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THE PRESIDENCY

No. 3295 **17 April 2023**

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

Act No. 01 of 2023: Electoral Amendment Act, 2023

DIE PRESIDENSIE

No. 3295 **17 April 2023**

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

Wet No. 01 van 2023: Kieswysigingswet, 2023

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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 13 April 2023)

ACT

To amend the Electoral Act, 1998, so as to delete a definition and insert certain definitions consequential to the expansion of this Act to include independent candidates as contesters to elections in the National Assembly and provincial legislatures; to provide that registered parties must submit a declaration confirming that all its candidates are registered to vote in the province where an election will take place; to provide that the submission of lists of candidates of a registered party not represented in the National Assembly or any provincial legislature, must be accompanied by a prescribed form with certain specified details; to provide for the nomination of independent candidates to contest elections in the National Assembly and provincial legislatures; to provide for the requirements which must be met by persons who wish to be nominated as independent candidates; to provide for the inspection of copies of lists of independent candidates and accompanying documents; to provide for objections to independent candidates; to provide for the inclusion of a list of independent candidates entitled to contest elections; to provide for the appointment of agents by independent candidates; to provide that independent candidates are bound by the Electoral Code of Conduct; to provide for the return of a deposit to independent candidates in certain circumstances; to amend Schedule 1; to substitute Schedule 1A; to provide for the Minister to establish the Electoral Reform Consultation Panel; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 73 of 1998, as amended by section 1 of Act 18 of 2013 and section 7 of Act 4 of 2021

1. Section 1 of the Electoral Act, 1998 (Act No. 73 of 1998) (hereinafter referred to as the ''principal Act''), is hereby amended—

(a) by the insertion after the definition of ''agent'' of the following definition:

''**'candidate'** means a South African citizen contesting an election, or a South African citizen nominated on a list of a party contesting an election, as the context requires;'';

(b) by the insertion after the definition of ''Commission'' of the following definition:

''**'Constitution'** means the Constitution of the Republic of South Africa, 1996;'';

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

__________ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

(Engelse teks deur die President geteken)
(Goedgekeur op 13 April 2023)

WET

Tot wysiging van die Kieswet, 1998, ten einde sekere woordomskrywings in te voeg wat gevolglik is tot die uitbreiding van hierdie Wet om onafhanklike kandidate in te sluit as deelnemers aan verkiesings in die Nasionale Vergadering en provinsiale wetgewers; te bepaal dat geregistreerde partye 'n verklaring moet indien waarin bevestig word dat al hul kandidate geregistreer is om te stem in die provinsie waar 'n verkiesing sal plaasvind; te bepaal dat die indiening van lyste van kandidate van 'n geregistreerde party wat nie in die Nasionale Vergadering of enige provinsiale wetgewer verteenwoordig is nie, vergesel moet gaan van 'n voorgeskrewe vorm met sekere gespesifiseerde besonderhede; voorsiening te maak vir die benoeming van onafhanklike kandidate om aan verkiesings in die Nasionale Vergadering en provinsiale wetgewers deel te neem; voorsiening te maak vir die vereistes waaraan persone wat as onafhanklike kandidate benoem wil word, moet voldoen; voorsiening te maak vir insae in afskrifte van lyste van onafhanklike kandidate en gepaardgaande dokumente; voorsiening te maak vir besware teen onafhanklike kandidate; voorsiening te maak vir die insluiting van 'n lys van onafhanklike kandidate wat die reg het om aan verkiesings deel te neem; voorsiening te maak vir die aanstelling van agente deur onafhanklike kandidate; voorsiening te maak dat onafhanklike kandidate deur die verkiesingsgedragskode gebind word; voorsiening te maak vir die terugbetaling van 'n deposito aan onafhanklike kandidate onder sekere omstandighede; Bylae 1 te wysig; Bylae 1A te vervang; voorsiening te maak vir die Minister om die Raadplegingspaneel vir Kieshervorming in te stel; 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 1 van Wet 73 van 1998, soos gewysig deur artikel 1 van Wet 18 van 2013 en artikel 7 van Wet 4 van 2021

1. Artikel 1 van die Kieswet, 1998 (Wet No. 73 van 1998) (hierna die ''Hoofwet'' genoem), word hierby gewysig—

(a) deur die volgende omskrywing na die omskrywing van ''geregistreerde party'' in te voeg:

''**'Grondwet'** die Grondwet van die Republiek van Suid-Afrika, 1996;'';

(b) deur die volgende omskrywing na die omskrywing van ''identiteitsdokument'' in te voeg:

