



PROVINCE OF THE EASTERN CAPE

IPHONDO LEMPUMA KOLONI

PROVINSIE OOS-KAAP

**Provincial Gazette**  
**Igazethi Yephondo**  
**Provinsiale Koerant**

Selling price: **R1,50**

Other countries: **R1,95**

Vol. 2

BISHO/  
KING WILLIAM'S TOWN, 31

OCTOBER  
OCTOBER 1995

**No. 115**  
(Extraordinary)

**PROCLAMATIONS**

**PROCLAMATION**

**No. 41, 1995**

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF HOUSING AND LOCAL GOVERNMENT

**LOCAL GOVERNMENT TRANSITION ACT 1993 (ACT 209 OF 1993):**

**AMENDMENT OF THE LOCAL GOVERNMENT TRANSITION ELECTION REGULATIONS, 1994**

Under the powers vested in me by section 9(2) of the Local Government Transition Act, 1993 (Act 209 of 1993), and with concurrence of the Provincial Committee for Local Government, I hereby amend the Local Government Transition Election Regulations, 1994 (hereinafter referred to as the Regulations) in the manner set out in the Schedule hereto.

This proclamation shall be deemed to have come into operation on 16 May 1995.

**M.M. MAMASE**

**M.E.C. for Housing and Local Government**

[ ]

Words in bold type in square brackets indicate omissions from enactments.

\_\_\_\_\_

Words underlined with solid line indicate insertions in existing enactments.

### Amendment to Regulation 30(5)

1. Regulation 30(5) is hereby amended the substitution therefor of the following:

30 (5) (a) The transitional authority shall, subject to the maintenance of essential services, permit the returning officer to recruit and appoint or second such of its employees for such period or periods and in such capacity or capacities as he or she may reasonably require as being necessary for the proper preparation and conduct of the election.

(b) Such employees shall be granted for this purpose by the transitional authority concerned permission to be absent from their normal place of work on full pay without prejudice to any other condition of employment plus for a period of not more than two days any fees as may be determined by such transitional authority in terms of regulation 93.

(c) The returning officer may recruit and appoint from outside the employment of the transitional authority such additional persons as he or she may deem essential at not more than the fees determined for any other election officer in regulation 93[.] : Provided that any such recruitment shall be within the limits of any general or specific financial provision which shall have been made in advance by the transitional authority.

(d) Nothing herein contained shall be construed as prohibiting the transitional authority from

- (e) Where the chief executive is *ex officio* the returning officer he or she shall, in addition to his or her normal remuneration and conditions of employment, be granted for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation 93.
- (f) Where the transitional authority appoints in terms of subregulation (1) another person as returning officer it shall at the same time as such appointment determine by a majority of all its members his or her remuneration and conditions of employment which may include for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation 93.

#### Amendment to Regulation 31

2. (a) Regulation 31(1) is hereby amended by the substitution therefor of the following:

- 31 (1) (a) The returning officer shall appoint such election officers as he or she may deem necessary for the effective and proper conduct of the election and may in his or her discretion withdraw any appointment so made.
- (b) The Code of Conduct for Election Officers set out in Schedule 2 to these regulations shall be deemed to be a term and condition of appointment for every election officer, including the returning officer.

2. (b) Regulation 31(2) is hereby amended by the substitution therefore of the following:

- 31 (2) No person shall be appointed or accept appointment as an election officer who:
  - (a) is a candidate at the election;

- (b) is a nominated member of or is on the supplementary list for appointment to the transitional authority;
- (c) has been directly or indirectly engaged with or without remuneration by any party or candidate in connection with the election; or
- (d) is the holder of an office in a party[.];
- (e) fails to make a declaration in terms of form 9A.

