



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 643

Cape Town
Kaapstad

21 January 2019

No. 42176

THE PRESIDENCY

No. 23 21 January 2019

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

Act No. 1 of 2019: Electoral Laws Amendment Act, 2019

DIE PRESIDENSIE

No. 23 21 Januarie 2019

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

Wet No. 1 van 2019: Wysigingswet op Kieswette, 2019

ISSN 1682-5843



9 771682 584003

42176



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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 21 January 2019)

ACT

To amend the—

- Electoral Commission Act, 1996, so as to provide for the use of all available sources of data to obtain information necessary for the Commission to compile and maintain the national common voters' roll; to provide for the electronic submission of party registration applications; to provide for the exclusive jurisdiction of the Electoral Court to adjudicate intra-party leadership disputes that have an impact on the Commission's preparation for elections; to provide for the prohibition of the use of the name and its acronym, logo, designs or electoral material used or owned by the Commission;
- Electoral Act 1998, so as to revise the existing provisions relating to voter registration, voters' roll, voting districts and voting procedure; to regulate the publication of, and objections to, a provisionally compiled voters' roll ahead of elections in order to establish a structured process for resolving these objections without jeopardising the preparations for elections; to clarify that the election timetable may include any matter authorised in terms of the Electoral Act; to clarify that the voter's roll to be used in an election must be that certified by the chief electoral officer for that election; to clarify that the cut-off date for the registration of voters for an upcoming election must be the date of proclamation of an election date; to provide for the chief electoral officer to notify the relevant parties where a candidate's name appears on multiple party lists and to afford such parties an opportunity to substitute that candidate and re-order their party lists; to repeal the requirement that the identity document of a voter must be stamped as proof of voting; to provide for different voting procedure for voters without addresses on the voter's roll; to provide for the circumstances under which an agent may object to a voter whose name appears on the segment of the voters' roll for the voting district in which the voting station is located; to limit the class of persons who may apply for accreditation to provide voter education for an election to juristic persons; to align the provision regarding the circumstances in which new ballot papers may be issued to voters with the provisions of the Local Government: Municipal Electoral Act, 2000; and

ALGEMENE VERKLARENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hakies dui uitlatings uit bestaande verordeninge aan.
- _____ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordeninge aan.

 (Engelse teks deur die President geteken)
 (Goedgekeur op 21 Januarie 2019)

WET

Tot wysiging van die—

- Wet op die Verkiesingskommissie, 1996, ten einde voorsiening te maak vir die gebruik van alle beskikbare bronne van data om inligting te kry wat die Kommissie nodig het om die nasionale gemeenskaplike kieserslys saam te stel en te onderhou; voorsiening te maak vir die elektroniese voorlegging van partyregistrasieaansoeke; voorsiening te maak vir die uitsluitlike jurisdiksie van die Verkiesingshof om interpartyleierskapsgeskille te bereg wat 'n impak het op die Kommissie se voorbereiding vir verkiesings; voorsiening te maak vir 'n verbod op die gebruik van die naam en sy akroniem, logo, ontwerpe of verkiesingsmateriaal gebruik of besit deur die Kommissie;
- Kieswet, 1998, ten einde die bestaande bepalings oor kieserregistrasie, kieserslys, stemdistrikte en stemprosedure te hersien; die publikasie van, en besware teen, 'n voorlopig saamgestelde kieserslys voor verkiesings te reël ten einde 'n gestruktureerde proses in te stel vir die beslegting van hierdie besware sonder om die voorbereidings vir die verkiesings in die gedrang te bring; duidelik te maak dat die verkiesingstydrooster enige aangeleentheid kan insluit wat ingevolge die Kieswet gemagtig is; duidelik te maak dat die kieserslys wat in 'n verkiesing gebruik staan te word, die lys deur die hoofverkiesingsbeampte vir daardie verkiesing gesertifiseer moet wees; duidelik te maak dat die afsnydatum vir die registrasie van kiesers vir 'n komende verkiesing die datum van proklamasie van 'n verkiesingsdatum moet wees; voorsiening te maak vir die hoofverkiesingsbeampte om die tersaaklike partye in kennis te stel waar 'n kandidaat se naam op meer as een party se lys verskyn en om sodanige partye 'n geleentheid te gun om daardie kandidaat te vervang en hul partylyste te herorganiseer; die vereiste te herroep dat die identiteitsdokument van 'n kieser gestempel moet word as bewys dat 'n stem gebring is; voorsiening te maak vir 'n ander stemprosedure vir kiesers sonder adresse op die kieserslys; voorsiening te maak vir die omstandighede waaronder 'n agent beswaar kan maak teen 'n kieser wie se naam op die segment van die kieserslys verskyn vir die stemdistrik waarin die stemlokaal geleë is; die klas persone wat mag aansoek doen om akkreditasie om kieseropvoeding vir 'n verkiesing te verskaf tot regspersone te beperk; die bepaling aangaande die omstandighede waaronder nuwe stembriewe aan kiesers uitgereik kan word in ooreenstemming te bring met die bepalings van die "Local Government: Municipal Electoral Act", 2000; en

- **Local Government: Municipal Electoral Act, 2000, so as to regulate the publication of, and objections to, a provisionally compiled voters' roll ahead of elections, in order to establish a structured process of resolving these objections without jeopardising the preparation for elections; to provide for the prohibition of the use of public finances to fund party political campaigns, and to provide for matters connected therewith.**

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

Amendment of section 5 of Act 51 of 1996, as amended by section 94 of Act 117 of 1998

1. Section 5 of the Electoral Commission Act, 1996, is hereby amended by the substitution in subsection (1) for paragraph (e) of the following paragraph: 5

“(e) compile and maintain voters' rolls by means of a system of registering of eligible voters by utilising [data] available [from government sources] data and information furnished by voters, as prescribed;”.