''**'kandidaat'** 'n Suid-Afrikaanse burger wat aan 'n verkiesing deelneem, of 'n Suid-Afrikaanse burger wat op 'n lys benoem is van 'n party wat aan 'n verkiesing deelneem, soos die samehang vereis;'';

(c) by the insertion after the definition of ''identity document'' of the following definition:

''**'independent candidate'** means a South African citizen contesting an election and who is not nominated on a list of a party;'';

(d) by the insertion after the definition of ''list of candidates'' of the following definition:

''**'list of independent candidates'** means the list of independent candidates referred to in sections 31D and 31F;'';

(e) by the deletion of the definition of ''party liaison committee'';

(f) by the insertion after the definition of ''party liaison committee'' of the following definition:

''**'political liaison committee'** means a committee established in terms of the Regulations on Political Liaison Committees published in terms of the Electoral Commission Act;''; and

(g) by the insertion after the definition of ''presiding officer'' of the following definitions:

''**'province'** means a province referred to in section 103 of the Constitution;

'region' means the territorial area of a province;''.

Amendment of section 20 of Act 73 of 1998, as amended by section 9 of Act 1 of 2019

2. Section 20 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph *(a)* of the following words:

''The Commission must after consultation with the **[party]** national political liaison committee—''.

Amendment of section 27 of Act 73 of 1998, as amended by section 10 of Act 4 of 2021

3. Section 27 of the principal Act is hereby amended by the insertion in subsection (2) of the following paragraphs after paragraph *(c)*:

''*(c*A*)* declaration, signed by the duly authorised representative of the party confirming that each candidate appearing on the party's provincial list of candidates referred to in Schedule 1A is registered to vote within the province in which the election will take place;

*(c*B*)* form, in the case of a registered party not represented in the National Assembly or any provincial legislature, confirming that the party has submitted, in the prescribed manner, the names, identity numbers and signatures of voters whose names appear—

(i) in the case of an election of the National Assembly in respect of regional seats, on the national segment of the voters' roll and who support the party—

(aa) totalling 15 percent of the quota for that region in the preceding election, when nominating candidates for one region; or

(bb) totalling 15 percent of the highest of the regional quotas in the preceding election, when nominating candidates for more than one region provided that where 15 percent of the highest of the quotas is not achieved, that the party may only nominate candidates for the region or regions as determined by the next highest quota; or

(ii) in the case of an election of a provincial legislature, on the segment of the voters' roll for the province and who support the party, totalling at least 15 percent of the quota of that province in the preceding election, for which the party intends to nominate candidates;''.

(c) deur die volgende omskrywing na die omskrywing van ''kommissie'' in te voeg:

''**'lys van onafhanklike kandidate'** die lys van onafhanklike kandidate in artikels 31D en 31F bedoel;'';

(d) deur die volgende omskrywing na die omskrywing van ''munisipale raad'' in te voeg:

''**'onafhanklike kandidaat'** 'n Suid-Afrikaanse burger wat aan 'n verkiesing deelneem en wat nie op 'n lys van 'n party benoem is nie;'';

(e) deur die omskrywing van ''party-skakelkomitee'' te skrap; en

(f) deur die volgende omskrywings na die omskrywing van ''politieke amp'' in te voeg:

''**'politiekeskakelkomitee'** 'n komitee ingestel ingevolge die regulasies oor politiekeskakelkomitees wat ingevolge die Wet op die Verkiesingskommissie afgekondig is;

'provinsie' 'n provinsie in artikel 103 van die Grondwet bedoel;

'streek' die grondgebied van 'n provinsie;''.

Wysiging van artikel 20 van Wet 73 van 1998, soos gewysig deur artikel 9 van Wet 1 van 2019

2. Artikel 20 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

''Die Kommissie moet na oorleg met die **[party]** nasionale **[skakelkomitee]** politiekeskakelkomitee—''.