2. (c) Regulation 31(4) is hereby amended by the substitution therefore of the following:

31 (4) The returning officer shall ensure:

- (a) that sufficient election officers fluent in the official language are readily available at all times during voting at every voting station; [and]
- (b) that sufficient election officers are specifically appointed [trained] and allocated to assist illiterate, blind or disabled voters in terms of regulation 53, 58 and 59[.];
- (c) that every election officer is given adequate training and instructions for the effective and efficient performance of his or her duties and responsibilities in terms of these regulations; and
- (d) that every election officer is given full and adequate opportunity to read, or where such officer cannot read, to have read to him or her, the Code of Conduct for Election Officers in Schedule 2 and

2. (d) Regulation 31(7) is hereby amended by the substitution therefor of the following:

31 (7) Election officers in terms of this regulation shall be under the control and carry out the instructions of the **[appropriate appointing]** returning officer.

2. (e) Regulation 31 is hereby amended by adding the following after regulation 31(7):

31 (8) The returning officer or the presiding officer may in respect of any polling station falling under his or her jurisdiction, management or control:

(a) at any time instruct any election officer to stop work or to leave any voting station or place for the counting of votes for such period or periods as such returning officer or presiding officer may specify: and

(b) any such instruction may include a directive to such election officer to report directly or not later than a specified time to another identified voting station or place for the counting of votes or office or official of the transitional authority.

#### Amendment to Regulation 32(1)

3. The introductory paragraph of regulation 32(1) is hereby amended by the substitution therefor of the following:

32 (1) The returning officer shall issue to each election officer a **[letter]** certificate of appointment in accordance with applicable form ER6 and such letter of appointment shall:

**Amendment to Regulation 35**

4. Regulation 35 is hereby amended by the substitution therefor of the following:

**Declarations [Relating to Secrecy]**

35 (1) Every election officer [person who is entitled to be present in a voting station or the place for the counting of votes otherwise than as a voter or as a police officer on duty,] shall make a declaration in accordance with form [ER9] ER9A, in case of:

- (a) the returning or a deputy returning officer, before a commissioner of oaths;
- (b) a presiding officer, before the returning officer, a deputy returning officer or a commissioner of oaths; and
- (c) any other election officer [person], before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths.

(2) The declaration contemplated by Subregulation (1) shall:

- (a) in the case of the returning officer, be enclosed in applicable envelope ER29 in accordance with Regulation 72(2)(b);
- (b) in the case of a presiding officer, be handed to the returning officer when such presiding officer is supplied with his election material in terms of regulation 40, for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b);
- [(c) in the case of a candidate, agent or messenger, be handed to the returning officer in terms of regulation 34(3) with the relevant form ER8, for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b);]



[(d)](c) in the case of any other election officer and in the case of any person contemplated in subregulation (3) [person], be handed to the returning officer at a time and place specified by such returning officer, for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b) or, if no time and place is so specified, be handed to:

- (i) the presiding officer when such person first enters a voting station, for enclosure in envelope ER7 in accordance with regulation 72(2)(b); or
- (ii) the returning officer when such person first enters the place for the counting of votes, for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b).

(3) Every other person who is entitled to be present in a voting station or the place for the counting of votes otherwise than as a voter or as a police officer on duty, shall make a declaration in accordance with form ER9 before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths, which form shall be dealt with in accordance with subregulation 2(c) above.

Amendment of Form ER6

5. Form ER6A is hereby amended by the substitution therefor of the following:

Reg 32(1)

ER6(A)

..... LOCAL AUTHORITY\*\*

CERTIFICATE OF APPOINTMENT OF VOTING STATION ELECTION OFFICER -  
TRANSITIONAL METROPOLITAN SUBSTRUCTURE/  
TRANSITIONAL LOCAL COUNCIL ELECTION

Election Date	:	.....	
Surname	:	.....	
Other Names	:	.....	
Identity Number	:	.....	
Voting Station	:	.....	(address of voting station)
	:	.....	
	:	.....	
	:	.....	
Ward	:	.....	