Amendment of section 15 of Act 51 of 1996, as amended by section 26 of Act 34 of 2003 10

2. Section 15 of the Electoral Commission Act, 1996, is hereby amended 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.”. 15

Amendment of section 15A of Act 51 of 1996, as inserted by section 93 of Act 27 of 2000 and amended by section 27 of Act 34 of 2003

3. Section 15A of the Electoral Commission Act, 1996, is hereby amended by the substitution for subsection (1) of the following subsection: 20

“(1) The chief electoral officer shall, upon application by a party in the prescribed manner and form, and if the application is accompanied by the items mentioned in subsection (2), register such party in respect of a particular municipality.”.

Amendment of section 20 of Act 51 of 1996 25

4. Section 20 of the Electoral Commission Act, 1996, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The Electoral Court may hear and determine any dispute relating to membership, leadership, constitution or founding instruments of a registered party.”. 30

Insertion of section 21A in Act 51 of 1996

5. The following section is hereby inserted in the Electoral Commission Act, 1996, after section 21:

“Restriction on use of name

21A. (1) No person may use or trade under a name containing the words ‘Electoral Commission’, ‘Independent Electoral Commission’ or the acronym ‘IEC’ for the purposes of elections or the translation thereof in any other official language to— 35

(a) conduct his, her or its affairs or business, or carry on his, her or its occupation or trade; 40

(b) be registered or licensed under any law; or

- die Venda-teks van die “Local Government: Municipal Electoral Act”, 2000, ten einde die publikasie van, en besware teen, ’n voorlopig saamgestelde kieserslys voor die verkiesings te reël, ten einde ’n gestruktureerde proses in te stel vir die beslegting van hierdie besware sonder om die voorbereiding vir verkiesings in die gedrang te bring; voorsiening te maak vir die verbod op die gebruik van openbare fondse vir partypolitieke veldtogte, en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 5 van Wet 51 van 1996, soos gewysig deur artikel 94 van Wet 117 van 1998

1. Artikel 5 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig 5
deur in subartikel (1) paragraaf (e) deur die volgende paragraaf te vervang:
“(e) opstel en byhou van kieserslyste by wyse van ’n stelsel van registrasie van
stemgeregtigde kiesers deur die aanwending van beskikbare data [wat uit
regeringsbronne beskikbaar is] en inligting wat deur kiesers verskaf is,
soos voorgeskryf;”.

Wysiging van artikel 15 van Wet 51 van 1996, soos gewysig deur artikel 26 van Wet 34 van 2003

2. Artikel 15 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig 15
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.”.

Wysiging van artikel 15A van Wet 51 van 1996, soos ingevoeg deur artikel 93 van Wet 27 van 2000 en gewysig deur artikel 27 van Wet 34 van 2003

3. Artikel 15A van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig 20
deur subartikel (1) deur die volgende subartikel te vervang:
“(1) Die hoofverkiesingsbeampte moet, op aansoek van ’n party in die
voorgeskrewe wyse en vorm, en indien die aansoek vergesel gaan van die items in
subartikel (2) genoem, daardie party ten opsigte van ’n bepaalde munisipaliteit
registreer.”.

Wysiging van artikel 20 van Wet 51 van 1996

4. Artikel 20 van die Wet op die Verkiesingskommissie, 1996, word hierby gewysig 30
deur die volgende subartikel na subartikel (2) in te voeg:
“(2A) Die Verkiesingshof kan enige geskil rakende lidmaatskap, leierskap,
grondwet of stigtingsaktes van ’n geregistreerde party aanhoor en beslis.”.

Invoeging van artikel 21A in Wet 51 van 1996

5. Die volgende artikel word hierby na artikel 21 in die Wet op die Verkiesings-
kommissie, 1996, ingevoeg:

“Beperking op gebruik van naam

- 21A.** (1) Niemand mag ’n naam wat die woorde ‘Verkiesings- 35
kommissie’, ‘Onafhanklike Verkiesingskommissie’ of die akroniem ‘OVK’
of die vertaling daarvan in enige ander amptelike taal bevat, vir die
doeleindes van verkiesings, gebruik of daaronder handel dryf om—
(a) sy of haar sake of besigheid te doen, of sy of haar beroep of ambag te
beoefen nie; 40
(b) kragtens enige wet geregistreer of gelisensieer te wees nie; of

(c) falsely claim to be acting on behalf of the Commission.

(2) No person may, without the prior written authorisation of the Commission, represent or make use of the logos, designs or electoral material used or owned by the Commission.

(3) Any person who contravenes a provision of subsection (1) or (2) is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding six months or to both such fine and imprisonment.”. 5

Amendment of section 7 of Act 73 of 1998, as amended by section 93 of Act 27 of 2000, section 3 of Act 34 of 2003 and section 3 of Act 18 of 2013

6. Section 7 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection: 10

“(1) A person applying for registration as a voter must do so **[in person]** in the prescribed manner.”.