Wysiging van artikel 27 van Wet 73 van 1998, soos gewysig deur artikel 10 van Wet 4 van 2021

3. Artikel 27 van die Hoofwet word hierby gewysig deur die volgende paragrawe na paragraaf *(c)* in subartikel (2) in te voeg:

''*(c*A*)* verklaring, deur die behoorlik gemagtigde verteenwoordiger van die party onderteken, waarin bevestig word dat elke kandidaat wat op die party se provinsiale kandidaatlys bedoel in Bylae 1A, verskyn, geregistreer is om te stem binne die provinsie waarin die verkiesing gaan plaasvind;

*(c*B*)* vorm, in die geval van 'n geregistreerde party wat nie in die Nasionale Vergadering of enige provinsiale wetgewer verteenwordig word nie, waarin bevestig word dat die party, op die voorgeskrewe wyse, die name, identiteitsnommers en handtekeninge ingedien het van kiesers wie se name verskyn—

(i) in die geval van 'n verkiesing van die Nasionale Vergadering ten opsigte van streeksetels, op die nasionale segment van die kieserslys en wat die party ondersteun—

(aa) met 'n totaal van 15 persent van die kwota vir daardie streek in die voorafgaande verkiesing, by benoeming van kandidate vir een streek; of

(bb) met 'n totaal van 15 persent van die hoogste van die streekskwotas in die voorafgaande verkiesing, by benoeming van kandidate vir meer as een streek met dien verstande dat waar 15 persent van die hoogste van die kwotas nie behaal word nie, dat die party slegs kandidate vir die streek of streke kan benoem soos deur die volgende hoogste kwota bepaal; of

(ii) in die geval van 'n verkiesing van 'n provinsiale wetgewer, of die segment van die kieserslys vir die provinsie en wat die party ondersteun, met 'n totaal van ten minste 15 persent van die kwota van daardie provinsie in die vorige verkiesing, waarvoor die party voornemens is om kandidate te benoem;''.

Amendment of section 28 of Act 73 of 1998, as substituted by section 11 of Act 1 of 2019 and amended by section 11 of Act 4 of 2021

4. Section 28 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections respectively:

"(1) If a registered party that has submitted a list of candidates has not fully complied with section 27(2)*(a)*, *(b)*, (*c*A), *(d)* or section 27(4), the chief electoral officer must notify that party of its non-compliance.

(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*A), *(d)* or section 27(4), by not later than the relevant date stated in the election timetable.".

Amendment of section 30 of Act 73 of 1998, as amended by section 12 of Act 4 of 2021

5. Section 30 of the principal Act is hereby amended by the deletion of subsection (6).

Insertion of Part 3A in Chapter 3 in Act 73 of 1998

6. The following Part is inserted in Chapter 3 of the principal Act after Part 3:

"***Part 3A***

Independent candidates

Nomination of independent candidate

31A. (1) A person may be nominated to contest an election as an independent candidate—

(a) in one or more regions for the National Assembly but may be elected to only one seat in the National Assembly; and

(b) for a provincial legislature in a province in which that person is registered as a voter,

provided that the independent candidate may only be eligible to be a member of either the National Assembly or a provincial legislature.

(2) Provided the other provisions of this Act are complied with, a person nominated in terms of subsection (1) stands as an independent candidate in that election.

Requirements for independent candidates to contest elections

31B. (1) A person may contest an election as an independent candidate only if that person is nominated on a prescribed form and that form is submitted to the Commission by not later than a date stated in the timetable for the election and complies with the requirements of subsection (3).

(2) The prescribed nomination form must be submitted in the prescribed manner by not later than the relevant date stated in the election timetable.

(3) The following must be attached to a nomination when it is submitted:

(a) A completed prescribed form confirming that the independent candidate has submitted, in the prescribed manner, the names, identity numbers and signatures of voters whose names appear—

(i) in the case of an election of the National Assembly in respect of regional seats, on the national segment of the voters' roll and who support his or her candidature—

Wysiging van artikel 28 van Wet 73 van 1998, soos vervang deur artikel 11 van Wet 1 van 2019 en gewysig deur artikel 11 van Wet 4 van 2021

4. Artikel 28 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) onderskeidelik deur die volgende subartikels te vervang:

"(1) Indien 'n geregistreerde party wat 'n kandidaatlys ingedien het, nie ten volle aan artikel 27(2)*(a), (b),* (cA), *(d)* of artikel 27(4) voldoen het nie, moet die hoofverkiesingsbeampte daardie party van sy nie-voldoening in kennis stel.

(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)*, (cA), *(d)* of artikel 27(4) te voldoen.".

