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THE PRESIDENCY

No. 1147 1 December 2010

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 14 of 2010: Local Government: Municipal Electoral Amendment Act, 2010

VHUPRESIDENDE

Nom 1147 1 Desember 2010

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:—

Nom 14 ya 2010: Muvhuso Wapo: Mulayo wa Khetho dza Masipala wo Shandukiswaho, 2010

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 29 November 2010.)

ACT

To amend the Local Government: Municipal Electoral Act, 2000, so as to supplement provisions relating to the election timetable and insert a related Schedule to the Act; to amend provisions relating to nomination of candidates; to provide for central payments of deposits by a party which contests election in more than one municipality; to empower presiding officers to alter boundaries of voting stations, if necessary; to revise provisions relating to number of party agents at a voting station; to clarify the rights and responsibilities relating to assistance to certain voters; to provide for special votes and the procedure related thereto; to enhance the powers and functions of the Electoral Commission and the Electoral Court in relation to the determination and declaration of the result of an election; to provide for further regulation of objections material to the result of an election; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 11 of Act 27 of 2000

1. Section 11 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000) (hereinafter referred to as the principal Act), is hereby amended by— 5
- (a) the substitution in subsection (1) for paragraph (a) of the following paragraph:
“(a) compile a timetable for the election in accordance with Schedule 3;
and”; and
- (b) the addition of the following subsection:
“(3) Any act required to be performed in terms of this Act must be performed by no later than a date and time stated in the election timetable.” 10

Amendment of section 14 of Act 27 of 2000

2. Section 14 of the principal Act is hereby amended by—
- (a) the substitution in subsection (1) for paragraph (a) of the following paragraph: 15

THALUSO YA THALUTSHEDZONYANGAREDZI:

- [] Maipfi o swifhadzwaho a re kha buraketezwitange a sumbedza zwo siedzwaho u bva kha khwaḥisedzo dzine dza kha ḡi tshila.
- _____ Maipfi o talelwaho nga mutalo u songo khauwaho a sumbedza zwo dzheniswaho kha mulayo u ne wa kha ḡi tshila.

(English text signed by the President.)
(Assented to 29 November 2010.)

MULAYO

Ushandukisa Muvhuso Wapo: Mulayo wa Khetho dza Masipalala, 2000, u itela u engedza dzimbetshelelo dzi yelanaho na tsumbatshifhinga na u dzhenisa shedulu kha Mulayo; u shandukisa dzimbetshelelo dzi yelanaho na u nangwa ha vhonketheni, u ita mbetshelelo ya mbadelotshikati dza dzidiphosithi dza dzangano ji ne ja khou dzenela khetho kha mimasipala I fhiraho muthihi; u maanḡafhadza muofisiri wa zwa khetho uri a shandukise mikano ya zwiḡitshi zwa vhukhethelo, arali zwi tshi ḡoḡea; u ḡola hafhu dzimbetshelelo dzi yelananho na nomboro ya vhurumelwa ha dzangano kha tshiḡitshi tsha vhukhethelo; u ḡandavhudza dzipfanelo na vhuḡifhinduleli zwi tshi yelana na thuso kha vhakhethi vhenevho; u vhetshela khetho dza tshipentshela na kuitele ku yelanaho henevho; u khwaḥisa maanḡa na mishumo ya khomishini na kotho ya zwa khetho zwi tshi yelana na u lavhelesa na u divhadza mvelelo dza khetho; u vhetshela ndangulo dza zwishumiswa zwa u hanedza mvelelo dza khetho na u vhetshela zwine zwa ḡumana henevho.

U KHWAḤISEDZWE nga Phalamennde ya Riphabuḡiki ya Afrika Tshipembe sa zwi tevhelaho:—

Tshandukiso ya khethekanyo 11 ya Mulayo 27 wa 2000

1. Khethekanyo 11 ya Muvhuso Wapo: Mulayo wa Khetho dza Masipala, 2000 (Mulayo wa Nomboro. 27 wa 2000) hafha ngomu nga murahu u tshi khou vhidzwa upfi Mulayoḡhoho), hafha u khou shandukiswa nga— 5

(a) u imelwa nga khethekanyo ya nga fhasi (1) kha pharagirafu (a) ya pharagirafu I tevhelaho:

“(a) U ita tsumbatshifhinga ya khetho zwi tshi ya nga Shedulu 3; na”; na

(b) U engedzwa ha khethekanyo ya nga fhasi I tevhelaho: 10

“(3) nyito inwe na inwe I ḡoḡeaho u shuḡwa zwi tshi ya nga uno Mulayo I fanela u shuḡwa hu saathu u fhira datumu na tshifhinga tsho bulwaho kha tsumbatshifhinga ya khetho.”.

Tshandukiso ya khethekanyo 14 ya Mulayo 27 wa 2000

2. Khethekanyo 14 ya mulayoḡhoho hafha I khou shandukiswa nga— 15

(a) Uimelwa ha khethekanyo ya nga fhasi (1) kha pharagirafu (a) ya pharagirafu I tevhelaho:

- “(a) in the prescribed format and signed by the party’s duly authorised representative—
- (i) a notice of its intention to contest the election; **[and]**
 - (ii) a party list; **[and]**;
 - (iii) an undertaking binding the party, its candidates, persons holding political or executive office in the party, its representatives, members and supporters, to the Code; and
 - (iv) a declaration that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution or any applicable legislation; and”;
- (b) the substitution in subsection (3) for paragraph (b) of the following paragraph:
“(b) a **[certified]** copy of that page of the candidate’s **[identification]** identity document on which the candidate’s photo, name and identity number appear.”;
- (c) the substitution for subsection (4) of the following subsection:
“(4) If a party omits to attach to its party list **[all]** any of the documents mentioned in subsection (3), the Commission must—
- (a) notify the party in writing by no later than the relevant date and time stated in the election timetable; and
 - (b) allow the party to submit the outstanding documents to the office of the Commission’s local representative by **[not]** no later than **[a]** the date and time stated in the election timetable.”;
- (d) the substitution for subsection (5) of the following subsection:
“(5) The Commission must remove from a party list the name of a candidate—
- (a) in respect of whom any outstanding document has not been submitted by the date and time referred to in subsection (4); and
 - (b) who is not registered as a voter on that municipality’s segment of the voters’ roll.”;
- (e) the addition of the following subsection:
“(6) The Commission must notify the party of the removal of the name of the candidate contemplated in subsection (5).”.