Amendment of section 8 of Act 73 of 1998, as amended by section 4 of Act 34 of 2003 and section 4 of Act 18 of 2013 15

7. Section 8 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A person’s name must be entered in the voters’ roll only for **[the]** a voting district within the ward in which that person is ordinarily resident **[and for no other voting district]**: Provided that where that person is ordinarily resident outside the Republic, his or her name must be entered in a segment of the voters’ roll created for that purpose.”. 20

Amendment of section 11 of Act 73 of 1998

8. Section 11 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (2) of the following subsection: 25

“(2) The chief electoral officer must record in the voters’ roll or in a person’s application any change in voting district for which a person is registered as a voter or has applied for registration, if that person’s place of ordinary residence after a change in the boundaries of that voting district falls in another **[voting district] ward**.”. 30

Amendment of section 20 of Act 73 of 1998

9. Section 20 of the Electoral Act, 1998, is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) The election timetable may include any other matter authorised in terms of this Act.”. 35

Amendment of section 24 of Act 73 of 1998

10. Section 24 of the Electoral Act, 1998, is hereby amended—

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

“(1) The voters’ roll, or the segments of the voters’ roll that must be used for an election, are those **[as they exist on the day the election is proclaimed]** certified by the chief electoral officer in terms of subsection (2).”; and 40

(b) by the insertion after subsection (1) of the following subsection:

“(1A) Except where this Act otherwise permits, only a voter who applied for registration prior to the proclamation of an election date may vote in the election concerned.”. 45

(c) valslik te beweer dat hy of sy namens die Kommissie optree nie.

(2) Niemand mag, sonder die vooraf skriftelike magtiging van die Kommissie, die logos, ontwerpe of verkiesingsmateriaal verteenwoordig of gebruik wat deur die Kommissie gebruik of besit word nie.

(3) Enigiemand wat 'n bepaling van subartikel (1) of (2) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met beide sodanige boete en gevangenisstraf.” 5

Wysiging van artikel 7 van Wet 73 van 1998, soos gewysig deur artikel 93 van Wet 27 van 2000, artikel 3 van Wet 34 van 2003 en artikel 3 van Wet 18 van 2013 10

6. Artikel 7 van die Kieswet, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Persoon wat aansoek doen om registrasie as 'n kieser moet dit [persoonlik] op die voorgeskrewe wyse doen.”.

Wysiging van artikel 8 van Wet 73 van 1998, soos gewysig deur artikel 4 van Wet 34 van 2003 en artikel 4 van Wet 18 van 2013 15

7. Artikel 8 van die Kieswet, 1998, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Persoon se naam moet in die kieserslys slegs vir [die] 'n stembedstrik binne die wyk waarin daardie persoon gewoonlik woonagtig is, ingeskryf word [en vir geen ander stembedstrik nie]: Met dien verstande dat waar daardie persoon gewoonlik buite die Republiek woonagtig is, sy of haar naam in 'n segment van die kieserslys ingeskryf moet word wat vir daardie doel geskep is.”. 20

Wysiging van artikel 11 van Wet 73 van 1998

8. Artikel 11 van die Kieswet, 1998, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 25

“(2) Die hoofverkiesingsbeampte moet in die kieserslys of in 'n persoon se aansoek enige verandering in 'n stembedstrik waarvoor 'n persoon as kieser geregistreer is of om registrasie aansoek gedoen het, aanbring indien daardie persoon se gewone verblyfplek na 'n verandering van grense van daardie stembedstrik in 'n ander [stembedstrik] wyk val.”. 30

Wysiging van artikel 20 van Wet 73 van 1998

9. Artikel 20 van die Kieswet, 1998, word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Die verkiesingstydrooster kan enige ander aangeleentheid insluit wat ingevolge hierdie Wet gemagtig is.”. 35

Wysiging van artikel 24 van Wet 73 van 1998

10. Artikel 24 van die Kieswet, 1998, word hierby gewysig—

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

“(1) Die kieserslys, of die segmente van die kieserslys wat vir 'n 40 verkiesing gebruik moet word, is [daardie soos hulle bestaan op die dag waarop die verkiesing afgekondig word] dié ingevolge subartikel (2) deur die hoofverkiesingsbeampte gesertifiseer.”; en

(b) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Behalwe waar hierdie Wet anders toelaat, mag slegs 'n kieser 45 wat voor die afkondiging van die verkiesingsdatum om registrasie aansoek gedoen het, in die betrokke verkiesing stem.”.

