting Station:

-

Objector/Complainant

Identity number:

Full Names

Voter:

(Where applicable)

Object to:

A voter being allowed to vote

A voter being allowed to vote at this station

A voter (or myself) being refused a ballot form

The conduct of an officer, an agent or other person at this voting station

Other (specify)

Reasons for objection (giving full particulars of voter, officer, agent or other person involved)

Signature of Objector

Date

Electoral Officer's decision

Signature of Objector

Date

ANNEXURE O

Oath of office

I, A.B., hereby swear to be faithful to the Republic of South Africa and undertake to hold my office with honour and dignity; to respect and uphold the Constitution and all other laws of the Republic of South Africa and the Province of Limpopo; to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience; to do justice unto all; to be a true and faithful member of the _____ House of Traditional Leaders; and not to divulge directly or indirectly any matters which are entrusted to me under secrecy.

May the Almighty God by Hisgrace guide and sustain me in keeping this oath with honour and dignity.

So help me God.

ANNEXURE E

Number of Members of each local House and delegates in the Provincial House

Local House	Number of Members	Number of delegates to the Provincial House
Capricon	10	6
Mopani	10	9
Sekhukhune	10	9
Vembe	10	9
Waterberg	9	3

ANNEXURE F

VOTING MATERIALS

The following minimum voting material is needed in each voting station:-

Ballot forms;

Ballot boxes;

Voting compartments;

The certified segment of the voters' roll for the voting district;

Indelible ink

Seals

Official stamp

All prescribed forms

Pencils and pens

Rulers

Boundary tape

Banners

Industrial tape

Envelopes

Paper clips

Stickers and name tags

Punch

NOTICE 200 OF 2007

**LIMPOPO TRADITIONAL LEADERSHIP AND INSTITUTIONS
ACT, 2005 (ACT NO.6 OF 2005): REGULATIONS**

It is hereby notified that the Premier of Limpopo intends to make regulations in terms of section 31 of the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No. 6 of 2005). The draft regulations are as set out hereunder.

Any person or organization wishing to comment on the said regulations may lodge his, her or its written comments within 14 days of this publication with:

Ms. Teshell Shikwambana
Office of the Premier
Private Bag X 9483
POLOKWANE
0700

Fax: (015) 287 6443

REGULATIONS

PART I

DEFINITIONS AND INTERPRETATION, RECOGNITION OF
TRADITIONAL COMMUNITIES AND ESTABLISHMENT OF
TRADITIONAL COUNCILS

Definitions and Interpretation

- I. (1) In these Regulations any word or expression to which a meaning has been assigned in the principal Act, shall have that meaning and, unless the context otherwise indicates-

"Assigned Official" means an official of government assigned in terms of regulation 8 to assist the traditional community during the traditional council elections;

"By-election" means a by-election contemplated in regulation 39;

"Category A" means a traditional community with a population of more than 30 000 people;

"Category 8" means traditional community with a population of more than 15 000 people but less than 29 999 people;

"Category e" means traditional community with a population of less than 15 000 people;

"Day" for the purposes of these regulations a day means a working day, excluding weekends and public holidays;

"Election Timetable" means the election timetable to be compiled by the independent election agency in terms of regulation 15(3);

"Election Tribunal" means the Tribunal to be appointed in terms of regulation 34;

"local house" means a local house of traditional leaders established in terms of the Limpopo Houses of Traditional Leaders Act, 2005 (Act 5 of 2005);

"Presiding officer" means the person presiding at an election and referred to in regulation 17;

"Provincial House" means the Provincial House of Traditional Leaders established in terms of the Limpopo Houses of Traditional Leaders Act, 2005 (Act 5 of 2005);

"Resident" means a person who is ordinarily resident in an area which forms part of a traditional community;

"the Act" means the Limpopo Traditional Leadership and Institutions Act, 2005 (Act No.6 of 2005);

"The Department" means the Department responsible for the administration of traditional matters;

"The Electoral Act" means the Electoral Act, 1998 (Act No. 73 of 1998);

"The independent election agency" means the agency to be appointed in terms of regulation 15 to conduct traditional council elections;

"Observer" means a person accredited to observe the election in terms of regulation 39;

"Voter's roll" means those segments of the voters roll to be used in an election in terms of these regulations and certified by the Premier in terms of regulation 18;

"Voting district" for purposes of these regulations means an area comprising of one or part of *traditional ward* or a combination of two or more *traditional wards* for which a voter's roll is compiled *in* terms of regulation 18;

"Voting Station" means a voting station for voting purposes established in terms of regulation 16;

"Traditional ward" means a village, administrative area, moraka, motse, muganga, muvhundu or farm.

- (2) A person interpreting or applying these regulations must-
- (a) do so in a manner that gives effect to the spirit of the Constitution;
 - (b) take into account the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) and the Act;
 - (c) where necessary, read the regulations together with the Act; and

- (d) take into account the traditions and customs applicable to the traditional community concerned provided they do not contradict the legislative framework and the Constitution.

Applications for recognition as a traditional community

2. (1) A community wishing to apply for recognition as a traditional community must comply with the provisions of section 3(2) of the Act and must for that purpose complete *Form A in Appendix I*, and must lodge the completed form with the Premier.
 - (2) The form must be completed in full, and signed by a duly authorised representative of the community concerned.
 - (3) The form may be lodged with the Premier by hand delivery or posted by pre-paid registered post to the Premier.
 - (4) An Officer delegated by the Premier must, within five days of receipt of the application dispatch a written notice to the traditional community concerned acknowledging receipt of the application.
 - (5) The Premier must, upon receipt of the application, if satisfied that the community concerned complies with the provisions of section 3(2) of the Act, refer the matter to the provincial house of traditional leaders, the relevant local house of traditional leaders, and any senior traditional leader whose traditional community is in the opinion of the Premier likely to have an interest in the matter and if applicable, the king or queen under whose jurisdiction the group would fall, for their comments.
 - (6) The matter must reach all the stakeholders referred to in sub-regulation (5) within 14 days of receipt of the application by the Premier.
 - (7) The comments by a stakeholder to whom the matter has been referred must reach the Premier within 30 days of receipt of the matter by the stakeholder concerned.
 - (8) Upon expiry of a 30-days period in respect of which the stakeholder who received the referral last was expected to have submitted its comments, the Premier will proceed to take a decision regardless of whether the comments were received or not.
 - (9) The Premier must in any event take a decision within three months of receipt of the duly completed application in terms of sub-regulation (3).

- (10) The Premier must, when he or she contemplates declining the application, request the traditional community concerned to comment in writing on the reasons for the intended refusal. The written comments must be received by the Premier within 30 days of the request by the Premier.
- (11) The Premier must notify the community concerned of his or her final decision in writing within three weeks thereof, and must publish such decision by notice in the *Gazette*. The recognition of a community as a traditional community shall be with effect from publication of the notice in the *Gazette*.
- (12) The notice *in which* a community is recognised as traditional community must specify the-
- (a) name by which that traditional community will be known;
 - (b) geographical area of jurisdiction of that traditional community; and
 - (b) number of members of the traditional council to be established by that community.
- (13) The Premier must issue a certificate of recognition to a community recognised as a traditional community.
- (14) On recognition, a traditional community must ensure that appropriate steps are taken to ensure compliance with the Act.
- (15) A community remains recognised as a traditional community until recognition is withdrawn in terms of the Act.
- (16) If a traditional community requests the Premier to withdraw its recognition as a traditional community in terms of section 9 of the Act, it must do so in writing and must set out sufficient information to enable the Premier to properly consider the request, including-
- (a) a full motivation for the request; and
 - (b) the extent of the support for the request within that community, and how that support has been determined,

Provided that the Premier may on his or her own initiative and after consultation with the relevant local house of traditional leaders, the community concerned and *if* applicable, the king or queen under whose jurisdiction the traditional community concerned falls, withdraw the recognition of the traditional community on account of reasons deemed appropriate by the Premier.