Amendment of section 17 of Act 27 of 2000

3. Section 17 of the principal Act is hereby amended by—
- (a) the substitution for subsection (2) of the following subsection:
“(2) The following must be attached to a nomination when **[the nomination]** it is submitted **[to the Commission]**;
 - (a) In the case of an independent ward candidate, a prescribed form with the signatures of at least 50 voters whose names appear on the municipality’s segment of the voters’ roll for any voting district in the contested ward;
 - (b) a prescribed acceptance of nomination signed by the **[ward]** candidate;
 - (c) a **[certified]** copy of the page of the candidate’s **[identification]** identity document on which the candidate’s photo, name and identity number appear; **[and]**

- “(a) kha tshivhumbeo tsho randelwaho nahone tsho sainwaho nga muimeleli wa dzangano wa vhukuma o gawaho maanda—
- (i) nqivhadzo ya u tenda muhumbulo wa u dzhenela khetho; [na]
- (ii) mutevhe wa dzangano; [na] 5
- (iii) mushumo u vho fhaho dzangano, vhonekheteni vha dzangano, vhatu vho faraho ofisi ya politiki kana ofisi khulwane ya dzangano, vhaimeleli vha dzangano, miraqo na vhatikedzi, kha khoudu; na
- (iv) u qivhadza uri a hu na nkheteni na muthihi kha dzangano a ne a khou hanelwa u ngaimela khetho zwi tshi ya nga Ndayotewa kana mulayo muñwe na muñwe wo teaho; na”; 10
na
- (b) u imelwa kha khethekanyo ya nga fhasi (3) kha pharagirafu (b) ya pharagirafu I tevhelaho: 15
- “(b) khophi yo **[khwa]hisedzwaho** ya lenelo siatari la linwalo la **[vhu]ne** vhuñe line khalo nomboro ya vhuñe, tshinepe na madzina zwa qo vha zwi hone.”;
- (c) u imelwa ha khethekanyo ya nga fhasi (4) ya khethekanyo ya nga fhasi: 20
- “(4) Arali dzangano la siedza u nambatedza kha mutevhe walo wa dzangano **[zwo]the** linwe na linwe la linwalo lo bulwaho kha khethekanyo ya nga fhasi (3) Khomishini I qo fanela u—
- (a) qivhadza dzangano nga u tou n'wala hu saathu fhira datumu na tshifhinga tsho teaho zwo bulwaho kha tsumbatshifhinga ya khetho; na 25
- (b) u tendela dzangano uri li qetshedze manwalwa o siedzwaho kha ofisi ya muimeleli wapo wa khomishini hu **[saathu]** saathu fhira **[a]** datumu na tshifhinga zwo bulwaho kha tsumbatshifhinga tsha khetho.”;
- (d) u imelwa kha khethekanyo ya nga fhasi (5) ya khethekanyo ya nga fhasi itevhelaho: 30
- “(5) Khomishini I qo fanela u bvisa dzina la nkheteni kha mutevhe wa dzangano
- (a) kha malugana na uri linwalo linwe na linwe a lo ngo qetshedzwa nga datumu na tshifhinga tsho ambwaho kha khethekanyo ya nga fhasi (4); na 35
- (b) uri a songo n'waliswa sa mukhethi kha davhi la masipala la mutevhe wa vkhethi.”; na
- (e) u engedzwa ha khethekanyo ya nga fhasi I tevhelaho: 40
- “(6) Khomishini I fanela u qivhadza dzangano nga ha u bviswa ha dzina la nkheteni o sumbedzwaho kha khethekanyo ya nga fhasi (5).”.

Tshandukiso ya khethekanyo 17 ya Mulayo 27 wa 2000

3. Khethekanyo 17 ya Mulayo qhoho hafha I khou shandukiswa nga—
- (a) u imelwa nga khethekanyo ya nga fhasi (2) ya khethekanyo ya nga fhasi I tevhelaho: 45
- “(2) zwi tevhelaho zwi fanela u nambatedzwa kha munango musi **[u nanga]** hu tshi qetshedzwa **[kha Khomishini]**:
- (a) nga kha musi hu nkheteni o imaho nga eñhe wa wadi, fomo yo randelwaho I na tsaino dza vkhethi vha tukusa vha 50 vhane madzina avho a vha hone kha davhi la masipala la mutevhe wa vkhethi kha tshiqiriki tshinwe na tshinwe tsha u vkhethelo kha wadi ye ya dzhenelwa
- (b) u qanganedzwa ho randelwaho ha u nanga hu sainwa nga **[wadi]** nkheteni;
- (c) khophi yo **[khwa]hisedzwaho** ya siatari la nkheteni la **[vhu]ne** vhuñe line kha lo nomboro ya vhuñe, tshinepe na madzina zwa qo vha hone; **[na]** 55