Substitution of section 28 of Act 73 of 1998

11. The following section is hereby substituted for section 28 of the Electoral Act, 1998:

“Non-compliance concerning submission of lists of candidates

28. (1) If a registered party that has submitted a list of candidates has not fully complied with section 27(2)(a), (b), (c) or (d), the chief electoral officer must notify that party of its non-compliance. 5

(2) The notification must be given in the prescribed manner by not later than the relevant date stated in the election timetable, and must indicate that the party has an opportunity to comply with section 27(2)(a), (b), (c) or (d) by not later than the relevant date stated in the election timetable. 10

(3) If a candidate has been nominated by more than one party for an election—

(a) the chief electoral officer must, where possible, in writing, notify the candidate and such parties who have nominated such a candidate about such state of affairs by no later than the relevant date and time stated in the election timetable; and 15

(b) each of the parties to whom notice has been given in terms of paragraph (a) may, by not later than the relevant date and time stated in the election timetable, substitute such a candidate.”. 20

Amendment of section 38 of Act 73 of 1998, as amended by section 11 of Act 34 of 2003

12. Section 38 of the Electoral Act, 1998, is hereby amended—

(a) by the deletion of subsection (5)(aA); and

(b) by the addition of the following subsection: 25

“(8) The Commission may prescribe a different voting procedure for those voters whose names appear on the voters’ roll, without addresses: Provided that if such voter does not comply with the prescribed procedure he or she may not vote in the provincial elections, but only in the national elections.”. 30

Amendment of section 40 of Act 73 of 1998

13. Section 40 of the Electoral Act, 1998, is hereby amended—

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

“(1) If a voter—

(a) marks a ballot paper in a way that does not indicate for whom the voter wishes to vote; or 35

(b) after having marked the ballot paper, changes his or her mind as to how he or she 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.”; and 40

(b) by the addition of the following subsections:

“(3) The presiding officer or voting officer must then hand a new ballot paper to the voter.

(4) The Commission must prescribe the number of times a new ballot paper may be issued in terms of subsection (3), with due regard to section 19 of the Constitution.”. 45

Amendment of section 41 of Act 73 of 1998

14. Section 41 of the Electoral Act, 1998, is hereby amended—

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

“(1) [At] Subject to subsection (1A), at any time before a voter has been handed a ballot paper, an agent may object to that voter being entitled to vote or to vote at the voting station concerned.”; 50

Vervanging van artikel 28 van Wet 73 van 1998

11. Artikel 28 van die Kieswet word hierby deur die volgende artikel vervang:

“Nie-voldoening aangaande indiening van kandidaatlyste

28. (1) Indien ’n geregistreerde party wat ’n kandidaatlys ingedien het, nie ten volle aan artikel 27(2)(a), (b), (c) of (d) voldoen het nie, moet die hoofverkiesingsbeampte daardie party van sy nie-voldoening in kennis stel. 5

(2) Kennis moet op die voorgeskrewe wyse gegee word teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, en moet aantoon dat die party ’n geleentheid het om teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, aan artikel 27(2)(a), (b), (c) of (d) te voldoen. 10

(3) Indien ’n kandidaat deur meer as een party vir ’n verkiesing benoem is—

- (a) moet die hoofverkiesingsbeampte, waar moontlik, die kandidaat en sodanige partye wat sodanige kandidaat benoem het, skriftelik verwittig van die stand van sake teen nie later nie as die tersaaklike datum en tyd in die verkiesingstydrooster vermeld; en 15
- (b) elk van die partye aan wie kennis ingevolge paragraaf (a) gegee is, kan teen nie later nie as die tersaaklike datum en tyd in die verkiesingstydrooster vermeld, sodanige kandidaat vervang.”. 20

Wysiging van artikel 38 van Wet 73 van 1998, soos gewysig deur artikel 11 van Wet 34 van 2003

12. Artikel 38 van die Kieswet, 1998, word hierby gewysig—

- (a) deur subartikel (5)(aA) te skrap; en 25
- (b) deur die volgende subartikel by te voeg:
- “(8) Die Kommissie kan ’n ander stemprosedure voorskryf vir die kiesers wie se name sonder adresse op die kieserslys verskyn: Met dien verstande dat indien sodanige kieser nie aan die voorgeskrewe prosedure voldoen nie, hy of sy nie in die provinsiale verkiesing ’n stem mag uitbring nie, maar slegs in die nasionale verkiesing.”. 30

Wysiging van artikel 40 van Wet 73 van 1998

13. Artikel 40 van die Kieswet, 1998, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Indien ’n kieser—
- (a) ’n stembrief op ’n wyse merk wat nie aandui vir wie die kieser wil stem nie; of 35
- (b) nadat hy of sy die stembrief gemerk het, van plan verander oor vir wie hy of sy wil stem, en die stembrief nog nie in die stembus geplaas is nie, kan die kieser daardie stembrief aan die voorsittende beampte of ’n verkiesingsbeampte teruggee.”; en 40
- (b) deur die volgende subartikels by te voeg:
- “(3) Die voorsittende beampte of verkiesingsbeampte moet dan ’n nuwe stembrief aan die kieser oorhandig.
- (4) Die Kommissie moet die getal kere wat ’n nuwe stembrief ingevolge subartikel (3) uitgereik kan word, voorskryf, met behoorlike inagneming van artikel 19 van die Grondwet.”. 45

Wysiging van artikel 41 van Wet 73 van 1998

14. Artikel 41 van die Kieswet, 1998, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) [Te] Behoudens subartikel (1A), te eniger tyd voordat ’n stembrief aan ’n kieser oorhandig word, kan ’n agent beswaar maak dat daardie kieser geregtig is om te stem of by die betrokke stemlokaal te stem.”;