Wysiging van artikel 30 van Wet 73 van 1998, soos gewysig deur artikel 12 van Wet 4 van 2021

5. Artikel 30 van die Hoofwet word hierby gewysig deur subartikel (6) te skrap.

Invoeging van Deel 3A in Hoofstuk 3 in Wet 73 van 1998

6. Die volgende Deel word na Deel 3 in Hoofstuk 3 van die Hoofwet ingevoeg:

"***Deel 3A***

Onafhanklike kandidate

Benoeming van onafhanklike kandidaat

31A. (1) 'n Persoon kan benoem word om as 'n onafhanklike kandidaat aan 'n verkiesing deel te neem—

(a) in een of meer streke vir die Nasionale Vergadering, maar kan tot slegs een setel in die Nasionale Vergadering verkies word; en

(b) vir 'n provinsiale wetgewer in 'n provinsie waarin daardie persoon as 'n kieser geregistreer is,

met dien verstande dat die onafhanklike kandidaat slegs verkiesbaar kan wees om 'n lid van óf die Nasionale Vergadering óf 'n provinsiale wetgewer te wees.

(2) Met dien verstande dat aan die ander bepalings van die Wet voldoen word, neem 'n persoon ingevolge subartikel (1) bedoel, as 'n onafhanklike kandidaat aan daardie verkiesing deel.

Vereistes vir onafhanklike kandidate om aan verkiesings deel te neem

31B. (1) 'n Persoon kan as 'n onafhanklike kandidaat aan 'n verkiesing deelneem slegs indien daardie persoon op 'n voorgeskrewe vorm benoem is en daardie vorm aan die Kommissie voorgelê word teen nie later nie as 'n datum in die verkiesingstydrooster vermeld en aan die vereistes van subartikel (3) voldoen.

(2) Die voorgeskrewe benoemingsvorm moet op die voorgeskrewe wyse ingedien word teen nie later nie as die tersaaklike datum in die verkiesingsrooster vermeld.

(3) Die volgende moet by 'n benoeming aangeheg word wanneer dit ingedien word:

(a) 'n Ingevulde, voorgeskrewe vorm waarin bevestig word dat die onafhanklike kandidaat, op die voorgeskrewe wyse, die name, identiteitsnommers en handtekeninge ingedien het van kiesers wie se name—

(i) in die geval van 'n verkiesing van die Nasionale Vergadering ten opsigte van streeksetels, op die nasionale segment van die kieserslys verskyn en wat sy of haar kandidaatskap ondersteun—

(*aa*) totalling 15 percent of the quota for that region in the preceding election, if intending to contest only one region; or

(*bb*) totalling 15 percent of the highest of the regional quotas in the preceding election, if intending to contest more than one region, provided that where 15 percent of the highest of the quotas is not achieved, that the independent candidate may only contest the region or regions as determined by the next highest quota; or

(ii) in the case of an election of a provincial legislature, on the segment of the voters' roll for the province and who support his or her candidature, totalling at least 15 percent of the quota of that province in the preceding election, which the independent candidate intends to contest,

provided that an independent candidate who was elected to either the National Assembly or a provincial legislature as an independent candidate in the preceding election shall be exempt from this requirement;

(*b*) a deposit equal to a prescribed amount, payable in the prescribed form and manner;

(*c*) a prescribed undertaking, signed by the candidate, to be bound by the Code;

(*d*) a prescribed declaration, signed by the candidate, that he or she is not disqualified from standing for election in terms of the Constitution or any applicable legislation;

(*e*) if contesting an election of a provincial legislature, a prescribed declaration, signed by the candidate confirming that he or she is registered to vote within a province in which he or she intends contesting; and

(*f*) a recent photograph of the candidate in such form as may be prescribed.

(4) The Commission may in the form and manner as may be prescribed request—

(*a*) an acceptance of nomination signed by the candidate; and

(*b*) a copy of the identity card or that page of the candidate's identity document on which the candidate's photo, name and identity number appear.

(5) The Commission must accept a nomination submitted to it and allow the nominated person to stand as a candidate in the election if the provisions of section 31A and this section have been complied with.

(6) The amount to be deposited by an independent candidate contesting an election of a provincial legislature, must be less than the amount for contesting an election of the National Assembly, and such deposits may also be different to the deposits paid by registered parties.

Non-compliance

31C. (1) If the nomination of an independent candidate does not fully comply with section 31B(3)*(c)*, *(d)*, *(e)*, *(f)* or section 31B(4), the chief electoral officer must notify the nominated person of the non-compliance.

(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 nominated person has an opportunity to comply with section 31B(3)*(c)*, *(d)*, *(e)*, *(f)* or section 31B(4), by not later than the relevant date stated in the election timetable.