- (d) a deposit equal to a prescribed amount, if any, payable by means of a bank guaranteed cheque in favour of the Commission;
- (e) a prescribed undertaking, signed by the candidate, to be bound by the Code; and
- (f) a prescribed declaration, signed by the candidate, that he or she is not disqualified from standing for election in terms of the Constitution or any applicable legislation.”; 5
- (b) the insertion after subsection (2) of the following subsection:
“(2A) If any document mentioned in paragraphs (b) and (c) of subsection (2) were not attached to the nomination, the Commission must— 10
- (a) notify the nominating party or person in writing by no later than the date stated in the election timetable; and
- (b) allow the nominating party or person to submit the outstanding document by no later than a date stated in the election timetable.”; 15
- and
- (c) the substitution for subsection (3) of the following subsection:
“(3) The Commission must accept a nomination submitted to it and allow the nominated person to stand as a candidate in the ward if [section 16(1) and subsections (1) and (2) of this section have been compiled with]— 20
- (a) the provisions of section 16 and this section have been complied with; and
- (b) the candidate is registered as a voter on that municipality’s segment of the voters’ roll.”. 25

Insertion of section 17A in Act 27 of 2000

4. The following section is hereby inserted after section 17 of the principal Act:

“Central Payments of Deposits

- 17A.** (1) A party contesting elections under section 14 in more than one municipality on the same day may also pay the required deposits to the Commission at the Commission’s national office at the prescribed address. 30
- (2) Payments must be made by bank guaranteed cheque before the cut-off time for the submission of party lists and every cheque must be accompanied by a notice in the prescribed form specifying the details of each municipality to which the deposits apply.”. 35

Amendment of section 21 of Act 27 of 2000

5. Section 21 of the principal Act is hereby amended by the addition of the following subsection:

- “(3) The presiding officer may, after consultation with the party agents and members of the security services who are present, at any time re-determine and re-demarcate the boundary of a voting station if it is necessary to do so in order to ensure proper control and security at that voting station.”. 40

Amendment of section 39 of Act 27 of 2000

6. Section 39 of the principal Act is hereby amended by— 45

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

- (d) diphosithi I ne ya lingana na mutengo wo randelwaho, arali hu na zwiñwe, I badelwa nga ndila dza tsheke ya bannga yo garantiwaho zwi tshi itelwa Khomishini;
- (e) mushumo wo randelwaho, u sainwa nga nkheteni, uri a vhoxwe nga khodu; na (f) u ñivhadzwa ho randelwaho, hu sainwa nga nkheteni, uri a si bviswe kha u dzhenela khetho zwi tshi ya nga Ndayotewa kana mulayo muñwe na muñwe wo teaho.”;
- (b) u dzheniswa nga murahu ha khethekanyo ya nga fhasi (2) ya khethekanyo ya nga fhasi I tvelaholo:
- “(2A) Arali jinwalo jinwe na jinwe jo bulwaho kha (b) na (c) dza khethekanyo ya nga fhasi (2) dzi songo nambatedzwa kha munango, Khomishini I fanela u—
- (a) ñivhadza dzangano jine ja khou nanga kana muthu ane a khou nanga nga u tou ñwala hu saathu u fhira datumu yo bulwaho kha tsumbatshifhinga ya khetho; na
- (b) u tendela dzangano jine ja khou nanga kana muthu ane a khou nanga a tshi ñetshedza jinwalo jo ñahedzwaho hu saathu u fhira datumu yo bulwaho kha tsumbatshifhinga ya khetho.”; na
- (c) u imelwa kha khethekanyo ya nga fhasi (3) ya khethekanyo ya nga fhasi:
- “(3) Khomishini I fanela u ñanganedza munango wo ñetshedzwaho khayoy na u tendela muthu o nangwaho a tshi dzhenela khetho sa nkheteni wa wadi arali [khethekanyo 16 (1) na khethekanyo dza nga fhasi (1) na (2) dza ino khethekanyo dzo itwa] nga]—
- (a) dzimbetshele dza khethekanyo 16 na ino khethekanyo dzo itwa nga: na
- (b) nkheteni u ñwalisa sa mukhethi kha davhi ja masipala ja mutevhe wa vhakhethi.”.

Udzheniswa ha khethekanyo 17A kha Mulayo 27 wa 2000

4. Khethekanyo dzi tevhelaho hafha dzi khou dzheniswa nga murahu ha khethekanyo 17 ya Mulayoñhoho:

“Dzimbadelotshikati dza Dzidiphosithi

17A. (1) Dzangano jine ja khou dzhenela dzikhetho nga fhasi ha khethekanyo 14 kha mimasipala I fhiraho muthihi nga ñuvha ñithihi ñi nga badela-vho dzidiphosithi dzi ñoñeaho kha Khomishini kha ofisi ya lushaka ya Khomishini kha ñiresi yo randelwaho. (2) Dzimbadelo dzi fanela u itwa nga tsheke ya bannga yo garantiwaho phanda ha tshifhinga tsha u vala u itela u ñetshedzwa ha mitevhe ya dzangano nahone tsheke inwe na inwe I fanela u ñheletshedzwa nga ñivhadzo kha fomo yo randelwaho I ñalulaho zwidombedzwa zwa masipala muñwe na muñwe une dzidiphosithi dza khou itelwa.”.

Tshandukiso ya khethekanyo 21 ya Mulayo 27 wa 2000

5. Khethekanyo 39 ya Mulayoñhoho hafha I khou shandukiswa nga nyengedzedzo ya khethekanyo ya nga fhasi I tevhelaho:

“(3) Muofisiri wa khetho a nga, nga murahu ha u kwamana na vhurumelwa ha dzangano na mirado ya tshumelo dza vhutsireledzi vhane vha vha hone heneño, kha tshifhinga tshinwe na tshinwe tshine tsha lavhelesa hafhu na u kanukanya hafhu mikano ya zwiñtshi zwa vhukhethelo arali zwi tshi ñoñe u ita ngauralo u itela u vhone ndango yone-yone na vhutsireledzi kha zwiñtshi zwa vhukhethelo.”