- (b) by the insertion after subsection (1) of the following subsection:
 “(1A) Where a voter’s name appears on the relevant segment of the voters’ roll concerned, an objection to that voter in terms of subsection (1) may only be made where—
- (a) it is based on the contention that the voter was included on the relevant segment of the voters’ roll due to fraud; or
- (b) exceptional circumstances exist which justify the objection being made outside the objection period prescribed in terms of section 14(2)(f).”;
- (c) by the substitution for subsections (3), (4) and (5) of the following subsections:
- “(3) An agent, or a voter, may object to any conduct, other than that mentioned in subsection (1), (1A) or (2), of an officer, an agent, or any other person present at a voting station.
- (4) An objection in terms of subsection (1), (1A), (2) or (3) must be made to the presiding officer in the prescribed manner.
- (5) The presiding officer, in the prescribed manner, must, except for an objection in terms of subsection (1A), decide the objection and notify the objector and any other parties involved in the objection, of the decision.”; and
- (d) by the insertion after subsection (5) of the following subsection:
 “(5A) Where an objection is made in terms of subsection (1A)—
- (a) the presiding officer must, in the prescribed manner, allow the voter concerned to vote but deal with the vote as if it were a special vote in terms of section 33 or 33A; and
- (b) the matter must be decided by the Commission as if it were an appeal in terms of subsection (6).”.

Amendment of section 86 of Act 73 of 1998, as amended by section 21 of Act 34 of 2003

15. Section 86 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Any [natural or] juristic person may apply to the Commission in the prescribed manner for accreditation to provide voter education for an election.”.

Amendment of section 87 of Act 73 of 1998

16. Section 87 of the Electoral Act, 1998, is hereby amended—

- (a) by the deletion in subsection (1) at the end of paragraph (e) of the word “or”;
- (b) by the substitution in subsection (1) for the fullstop at the end of paragraph (f) of a semicolon; and
- (c) by the addition in subsection (1) of the following paragraph:
 “(g) use public funds, except for the funds allocated to a party in terms of section 5 of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), for the purpose of a political campaign.”.

Amendment of Schedule 1 to Act 73 of 1998, as amended by section 24 of Act 34 of 2003

17. Schedule 1 to the Electoral Act, 1998, is hereby amended—

- (a) by the insertion after item 1 of the following items:
 “1A. By . . . [day/month/year], the chief electoral officer must give notice of the periods during which and the venues where the provisionally compiled voters’ roll compiled for the election shall be available for inspection in terms of section 14(1)(e).
- 1B. By . . . [day/month/year], any objections in terms of section 15 in respect of the provisionally compiled voters’ roll for the election must be made.

- (b) deur die volgende subartikel na subartikel (1) in te voeg:
 “(1A) Waar ’n kieser se naam op die tersaaklike segment van die betrokke kieserslys verskyn, kan ’n beswaar teen daardie kieser ingevolge subartikel (1) slegs gemaak word waar—
- (a) dit gegrond is op die argument dat die kieser weens bedrog op die tersaaklike segment van die kieserslys ingesluit is; of
- (b) buitengewone omstandighede bestaan wat die maak van die beswaar buite die tydperk vir beswaar voorgeskryf ingevolge artikel 14(2)(f), regverdig.”; 5
- (c) deur subartikels (3), (4) en (5) deur die volgende subartikels te vervang: 10
 “(3) ’n Agent, of ’n kieser, kan beswaar maak teen enige ander optrede as dié in subartikel (1), (1A) of (2) vermeld, van ’n beampte, ’n agent of enige ander persoon wat by ’n stemlokaal teenwoordig is.
 (4) ’n Beswaar ingevolge subartikel (1), (1A), (2) of (3) moet by die voorsittende beampte op die voorgeskrewe wyse aangeteken word. 15
 (5) Die voorsittende beampte moet, behalwe in die geval van ’n beswaar ingevolge subartikel (1A), op die voorgeskrewe wyse die beswaar beslis, en die beswaarmaker en enige ander partye betrokke by die beswaar van die beslissing in kennis stel.”; en
- (d) deur die volgende subartikel na subartikel (5) in te voeg: 20
 “(5A) Waar ’n beswaar ingevolge subartikel (1A) gemaak word—
 (a) moet die voorsittende beampte, op die voorgeskrewe wyse, die betrokke kieser toelaat om te stem, maar die stem hanteer asof dit ’n spesiale stem ingevolge artikel 33 of 33A is; en
 (b) moet die aangeleentheid deur die Kommissie beslis word asof dit ’n appèl ingevolge subartikel (6) is.”. 25

Wysiging van artikel 86 van Wet 73 van 1998, soos gewysig deur artikel 21 van Wet 34 van 2003

15. Artikel 86 van die Kieswet, 1998, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 30
 “(1) Enige [natuurlike persoon of] regspersoon kan op die voorgeskrewe wyse by die Kommissie om akkreditering aansoek doen om kiesersopleiding vir ’n verkiesing te verskaf.”.

Wysiging van artikel 87 van Wet 73 van 1998

16. Artikel 87 van die Kieswet, 1998, word hierby gewysig— 35
 (a) deur in subparagraaf (1) aan die einde van paragraaf (e) die woord “of” te skrap;
 (b) deur in subartikel (1) die punt aan die einde van paragraaf (f) deur ’n kommapunt te vervang; en
 (c) deur die volgende paragraaf in subartikel (1) by te voeg: 40
 “(g) openbare fondse gebruik, met uitsondering van die fondse aan ’n party toegeken ingevolge artikel 5 van die Wet op die Openbare Befondsing van Verteenwoordigde Politieke Partye, 1997 (Wet No. 103 van 1997), vir die doel van ’n politieke veldtog.”.