(3) If a person has been nominated both as an independent candidate and by one or more parties for an election—

(aa) met ’n totaal van 15 persent van die kwota vir daardie streek in die voorafgaande verkiesing, indien voornemens om net in een streek deel te neem; of

(bb) met ’n totaal van 15 persent van die hoogste van die streekskwotas in die voorafgaande verkiesing, indien voornemens om in meer as een streek deel te neem, met dien verstande dat waar 15 persent van die hoogste van die kwotas nie behaal word nie, die onafhanklike kandidaat slegs in die streek of streke mag deelneem soos deur die volgende hoogste kwota bepaal; of

(ii) in die geval van ’n verkiesing van ’n provinsiale wetgewer, op die segment van die kieserslys vir die provinsie en wat sy of haar kandidaatskap ondersteun, met ’n totaal van ten minste 15 persent van die kwota van daardie provinsie in die voorafgaande verkiesing, waaraan die onafhanklike kandidaat voornemens is om deel te neem,

met dien verstande dat ’n onafhanklike kandidaat wat in die vorige verkiesing tot óf die Nasionale Vergadering óf ’n provinsiale wetgewer as ’n onafhanklike kandidaat verkies is, van hierdie vereiste vrygestel is;

(b) ’n deposito gelyk aan ’n voorgeskrewe bedrag betaalbaar in die voorgeskrewe vorm en op die voorgeskrewe wyse;

(c) ’n voorgeskrewe onderneming, deur die kandidaat onderteken, om deur die Kode verbind te wees;

(d) ’n voorgeskrewe verklaring, deur die kandidaat onderteken, dat hy of sy nie onbevoeg is om ’n kandidaat in die verkiesing te wees ingevolge die Grondwet of enige toepaslike wetgewing nie;

(e) indien aan die verkiesing van ’n provinsiale wetgewer deelgeneem word, ’n voorgeskrewe verklaring, deur die kandidaat onderteken, waarin bevestig word dat hy of sy geregistreer is om te stem binne ’n provinsie waar hy of sy voornemens is om deel te neem; en

(f) ’n onlangse foto van die kandidaat in die voorgeskrewe vorm.

(4) Die Kommissie kan op die vorm en wyse soos voorgeskryf kan word—

(a) ’n aanvaarding van benoeming wat deur die kandidaat onderteken is; en

(b) ’n afskrif van die identiteitskaart of daardie bladsy van die kandidaat se identiteitsdokument waarop die kandidaat se foto, naam en identiteitsnommer verskyn,

aanvra.

(5) Die Kommissie moet ’n benoeming wat daarby ingedien is, aanvaar en die benoemde persoon toelaat om as ’n kandidaat aan die verkiesing deel te neem indien aan die bepalings van artikel 31A en hierdie artikel voldoen is.

(6) Die bedrag wat ’n onafhanklike kandidaat wat aan ’n verkiesing van ’n provinsiale wetgewer deelneem, moet deponeer, moet minder wees as die bedrag om aan ’n verkiesing van die Nasionale Vergadering deel te neem, en sodanige deposito’s kan ook verskil van die deposito’s wat deur die geregistreerde partye betaal word.

Nie-voldoening

31C. (1) Indien die benoeming van ’n onafhanklike kandidaat nie ten volle voldoen aan artikel 31B(3)*(c)*, *(d)*, *(e)*, *(f)* of artikel 31B(4) nie, moet die hoofverkiesingsbeampte die benoemde persoon in kennis stel van die nie-voldoening.

(2) Die kennisgewing moet op die voorgeskrewe wyse gegee word teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, en moet aandui dat die benoemde persoon ’n geleentheid het om aan artikel 31B(3), *(c)*, *(d)*, *(e)*, *(f)* of artikel 31B(4), te voldoen teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld.

(3) Indien ’n persoon vir ’n verkiesing benoem is as ’n onafhanklike kandidaat en ook deur een of meer partye—

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

(b) the party or 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.

Inspection of copies of lists of independent candidates and accompanying documents

31D. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must—

(a) compile a draft list of independent candidates; and

(b) give notice that copies of the draft list of independent candidates and accompanying documents submitted in terms of section 31B, as amended and supplemented in terms of section 31C, will be available for inspection.

(2) The notice referred to in subsection (1)*(b)* must be—

(a) published in the *Government Gazette*; and

(b) publicised in the media considered appropriate by the chief electoral officer so as to ensure wide publicity of the lists.

(3) The notice referred to in subsection (1)*(b)* must state, and the chief electoral officer must ensure, that for the relevant period stated in the election timetable—

(a) copies of the lists for—

(i) an election of the National Assembly, will be available for inspection at the Commission's head office, a place in each province designated in the notice and the office of each municipality in the country; and

(ii) an election of a provincial legislature, will be available for inspection at the Commission's head office, a place in the province designated in the notice and the office of each municipality in that province; and

(b) copies of the documents accompanying the lists are available for inspection at the Commission's head office.