- (17) The withdrawal of recognition of a traditional community takes effect on publication of a notice in the *gazette* withdrawing recognition of that community as a traditional community.
- (18) The traditional council of the traditional community whose recognition has been withdrawn ceases to exist on the date on which the withdrawal of the recognition of the traditional community takes effect.

PART 2

ESTABLISHMENT AND COMPOSITION OF TRADITIONAL COUNCILS AND ELECTION OF MEMBERS

Establishment of traditional councils

3. (1) On recognition of a traditional community by the Premier, the department must provide that community with the necessary administrative assistance and support to enable it to establish a traditional council within thirty days of recognition.

Composition of various Traditional Councils

4. (1) The number of members of each traditional council must be in accordance with "*Table 1*" of *Appendix 2*.
- (2) Elected members must be so elected in accordance with the procedure in parts 4 or 5 as determined by the Premier.

Term of office of members of traditional councils and oath of office

- 5 (1) Subject to section 6 of the Act, a member of a traditional council holds office for a period of five years, provided that a member who holds a casual vacancy holds such office for the remainder of his or her predecessor's term.
- (2) Members of the traditional council must, before assuming office as members, take oath of office in accordance with the provisions of the Act.

Declaration by the Premier

6. (1) The Premier must, after consultation with the Provincial House of Traditional Leaders, decide on the dates of election, which dates may differ in respect of different communities: provided that all communities must conduct their election process within one month.
- (2) A Traditional Community must decide on the procedure for its elections: Provided that such procedure must be limited to either-
 - (a) elections conducted only during a traditional community meeting in terms of part 4 of; or
 - (b) elections conducted through a formal process as provided for in part 5.
- (3) The traditional community must inform the independent election agency of the decision in terms of sub-regulation (2), at least seven days before the date of elections.

PART 3

Election of the Forty Percent of Members of a Traditional Council in a Traditional Community Meeting

Members to be elected by a traditional community

7. The members of a traditional council to be elected in terms of the Act must-
 - (a) be elected in accordance with the criteria provided for in regulation 9;
 - (b) comprise of at least one-third women;
 - (c) constitute forty percent of the total number of the membership of the traditional council.

Calling of and Participation in a Traditional Community Meeting

8. (1) The Premier must announce the dates of the elections of traditional councils by proclamation in the *Gazette* at least 6 months before the expiry of the reigning traditional council in order to enable-
 - (a) proper communication processes with traditional communities to take place;

- (b) nominations, election and the announcement of results at least 6 weeks before the expiry of the term of office of the reigning traditional council;
- (c) submission of names of members of the newly elected members to the Premier, at least two weeks before the Gazette containing the names of the newly elected members of the traditional council is *issued*;
- (d) the gazetting of names referred to in sub-regulation (c) at least two weeks before the expiry of the term of office of the outgoing traditional council; and
- (e) the swearing-in of members of the new traditional council on or before the last day of the term of office of the reigning traditional council,

Provided that the *Premier* may, in exceptional circumstances depart from the timeframes prescribed in this sub-regulation.

- (2) A senior traditional leader must give at least 14 days notice of a meeting of the traditional community in terms of custom of that traditional community, for the purposes of the elections.
- (3) The meeting referred to in this regulation must be conducted at the capital of the traditional community or any central venue within the jurisdictional area of the traditional council to be identified by the senior traditional leader.
- (4) The assigned official in consultation with the senior traditional leader must oversee the meetings of the traditional community regarding the election process.
- (5) Where *less* than 100 members of the community attend the meeting, such meeting may not proceed.

Qualifications to stand for elections and to vote

- 9. (1) A person who wishes to stand for and accept a nomination as candidate to the traditional council of any community must-
 - (a) permanently reside within the jurisdictional area of the *traditional* community where the elections will be conducted;

- (b) be eighteen years or more;
 - (c) be in possession of an identity document;
 - (d) not be an office bearer of a political party or a political movement;
 - (e) not have been previously convicted and sentenced to an effective period of twelve months or more without the option of a fine for an offence relating to dishonesty, incitement or any other offence involving violence and public disorder;
 - (f) not be a member of a municipal council, provincial legislature or national parliament; and
 - (g) not have been selected by a senior traditional leader as part of the 60% selected councillors for the traditional council.
- (2) A person who wishes to participate as a voter in the elections of any traditional council must be-
- (a) a citizen of the Republic of South Africa;
 - (b) a resident of the traditional community concerned;
 - (c) in possession of a valid identity document;
 - (d) eighteen years of age or above.
- (3) A person who lives outside of the jurisdictional area of the traditional community, but who belongs to the said traditional community may participate in the proceedings of the traditional community meeting and vote in the election.

Explanation of the Election Process

- 10.(1) The department must assign an official to assist the traditional community during the election process.
- (2) Members of the local House within whose area of jurisdiction the traditional community is located and members of the Provincial House may observe the community meetings and the election process.
- (3) The assigned official referred to in sub-regulation 1 must-

- (a) explain the provisions of these regulations and the Act to the traditional community; and
 - (b) keep a complete and proper record of the conduct of the nomination and election process by the traditional community.
- (4) The election process must consist of-
- (a) day one for the explanation of the election process; and
 - (b) day two for the nomination of the candidates, election of candidates and announcement of the results of the elections.
- (5) The senior traditional leader must, during the first day meeting, announce the names of the selected members constituting 60% membership of the traditional council in terms of the Act taking into account the one third representation of women in the traditional council and the custom of the said traditional community.

Nomination of Candidates

- 11.(1) The senior traditional leader must convene a meeting of the traditional community and the presiding officer must preside over the nomination process.
- (2) The number of the nominees must be equal to 40% of the total number of members of the Traditional Council multiplied by two.
 - (3) When conducting the nominations the presiding officer must ensure that 50% of the nominees are women to contribute towards achieving the one third of women as contemplated in the Act.
 - (4) A nomination by a show of hands must be conducted in the following manner:
 - (a) the presiding officer must call for nominations;
 - (b) a candidate whose name has been proposed must be seconded by at least one person;
 - (c) for a nomination to be accepted, a *nominee* must accept the nomination and declare that he or she satisfies the nomination criteria provided for in regulation 9;

- (5) The nomination and the secondment must be recorded by the presiding officer.
- (6) Nomination of candidates for the purposes of elections by means of secret ballot must be done by completing the relevant part of the nomination form, together with acceptance of nomination by the candidate, in a form substantially similar to *form B of Appendix I*, which must contain-
 - (0) the signature or mark of the nominee;
 - (b) signatures or marks of the two persons seconding the nomination;
 - (c) the names and surname of the candidate as they appear on the identity document;
 - (d) the identity number of the candidate;
 - (e) any other name or non-offensive nickname by which the nominee is known in the community;
 - (f) the physical address of the candidate including traditional ward or village;
 - (g) the date of the nomination;
 - (h) confirmation or declaration of acceptance of nomination to stand as a candidate and that the candidate understands that the nomination is valid only for that round of elections and not any other subsequent or previous election or by-election; and
 - (i) contact details, where available.

PART 4

VOTING BY SHOW OF HANDS

The Election Procedure by Show of Hands

- 12.(1) The presiding officer must complete a nomination form for all the nominees in alphabetical surname order.
- (2) When the final list has been drafted, the candidates must leave the meeting until the voting has been concluded.

