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THE PRESIDENCY

No. 321 **1 June 2021**

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

Act No. 4 of 2021: Electoral Laws Amendment Act, 2021

DIE PRESIDENSIE

No. 321 **1 Junie 2021**

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

Wet No. 4 van 2021: Wysigingswet op Kieswette, 2021

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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 26 May 2021)

ACT

To amend the—

- Electoral Commission Act, 1996, so as to insert certain definitions; to streamline the provisions for the registration of political parties; to provide for the registration of parties in respect of particular provinces, district and metropolitan municipalities and to repeal provisions relating to registration of parties in respect of particular local municipalities; to repeal obsolete provisions;
- Electoral Act, 1998, so as to insert certain definitions; to delete the provisions regarding public access to the voters' roll; to update references to repealed legislation; to amend provisions allowing voters to vote in a voting district where they are not registered; to amend provisions relating to the submission of lists of candidates; to amend provisions relating to special votes in elections for the National Assembly; to amend provisions relating to the procedure concerning provisional results and voting materials; to provide for the limited applicability of the Code; to amend Schedule 3; and
- Local Government: Municipal Electoral Act, 2000, so as to insert and delete certain definitions; to amend the requirements for parties contesting elections by way of party lists and for a ward candidate to contest elections; to authorise the Commission to prescribe a different voting procedure for those voters whose names appear on the voters' roll, without addresses; to amend provisions relating to the effect of certain irregularities, and to provide for matters connected therewith.

PARLIAMENT of the Republic of South Africa enacts, as follows:—

Amendment of section 1 of Act 51 of 1996, as amended by section 6 of Act 22 of 2014

1. Section 1 of the Electoral Commission Act, 1996, is hereby amended—
- (a) by the insertion after the definition of “Commission” of the following definition: 5
- “ **‘district municipality’** has the meaning assigned to it in section 1 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);” and

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk in vierkantige hakies dui op weglatings uit bestaande verordeninge.

_____ Woorde met 'n volstreep daaronder dui op invoegings in bestaande verordeninge.

(Engelse teks deur die President geteken)
(Goedgekeur op 26 Mei 2021)

WET

Tot wysiging van die—

- Wet op die Verkiesingskommissie, 1996, ten einde sekere omskrywings in te voeg; die bepalings vir die registrasie van politieke partye te vereenvoudig; voorsiening te maak vir die registrasie van partye ten opsigte van bepaalde provinsies, distriks- en metropolitaanse munisipaliteite en om bepalings te herroep wat met die registrasie van partye ten opsigte van plaaslike munisipaliteite verband hou; uitgediende bepalings te herroep;
- Kieswet, 1998, ten einde sekere omskrywings in te voeg; die bepalings aangaande publieke toegang tot die kieserslys te skrap; verwysings na herroepde wetgewing op te dateer; bepalings wat kiesers toelaat om te stem in 'n distrik waar hulle nie geregistreer is nie, te wysig; bepalings oor die indiening van lyste van kandidate te wysig; bepalings oor spesiale stemme in verkiesings vir die Nasionale Vergadering te wysig; bepalings oor die prosedure rakende provinsiale uitslae en stembatteriale te wysig; voorsiening te maak vir die beperkte toepaslikheid van die Kode; tot wysiging van Bylae 3; en
- die TshiVenda-tekse van die Local Government: Municipal Electoral Act, 2000, ten einde sekere omskrywings in te voeg en te skrap; die vereistes te wysig vir partye wat aan 'n verkiesing deelneem by wyse van partylyste en vir 'n wykskandidaat om aan 'n verkiesing deel te neem; die Kommissie te magtig om 'n ander stemprosedure voor te skryf vir daardie kiesers wie se name sonder adresse op die kieserslys verskyn; tot wysiging van bepalings wat met die uitwerking van sekere ongeruimdhede verband hou, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DIE Parlement van die Republiek van Suid-Afrika verorden, soos volg:—

Wysiging van artikel 1 van Wet 51 van 1996, soos gewysig deur artikel 6 van Wet 22 van 2014

1. Artikel 1 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig— 5
- (a) deur die volgende omskrywing voor die omskrywing van “geregistreerde party” in te voeg:
- “ ‘**distriksmunisipaliteit**’ dit wat in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) aan ‘district municipality’ toegeskryf is;”;

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

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

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Amendment of section 12 of Act 51 of 1996