I have appointed the above person as:

- \* Deputy Returning Officer
- Presiding Officer
- Voting Officer
- Counting Officer
- Translation Officer
- Election Officer

\*at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER9A.

\_\_\_\_\_  
RETURNING OFFICER

\_\_\_\_\_  
DATE

(To be enclosed in envelope \*ER7 or ER29)

(\* Delete whichever is not applicable)

(\*\* Name of TMS/TLC)



Amendment of ER6(B)

6. Form ER6(B) is hereby amended by the substitution therefor of the following:

Reg 32(1)

ER6(B)

..... LOCAL AUTHORITY\*\*

CERTIFICATE OF APPOINTMENT OF COUNTING STATION ELECTION OFFICER -  
TRANSITIONAL METROPOLITAN SUBSTRUCTURE/  
TRANSITIONAL LOCAL COUNCIL ELECTION

Election Date	:	.....	
Surname	:	.....	
Other Names	:	.....	
Identity Number	:	.....	
Voting Station	:	.....	(address of voting station)
	:	.....	
	:	.....	
	:	.....	
Ward	:	.....	

I have appointed the above person as Counting Officer at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER9A.

\_\_\_\_\_  
RETURNING OFFICER

\_\_\_\_\_  
DATE

(To be enclosed in envelope \*ER7 or ER29)

(\* Delete whichever is not applicable)

(\*\* Name of TMS/TLC)

Amendment of Form ER6C

7. Form ER6(C) is hereby amended by the substitution therefor of the following:

Reg 32(1)

ER6(C)

..... TMC\*\* ELECTION - CONDUCTED BY  
..... TMS\*\*

**CERTIFICATE OF APPOINTMENT OF VOTING STATION ELECTION OFFICER -  
TRANSITIONAL METROPOLITAN COUNCIL ELECTION**

Election Date	:	.....	
Surname	:	.....	
Other Names	:	.....	
Identity Number	:	.....	
Voting Station	:	.....	(address of voting station)
	:	.....	
	:	.....	
	:	.....	
	:	.....	
Ward	:	.....	

I have appointed the above person as:

- \* Deputy Returning Officer
- Presiding Officer
- Voting Officer
- Counting Officer
- Translation Officer
- Election Officer

\* at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER9A.

\_\_\_\_\_  
RETURNING OFFICER

\_\_\_\_\_  
DATE

(To be enclosed in envelope \*ER7 or ER29)

- (\* Delete whichever is not applicable)
- (\*\* Name of Authority)

Amendment of form ER6D

8. Form ER6(D) is hereby amended by the substitution therefor of the following:

Reg 32(1)

ER6(D)

..... TMC\*\* ELECTION - CONDUCTED BY  
..... TMS\*\*

CERTIFICATE OF APPOINTMENT OF VOTING STATION ELECTION OFFICER -  
TRANSITIONAL METROPOLITAN COUNCIL ELECTION

Election Date	:	.....	
Surname	:	.....	
Other Names	:	.....	
Identity Number	:	.....	
Voting Station	:	.....	(address of voting station)
	:	.....	
	:	.....	
	:	.....	
Ward	:	.....	

I have appointed the above person as Counting Officer at the abovementioned address.

I certify that the abovementioned person has completed a declaration in terms of form ER9A.

\_\_\_\_\_  
RETURNING OFFICER

\_\_\_\_\_  
DATE

(To be enclosed in envelope \*ER7 or ER29)

(\* Delete whichever is not applicable)

(\*\* Name of Authority)

**Amendment to Form ER9**

9. Form ER9 is hereby amended by the substitution therefor of the following:

"Reg 35(1)  
40(1)(c)

ER9

..... LOCAL AUTHORITY

**DECLARATION OF SECRECY**

(To be completed by candidate's/party agents and messengers).