- (3) The presiding officer must, where necessary, assign other officials to assist him in the counting of votes.
- (4) The presiding officer must call the name of each candidate, whereafter the members of the community attending the meeting will vote by show of hands.
- (5) each voter must vote for one candidate.
- (6) The voter must show his vote by standing up and raising his or her hand, whereafter such voter must remain outside the meeting pending announcement of the results.
- (7) The procedure spelt out in sub-regulations (4) up to (6) must be repeated until the required number of candidates has been voted for.
- (8) After the voting has been completed, the presiding officer must finalise the results in order of the highest votes received and determine the successful candidates to serve in the traditional council.
- (9) The presiding officer must thereafter reconvene the meeting and announce the results.
- (10) The Senior Traditional Leader, the presiding officer and the assigned official must sign the record of the election process. The assigned official must submit the signed record to the Premier within 48 hours or within such other period as prescribed in terms of the Act after the conclusion of the election process.

PARTS

Voting by Secret Ballot

Election of Candidates by Secret Ballot

- 13.(I) The presiding officer must-
 - (a) complete the ballot form by filling the names of the candidates nominated during the meeting in terms of these regulations; and
 - (b) distribute all the election material as prescribed in *Schedule C Of Appendix 3*.

- (2) Before voting takes place, the assigned official must explain-
 - (a) the secret ballot voting procedure;
 - (b) that each voter may only vote for one candidate;
 - (c) that the ballot papers will be reconciled against the number of voters after the voting has taken place;
 - (d) that the counting of votes and finalisation of results will take place once voting has been done; and
 - (e) that the results will be issued immediately after counting has been completed.
- (3) The presiding officer must determine the number of participating voters and distribute the exact number of ballot papers
- (4) The voter must be directed to deposit his' or her ballot form in the ballot box provided for that purpose.
- (5) When the voting has been finalised the assigned official must immediately reconcile the ballot papers and count the votes and may for this purpose be assisted by other officers.
- (6) When counting has been finalised and the results have been determined, the presiding officer must immediately announce the results to the meeting.
- (7) The Senior Traditional Leader, presiding officer and the assigned official must sign the record of the election process. The assigned official must submit the signed record to the Premier within 48 hours or within such other period as prescribed in terms of the Act after the conclusion of the election process
- (8) The record of the elections referred to in sub-regulation (7) must be kept for the whole term of office of the traditional council.

Election Ties

- 14.(I) After the counting of all votes and before the announcement of results at a community meeting, election ties must be resolved by conducting a draw using identical envelopes with the names of the candidates who are involved in the tie placed therein.

- (2) The presiding officer must preside over by the draw of the envelope.
- (3) The candidate whose name has been picked first must be declared elected.
- (4) Where the required minimum of one third of women representivity has not been reached, the female candidate should be declared elected in order to satisfy the provisions of gender representivity outlined in the Act: Provided that where only women candidates are involved in a tie the draw must still be conducted.
- (5) The results of the draw shall form part of the results announced at the traditional community meeting called for that purpose.

PART 6

INDEPENDENT ELECTORAL AGENCY

Appointment of Independent Election Agency

- 15.(1) After the determination of the election dates the Premier must-
- (a) approach the Electoral Commission for appointment as the independent election agency; or
 - (b) appoint an independent election agency through the official tender process,
- to conduct the elections, including the nominations of candidates for the election, the announcement of the election results and the resolution of any disputes that may have arisen during the elections.
- (2) In appointing an independent election agency the Premier must consider-
- (0) the experience and familiarity of the agency with the electoral processes;
 - (b) the capacity of the agency to carry out its obligations;
 - (c) the familiarity of the agency with traditional communities and leadership;
 - (d) the familiarity of the agency with customary and traditional norms; and

- (e) any other factors that the Premier may deem necessary.
- (3) The institution appointed by the Premier in terms of sub-regulation (1) must immediately compile the election timetable in consultation with the Premier.
- (4) The election timetable may be amended by the Premier by notice in the Gazette only the Premier considers it necessary for a free and fair election or if the voting day is postponed.
- (5) The elections in general or the election for a particular traditional community may only be postponed before the proclaimed date of the election if the independent election agency, in consultation with Premier or the official assigned or designated by him or her is of the opinion that proceeding with the elections may grossly prejudice the administration of justice, order, peace and security.
- (6) In the event of a postponement of an election for any reason mentioned in sub-regulation 5, the Premier must make the postponement known in the manner that will ensure sufficient publicity of the postponement and must proclaim another date in the *Gazette*: Provided that the newly proclaimed date is within 30 days after initial election date or dates was set.

Establishment of Voting Stations

- 16.(1) The Premier must delimit the voting districts boundaries with a view to determine the number of voting stations per traditional community by-
 - (a) defining a traditional ward to be a voting district;
 - (b) sub-dividing the jurisdictional area of the traditional community into voting districts; and
 - (c) combining paragraphs (a) and (b).
- (2) More than one voting station may be established where the size of the voting district so requires.
- (3) A voting station must be set up for each traditional ward within reach of residents of that traditional ward, failing which the independent election agency must make a determination on the desirability of more voting stations.

- (4) Each voting station must generally comply with the provisions of section 64 of the Electoral Act and regulations made in terms of that Act.

Election Staff

- 17.(1) Each voting station shall be managed by efficient and competent election staff appointed by the independent election agency from within the traditional community where the elections will take place.
 - (2) To qualify for appointment as an election staff member the person must-
 - (a) be registered at the voting station where he or she is to be stationed;
 - (b) not be an agent for any candidate who has been nominated to contest the elections;
 - (c) not be a candidate in the election;
 - (d) not hold political office in any political party;
 - (e) not a member of Parliament, any legislature or municipal council; and
 - (f) meet the academic and other criteria set by the independent election agency.
 - (3) Each voting station shall be staffed by the following officials-
 - (a) the presiding officer;
 - (b) the deputy presiding officer; and
 - (c) a sufficient number of support staff including voting officers and counting officers.
 - (4) Voting and counting officers are responsible for all activities within each voting station including but not limited to-
 - (a) verification of registration;
 - (b) stamping and issuing of ballots;
 - (c) marking of voters with identifying mark;

- (d) assisting voters who need assistance;
 - (e) ensuring that ballots are deposited into the ballot box;
 - (f) ensuring that full ballot boxes are sealed and stored in a secure place in the voting station; and
 - (g) counting of ballots papers.
- (5) The presiding officer-
- (a) must manage, co-ordinate and supervise the voting at the voting station;
 - (b) must take all reasonable steps to ensure orderly conduct at that voting station;
 - (c) may request a security officer to assist in ensuring orderly conduct;
 - (d) may exclude persons for valid reasons from the area within the boundary of the voting station; and
 - (e) make all determinations, recommendations and decisions regarding disputes and any other matters relating to the voting process within the voting station.
- (6) Election staff must subscribe to the code of conduct as set out in *Schedule A Of Appendix 3*.
- (7) The independent election agency may at any time terminate the appointment of any election staff member that is in contravention of the Code of Conduct as set out in *Schedule A Of Appendix 3*: Provided that such termination is inline with applicable labour legislation.
- (8) The independent election agency is responsible for the training of election staff deployed at each voting station and to equip staff with the voting material set out in *Schedule C*.
- (9) Elections staff will be appointed by and be responsible to the independent election agency which will determine their contractual obligations and rights and no liability arising out of this relationship lies against the Premier.
- (10) In appointing the election staff from the local community the election agency must promote fairness and equality.

Registration of Voters and Compilation of Voters' Roll

- 18.(1) The Department must compile the voters' roll for each voting *district* before the date of the elections is proclaimed.
- (2) The Department must, in compiling a voter's roll, take into account the provisions of Chapter 2 of the Electoral Act.
- (3) The voter's roll compiled in terms of sub-regulation (I) must be certified by the Premier.