Tshandukiso ya khethekanyo 39 ya Mulayo 27 wa 2000

6. Khethekanyo 39 ya Mulayoñhoho hafha I khou shandukiswa nga—

- (a) u imelwa nga khethekanyo ya nga fhasi (1) kha pharagirafu (a) ya pharagirafu Itevhelaho:

- “(a) two or more agents per voting station as may be indicated by the Commission, if voting at the voting station takes place in more than one room or separately enclosed area; and”; and
- (b) the substitution in subsection (2) for paragraph (a) of the following paragraph: 5
- “(a) one **[agent]** or more agents per voting station in the ward, if voting at the voting station takes place in more than one room or separately enclosed area; and”.

Amendment of section 48 of Act 27 of 2000

7. Section 48 of the principal Act is hereby amended by—
- (a) the substitution in subsection (1) for paragraph (a) of the following paragraph: 10
- “(a) the voter requires assistance due to physical disability, including blindness or other visual impairment;”; and
- (b) the substitution in subsection (2) for the words preceding paragraph (a) of following words: 15
- “(2) The presiding officer or a voting officer, at the request of a voter referred to in subsection (1) or a voter who is unable to read, must assist that voter **[to cast a vote]** in voting and provide such assistance in the presence of—”.

Substitution of section 55 of Act 27 of 2000

8. The following section is hereby substituted for section 55 of the principal Act: 20

“Special votes

55. Any voter who is unable, on voting day, to cast his or her vote at the voting station in the voting district where he or she is registered, may in the prescribed manner apply and be allowed, prior to voting day, to cast a special vote within that voting district.”. 25

Substitution of section 64 of Act 27 of 2000

9. The following section is hereby substituted for section 64 of the principal Act:

“Determination and declaration of result of election

64. (1) On receipt of all the results of the count in respect of all ballots conducted at the voting stations within the municipality, the Commission must— 30

(a) determine the result of the election in the municipality;

(b) record the result on a prescribed form; and

(c) declare the result in public.

(2) If the Commission is unable to determine and declare the result of an election within the seven-day period required by section 5 of the Electoral Commission Act, the Commission may, within that period, apply to the Electoral Court for an extension of the period and must furnish the Electoral Court with good reason for doing so. 35

(3) Despite the provisions of any law, the Electoral Court may, on good cause shown, grant or refuse an application referred to in subsection (2).” 40

- “(a) vhurumelwa vhuvhili kana vhu fhiraho vhuvhili kha zwiitshi zwa vhukhethelo sa zwine zwa nga sumbedzwa nga Khomishini, arali u khetha kha zwiitshi zwa vhukhethelo zwi tshi nga itelwa kha lufhera lu fhiraho luthihi kana fhethu ho khethekanaho kana ho tsireledzwaho; na”; na 5
- (b) u imelwa nga khethekanyo ya nga fhasi (2) kha pharagirafu (a) ya pharagirafu I tevhelaho:
- “(a) [murumelwa] muthihi kana vhurumelwa vhunzhi kha tshiiitshi tsha vhukhethelo kha wadi, arali u khetha kha tshiiitshi tsha vhukhethelo zwi tshi nga itelwa kha lufhera lu fhiraho luthihi kana fhethu ho khethekanaho kana ho tsireledzwaho; na”. 10

Tshandukiso ya khethekanyo 48 ya Mulayo 27 wa 2000

7. Khethekanyo 48 ya Mulayo hoho hafha I khou shandukiswa nga—
- (a) u imelwa ha khethekanyo ya nga fhasi (1) kha pharagirafu (a) ya pharagirafu I tevhelaho: 15
- “(a) mukhethi u loḁa thusedzo nga nḁhani ha vhuhole ha muvhili, zwi tshi katela u pofula kana zwiḁwe zwi kwamaho u vhone;”; na
- (b) u imelwa ha khethekanyo ya nga fhasi (2) kha maipfi a rangelaho pharagirafu (a) ya maipfi a tevhelaho:
- “(2) Muofisiri wa khetho kana mufisiri wa khetho, o tou humbelwa nga mukhethi oambiwo kha khethekanyo ya nga fhasi (1) kana mukhethi ane a sa kone u vhalo, u fanela u thuso uyo mukhethi [u khetha] kha u khetha na u fha thusedzo kha vhuhone ha— 20

Uimelwa ha khethekanyo 55 ya Mulayo 27 wa 2000

8. Khethekanyo I tevhelaho hafha I khou imelwa kha khethekanyo 55 ya 25
Mulayo hoho:

“U khetha ha Tshipentshela

55. Mukhethi muḁwe na muḁwe a sa koni, nga ḁuvha ḁa u khetha, u khetha kha tshiiitshi tsha vhukhethelo kha tshiiiriki tsha vhukhethelo hune o ḁiḁwalisa hone, a nga humbela nga kha nḁila yo randelwaho nahone a tendelwa u, phanda ha ḁuvha ḁa u khetha, a khetha lwa tshipentshela henefho kha tshiiiriki tsha vhukhethelo.” 30

Uimelwa ha khethekanyo 64 ya Mulayo 27 wa 2000

9. Khethekanyo I tevhelaho hafha I khou imelwa kha khethekanyo 64 ya 35
Mulayo hoho:

“U lavhelesa na u ḁivhadza mvelelo dza khetho

64. (1) Hu tshi tou ḁanganedzwa mvelelo dzoḁhe dzo vhalwaho malugana na mabambiri a u khethela o itwaho kha zwiitshi zwa vhukhethelo kha masipala, Khomishini I fanela u—

(a) lavhelesa mvelelo dza khetho kha masipala; 40

(b) rekhoda mvelelo kha fomo yo randelwaho; na

(c) ḁivhadza mvelelo kha tshitshavha.