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

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

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

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

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

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

- (a) the entire Republic;
 (b) a particular province; or
 (c) a particular district or metropolitan municipality, 25

provided that a party registered for a—

- (i) particular province may under such registration only participate in elections for that provincial legislature and for all the municipal councils in that province; 30
 (ii) metropolitan municipality may under such registration only participate in elections for that metro council; or
 (iii) district municipality may under such registration only participate in elections for that district council and for the local council falling within the area of that district municipality.”; 35

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

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

- (a) the *Gazette*, in the case of an application referred to in subsection (1)(a); 40
 (b) the relevant provincial *Gazette*, in the case of an application referred to in subsection (1)(b); or
 (c) the relevant provincial *Gazette* or a newspaper circulating in the municipal area concerned, in the case of an application referred to in section (1)(c). 45

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

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

“(7) A party that is registered for a particular local municipality on the date on which the Electoral Laws Amendment Act, 2021, comes into operation, must be deemed to be registered in respect of the district municipality within whose jurisdictional area that local municipality is situated.”. 50

- (b) deur die volgende omskrywing na die omskrywing van “Kommissie” in te voeg:

“**‘metropolitaanse munisipaliteit’** dit wat in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) aan ‘metropolitan municipality’ toegeskryf is;” en

- (c) deur die volgende omskrywing na die omskrywing van “party” in te voeg: “**‘plaaslike munisipaliteit’** dit wat in artikel 1 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) aan ‘local municipality’ toegeskryf is;”.

Wysiging van artikel 12 van Wet 51 van 1996

2. Artikel 12 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig deur in subartikel (2) paragraaf (b) deur die volgende paragraaf te vervang:

“(b) is die rekenpligtige beampte van die Kommissie vir die doeleindes van die [Skatkiswet, 1975 (Wet No. 66 van 1975)] Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), en moet die nodige rekenkundige en aanverwante aantekeninge laat hou; en”.

Wysiging van artikel 15 van Wet 51 van 1996, soos gewysig deur artikel 26 van Wet 34 van 2003 en artikel 2 van Wet 1 van 2019

3. Artikel 15 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die hoofverkiesingsbeampte moet, op aansoek van ’n party in die voorgeskrewe wyse en vorm, vergesel van die items in subartikel (3) genoem, daardie party ooreenkomstig hierdie Hoofstuk registreer ten opsigte van—

(a) die hele Republiek;

(b) ’n bepaalde provinsie; of

(c) ’n bepaalde distriks- of metropolitaanse munisipaliteit, met dien verstande dat ’n party wat geregistreer is vir ’n—

- (i) bepaalde provinsie kragtens sodanige registrasie slegs aan verkiesings vir daardie provinsiale wetgewer en vir al die munisipale rade in daardie provinsie mag deelneem;

- (ii) metropolitaanse munisipaliteit kragtens sodanige registrasie slegs aan verkiesings vir daardie metroraad mag deelneem; of

- (iii) distriksmunisipaliteit kragtens sodanige registrasie slegs aan verkiesings vir daardie distriksraad en vir die plaaslike raad wat in die area van daardie distriksmunisipaliteit val, mag deelneem.”;

- (b) deur die volgende subartikels na subartikel (4) in te voeg:

“(4A) ’n Party wat ingevolge subartikel (1) om registrasie aansoek doen, moet die voorgeskrewe kennisgewing van die aansoek publiseer in—

(a) die *Staatskoerant*, in die geval van ’n aansoek in subartikel (1)(a) bedoel;

(b) die tersaaklike provinsiale *Koerant*, in die geval van ’n aansoek in subartikel (1)(b) bedoel; of

(c) die tersaaklike provinsiale *Koerant* of ’n koerant wat in die betrokke munisipale gebied sirkuleer, in die geval van ’n aansoek in artikel (1)(c) bedoel.

(4B) Enige persoon kan teen ’n aansoek in subartikel (1) beoog, beswaar maak op die voorgeskrewe wyse en vorm binne 14 dae na die publikasie van die voorgeskrewe kennisgewing van aansoek.”; en

- (c) deur die volgende subartikel na subartikel (6) in te voeg:

“(7) ’n Party wat vir ’n bepaalde plaaslike munisipaliteit geregistreer is op die datum waarop die Wysigingswet op Kieswette, 2021, in werking tree, moet geag word geregistreer te wees ten opsigte van die distriksmunisipaliteit binne wie se regsgebied daardie plaaslike munisipaliteit geleë is.”.