

North West, South Africa

North West Houses of Traditional Leaders Act, 2009

Rules Regulating the Election of Members of Local Houses and the Provincial House of Traditional Leaders in the North West

Provincial Notice 159 of 2017

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includes any amendments published up to 12 September 2023.]*

I, Supra Obakeng Ramoetsi Mahumapelo, in my capacity as the Premier of the North West Province, hereby, in terms of section 3 of the North West House of Traditional Leaders Act, 2009 ([Act No. 3 of 2009](#)), make rules regulating the election of members of Local Houses and the Provincial House of Traditional Leaders in the North West, as set out in the Schedule hereunder-

1. Definitions

In this Schedule any word or expression defined in the North West House of Traditional Leaders Act 2009 ([Act No. 3 of 2009](#)) (the Act), shall bear such meaning unless the context indicates otherwise.

2. Number of members

The local houses and the provincial house of traditional leaders consist of members as determined by means of the formula contained in the Schedule A attached to this notice.

3. Electoral College

- (1) The Electoral College for the election of members of the Provincial House must consist of senior traditional leaders from within the province.
- (2) The Electoral College for the election of members of local houses must be established as contemplated in section 12 of the Act.
- (3) When conducting the election contemplated in the Act and this notice the electoral colleges must apply the formula attached as Schedule A to this notice for membership of houses.
- (4) The Chairperson of the Electoral College must be designated by the Premier in writing.

4. Nomination of candidates

- (1) The chairperson of the Electoral College must preside over the nomination process.
- (2)
 - (a) The Electoral College nominates candidates for the election as members of the Local or Provincial House as the case may be.
 - (b) Each member of the Electoral College may nominate one person to be elected to a Local House or the Provincial house

- (3) When conducting the nominations the chairperson of the Electoral College must comply with the provisions of section 3 and 4 or 12 and 13 of the Act as the situation may require.
- (4) Nominations contemplated in subparagraph (2) above must be in accordance with following procedure:
 - (a) The Chairperson must call for nominations;
 - (b) The nomination must be done by a secret ballot;
 - (c) A candidate whose name has been proposed must be seconded by a show of hand by at least one member of the electoral college;
 - (d) For a nomination to be accepted, a nominee must accept the nomination; and
 - (e) A person who has seconded a nomination may not nominate another person.
- (5) The nomination and the secondment must be recorded by the chairperson.

5. Election procedure

- (1) The Chairperson must ensure that the required number of ballot papers containing the names of all the candidates nominated in terms of paragraph 4 is compiled.
- (2) The Chairperson must ensure that the ballot papers are distributed to all the members of the Electoral College.
- (3) Before voting takes place, the Chairperson must explain:
 - (a) that secret ballot voting procedure;
 - (b) that each member of the electoral college has a number of votes equal to the number of positions to be filled;
 - (c) that members of the electoral college must deposit their completed ballot papers in the ballot box provided for the purpose as contemplated in schedule A or as the vacancy arise;
 - (d) that the counting of votes and finalization of results will take place once voting has been finalized; and
 - (e) that the result will be announced immediately after counting has been completed.
- (4) Where the number of nomination equal the number of positions to be filled, the candidates nominated must be declared elected.
- (5) The results of the election process must be signed by the chairperson and submitted to the Office of the Premier.

6. Equal number of votes

In the event that two or more candidates receive an equal number of votes, the result will be determined by lot: Provided that where the required minimum of one third of women representatives has not been reached, the female candidate involved in a tie will be regarded as having been elected.

7. Filling of vacancies

Whenever a vacancy arises in the membership of Local House or the Provincial House, the provisions of paragraph 4 to 6 will apply.

8. Commencement date

This Notice will come into operation on the day of publication in the *Provincial Gazette*