(2) Arali Khomishini I sa khou kona u lavhelesa na u ḁivhadza mvelelo dza khetho kha maḁuvha a sumbe ane a vha one a ḁoḁwaho nga khethekanyo 5 ya Mulayo wa Khomishini ya Khetho, Khomishini I nga, kha tshenetsho tshifhinga, humbela kha Khothe ya zwa Khetho. 45

(3) Nga nḁa ha dzimbetshelo dza mulayo muḁwe na muḁwe, Khothe ya zwa Khetho I nga, hu na zwiitisi zwo subedzwaho, ḁea kana u hana khumbelo yo ambiwaho kha khethekanyo (2).”

Substitution of section 65 of Act 27 of 2000

10. The following section is hereby substituted for section 65 of the principal Act:

“Objections material to result of election

- 65.** (1) An interested party may lodge with the Commission an objection material to the result of an election, concerning— 5
- (a) any aspect of the voting or counting proceedings provided for in Chapter 5 or Chapter 6, respectively; or
- (b) alleged unlawful—
- (i) interference with or obstruction of election activities or processes in the vicinity of, at or in a voting station; or 10
- (ii) interference with or influencing, intimidation or obstruction of voters or prospective voters in the vicinity of, at or in a voting station.
- (2) An objection must be lodged by serving by no later than 17:00 on the second day after voting day, at the Commission’s national office at the prescribed address, a written notice containing— 15
- (a) a reference to the election concerned and the relevant section of the Act in terms of which the objection is brought;
- (b) the full name and physical address of the objecting party;
- (c) the postal address and telephone number where the objecting party can be contacted and, if available, the party’s facsimile number and e-mail address; 20
- (d) the interest of the objecting party in the matter;
- (e) details of the objection and the aspect of the election concerned;
- (f) detailed reasons for the objection; 25
- (g) the relief sought;
- (h) a list of supporting documents accompanying the notice of objection; and
- (i) proof of service of copies of the notice and annexures on all other interested parties. 30
- (3) The Commission may, on good cause shown, condone a late objection.
- (4) In considering and deciding the objection referred to in this section, the Commission may take any one or more, or all, of the following actions: 35
- (a) Investigate the factual basis of the objection or cause it to be investigated;
- (b) afford other interested parties an opportunity to make written or verbal submissions;
- (c) call for written or verbal submissions from other persons or parties;
- (d) call upon the objecting party to submit further information or arguments in writing or verbally; or 40
- (e) conduct a hearing on the objection.
- (5) The Commission must consider the objection and either reject or uphold it.
- (6) If the Commission decides to uphold the objection before the result of the election had been determined, the Commission may— 45
- (a) decide that the votes cast at a particular voting station do not count in whole or in part;
- (b) decide that the votes cast at a particular voting station in favour of a party or candidate must be deducted in whole or in part from the votes cast in favour of that party or candidate in the election; or 50

Uimelwa ha khethekanyo 65 ya Mulayo 27 wa 2000

10. Khethekanyo I tevhelaho hafha I khou imelwa kha khethekanyo 65 ya Mulayoghoho:

“Zwishumiswa zwa u hana mvelelo dza khetho

- 65.** (1) Dzangano line la vha na dzangalelo la u vhiga Khomishini kha u hana mvelelo dza khetho, malugana na— 5
- (a) nyimele inwe na inwe ya khetho kana maitela a u vhalala a re kha Ndima 5 kana Ndima 6, dzothe; kana
- (b) u humbulela nyiteo ya u pfuka mulayo
- (i) nyito dza u khakhiswa ha khetho kana kuitele kha vuhfethu ha, kha kana kha tshijitshi tsha vuhkethelo; kana 10
- (ii) u khakhiswa nga, kana u tujwedza, u shusedza kana u khakhiswa ha vkhethi kana vho lavhelelwaho u khetha kha vuhfethu ha, kha kana kha tshijitshi tsha vuhkethelo.
- (2) u hana hu fanela u itwa hu saathu fhira 17:00 kha quvha la vuvhili nga murahu ha quvha la u khetha, kha ofisi ya lushaka ya Khomishini kha qiresi yo randelwaho, nqivhadzo yo tou nwalwaho I re na — 15
- (a) u bula khetho dzenedzo dzo kwameaho na khethekanyo yo teaho ya Mulayo zwi tshi ya nga u hana hune ha khou qiswa;
- (b) madzina nga vhuqalo na qiresi ya fhethu zwa jenejo dzangano line la khou hana; 20
- (c) qiresi ya poso na nomboro ya lujingo hune dzangano line la khou hanedza la nga kona u kwamiwa khayi nahone, arali zwi hone, nomboro ya fekisi na qiresi ya imeiji;
- (d) dzangalelo la dzangano line la khou hana zwi vhe zwone thoho ya mafhungo; 25
- (e) zwidodombedzwa zwa u hanedza na nyimele ya khetho dzi kwameaho;
- (f) mbuno dzo dodombedzwa dza u hanedza;
- (g) muhumbulo wa thandululo; 30
- (h) mutevhe wa manwalo a tikedzaho a fhelekedze nqivhadzo ya khanedzo; na
- (i) khwaqisedzo ya tshumelo ya dzikhophi dza nqivhadzo na zwinambatedzwa kha madzangano othe a re na dzangalelo.
- (3) Khomishini I nga, nga kha tshiitisi tsho sumbedzwa, tendela u hanedza ho qiswaho ho lenga. 35
- (4) Nga u dzhiela na u humbula u dzhia tsho ya khanedzo yo ambiwaho nga hayo kha khethekanyo, Khomishini I nga dzhia liga linwe na linwe kana manzhi kana othe a tevhelaho:
- (a) u sedzulusa mbuno dza murango wa khanedzo kana ya itisa uri zwi sedzuluswe; 40
- (b) u qea manwe madzangano a re na dzangalelo tshifhinga tsha u qetshedza qetshedzo yo tou nwalwaho kana ngau tou amba;
- (c) u ita khuwelelo ya qetsedzo dzo tou nwalwaho kana dza u tou amba nga kha vhanwe vhatu kana manwe madzangano; 45
- (d) u ita khuwelelo kha dzangano line la khou hanedza uri li qetshedze inwe nqivhiso kana thajisano dzo tou nwalwaho kana nga u tou amba; kana
- (e) u tshimbidza zwa u thetsheleswa malugana na khanedzo.
- (5) Khomishini I fanela u dzhiela ntha khanedzo na uri I ite tshithihi kha u sa I tangandeza kana I I fareledze. 50
- (6) Arali Khomishini ya dzhia tsho ya ya u fareledza khanedzo phanqa ha mvelelo dza khetho dzi tshi hatulwa Khomishini I nga—
- (a) dzhia tsho ya uri khetho dzo itwaho kha tshijitshi tsha vuhkethelo honoho a dzi nga vhalwi tshothe kana tshipiqa; 55
- (b) dzhia tsho ya uri khetho dzo itwaho kha tshijitshi tsha vuhkethelo honoho dzi tshi khou tou itelwa nkheteni kana dzangano dzi fanela u tuswa tshothe kana tshipiqa tsha khetho dze dza itelwa dzangano ilo kana nkheteni uyo kha khetho; kana