Election Material

19. The independent election agency must ensure the availability of enough voting material including any equipment that may be deemed necessary for the success of the election process as set out in *Schedule C*.

General Management of the Elections

- 20.(1) The Department will oversee and monitor the electoral process as well as the performance of the independent election agency and any incidental matters.
- (2) The elections must be managed by the independent election agency in order to ensure free and fair elections.

Hours of voting

21. The voting hours must be from 07h00-19h00 unless the Premier determines otherwise by notice in the *Gazette*.

Boundaries of voting stations

- 22.(1) On voting day, the presiding officer, after consultation with the senior traditional leader, must determine the outer boundaries of the venue of the voting station before voting commences.
- (2) The presiding officer must demarcate the outer boundary of the voting station by, where practically possible, marking the boundary by using visible signs, markers or tape along the whole line of the boundary or at sufficient points along the line of the boundary.

Mobile voting stations

- 23.(1) The independent election agency may decide, when necessary, to use mobile voting stations in addition to or instead of a fixed voting station and must give proper public notice of all intended routes, stopping times and venues of the mobile voting stations.
- (2) The procedures for elections outlined in these regulations should be followed when a mobile voting station is used.

Initial procedures

- 24.(1) Immediately before opening a voting station for voting, the presiding officer must show all accredited observers and candidates present that each ballot box to be used at that voting station is empty.
- (2) If all persons present are satisfied that a ballot box is empty, the presiding officer must seal that box by means of a seal designed and supplied to the presiding officer for that purpose by closing all openings of the ballot box except the slot to allow the completed ballot papers to be deposited.

Voting procedure

- 25.(1) A voter may vote-
 - (a) in an election only at the voting station in the voting district in which that voter is registered; and
 - (b) only once in the election.
- (2) A voter may vote at a voting station-
 - (a) on production of that voter's identity document to the presiding officer or a voting officer at the voting station; and
 - (b) if that voter's name is on the certified segment of the voters' roll for the voting district for which that voting station is established.

- (3) When a voter produces an identity document to a presiding officer or voting officer, that officer must examine the identity document and determine **whether-**
 - (a) the voter is the person described in that identity document;
 - (b) the voter's name appears on the certified segment of the voters' roll for the voting district concerned; and
 - (c) that voter has not already voted in the election.
- (4) If the presiding officer or voting officer is satisfied in respect of all the matters mentioned in sub regulation **3**, that officer **must-**
 - (a) record that the voter is regarded to have voted *in* the election;
 - (b) mark the hand of the voter as described in regulation 28;
 - (c) mark the back of the ballot paper to which the voter is entitled with the official stamp for the election; and
 - (d) hand the ballot paper to the voter.
- (5) Once the voter has received a ballot paper marked in terms of sub-regulation (4)(c), the voter **must-**
 - (a) enter an empty voting compartment;
 - (b) mark the ballot paper in secrecy in a way that indicates the candidate the voter wishes to vote for;
 - (c) fold the ballot paper to conceal the voter's vote;
 - (d) take the ballot paper to a ballot box and show it to the presiding officer or a voting officer in a way that that officer can see the official stamp affixed in terms of sub-regulation (4)(c);
 - (e) place the ballot paper in the ballot box; and
 - (f) immediately leave the voting station.

Assistance to certain voters

- 26.(1) A person, other than the presiding officer or a voting officer, may assist a voter in voting, but only **if-**

- (0) the voter requires assistance due to physical disability;
- (b) the voter has requested to be assisted by that person; and
- (c) the presiding officer is satisfied that the person rendering assistance is-
 - (i) at least 18 years old; and
 - (ii) not an observer or a candidate.
- (2) The presiding officer or a voting officer, at the request of a voter who is unable to read, must assist that voter to cast a vote and provide such assistance in the presence of-
 - (a) a person appointed by an accredited observer, if available; and
 - (b) a voting officer.
- (3) In applying this section, the secrecy of voting must be preserved as far as possible.

Issuing of new ballot papers

- 27.(1) If a voter accidentally marks a ballot paper in a way that does not correctly indicate for whom the voter wishes to vote and the ballot paper has not yet been placed in the ballot box, the voter may return that ballot paper to the presiding officer or a voting officer.
- (2) Upon receiving the ballot paper from a voter, the presiding officer or voting officer must mark "cancelled" on the back of the ballot paper and file it separately and then hand the voter a new ballot paper.

Marking of hand.

- 28.(1) The hand of a voter must be marked by drawing a short line on the voter's left thumb and left thumb nail with visible indelible ink.
- (2) If the voter does not have a left thumb or thumb nail or if it is impractical due to injury, disease or any other cause to mark, then anyone of the left hand or right hand fingers and nails must be so marked.

- (3) If for any of the reasons referred to in sub-regulation (2), no finger and nail of a voter can be marked, the presiding officer must keep a record of that voter's name, address, identity number and the reasons why the voter's hand could not be marked.

Sealing of ballot boxes.

- 29.(1) The presiding officer, in the presence of any observers and candidates present, must as soon as a ballot box is full, seal the ballot box by closing the opening of the ballot box with a seal and after the last vote has been cast, similarly seal the last ballot box and any unused ballot boxes.
- (2) A sealed ballot box must remain sealed inside the voting station until opened for the counting of votes.

Completion of ballot paper statement and sealing of voting materials.

30. As soon as practicable after a voting station has been closed for voting, the presiding officer, in the presence of any observers and candidates present, must-
 - (a) complete a ballot paper statement on a form similar to *form D in Appendix I* reflecting the number of-
 - (i) ballot boxes entrusted to that presiding officer;
 - (ii) used ballot boxes;
 - (iii) unused ballot boxes;
 - (iv) ballot papers entrusted to that presiding officer;
 - (v) issued ballot papers;
 - (vi) unissued ballot papers; and
 - (vii) cancelled ballot papers;
 - (b) seal each unused ballot box entrusted to that presiding officer;
 - (c) seal in separate containers-

- (i) the certified segment of the voters' roll for the voting district;
- (ii) the unused ballot papers entrusted to that presiding officer; and
- (iii) the cancelled ballot papers.

Counting Procedures

- 31.(1) The presiding officer must ensure that the counting procedures provided for in these regulations commence as soon as practicable after the voting station is closed for voting and continue uninterrupted until they are completed.
- (2) The *counting* officer must, before counting commences, examine whether the seals are intact on the sealed items.
 - (3) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must deal with any irregularities and discrepancies found, and if any of the material appears to have been unlawfully tampered with or is missing, the counting officer must call in the assistance of a member of the security forces to investigate the matter and to assist in the search for any missing material
 - (4) If no discrepancies are found, the counting officer must open all the used sealed ballot boxes and proceed as follows:
 - (a) the counting officer must reject a ballot paper that indicates-
 - (i) the identity of the voter;
 - (ii) a vote cast for more than one candidate;
 - (iii) no mark or that is marked in such a way that it is not reasonably possible to determine the voter's choice;
 - (iv) the official mark not appearing on the back of the ballot paper;
or
 - (v) that it is not an official ballot paper.
 - (2) The counting officer must-
 - (a) mark "rejected" on the back of each rejected ballot paper; and
 - (b) file the rejected ballot papers separately.

Procedure concerning results and voting materials

- 32.(1) The counting officer must record the result of the counting by completing a result form on a form substantially similar to *form E in Appendix I*, reflecting the result of the count in respect of the election conducted at the voting station.
- (2) The counting officer must hand over the results to the presiding officer who must announce the result of that voting station concerned after completion of the ballot paper statement.
- (3) The presiding officer must seal all the voting material, including the used and unused ballot papers, together with the ballot paper statement, in separate containers and deliver such containers to the place designated by the Premier.

