

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# Government Gazette

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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.**



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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 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.

**B**E 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”;
- (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

- “(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 5
  - (iv) a declaration that none of the candidates on the party list is disqualified from standing for election in terms of the Constitution or any applicable legislation; and”; 10
- (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: 15  
“(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.”; 20
- (d) the substitution for subsection (5) of the following subsection:  
“(5) The Commission must remove from a party list the name of a candidate— 25
- (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.”; and
- (e) the addition of the following subsection: 30  
“(6) The Commission must notify the party of the removal of the name of the candidate contemplated in subsection (5).”.

### Insertion of section 14A in Act 27 of 2000

3. The following section is hereby inserted after section 14 of the principal Act:

#### “Central payments of deposits 35

**14A.** (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.

(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.” 40

**Amendment of section 17 of Act 27 of 2000**

4. 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]**: 5
- (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]** 10 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]**
- (d) a deposit equal to a prescribed amount, if any, payable by means of 15 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 20 not disqualified from standing for election in terms of the Constitution or any applicable legislation.”;
- (b) the insertion after subsection (2) of the following subsection:  
 “(2A) If any document mentioned in paragraphs (b) and (c) of 25 subsection (2) were not attached to the nomination, the Commission must—
- (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 30 document by no later than a date stated in the election timetable.”; 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]**— 35
- (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 40 of the voters’ roll.”.

**Amendment of section 21 of Act 27 of 2000**

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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 45 ensure proper control and security at that voting station.”.

**Amendment of section 39 of Act 27 of 2000**

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

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