Wysiging van Bylae 1 tot Wet 73 van 1998, soos gewysig deur artikel 24 van Wet 34 van 2003 45

17. Bylae 1 tot die Kieswet, 1998, word hierby gewysig—
 (a) deur die volgende items na item 1 in te voeg:
 “1A. Teen . . . [dag/maand/jaar], moet die hoofverkiesingsbeampte kennis gee van die tydperke waartydens en die venues waar die voorlopig saamgestelde kieserslys vir die verkiesing saamgestel, ingevolge artikel 14(1)(e) ter insae beskikbaar sal wees. 50
 1B. Teen . . . [dag/maand/jaar], moet enige besware ingevolge artikel 15 ten opsigte van die voorlopig saamgestelde kieserslys vir die verkiesing, gemaak wees. 55

- 1C. By . . . [day/month/year], the Commission must decide any objection made in terms of section 15 in respect of the provisionally compiled voters' roll for this election and notify the objector and the chief electoral officer and a person other than the objector whose name or registration details are involved."; and 5
- (b) by the insertion after item 5 of the following item:

“Multiple nominations

- 5A.** (1) The Commission must notify a candidate whose name appears on more than one party list for an election submitted in terms of section 27 and all the parties on whose party lists such a candidate appears by . . . (date). 10
- (2) If the notified party decides to act in terms of section 28(3), that party must do so by . . . (date).”

Amendment of section 6 of Act 27 of 2000

18. Section 6 of the Local Government: Municipal Electoral Act, 2000, is hereby amended— 15
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) A municipality’s segment of the voters’ roll [**existing on the day on which the notice calling an election is published in terms of the Municipal Structures Act, is the segment that must be used in that election**] to be used in that election is the one certified by the chief electoral officer for that election in terms of subsection (2).”;
- (b) by the insertion after subsection (1) of the following subsection: 20
- “(1A) Except where this Act otherwise permits, only a voter who applied for registration prior to the proclamation of an election date may vote in the election concerned.” 25

Amendment of section 11 of Act 27 of 2000, as amended by section 1 of Act 14 of 2010

19. Section 11 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the insertion after subsection (1) of the following subsection: 30
- “(1A) The election timetable may include any other matter authorised in terms of this Act.”

Amendment of section 51 of Act 27 of 2000

20. Section 51 of the Local Government: Municipal Electoral Act, 2000, is hereby amended— 35
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) [**At**] Subject to subsection (1A), at any time before a voter has been handed a ballot paper, an agent or ward candidate may object to that voter being allowed to vote or to vote at the voting station concerned.”;
- (b) by the insertion after subsection (1) of the following subsection: 40
- “(1A) Where a voter’s name appears on the relevant segment of the voters’ roll concerned, an objection to that voter in terms of subsection (1) may only be made where—
- (a) it is based on the contention that the voter was included on the relevant segment of the voters’ roll due to fraud; or

- 1C. Teen . . . [dag/maand/jaar], moet die Kommissie enige beswaar ingevolge artikel 15 gemaak ten opsigte van die voorlopig saamgestelde kieserslys vir hierdie verkiesing, beslis, en die beswaarmaker, die hoofverkiesingsbeampte en 'n persoon, wat nie die beswaarmaker is nie, wie se naam of registrasiebesonderhede ter sprake is, verwittig.”; en 5
- (b) deur die volgende item na item 5 in te voeg:

“Verskeie benoemings

- 5A. (1) Die Kommissie moet 'n kandidaat wie se naam op meer as een partylys ingevolge artikel 27 vir 'n verkiesing ingedien, verskyn en al die partye op wie se partylyste so 'n kandidaat verskyn, teen . . . (datum), verwittig. 10
- (2) Indien die verwittigde party besluit om ingevolge artikel 28(3) te handel, moet daardie party dit teen . . . (datum), doen.”.

Khwiņiso ya khethekanyo ya 6 ya Mulayo wa 27 wa 2000

18. Khethekanyo ya 6 ya Mulayo wa Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, u khou khwiņiswa— 15

- (a) nga u imelwa kha khethekanyo tšukhu ya (1) ya khethekanyo tšukhu i tevhelaho:
- “(1) Davhi ja masipala ja mutevhe wa vhakhethi [line ja vha hone nga dūvha line nđivhadzo ya u huwelela khetho ya bviswa uya nga Mulayo wa Zwiřirakitsha zwa Masipala, ndi davhi line ja tea u shumiswa kha khetho dzenedzo] une wa khou ya u shumiswa kha idzo khetho ndi uyo wo khwathisedzwaho nga muofisiri muhulwane wa dzikhetho kha idzo khetho u ya nga khethekanyo tšukhu ya (2).”; 20
nahone 25
- (b) nga u dzhenisa nga murahu ha khethekanyo tšukhu ya (1) ya khethekanyo i tevhelaho:
- “(1A) Nga nnda ha musi uno Mulayo nga inwe nđila u tshi tendela, fhedzi mukhethi o itaho khumbelo ya u nwalisa phanda ha mulevho wa datumu ya khetho a nga khetha kha idzo khetho dzi kwameaho.”. 30

Khwiņiso ya khethekanyo ya 11 ya Mulayo wa 27 wa 2000, une wa khou khwiņiswa nga khethekanyo ya 1 ya Mulayo wa 14 wa nwa wa 2010

19. Khethekanyo ya 11 ya Mulayo wa Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, i khou khwiņiswa nga u dzheniswa nga murahu ha khethekanyo tšukhu ya (1) ya khethekanyo tšukhu i tevhelaho: 35

- “(1A) Tshifhinga tsha dzikhetho tshi nga katela fhungo jinwe na jinwe lo tendelwaho nga Mulayo uno.”.