PART 7

DISPUTES

Election Disputes and Appeals

- 33.(1) Where any interested party, including an observer or candidate wishes to lodge a complaint regarding the procedures or processes of the *election* or the results of the elections he or she must do so by lodging such complaint in writing with the presiding officer at the voting station.
- (2) The presiding officer must seek to resolve the dispute through mediation or negotiation failing which the presiding officer must make a decision.
- (3) The presiding officer must record the objection and his or her decision and inform the objector and any other party involved or affected verbally of the decision taken.
- (4) Where the objector is still not satisfied with the decision of the presiding officer the objector may lodge an appeal within 48 hours with the election tribunal as established in terms of regulation 34 of these regulations.

The Establishment of an Election Tribunal

- 34.(1) The Premier must immediately after the proclamation of the election date, establish an Election Tribunal consisting of not less than three people and not more than five people.

- (2) The members of the Tribunal must be fit and proper persons and must possess at least one or more of the following basic skills and competencies-
 - (a) knowledge of legal procedures;
 - (b) knowledge of election processes;
 - (c) knowledge of traditional leadership issues;
 - (d) knowledge of dispute resolution procedures; or
 - (e) any other competency as may be identified by the Premier.
- (3) The Premier must appoint one of the members of the Tribunal as the chairperson of the Tribunal.
- (4) The Tribunal must adopt rules of procedure for the conduct of its business.
- (5) The Tribunal will have jurisdiction over all electoral matters and infringements of the Code referred to it and may take any decision and may impose any reasonable sanction having due regard to any applicable law and prescripts.
- (6) The Tribunal may at its discretion after having had regard to the nature and magnitude of the transgression or complaint refer the matter to other competent agencies.
- (7) Any complaint must be lodged in writing in a form substantially similar to *form F in Appendix 1*.
- (8) The Tribunal must convene within 3 days of the complaint being lodged or the contravention being committed.
- (9) The term of office of the Election Tribunal shall end after the announcement of the results or such other time as may be recommended for the proper finalisation of its responsibilities.
- (10) The powers of the Election Tribunal shall be in accordance with *Schedule B Of Appendix 3*.

Swearing in of Elected Councillors

- 35.(I) Newly elected members of the traditional council must be sworn in by a person designated by the Premier within 14 days after the gazetting of the results of the elections or on the last day of the term of office of the outgoing traditional council.

- (2) Where the terms of office of the outgoing traditional council has expired and the new terms of office has commenced and the new traditional council members have not been sworn in, the senior traditional leader and the staff of the traditional council must assume the day-to-day functions of the traditional council.
- (3) Every traditional council must, after its members have been sworn in, proceed to elect a deputy chairperson.
- (4) The election of the deputy chairperson must be conducted by calling for the nominations and secondment of nominations of not more than three names for that position.
- (5) Each nominated person referred to in sub-regulation (4) must accept the nomination.
- (6) The election referred to in sub-regulation (4) must be done by means of secret ballot.
- (7) A senior traditional leader must declare and announce the result at the meeting.
- (8) A traditional council must adopt such rules to provide for other positions and subcommittees as may be necessary to conduct its business.

By-Elections

- 36.(1) Whenever a vacancy arises in any traditional council in terms of the Act, and subject to sub-regulations (2) and (3) of this regulation, the vacancy occurring in the Traditional Council must be filled by the candidate who got the next highest number of votes in the election contemplated in these regulations.
- (2) A candidate who did not receive any votes in the election contemplated in these regulations may not become a member of the Traditional Council in terms of sub-regulation (1) and is regarded as being disqualified.
- (3) In the event that a female member of the Traditional Council caused the vacancy to arise, the next available female candidate on the remaining list of candidates who received the highest number of votes in the election must fill the vacancy.
- (4) The name of the person who becomes a member of the Traditional Council in terms of this regulation must be proclaimed in the Gazette.

- (5) Where a tie exists among the candidates on the list, such a tie will be resolved in terms of regulation 14.
- (6) Where no person is available to take up the membership of a Traditional Council in terms of this regulation, then a new election must be conducted afresh in terms of these regulations.
- (7) In the event that a new election must be conducted the Premier must proclaim the date for the by-election in a *Gazette* and allow for the required number of days to give effect to the election timetable.
- (8) Once the date of the election has been proclaimed in terms of sub-regulation (7), the date must also be published in a newspaper circulating in the area where the by-election must be held.
- (9) The voter's roll to be used for the by-election is the voter's roll as it exists on the date that the Premier proclaims the date of the by-election but only those segments of the voter's roll for those traditional wards affected by the vacancy.
- (10) The councillor elected at the by-elections shall be elected for the remainder of the term of office of the existing Traditional Council and until the next elections.

Code of Conduct

- 37.(1) Every candidate participating in the election is bound by and must comply with these regulations and the principal legislation as well as the Code of Conduct provided for in *Schedule B Of Appendix 3*.
- (2) Any person who contravenes or fails to comply with the Code of Conduct is guilty of a criminal offence and on conviction liable to a fine or a period of imprisonment determined by a magistrate's court within whose area of jurisdiction the contravention took place.

Prohibited Conduct

- 38.(1) No person may conduct himself or herself in a manner that may-
 - (a) unduly influence a person to vote or not to vote;

- (b) compel or unlawfully persuade a person to vote or not to vote for a particular candidate;
 - (c) interfere with the independence of the independent election agency;
 - (d) unlawfully prevent voters from access to voting stations;
 - (e) unlawfully impersonate a candidate, an election official or an observer;
 - (f) make intentional false statements or publish false information which may disrupt or prevent an election taking place;
 - (g) unlawfully creating hostility or fear in order to influence the conduct or outcome of an election
 - (h) unlawfully interfere with a voter's right to secrecy;
 - (i) unlawfully remove, destroy or damage any election material;
 - (j) unlawfully print, transport or remove ballot papers or manufacture any election material;
 - (k) unlawfully remove or damage any billboard or placard;
 - (l) unlawfully obstruct or is in non-compliance with an instruction of a presiding officer inside the boundary of a voting station;
 - (m) unlawfully carry or display any dangerous weapon within the boundaries of the voting station;
 - (n) within the boundaries of the voting station engage in any political activity other than casting a vote.
- (2) Any person who contravenes or fails to comply with the provision of this regulation is guilty of a criminal offence and on conviction liable to a fine or a period of imprisonment determined by a competent court of law.

Election Observers

- 39.(1) Any person or organisation that wishes to observe traditional council elections must make an application to the independent election agency, for accreditation as an observer by completing a form substantially similar to *form G of Appendix I*.

- (2) Every accredited observer is bound by the Code of Conduct for Observers as set out in *Schedule D Of Appendix 3*.

Election Campaigns

40. Election campaigns must be conducted in terms of the provisions of *Schedule B of Appendix 3*.

Declaration of Secrecy

41. Before a person can be appointed as an election staff member, that person must complete and sign a declaration of secrecy in a form substantially similar to *form H Of Appendix 1*.

PART 8

MISCELLANEOUS MATTERS

First meeting of traditional council

- 42 The senior traditional leader must call the first meeting of a traditional council within twenty-one days of the establishment of that council. He or she must do so by a written notice setting out the date, time and place of the proposed meeting, and the notice must be delivered to each member at least seven days prior to the date of the meeting.

Meetings of royal family for purposes of identification of traditional leader

43. (I) Whenever a position of a traditional leader is to be filled, the royal family concerned must, for the purposes of identifying the incumbent in terms of sections 12(I), 14(I), 15(I) and 16(I):
- (a) convene a meeting of the royal family;
 - (b) inform the traditional council concerned; and
 - (c) furnish the Premier with at least thirty days notice of the intended meeting.