Declaration of secrecy regarding the election to be held on

..... (date) for  
..... \*(name of TMC/TLC/TMS) for  
..... \*(ward)  
..... (voting station)

- \* I ..... (full names and Identity Number)  
have read and fully understand Regulation 102 of the Local Government Transition  
Election Regulations and undertake not to do anything forbidden thereby and to  
maintain and aid in the secrecy of the voting.
- \* I ..... (full names and Identity Number)  
cannot read but I have had read to me and fully understand regulation 102 of the Local  
Government Transition Election Regulations and undertake not to do anything  
forbidden thereby and to maintain and aid in the secrecy of the voting.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Designation (Returning Officer, agent,  
counting agent, messenger, etc.).

Made and signed before me at ..... this ..... day of  
..... 19...

\_\_\_\_\_  
\* Commissioner of Oath/Returning Officer/  
Deputy Returning Officer/Presiding Officer

(\* Delete which ever is not applicable)  
(To be enclosed in envelope \*ER7 or ER29).

**Amendment of Form ER9**

10. These regulations are hereby amended by the insertion after Form ER9 of the following Form ER9A:

Reg 35(1)  
40(1)(c)

ER9A

..... LOCAL AUTHORITY

**DECLARATION OF CODE OF CONDUCT FOR ELECTION OFFICERS**

(To be completed by Returning Officer, Deputy Returning Officer, Presiding Officer and every other election officer)

Declaration regarding the election to be held on

..... (date) for  
..... \*(name of TMC/TLC/TMS) for  
..... \*(ward)  
..... (voting station)

- \* I ..... (full names and Identity Number) have read and fully understand the Code of Conduct for Election Officers contained in Schedule 2 to the Local Government Transition Election Regulations and undertake to be bound thereby.
- \* I ..... (full names and Identity Number) cannot read but I have had read to me and fully understand the Code of Conduct of Election Officers contained in Schedule 2 to the Local Government Transition Election Regulations and undertake to be bound thereby.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Designation (Returning Officer, agent,  
counting agent, messenger, etc.)

Made and signed before me at ..... this ..... day of  
..... 19...

\_\_\_\_\_  
\* Commissioner of Oaths/Returning Officer/  
Deputy Returning Officer/Presiding Officer

(\* Delete which ever is not applicable)  
(To be enclosed in envelope \*ER7 or ER29).

11. The regulations are amended by the addition of the following Schedule after Schedule 1:

**SCHEDULE 2**

**CODE OF CONDUCT FOR ELECTION OFFICERS**

The object of the Code is to commit every election officer to make sure that every voter exercises his or her right to vote in secrecy, dignity, comfort and confidence.

1. Every election officer undertakes:

- (1) to do nothing to influence any voter to vote or not to vote for any candidate or party;
- (2) to maintain the secrecy of voting at every voting station;
- (3) to perform with care, competence and courtesy, all duties and functions in accordance with the lawful instructions of the returning officer;
- (4) to be strictly impartial in these duties and functions, and to do nothing by way of action, attitude, manner or speech to give any other impression;
- (5) to reject affirmatively and to disassociate himself or herself from any intimidation, force, sexual harassment, hostility, injury, disadvantage or threat of reprisal to any person or damage to any property which may disrupt or influence the process or result of the election; and
- (6) to keep safe all election material entrusted to him or her.

2. Every election officer shall refrain from any attempt, offer or request:

- (1) to find out how a voter has voted or intends to vote;
- (2) to get a voter to show or make known how he or she has voted;
- (3) to put any mark on a ballot paper so that a voter can be identified;



- (4) to unfluence or assit a person to vote in the knowledge that such person is not entitled to vote;
- (5) without due authority to disclose which candidate or party has been voted for on any ballot paper or papers; or
- (6) without due authority to approach, assit, signal or speak to any voter from the time the voter has entered the inner perimeter of the voting area until the time that the voter has put his or her ballot paper into the ballot box and has left the voting station.