- (c) reduce the number of votes cast in favour of a party or a candidate.
- (7) If the Commission decides to uphold the objection after the result of the election had been declared, the Commission may—
- (a) amend the result; or
- (b) if it is of the opinion that the seriousness and extent of unlawful conduct or irregularities that occurred may justify the setting aside of the election, refer the objection to the Electoral Court for its decision.
- (8) The Commission must immediately notify the objecting party and any other interested parties involved in the objection of its decision in terms of subsection (5).
- (9) An objecting party or other party involved in the objection who feels aggrieved by the decision of the Commission may, within seven days of the Commission's decision, lodge an appeal to the Electoral Court in terms of section 20 of the Electoral Commission Act and the Rules of the Electoral Court.
- (10) The Electoral Court must—
- (a) consider an appeal contemplated in subsection (9) and either—
- (i) reject the appeal;
 - (ii) amend the decision of the Commission;
 - (iii) set aside the election; or
 - (iv) make an appropriate order; and
- (b) notify the parties to the appeal of its decision.
- (11) The Electoral Court—
- (a) may, after having considered an objection referred to it by the Commission in terms of subsection (7)(b), either—
- (i) reject the objection;
 - (ii) amend the result of the election;
 - (iii) set aside the election; or
 - (iv) make an appropriate order; and
- (b) must notify the objecting party of its decision.
- (12) The declared result of an election is not suspended by an appeal in terms of subsection (9) or a referral to the Electoral Court in terms of subsection (7)(b)."

Insertion of Schedule 3 in Act 27 of 2000

11. The following Schedule is hereby inserted in the principal Act after Schedule 2: 35

"SCHEDULE 3

ELECTION TIMETABLE

In terms of section 11 of the Local Government: Municipal Electoral Act, 2000 (hereinafter referred to as "the Act"), the Electoral Commission (hereinafter referred to as the Commission) hereby compiled this election timetable to apply to the (particulars of relevant election) that will be held on (date/s). (A reference to 'section' in this election timetable is a reference to that section of the Act and a reference to "regulation" is a reference to that regulation in the Municipal Electoral Regulations, 2000.) 40 45

Cut-off time for act to be performed

1. An act required in terms of the Act and the Municipal Electoral Regulations, 2000, to be performed by no later than a date stated in the election timetable must be performed before 17:00 on that date.