- (2) The meeting may not proceed in the absence of an officer designated by the Premier to attend such meeting.
- (3) The Officer designated by the Premier-
 - (a) may not participate in the deliberations of the royal family; and
 - (b) must record the minutes of the meeting in question.

Objections against identification of traditional leader

44. (1) Any person who is aggrieved by the identification of an incumbent of the traditional leadership position by the royal family and wishing to object may do so by submitting such objection together with reasons to the Premier in writing within five days of receipt by the Premier of the notification regarding the identification concerned.
- (2) The Premier must inform the aggrieved person of his or her final decision on the matter.

Tenure of acting traditional leader

- 45 (1) The Premier must review the appointment of an acting traditional leader every 12 months.
- (2) The Premier must upon request by the royal family remove any person appointed in an acting capacity.

Relief of royal duties on the basis of imprisonment

46. A person who has been relieved of his or her royal duties in terms of section 13(1)(a) of the Act is, after completion of the prison sentence, eligible for recognition in accordance with section 12 of the Act. Such recognition shall not serve as a reinstatement.

Re-imbusement of travel and subsistence expenses

47. Any claim for travel and subsistence expenses must be accompanied by acceptable proof of such expenses.

Conclusion of service level agreements with municipalities by traditional councils

- 48 (1) A traditional council wishing to enter into a service level agreement with a municipality in terms of section 10(5) of the Act may do so only after obtaining prior approval of the Premier or a person designated for the purpose.
- (2) The traditional council must submit an application for approval to the Premier in writing, together with a copy of the proposed service level agreement.

Implementation of decisions of Commission

- 49.(1) The Provincial House of Traditional Leaders may authorize its executive to make recommendations to the Premier regarding implementation of the decisions of the Commission on behalf of the House.
- (2) The executive committee must at the next sitting of the Provincial House of Traditional Leaders submit a comprehensive report of the recommendations made on behalf of the Provincial House.

Transitional matters

- 50 The Premier may, where circumstances demand, depart from any requirements of these regulations with regard to timeframes for the purposes of the first elections following the promulgation of these regulations.

Offences and Penalties

- 51 Any person who makes a false statement or furnishes false particulars in any application or other document prescribed in these regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one year or to both such fine or imprisonment.

Short title

- 52 These regulations are called the regulations made under the Limpopo Traditional Leadership and Institutions Act, 2005.

Form B

INDEPENDENT ELECTORAL AGENCY NOMINATION OF CANDIDATES FOR TRADITIONAL COUNCIL ELECTIONS

Election date: _____

Traditional Community: _____
Traditional ward: _____

I, _____ (Identity number: _____) being ordinarily resident in the abovementioned Traditional Community and traditional ward and being registered as a voter on that Traditional Community's segment of the voters' roll, hereby nominate _____

(Identity number: _____) to contest the election in the abovementioned Traditional Community as a candidate.

Attached is -

(o) the prescribed acceptance of nomination signed by the candidate;

(b) a certified copy of the page of the candidate's identification document on which the candidate's photo, name and identity number appear; and

Signature: _____

Place: _____

Date: _____

Contact details of -

(o)

Nominator

(b)

Candidate

Form C

INDEPENDENT ELECTORAL AGENCY

ACCEPTANCE OF NOMINATION BY A CANDIDATE FOR TRADITIONAL COUNCIL ELECTIONS

Election date:

Traditional Community:

Traditional ward:

I,

{Identity number:

hereby accept my nomination as a candidate in the abovementioned election by

(Note: Insert name of nominating individual)

Place:

Date:

Signature of candidate

Form D

INDEPENDENT ELECTORAL AGENCY

PRESIDING OFFICER'S BALLOT PAPER STATEMENT IN THE TRADITIONAL COUNCIL ELECTION

Election date:		Traditional Community:
Voting District:		Traditional ward:
Voting Station:		

PART 1: BALLOT BOXES

Total number of ballot boxes received	
Number of ballot boxes used	
Number of unused ballot boxes	
Used plus unused must equal total received	

PART 2: BALLOT PAPERS

(a) Total No. of ballot papers received	
(b) Total No. of ballot papers issued	
(c) Total No. of ballot papers unissued	
(d) Total (b) + (c)	
(e) Total No. of ballot papers cancelled	
(f) Total of ballot papers in the used boxes	
(g) Total (e) + (f)	

NOTE:

The figures at column (d) should be the same as that in column (a).
 The figures at column (g) should be the same as that at column (b).

Signature of Presiding Officer

Date

Form E

INDEPENDENT ELECTORAL AGENCY

RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN RESPECT OF VOTES CAST FOR CANDIDATES IN THE TRADITIONAL COUNCIL ELECTIONS

Election date:	
Traditional Community:	
District Management Area [If applicable]:	
Voting District:	

RESULTS OF COUNT

CANDIDATE NAME	NUMBER OF VOTES	SIGNATURE OF CANDIDATE / AGENTS / OBSERVER
Signature of Counting Officer:	Name of Counting Officer:	Identity number:
Date:	Telephone contact number:	After Hours contact number:

Form F

INDEPENDENT ELECTORAL AGENCY

OBJECTION CONCERNING VOTING IN THE TRADITIONAL COUNCIL ELECTIONS

Ejection date: _____ Traditional Community: _____
Voting District: _____ Traditional ward: _____

Objector

Identity number: _____
Full Names _____
Agent/Candidate/ Voter: _____
(Where applicable) _____

Object to:

- A voter being allowed to vote
- A voter being allowed to vote at this station
- A voter (or myself) being refused a ballot paper
- The conduct of an officer, an agent or other person at this voting station

Reasons for objection (giving full particulars of voter, officer, agent or other person involved)

Signature of Objector

Date

Presiding Officer's decision

Signature of Objector

Date

FormG

INDEPENDENT ELECTORAL AGENCY

APPLICATION FOR ACCREDITATION AS OBSERVER IN TRADITIONAL COUNCIL ELECTIONS

Application in respect of all the Traditional Council elections to take place on
(Date of election)

1.1 Name of Applicant:

1.2 Address of Registered Office of Applicant

1.3 Telephone Number:

1.4 Facsimile Number (if any):

1.5 E-mail Address (if any):

1.6 Registration Number of Applicant (if applicable):

1.7 Date of Founding:

1.8 Number of persons that will be appointed as
observers:1.9 Person in charge of co-ordinating the applicant's
observers:

1.10 Mark or Symbol of applicant:

1.11 Particulars of persons appointed by applicant:				
Name	Capacity	Identity/Passport Number	Nationality	Date of arrival in and departure from South Africa (if applicable)

NB. If the space is insufficient, fullsize paper on which the necessary columns have been drawn, may be used.

Supporting Documents:

The application must be accompanied by the following:

(a) Copy of deed of foundation or constitution of the applicant.

(b) A statement of the reasons why the applicant is suitable for accreditation to observe the election process.

(c) An affirmation that the applicant commits itself to co-operate with the Commission in relation to the training, conduct and deployment of persons.

We hereby apply for accreditation as observer and certify that the particulars furnished in this form and the supporting documents are true and correct, and certify that all persons appointed by us will subscribe to the Code of Conduct for Observers.

Signature of duly authorised person on behalf of applicant

Date

Name

Capacity:

Form H

INDEPENDENT ELECTORAL AGENCY

DECLARATION OF SECRECY IN THE TRADITIONAL COUNCIL ELECTIONS

Election date:

I,

(full names) about to be appointed as

an officer in the capacity of

1. acknowledge that I will be involved in the business of the Independent Electoral Agency;
2. acknowledge that in my position as local electoral staff member, information and documentation regarding the business of the Electoral Commission will be disclosed to me;
3. agree and confirm that I will treat all such information and documentation in the strictest confidence and that I will protect it and not disclose it to any person, unless authorised to do so;
4. confirm that I will be bound by this Declaration of Secrecy notwithstanding the termination of my appointment.