3. No election officer shall, without due authority:

- (1) place any official mark on a ballot paper or take any ballot paper or supply any ballot paper to any person;
- (2) make any mark on a ballot paper or put any ballot paper into a ballot box;
- (3) take any ballot paper out of the voting station;
- (4) approach or touch a ballot box;
- (5) go into a voting compartment, except when specifically instructed to check its contents and it has no voter inside, or when lawfully helping an illiterate, blind or disabled voter;
- (6) break the seal or fastening or open or remove any contents of a ballot book, ballot box, parcel or envelope containing election material;
- (7) remove from a voting station any election material, or by act or omission assist anyone else to do so; or

- (8) mark or write on, or delete any mark or writing from any election material.

4. No election officer shall:

- (1) accept directly or indirectly any money, gift or promise from any candidate or party or any representative or agent of such candidate or party;
- (2) impede or prevent any voter, election officer, candidate, representative, agent, messenger or other election officer from gaining access to a voting area in the authorised manner and the prescribed hours;
- (3) destroy, hide or damage any election material;
- (4) destroy or alter a ballot paper or the official mark on it;
- (5) put anything other than a ballot paper or papers under due authority into a ballot box;
- (6) smoke, or, except where required for the purposes of the election, light a match or lighter or any inflammable substance in a voting station;
- (7) save with the express permission of the returning officer eat or drink in a voting station or place of counting;
- (8) in any voting station or inner perimeter or place of counting introduce, retain or consume any beverage containing alcohol or any other intoxicating or narcotic substance; or
- (9) in a voting area wear any badge or emblem or apparel or article of clothing which associates or is reasonably likely to associate such election officer with any party or candidate in the election.

- (4) to unfluence or assit a person to vote in the knowledge that such person is not entitled to vote;
- (5) without due authority to disclose which candidate or party has been voted for on any ballot paper or papers; or
- (6) without due authority to approach, assit, signal or speak to any voter from the time the voter has entered the inner perimeter of the voting area until the time that the voter has put his or her ballot paper into the ballot box and has left the voting station.

3. No election officer shall, without due authority:

- (1) place any official mark on a ballot paper or take any ballot paper or supply any ballot paper to any person;
- (2) make any mark on a ballot paper or put any ballot paper into a ballot box;
- (3) take any ballot paper out of the voting station;
- (4) approach or touch a ballot box;
- (5) go into a voting compartment, except when specifically instructed to check its contents and it has no voter inside, or when lawfully helping an illiterate, blind or disabled voter;
- (6) break the seal or fastening or open or remove any contents of a ballot book, ballot box, parcel or envelope containing election material;
- (7) remove from a voting station any election material, or by act or omission assist anyone else to do so; or

- (8) mark or write on, or delete any mark or writing from any election material.

4. No election officer shall:

- (1) accept directly or indirectly any money, gift or promise from any candidate or party or any representative or agent of such candidate or party;
- (2) impede or prevent any voter, election officer, candidate, representative, agent, messenger or other election officer from gaining access to a voting area in the authorised manner and the prescribed hours;
- (3) destroy, hide or damage any election material;
- (4) destroy or alter a ballot paper or the official mark on it;
- (5) put anything other than a ballot paper or papers under due authority into a ballot box;
- (6) smoke, or, except where required for the purposes of the election, light a match or lighter or any inflammable substance in a voting station;
- (7) save with the express permission of the returning officer eat or drink in a voting station or place of counting;
- (8) in any voting station or inner perimeter or place of counting introduce, retain or consume any beverage containing alcohol or any other intoxicating or narcotic substance; or
- (9) in a voting area wear any badge or emblem or apparel or article of clothing which associates or is reasonably likely to associate such election officer with any party or candidate in the election.