- (c) u ʒusa nomboro ya dziketho dzo tou itelwaho dzangano kana nkheteneni.
- (7) Arali Khomishini ya dzhia tsheo ya ufareledza kxanedzo nga murahu ha musi mvelelo dza khetho dzo no ɔivhadzwa, Khomishini I nga—
- (a) shandukisa mvelelo; kana 5
- (b) rali I na muhumbulo wa vhuɔimisieli na vhuhulu ha u pfuka mulayo kana u sa tshimbila zwahuɔi he ha itea zwi nga ʒalutshedzwa nga nɔila i pfallaho kha u vhetshela thungo khetho, I nga ɔi isa kxanedzo kha Khothe ya zwa Khetho u itela uri hu dzhiwe tsheo.
- (8) Khomishini nga u tou ʒavhanya I fanela u ɔivhadza dzangano ʒine ʒa khou ita kxanedzo na dzangano ʒinwe na ʒinwe ʒi re na dzangalelo ʒine ʒa kwamea kha hohu u hanedzwa ha tsheo zwi tshi ya nga khethekanyo ya nga fhasi (5) 10
- (9) Dzangano ʒine ʒa khou hanedza kana ʒinwe dzangano ʒine ʒa kwamea kha u hanedza ʒine ʒa pfa uri ʒia gungudzwa nga tsheo ya Khomishini ʒi nga, ita aphili kha Khothe ya Khetho zwi tshi ya nga khethekanyo (20) ya Mulayo wa Khomishini ya Khetho na Milayo ya Khothe ya zwa Khetho. 15
- (10) Khothe ya zwa Khetho I fanela u—
- (a) dzhiela nɔha aphili yo sumbedzwaho kha khethekanyo ya nga fhasi (9) na tshithihi tsha— 20
- (i) u hana aphili
- (ii) u shandukisa tsheo ya Khomishini
- (iii) u vhetshela thungo khetho, kana
- (iv) u ita nzudzanyo yo teaho; na (b) u ɔivhadza madzangano kha tsheo ya aphili 25
- (11) Khothe ya zwa khetho (a) I nga, nga murahu ha u dzhiela nɔha kxanedzo yo ɔiswaho khayoy nga Khomishini zwi tshi ya nga khethekanyo ya nga fhasi (7)(b), nga tshithihi tsha—
- (i) u hana kxanedzo
- (ii) u shandukisa mvelelo dza khetho 30
- (iii) u vhetshela thungo khetho; kana
- (iv) u ita nzudzanyo yo teaho; na
- (b) u ɔivhadza dzangano nga ha tsheo.
- (12) Mvelelo dzo ɔivhadzwaho dza khetho a dzi imiswi nga vhangay ʒa aphili zwi tshi ya nga khethekanyo ya nga fhasi (9) kana nga u zwa iswa kha khothe ya zwa Khetho zwi tshi ya nga khethekanyo ya nga fhasi (7) (b).” 35

Udzheniswa ha Shedulu 3 kha Mulayo 27 wa 2000

11. Shedulu I tevhelaho hafha I khou dzheniswa kha Mulayoyhoho nga murahu ha Shedulu 2:

“SHEDULU 3

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TSUMBATSHIFHINGA YA KHETHO

Zwi tshi ya nga khethekanyo 11 ya Muvhuso Wapo: Mulayo wa Khetho dza Masipala, 2000 (hafha nga ngomu nga murahu u tshi khou vhidzwa upfi “Mulayo”), Khomishini ya Khetho (hafha nga ngomu nga murahu I tshi khou vhidzwa upfi Khomishini) hafha yo Ita tsumbatshifhinga ya u ɔo shumiswa kha (zwidodombedzwa zwa khetho dzo teaho) dzine dza ɔo farwa nga (datumu). (riferentsi kha ‘khethekanyo kha ino tsumbatshifhinga ya khetho ndi riferentsi ya yeneyo khethekanyo ya Mulayo na riferentsi kha “ndangulo” ndi riferentsi kha yeneyo ndangulo kha Dzindangulo dza Khetho dza Masipala, 2000.) 45 50

Tshifhinga tsha u vala tsha mushumo une wa ɔo shuwa

1. Nyito I ne ya ʒoɔea zwi tshi ya nga Mulayo na Dzindangulo dza Khetho dza Masipala, 2000, dzine dza ɔo shuwa hu saathu fhira datumu yo bulwaho kha tsumbatshifhinga ya khetho I ɔo shuwa phanda ha 17:00 nga datumu yeneyo. 55

Notice that list of addresses of voting stations is available for inspection

2. The Commission must give notice by (date) that from the date of the notice until the voting day copies of a list of all voting stations and their addresses will be available for inspection at the office of the Commission’s local representative.

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Notice of route of mobile voting station

3. The Commission must give notice by (date) of the route, including the locations and estimated times of stopping of each mobile voting station.

Cut-off date for publication of voters’ roll

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4. By (date), the Chief Electoral Officer must certify the voters’ roll or the municipality’s segments of the voters’ roll to be used in this election in terms of section 6(2), and make those segments available for inspection.

Cut-off date for submission of notice to contest, list of candidates and nomination of ward candidate

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5. (1) Registered parties that intend to contest this election in terms of section 14 must nominate and submit a notice of intention to contest, a party list of their candidates and the prescribed deposit with the supporting documents for the election to the office of the Commission’s local representative in the prescribed form and manner by (date).

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(2) Registered parties and nominators of independent candidates that intend to contest a ward in this election in terms of section 17, must submit their nominations and the prescribed deposits with the supporting documentation for the said ward election to the office of the Commission’s local representative in the prescribed form and manner by (date).

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(3) Payment of the prescribed deposits in terms of section 17A must be made by (date).

Notice of non-compliance

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6. (1) (a) The Commission must notify a registered party that has submitted a party list of candidates in terms of section 14 but has not fully complied with section 14(3), of that non-compliance by (date).

(b) If the notified party takes the opportunity to comply with section 14(3), that party must do so by (date).

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(2) (a) The Commission must notify the nominating party or person of a candidate who has not fully complied with section 17(2)(b) and (c), of that non-compliance by (date).

(b) If the nominating party or person takes the opportunity to comply with section 17(2)(b) or (c), that party or person must do so by (date).

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List of parties entitled to contest election and list of candidates

7. By (date), the Commission—

(a) must compile the list of the registered parties entitled to contest this election;

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(b) must certify the party lists for this election; and

Ndivhadzo I ne ya tevhakanya qiresi dza zwiqitshi zwa vhukhethelo I hone u itela u ingamelwa

2. Khomishini I fanela u qea ndivhadzo nga (*datumu*) uri u bva kha datumu ya ndivhadzo u swika nga quvha la khetho dzikhophi dza mutevhe wa zwiqitshi zwothe zwa vhukhethelo na dziqiresi zwi qo vha zwi hone u itela u ingamelwa kha ofisi ya muimeleli wa Khomishini wapo.

