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# Government Gazette

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## THE PRESIDENCY

No. 337 18 March 2016

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

**Act No. 1 of 2016: Local Government:  
Municipal Electoral Amendment Act,  
2016**



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**Amendment of section 14 of Act 27 of 2000, as amended by section 2 of Act 14 of 2010**

2. Section 14 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 5  
 “A party may contest an election in terms of section 13(1)(a) or (c) only if the party by not later than a date stated in the timetable for the election has submitted to the **[office of the Commission’s local representative] Commission—**”;
- (b) by the deletion in subsection (1)(a) of subparagraph (i); 10
- (c) by the substitution in subsection (1) for paragraph (b) of the following paragraph:  
 “(b) a deposit equal to a prescribed amount, if any, payable **[by means of a bank guaranteed cheque in favour of the Commission]** in the prescribed manner and form.”; 15
- (d) by the insertion after subsection (1) of the following subsection:  
 (1A) A party must submit the documents referred to in subsection (1)—  
 (a) by hand to the office of the Commission’s local representatives; or  
 (b) electronically to the chief electoral officer in the prescribed manner. 20
- (e) by the substitution in subsection (4) for paragraph (b) of the following paragraph:  
 “(b) allow the party to submit the outstanding documents **[to the office of the Commission’s local representative]** as provided for in subsection (1A) by no later than the date and time stated in the election timetable.”; and 25
- (f) by the insertion after subsection (4) of the following subsection:  
 “(4A) If a candidate appears on more than one party list for an election—  
 (a) the chief electoral officer must, in writing, notify the candidate and all the parties on whose party lists such a candidate appears by no later than the relevant date and time stated in the election timetable; and  
 (b) each of the parties to whom notice has been given in terms of paragraph (a) may, by no later than the relevant date and time stated in the election timetable, substitute such a candidate and re-order the names on its party list as a result of that substitution.”. 30  
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**Amendment of section 14A of Act 27 of 2000, as inserted by section 3 of Act 14 of 2010**

3. Section 14A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 40

- “(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]** the party must submit to the Commission, before such cut-off time, a notice in the prescribed form specifying the details of each municipality to which the deposits apply.” 45

**Amendment of section 17 of Act 27 of 2000, as amended by section 4 of Act 14 of 2010**

4. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 50  
 “(1) A person may contest an election as a ward candidate only if that person is nominated on a prescribed form and that form is submitted to

- the **[office of the Commission's local representative]** Commission by not later than a date stated in the timetable for the election.”;
- (b) by the insertion after subsection (1) of the following subsection:
- (1A) The prescribed nomination form must be submitted—
- (a) by hand to the office of the Commission's local representatives; or 5
- (b) electronically to the chief electoral officer in the prescribed manner.
- (c) by the deletion in subsection (2) of the word “and” at the end of paragraph (e), the insertion of the word “and” at the end of paragraph (f) and the addition to that subsection of the following paragraph:
- “(g) in the case of an independent ward candidate, a recent photograph 10  
of the candidate in such form as may be prescribed.”; and
- (d) by the insertion after subsection (2) of the following subsection:
- “(2B) If a ward candidate has been nominated by more than one party  
or person for an election—
- (a) the chief electoral officer must, in writing, notify the candidate and 15  
such parties or persons who have nominated such a candidate by no later than the relevant date and time stated in the election timetable; and
- (b) each of the parties or persons to whom notice has been given in 20  
terms of paragraph (a) may, by no later than the relevant date and time stated in the election timetable, substitute such a candidate.”.

#### Amendment of section 49 of Act 27 of 2000

5. Section 49 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) If a voter **[accidentally]**— 25
- (a) marks a ballot paper in a way that does not indicate for whom the voter wishes to vote; or
- (b) after having marked the ballot paper, changes his or her mind as to 30  
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
- (b) by the addition of the following subsection:
- “(4) The Commission must prescribe the number of times a new ballot 35  
paper may be issued in terms of subsection (3), with due regard to section 19 of the Constitution.”

#### Amendment of section 64 of Act 27 of 2000, as amended by section 9 of Act 14 of 2010

6. Section 64 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 40
- “(1) On receipt of all the results of the count in respect of all ballots conducted at the voting stations within the municipality or ward, as the case may be, the Commission must—
- (a) determine the result of the election in the municipality or ward, as the case 45  
may be;
- (b) record the result on a prescribed form; and
- (c) declare the result in public.”.

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

7. Schedule 3 to the principal Act is hereby amended—

(a) by the substitution in Item 5 for subitems (1) and (2) of the following subitems, respectively: 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 manner provided for in section 14(1A)(a) or (b) in the prescribed form **[and manner]** by ..... (date). 10

(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 manner provided for in section 14(1A)(a) or (b) in the prescribed form **[and manner]** by ..... (date).”; and 15

(b) by the insertion after Item 6 of the following Item:

**“Multiple nominations 20**

**6A.** (1) The Commission must notify a candidate whose name appears on more than one party list for an election submitted in terms of section 14 and all the parties on whose party lists such a candidate appears by .... (date). 25

(2) If the notified party decides to act in terms of section 14(4A)(b), that party must do so by ..... (date). 25

(3) The Commission must notify a ward candidate that has been nominated by more than one party or person for an election, and each party or person who has nominated such candidate, by ..... (date). 25

(4) If the notified nominating party or person decides to act in terms of section 17(2B)(b), that party or person must do so by ..... (date).” 30

**Short title and commencement**

8. This Act is called the Local Government: Municipal Electoral Amendment Act, 2016, and comes into operation on a date determined by the President by proclamation in the *Gazette*.