5. Every election officer in the course of his or her duty shall with courtesy, impartiality and due regard to the dignity, confidence and apparent needs of a voter:
  - (1) request a voter to display his or her identity document;
  - (2) request a voter to state his or her name and address;
  - (3) carefully identify and rule out the number, name and address of such voter, if any, in the voters' roll;
  - (4) where necessary, request the returning officer for assistance or advice;
  - (5) direct a voter to a voting compartment or to a ballot table;
  - (6) inform a voter that directions for guidance are posted inside the voting compartment;
  - (7) tell a voter where to deposit a ballot paper or papers after the voter has exercised his or her vote;
  - (8) direct a voter to the exit of the voting station after the voter has completed the voting process;
  - (9) inform any voter who is blind, illiterate, infirm or disabled, or who requires a translator, that such voter may get assistance from an election officer and direct the voter to that officer or where appropriate, direct that officer to the voter.
6. Any election officer who is appointed to assist a voter who is blind, illiterate, infirm or disabled shall do so only to the extent requested by such voter and with due regard to the right of such voter to choose to mark or otherwise deal with his or her ballot paper or papers personally and in secret.

7. Every election officer is committed to give special assistance, consideration, courtesy and respect to any voter who has difficulty or is unable to provide an appropriate identifying document or address, or whose name is absent or has been cancelled or removed from the list of voters on the voters roll, or whose capacity or entitlement to vote is challenged.
8. Every election officer shall undertake:
  - (1) to attend and to be present at all training classes or workshops and the voting station or stations to which he or she is allocated during the hours designated by the returning officer.
  - (2) to report for duty punctually and to complete any forms or declarations required in terms of the Local Government Transition Election Regulations, 1994;
  - (3) to carry out his or her responsibilities without bias, advantage or preference and with due regard to the special needs of illiterate, uncertain, disabled or otherwise disadvantaged voters; and
  - (4) to maintain and support an atmosphere of quiet efficiency, dignity, integrity and security within the voting station and inner perimeter, and notwithstanding any objection, disturbance or altercation, to continue to perform his or her particular and immediate duties with care and application.
9. Every election officer accepts that special conditions or unforeseen events may require an election officer to perform his or her duties under unusually difficult circumstances, and may require an election officer willingly to perform new or additional tasks which are within his or her capacity but which fall outside his or her designated duties.



10. Every election officer shall:

- (1) recognise the need for and legitimacy of the presence of duly authorised candidates, agents, representatives and messengers in the voting station and inner perimeter;
- (2) accept the role of these persons as observers and monitors and, where permitted in terms of the Local Government Transition Election Regulations, 1994, the right of any such person to object through the returning officer to irregular procedures or questionable votes;
- (3)
  - (a) acknowledge and accept that a candidate, agent, representative or messenger is not entitled or empowered to give or convey any directive or instruction to any election officer and that an officer is not permitted to follow or implement any such purported directive or instruction; and
  - (b) immediately report any such purported directive or instruction and identify the person or persons concerned to the returning officer;
- (4) at all times maintain a courteous, impartial and impersonal relationship with all candidates, agents, representatives and messengers within the voting station and inner perimeter; and
- (5) acknowledge that an election officer is not entitled as of right to receive, and shall not expressly or impliedly request, any refreshment or personal service from any candidate, party, agent, representative or messenger: Provided that an election officer may accept unsolicited and modest refreshment offered openly and equally to all officers at a voting station by or with the concurrence of a majority of candidates and parties whose names appear on the ballot paper for that ward.

11. No election officer shall, during the election period:
  - (1) be a candidate or on a party list at the election;
  - (2) be a nominated member of or on the supplementary list for appointment to the transitional authority;
  - (3) work for or be paid by any party or candidate in connection with the election;  
or
  - (4) be the holder of an office in a party.
  
12. For the purposes of this Code of Conduct for Electoral Officials:
  - (1) "**inner perimeter**", means any place referred to in regulation 41(1)(b);
  - (2) "**voting area**", means any place referred to in regulation 41(1);
  - (3) "**voting station**", means any place referred to in regulation 41(1)(a)."

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