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Ndivhadzo ya ndila ya zwiqitshithendeleki zwa khetho

3. Khomishini I fanela u qea ndivhadzo nga (*datumu*) ya ndila, zwi tshi katela vhufhethu na zwiqhinga zwo anganywaho zwa u imiswa ha zwiqitshithendeleki zwa vhukhethelo.

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Datumu ya u vala nyanqadzo ya mutevhe wa vhakhethi

4. Nga (*datumu*), Muofisiri Muhulwane wa zwa Khetho u fanela u khwathisedza mutevhe wa vhakhethi kana matavhi a mimasipala ya mutevhe wa vhakhethi une wa qo shumiswa kha dzino khetho zwi tshi ya nga khethekanyo 6 (2), na u ita uri matavhi ayo a vhe hone uri a ingamelwe.

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Datumu ya u vala linetshedzwa la ndivhadzo ya u dzhenela khetho, mutevhe wa vhonketheni na munango wa vhonketheni vha wadi

5. (1) Madzangano o nwalisaho ane a humbula u dzhenela dzino khetho zwi tshi ya nga khethekanyo 14 a fanela u nanga na u isa ndivhadzo ya muhumbulo wa u dzhenela khetho, mutevhe wa vhonketheni vha dzangano na diphosithi yo randelwaho na manwalwamatikedzi a zwa khetho kha ofisi ya muimeleli wa Khomishini wapo kha fomo yo randelwaho na ndila nga (*datumu*).

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(2) madzangano o nwaliswaho na vhanangi vha vhonketheni vho qimisa nga vhothe vhane vha humbula u dzhenela khetho dza wadi kha dzino khetho zwi tshi ya nga khethekanyo 17, vha fanela u isa minango nahone diphosithi dzo randelwaho na manwalwamatikedzi a wadi a khetho dza wadi yo bulwaho kha ofisi ya muimeleli wa Khomishini wapo kha fomo yo randelwaho na ndila nga (*datumu*).

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(3) Mbadelo ya dzidiphosithi dzo randelwaho zwi tshi ya nga khethekano 17A dzi fanela u itwa nga (*datumu*).

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Ndivhadzo ya u sa tevhedza

6. (1) (a) Khomishini I fanela u qivhadza dzangano lo nwalisaho uri lo qisa mutevhe wa vhonketheni zwi tshi ya nga khethekanyo 14 fhedzi a lo ngo tevhedzela tshothe khethekanyo 14(3), ya hoho u sa tevhedza nga (*datumu*),

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(b) Arali dzangano lo qivhadzwaho li tshi nga dzhia tshifhinga tsha u tevhedza khethekanyo 14(3), he lo dzangano li fanela u ita ngauralo nga (*datumu*)

(2) (a) Khomishini I fanela u qivhadza dzangano line la khou nanga kana muthu ane a vha nketheni ane ha ngo tevhedza tshothe khethekanyo 17(2) (b) na (c), ya hoho u sa tevhedza nga (*datumu*) (b) Arali dzangano line la khou nanga kana muthu a tshi nga dzhia tshifhinga tsha u tevhedza khethekanyo 17(2) (b) kana (c), he lo dzangano kana muthu u fanela u ita ngauralo nga (*datumu*).

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Mutevhe wa madzangano o teaho u dzhenela khetho na mutevhe wa vhonketheni

7. Nga (*datumu*) Khomishini.....

(a) I fanela u ita mutevhe wa madzangano o nwalisaho nahone o teaho u dzhenela dzino khetho;

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(b) I fanela u khwathisa mutevhe ya madzangano a dzino khetho, na,

- (c) keep those lists available at the office of the Commission's local representative.

List of ward candidates to contest ward election

8. By (date), the Commission must—

- (a) compile and certify for each ward contested in this election, a list of candidates contesting that ward; and
 (b) keep copies of those lists available at the office of the Commission's local representative.

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Issue of certificate to candidate

9. By (date), the Commission must issue—

- (a) the prescribed candidate certificate to each candidate on the certified party lists in this election; and
 (b) the prescribed candidate certificate to each candidate on the certified list of ward candidates in this election."

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Short title and commencement

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12. This Act is called the Local Government: Municipal Electoral Amendment Act, 2010, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

- (c) U fanela u vhea khophi dza mitevhe iyo kha ofisi ya muimeleli wa khomishini wapo.

Mutevhe wa vhonketheni vha wadi vhane vha ɔo dzhenela khetho

8. Nga (datumu) Khomishini I fanela—
 (a) u ita na u khwaḥisa wadi inwe na inwe ine ya ɔo dzhenelwa kha dzino khetho, mutevhe wa vhonketheni vhane vha khou dzhenela khetho kha iyo wadi; na 5
 (b) u vhea dzikhophi dza iyo mitevhe kha ofisi ya muimeleli wa Khomishini wapo.

Zwa ḥanziela dza vhonketheni 10

9. By (datumu), Khomishini I fanela u bvisa—
 (a) ḥanziela ya nketheni yo randelwaho ya nketheni muḥwe na muḥwe kha mitevhe ya madzangano yo khwaḥisedzwaho kha dzino khetho; na
 (b) ḥanziela ya nketheni yo randelwaho ya nketheni muḥwe na muḥwe kha mutevhe wa vhonketheni vha wadi kha dzino khetho.” 15

Thoho pfufhi na u thoma u shumiswa

12. Mulayo uno u vhidzwa upfi Muvhuso Wapo: Mulayo wa Khetho dza Masipala wo Shandukiswaho, 2010, nahone une wa ɔo thoma u shuma nga datumu I ne ya ɔo lavheleswa nga Phresidennde nga mulevho wa *Gazete*. 20