Khwiņiso ya khethekanyo ya 51 ya Mulayo wa 27 wa 2000

20. Khethekanyo ya 51 ya Mulayo wa Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa nwa wa, 2000, i khou khwiņiswa— 40

- (a) nga u imelwa kha khethekanyo tšukhu ya (1) ya khethekanyo tšukhu i tevhelaho:
- “(1) [**Kha**] Hu tshi khou tevhedzwa khethekanyo tšukhu ya (1A), nga tshifhinga tshinwe na tshinwe phanda ha musi mukhethi o neshedza bambiri ja u khethela khalo, razhendedzi kana nkheteni wa kha wadi a nga ita khanedzo malugana na u tendelwa ha mukhethi a tshi khetha kha tshititshi tsha vhukhethelo tshi kwameaho.”; 45
- (b) nga u dzhenisa nga murahu ha khethekanyo tšukhu ya (1) ya khethekanyo tšukhu i tevhelaho:
- “(1A) Hune dzina ja mukhethi ja vhonala kha tshipida tsho teaho tsha mutevhe wa vhakhethi u kwameaho, u hanedza uyo mukhethi u ya nga khethekanyo tšukhu (1) zwi nga itwa hune— 50
- (a) zwi sendeka kha khanedzo ya uri mukhethi o katelwa kha tshipida tsho teaho tsha mutevhe wa vhakhethi nga nđila ya vhufhura; kana

- (b) exceptional circumstances exist which justify the objection being made outside the period referred to in terms of section 11(3).”;
- (c) by the substitution for subsections (3), (4) and (5) of the following subsections:
- “(3) An agent or ward candidate, or a voter, may object to any conduct, other than that mentioned in subsection (1), (1A) or (2), of an officer, an agent, or any other person present at a voting station. 5
- (4) An objection in terms of subsection (1), (1A), (2) or (3) must be made in writing on a prescribed form and handed to the presiding officer concerned. 10
- (5) The presiding officer must, except for an objection raised in terms of subsection (1A), summarily investigate the factual circumstances underlying the objection, and may for that purpose also direct verbal enquiries to anyone that may be able to assist.”; 10
- (d) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words: 15
- “After having investigated the objection, other than an objection in terms of subsection (1A), the presiding officer must—”; and
- (e) by the insertion after subsection (6) of the following subsection: 20
- “(6A) Where an objection is raised in terms of subsection (1A)—
- (a) the presiding officer must, in the prescribed manner, allow the voter concerned to vote but deal with the vote as if it were a special vote in terms of section 55; and
- (b) the matter must be decided by the Commission as soon as it is reasonably practical before declaring the results.” 25

Amendment of section 67 of Act 27 of 2000

21. Section 67 of the Local Government: Municipal Electoral Act, 2000, is hereby amended—

- (a) by the deletion in subsection (1) at the end of paragraph (e) of the word “or”; 30
- (b) by the substitution in subsection (1) for the fullstop at the end of paragraph (f) of a semicolon; and
- (c) by the addition in subsection (1) of the following paragraph: 35
- “(g) use public funds, except for the funds allocated to a party in terms of section 5 of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), for the purpose of a political campaign.” 35

Amendment of Schedule 3 to Act 27 of 2000, as inserted by section 11 of Act 14 of 2010

22. Schedule 3 to the Local Government: Municipal Electoral Act, 2000, is hereby amended by the insertion after item 1 of the following item: 40

“1A. By . . . [day/month/year], the chief electoral officer must give notice of the periods during which, and the venues where, the segments of the provisionally compiled voters’ roll compiled for the election shall be available for inspection in terms of section 14(1)(e) of the Electoral Act. 45

1B. By . . . [day/month/year], any objections in terms of section 15 of the Electoral Act in respect of the segments of the provisionally compiled voters’ roll for the election must be made. 45