Signature:

Date

WITNESSESS:

APPENDIX 2

TABLE I

NUMBER OF COUNCILLORS OF TRADITIONAL COUNCILS
(REGULATION 13(2))

Category of Traditional Council	Selected Members	Senior traditional leader	Minimum number of Women to serve in the Traditional Council	Elected Members	Minimum number of Women Elected	Total Members
Category A (Large communities)	17	1	0	2	4	30 (maximum).
Category B (Medium communities)	13	1	8	10	4	24
Category C (Small communities)	10	1	6	7	3	18

Note: Explanation of formula to determine the number of member of members of the traditional councils.

*the determination of the number of members of a Traditional Council is based on custom where senior traditional leader selects a person / headman from each the traditional ward / *vii/age* / isigodi / administrative area / kgoro / ilali *within* the jurisdictional area of the traditional community to be a member of the 60% of the traditional council. Where the number of administrative areas exceeds 17 these can be clubbed together to come up with a maximum of 17 or the headmen must elect among themselves 17 members to serve in the traditional council. This figure constitutes the 60% portion of a traditional council. To determine the total number of the members of TC the following formula is used: $60/100$ multiplied by the number of selected members. To determine the 40% the following formula applies: $40/100$ multiplied by the total number of member of the council.

Appendix 3

SCHEDULE A

CODE FOR APPOINTED OFFICERS
(REGULATION 20(6) AND (7))

All appointed officers must:

- I.
1. Come to work on time and knock off after counting is completed;
2. Abide by the instructions given by the Presiding Officer or Deputy Presiding Officer;
3. Carry out all your assigned duties competently and efficiently;
4. Be and act impartial and do not favour or side with any candidate;
5. Serve voters with respect, dignity and courtesy;
6. Be accurate and thorough in their work;
7. Keep their work above question;
8. Preserve the secrecy of the vote;
9. Treat their colleagues, observers and security personnel with respect
10. Dress respectfully and be presentable;
- II.
11. Conduct themselves in a professional manner;
12. Make sure that the voting station is presentable and tidy;
13. Always act in accordance with the law; and
14. Approach the presiding officer or the deputy for clarity on issues where and when necessary.

During the Election Day, a voting officer is not allowed to:

- 1) Canvass or campaign for any candidate;
- 2) Use equipment or assets of a candidate;
- 3) Behave negligently;
- 4) Behave fraudulently;
- 5) Wear clothing with any candidate names, signs or logos;
- 6) Abuse equipment for personal interests during the hours of voting and counting;
- 7) Use drugs and alcohol-related substances; and
- 8) Disclose any information regarding how a voter voted.

SCHEDULE B

ELECTORAL CODE OF CONDUCT FOR CANDIDATES PARTICIPATING IN TRADITIONAL COUNCIL ELECTIONS

Part I

Prohibited conduct

Undue influence

- (I) No person may-
 - (a) compel or unlawfully persuade any person -
 - (i) to register or not to register as a voter;
 - (ii) to vote or not to vote;
 - (iii) to vote or not to vote for any nominated candidate; or
 - (iv) to support or not to support any nominated candidate;
 - (b) interfere with the independence or impartiality of the independent election agency, any member, employee or officer of the Independent election agency;
 - (c) prejudice any person because of any past, present or anticipated performance of a function in terms of these regulations;
 - (d) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of these regulations;
 - (e) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place:
 - (i) any representative of a candidate or a candidate;
 - (ii) any candidate in an election;
 - (iii) any member, employee or officer of the independent election agency;
 - (iv) any person appointed by an accredited observer; or
 - (v) any person accredited to provide voter education;

- (2) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
- (3) No person, knowing that another person is not entitled to be registered as a voter, may -
 - (a) persuade that other person that that other person is entitled to be *registered* as a voter: or
 - (b) represent to anyone else that that other person is entitled to be registered as a voter.
- (4) No person, knowing that another person is not entitled to vote, may-
 - (a) assist, compel or persuade that other person to vote; or
 - (b) represent to anyone else that that other person is entitled to vote.

Impersonation

No person -

- (a) may apply to be registered as a voter in the name of any other person, whether living, dead or *fictitious*;
- (b) may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious;
- (c) who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station;
- (d) may cast more votes than that person is entitled to; or
- (e) may impersonate-
 - (i) a representative of a candidate or candidates;
 - (ii) a candidate in an election;
 - (iii) a member, employee or officer of the Independent election agency;
 - (iv) a person appointed by an accredited observer; or
 - (v) a person accredited to provide voter education.

Intentional false statements

- (1) No person, when required in terms of these regulations to make a statement, may make the statement ..
 - (a) knowing that it is false; or
 - (b) without believing on reasonable grounds that the statement is true.
- (2) No person may publish any false information with the intention of -
 - (a) disrupting or preventing an election;
 - (b) creating hostility or fear in order to influence the conduct or outcome of an election; or
 - (c) influencing the conduct or outcome of an election.

Infringement Of secrecy

- (1) No person may interfere with a voter's right to secrecy while casting a vote.
- (2) Except as permitted in terms of these regulations, no person may-
 - (a) disclose any information about voting or the counting of votes; or
 - (b) open any ballot box or container sealed in terms of these regulations, or break its seal.

Prohibitions concerning voting and election materials

- (1) Except as permitted in terms of these regulations, no person may-
 - (a) print, manufacture or supply any voting or election material;
 - (b) remove or conceal any voting or election material;
 - (c) damage or destroy any voting or election material; or
 - (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.
- (2) The independent election agency may authorise -
 - (a) the printing, manufacture or supply of any voting or election material;
 - (b) the use of the voters' roll or any voting or election material for a purpose other than an election purpose; and
 - (c) the removal or destruction of any voting or election material.

Prohibitions Concerning Placards and Billboards during Election

From the date on which an election is called to the date the result of the *election* is determined and declared in terms of regulation 5, no person may deface or unlawfully remove any billboard, placard or poster published by a candidate.

Obstruction Of Non-Compliance With, Directions Of Independent Election Agency and Assigned Officials

- (1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the Independent election agency, or a member, employee or officer of the Independent election agency.
- (2) A person may not obstruct or hinder the independent *election* agency, or a person mentioned in sub-regulation (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties.

Contravention of Code

No candidate bound by the Code may contravene or fail to comply with provisions of this Code.

Part 2**Enforcement***Institution Of and intervention in civil proceedings by independent election agency*

- (1) Subject to these regulations and any other law, the Premier either personally or through the independent election agency may institute civil proceedings before a court to enforce a provision or provisions of these regulations or the Code.
- (2) The Premier either personally or through the independent election agency may intervene in any civil proceedings if the Premier or Independent election agency has a legal interest in the outcome of those proceedings.

Jurisdiction and powers of Election Tribunal

- (1) The Election Tribunal has jurisdiction in respect of all electoral disputes and complaints about infringements of the Code.
- (2) If the Election Tribunal finds that a person has contravened a provision of Part I of this Code it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person, including-
 - (a) a formal warning;
 - (b) a fine not exceeding R12 000;
 - (c) an order prohibiting that person from -

- (i) using any public media;
 - (ii) holding any public meeting, demonstration, march or other event;
 - (iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;
 - (iv) erecting or publishing billboards, placards or posters at or in any place;
 - (v) publishing or distributing any campaign literature;
 - (vi) electoral advertising; or
 - (e) an order imposing limits on the right of that person or to perform any of the activities mentioned in paragraph (c);
 - (f) an order excluding that person or any agents of that person from entering a voting station;
 - (g) an order reducing the number of votes cast in favour of that person; or
 - (h) an order disqualifying the candidature of that person.
- (3) Any penalty or sanction provided for in this section will be in addition to any penalty provided for in Part 3 of this code.
- (4) Any penalty paid in terms of this regulation is payable to the magistrate's court in whose area of jurisdiction the matter arose.