- (b) nyimele dzo khetheaho dzi hone dzine dza ita uri khanedzo i pfeseswe i tshi khou itwa nga nn̄a ha datumu yo bulwaho u ya nga khethekanyo ya 11(3).”;
- (c) nga u imelwa kha khethekanyo thukhu dza (3), (4) na (5) dza khethekanyo thukhu dzi tevhelaho: 5
 “(3) Razhendedzi kana nkhethe ni wa kha wadi, kana mukhethi, a nga ita khanedzo malugana na vhuḏifari vhuḏhio na vhuḏhio, nga nn̄a ha uho ho bulwaho kha khethekanyo thukhu ya (1), (1A) kana (2), ha muofisiri, razhendedzi, kana muthu muḏwe na muḏwe a re henefho tshiḏitshini tsha vukhethelo. 10
 (4) Khanedzo u ya nga khethekanyo thukhu ya (1), (1A), (2) kana (3) i tea u tou ḡwalwa nga ḡḡila yo randelwaho nahone i ḡetshedzwe muofisiri muhulwane wa zwa khetho o teaho.
 (5) Muofisiri muhulwane wa zwa khetho, nga nn̄a ha khanedzo yo vhwahwa u ya nga khethekanyo thukhu ya (1A), u tea u ita tzedzuluso nga u ḡavhanya ho sedzwa nyimele dza khanedzo, nahone hu tshi itelwa iyo ḡdivho hu nga vhudziseswa muḏwe na muḏwe ane a nga thusa.”;
- (d) nga u imelwa kha khethekanyo thukhu ya (6) kha maipfi a rangelaho pharagirafu ya (a) ya maipfi a tevhelaho: 20
 “Nga murahu ha musi ho itwa tzedzuluso malugana na khanedzano, nga nn̄a ha khanedzo u ya nga khethekanyo thukhu ya (1A), muofisiri muhulwane wa dzikhetho u tea u—”; na
- (e) nga u dzheniswa nga murahu ha khethekanyo thukhu ya (6) ya khethekanyo thukhu i tevhelaho: 25
 “(6A) Hune khanedzo ya vha i khou itwa hu tshi khou tevhedzwa khethekanyo thukhu ya (1A)—
 (a) muofisiri muhulwane wa zwa khetho, nga ḡḡila yo randelwaho u tea u tendela mukhethi a kwameaho a tshi khetha fhedzi a shumane na khetho u tou nga ḡḡila yo tshiphentshela u ya nga khethekanyo ya 55; nahone 30
 (b) iḡo fhungo ḡi tea u itwa tsho nga Khomishini nga u ḡavhanya u ya nga hune zwa konadzea phanḡa ha musi hu tshi ḡivhadzwa mvelelo.”.

Khwiḡiso ya khethekanyo ya 67 ya Mulayo wa 27 wa 2000

21. Khethekanyo ya 67 ya Mulayo wa Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, i khou khwiḡiswa— 35
 (a) nga u thuthiwa ha khethekanyo thukhu ya (1) mafheloni a pharagirafu ya (e) ya ipfi “kana”;
- (b) nga u imelwa kha khethekanyo thukhu ya (1) kha tshithoma mafheloni a pharagirafu ya (f) ya semikhoḡoni; na 40
- (c) nga u engedza khethekanyo thukhu ya (1) ya pharagirafu i tevhelaho:
 “(g) u shumisa masheleni a tshishavha, nga nn̄a ha masheleni o avhelwaho dzangano u ya nga khethekanyo ya 5 ya Mulayo wa *Public Funding of Represented Political Parties Act, 1997 (Act No.103 of 1997)*, u itela ḡdivho ya fulo a poḡitiki.”. 45

Khwiḡiso ya Sheduḡu ya 3 kha Mulayo wa 27 wa 2000, u ya nga ha zwe zwa dzheniswa nga khethekanyo ya 11 ya Mulayo wa 14 wa 2010

22. Sheduḡu ya 3 kha Mulayo wa Muvhuso Wapo: Mulayo wa Khetho dza Masipala wa, 2000, i khou khwiḡiswa nga u dzheniswa nga murahu ha tshitenwa tsha 1 ya tshitenwa tshi tevhalaho: 50
 “1A. Nga . . . [ḡuvha/ḡwedzi/ḡwaha], muofisiri muhulwane wa zwa khetho u tea u fha ḡdivhadzo nga ha zwifhinga zwine ḡgazwo, nahone na vhuḏhethu hune, zwipiḡa zwa mutevhe wa vhakhethi wo itwaho wa tshifhinga-nyana hu tshi itelwa khetho u vhe hone u itela nyingamelo hu tshi khou tevhedzwa khethekanyo ya 14(1)(e) ya Mulayo wa Khetho. 55
 1B. Nga . . . [ḡuvha/ḡwedzi/ḡwaha], khanedzo dziḡwe na dziḡwe u ya nga khethekanyo ya 15 ya Mulayo wa Khetho malugana na zwipiḡa zwa mutevhe wa vhakhethi wo itwaho wa tshifhinga nyana hu tshi itelwa khetho, u tea u itwa.

1C. By . . . [day/month/year], the Commission must decide any objection made in terms of section 15 of the Electoral Act in respect of the segments of the provisionally compiled voters' roll for this election and notify the objector and the chief electoral officer and a person other than the objector whose name or registration details are involved."

5

Short title and commencement

23. This Act is called the Electoral Laws Amendment Act, 2019, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

1C. Nga . . . [d̥vha/n̥wedzi/n̥waha], Khomishini i tea u ita tsheo malugana na kxanedzo yo itwaho hu tshi khou tevhedzwa khethekanyo ya 15 ya Mulayo wa Khetho malugana na zwipiḡa zwa mutevhe wa vhakhethi wo itwaho lwa tshifhinga nyana ndivho i ya khetho nahone Khomishini i ḡivhadze muhanedzi na muofisiri muhulwane wa zwa khetho na muthu muḡwe ane a si muhanedzi ane dzina ḡawe kana zwidombedzwa zwawe zwa u ḡwalisa zwa kwamea.” 5

Kort titel en inwerkingtreding

23. Hierdie Wet heet die Wysigingswet op Kieswette, 2019, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065