Part 3

Additional powers and duties of Independent Election Agency

Electoral Code of Conduct and other Codes

- (1) The Electoral Code of Conduct must be subscribed to-
- (a) by every registered candidate before that candidate is allowed to contest an election; and
 - (b) by every candidate before that candidate may be placed on a list of candidates.
- (2) In order to promote free, fair and orderly elections, the Independent Election Agency may compile and issue any other Code.
- (3) The Independent election agency may change or replace a Code issued in terms of sub-clause (2).
- (4) A Code issued in terms of sub-clause (2), or a change to or replacement of such a Code, must be published in the Gazette.

SCHEDULE B

ELECTORAL CODE OF CONDUCT FOR CANDIDATES PARTICIPATING IN TRADITIONAL COUNCIL ELECTIONS

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 - (ii) to vote or not to vote;

- (iii) to vote or not to vote for any nominated candidate; or
- (iv) to support or not to support any nominated candidate;
- (b) interfere with the independence or impartiality of the independent election agency, any member, employee or officer of the Independent election agency;
- (c) prejudice any person because of any past, present or anticipated performance of a function in terms of these regulations;
- (d) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of these regulations;
- (e) prevent any of the following persons from gaining reasonable access to voters, whether in a public or private place:
 - (i) any representative of a candidate or a candidate;
 - (ii) any candidate in an election;
 - (iii) any member, employee or officer of the independent election agency;
 - (iv) any person appointed by an accredited observer; or
 - (v) any person accredited to provide voter education;
- (2) Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
- (3) No person, knowing that another person is not entitled to be registered as a voter, may -
 - (a) persuade that other person that that other person is entitled to be registered as a voter; or
 - (b) represent to anyone else that that other person is entitled to be registered as a voter.
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- (d) may cast more votes than that person is entitled to; or
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 - (i) a representative of a candidate or candidates;
 - (ii) a candidate in an election;
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 - (iv) a person appointed by an accredited observer; or
 - (v) a person accredited to provide voter education.

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- (1) No person, when required in terms of these regulations to make a statement, may make the statement -
 - (a) knowing that it is false; or
 - (b) without believing on reasonable grounds that the statement is true.
- (2) No person may publish any false information with the intention of -
 - (a) disrupting or preventing an election;
 - (b) creating hostility or fear in order to influence the conduct or outcome of an election; or
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 - (b) remove or conceal any voting or election material;
 - (c) damage or destroy any voting or election material; or
 - (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.
- (2) The independent election agency may authorise -
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From the date on which an election is called to the date the result of the election is determined and declared in terms of regulation 5, no person may deface or unlawfully remove any billboard, placard or poster published by a candidate.

Obstruction Of Non-Compliance With, Directions of Independent Election Agency and Assigned Officials

- (1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the Independent election agency, or a member, employee or officer of the Independent election agency.
- (2) A person may not obstruct or hinder the independent election agency, or a person mentioned in sub-regulation (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties.

Contravention of Code

No candidate bound by the Code may contravene or fail to comply with provisions of this Code.

Part 2

Enforcement

Institution Of and intervention in civil proceedings by independent election agency

- (1) Subject to these regulations and any other law, the Premier either personally or through the independent election agency may institute civil proceedings before a court to enforce a provision or provisions of these regulations or the Code.
- (2) The Premier either personally or through the independent election agency may intervene in any civil proceedings if the Premier or Independent election agency has a legal interest in the outcome of those proceedings.

Jurisdiction and powers of Election Tribunal

- (1) The Election Tribunal has jurisdiction in respect of all electoral disputes and complaints about infringements of the Code.
- (2) If the Election Tribunal finds that a person has contravened a provision of Part I of this Code it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person, including-
 - (a) a formal warning;
 - (b) a fine not exceeding R 10000;
 - (c) an order prohibiting that person from -
 - (i) using any public media;
 - (ii) holding any public meeting, demonstration, march or other event;
 - (iii) entering any voting district for the purpose of canvassing voters or for any other election purpose;
 - (iv) erecting or publishing billboards, placards or posters at or in any place;
 - (v) publishing or distributing any campaign literature;
 - (vi) electoral advertising; or
 - (e) an order imposing limits on the right of that person or to perform any of the activities mentioned in paragraph (c);
 - (f) an order excluding that person or any agents of that person from entering a voting station;
 - (g) an order reducing the number of votes cast in favour of that person; or
 - (h) an order disqualifying the candidature of that person.
- (3) Any penalty or sanction provided for in this section will be in addition to any penalty provided for in Part 3 of this code.
- (4) Any penalty paid in terms of this regulation is payable to the magistrate's court in whose area of jurisdiction the matter arose.

Part 3

Additional powers and duties of Independent Election Agency

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- (1) The Electoral Code of Conduct must be subscribed to-
 - (a) by every registered candidate before that candidate is allowed to contest an election; and
 - (b) by every candidate before that candidate may be placed on a list of candidates.

- (2) In order to promote free, fair and orderly elections, the Independent Election Agency may compile and issue any other Code.
- (3) The Independent election agency may change or replace a Code issued in terms of sub-clause (2).
- (4) A Code issued in terms of sub-clause (2), or a change to or replacement of such a Code, must be published in the *Gazette*.

SCHEDULE C

VOTING MATERIALS

The following minimum voting material is needed in each voting station:-

ballot papers;
ballot boxes;
voting compartments;
the certified segment of the voters' roll for the voting district;
indelible ink
seals
official stamp
all prescribed forms
pencils and pens
rulers
boundary tape
banners
industrial tape
envelopes
paper clips
stickers and name tags
punch

SCHEDULE 0

CODE OF CONDUCT FOR ACCREDITED OBSERVERS

- I. Every accredited observer and person appointed by the observer must-
 - 1.1 Observe the election impartially and independently of any candidate contesting the election.
 - 1.2 Remain non-partisan and neutral.
 - 1.3 Be competent and professional in observing the election.
 - 1.4 Provide the independent election agency with a comprehensive review of the elections taking into account all relevant circumstances including-
 - (0) the degree of impartiality shown by the independent election agency;
 - (b) the degree of freedom of candidates to organise, move, assemble and express their views publicly;
 - (c) the opportunity for candidates to have their agents observe all aspects of the electoral process;
 - (cf) the fairness of access for candidates to national media and other resources of the state;
 - (e) the proper conduct of polling and counting of votes; and
 - (f) any other issue that concerns the essential freedom and fairness of the election.
 - 1.5 Comply with all instructions given and every obligation imposed by-
 - (a) the independent election agency;

- (b) any electoral officer; or
 - (c) any employee or officer of the independent election agency; or
 - (d) a member of the security services acting on the instructions of an officer.
2. The accredited observer and any person appointed by that observer should-
- 2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate.
 - 2.2 Act in a strictly neutral and unbiased manner.
 - 2.3 Disclose to the independent election agency any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election.
 - 2.4 Not accept any gifts or favour from a candidate, organisation or person involved in the election process.
 - 2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate.
 - 2.6 Not express a view or opinion on any matter, which is the subject of electoral campaigning.
 - 2.7 Not influence or attempt to influence the choice of a voter regarding any candidate in an election.
 - 2.8 Not wear, carry, or display any political party's symbols or colours.
-