(4) Any person may inspect a copy of the draft list of independent candidates and accompanying documents referred to in subsection (1).

(5) The chief electoral officer must provide a certified copy of, or extract from, the draft list of independent candidates or documents referred to in subsection (1), to any person who has paid the prescribed fee.

Objections to independent candidates

31E. (1) Any person, including the chief electoral officer, may object to the nomination of an independent candidate on the following grounds:

(a) The nominated candidate is not qualified to stand in the election;

(b) the nominated candidate has failed to submit the prescribed acceptance of nomination signed by the candidate as contemplated in section 31B(4); or

(c) there is no prescribed undertaking, signed by the nominated candidate, that the candidate is bound by the Code.

(2) The objection must be made to the Commission in the prescribed manner by not later than the relevant date stated in the election timetable, and must be served on the nominated candidate.

(3) The Commission must decide the objection, and must notify the objector and the nominated candidate of the decision in the prescribed manner by not later than the relevant date stated in the election timetable.

(a) moet die hoofverkiesingsbeampte, waar moontlik, die persoon en sodanige party of partye wat daardie persoon benoem het, van die stand van sake in kennis stel teen nie later nie as die tersaaklike datum en tyd in die verkiesingstydrooster vermeld; en

(b) die party of partye aan wie kennis ingevolge paragraaf *(a)* gegee is kan, teen nie later nie as die tersaaklike datum en tyd in die verkiesingstydrooster vermeld, so 'n kandidaat vervang.

Insae in afskrifte van lyste van onafhanklike kandidate en bygaande dokumente

31D. (1) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, moet die hoofverkiesingsbeampte—

(a) 'n konseplys van onafhanklike kandidate saamstel; en

(b) kennis gee dat afskrifte van die konseplys van onafhanklike kandidate en bygaande dokumente ingevolge artikel 31B ingedien, soos gewysig en aangevul ingevolge artikel 31C, ter insae beskikbaar sal wees.

(2) Die kennisgewing in subartikel (1)*(b)* bedoel—

(a) moet in die *Staatskoerant* gepubliseer word; en

(b) moet in die media wat die hoofverkiesingsbeampte gepas ag, gepubliseer word om wye publikasie van die lyste te verseker.

(3) Die kennisgewing in subartikel (1)*(b)* bedoel, moet vermeld en die hoofverkiesingsbeampte moet verseker, dat vir die tersaaklike tydperk in die verkiesingstydrooster vermeld—

(a) afskrifte van die lyste vir—

(i) 'n verkiesing van die Nasionale Vergadering, ter insae beskikbaar sal wees by die Kommissie se hoofkantoor, 'n plek in elke provinsie wat in die kennisgewing aangewys is en die kantoor van elke munisipaliteit in die land; en

(ii) 'n verkiesing van 'n provinsiale wetgewer, ter insae beskikbaar sal wees by die Kommissie se hoofkantoor, 'n plek in die provinsie in die kennisgewing aangewys en die kantoor van elke munisipaliteit in daardie provinsie; en

(b) afskrifte van die dokumente wat die lyste vergesel, ter insae beskikbaar is by die Kommissie se hoofkantoor.

(4) Enige persoon kan insae kry in 'n afskrif van die konseplys van onafhanklike kandidate en bygaande dokumente in subartikel (1) bedoel.

(5) Die hoofverkiesingsbeampte moet aan enige persoon wat die voorgeskrewe gelde betaal het 'n gesertifiseerde afskrif voorsien van, of 'n uittreksel maak uit, die konseplys van onafhanklike kandidate of dokument in subartikel (1) bedoel.

Besware teen onafhanklike kandidate

31E. (1) Enige persoon, met inbegrip van die hoofverkiesingsbeampte, kan op die volgende gronde beswaar aanteken teen die benoeming van 'n onafhanklike kandidaat:

(a) Die benoemde kandidaat is nie bevoeg om 'n kandidaat in die verkiesing te wees nie;

(b) die benoemde kandidaat het versuim om die voorgeskrewe aanvaarding van benoeming wat deur die kandidaat onderteken is, soos in artikel 31B(4) bedoel, in te dien; of

(c) daar is geen voorgeskrewe onderneming, deur die benoemde kandidaat onderteken, dat die kandidaat deur die Kode gebind is nie.

(2) Die beswaar moet op die voorgeskrewe wyse by die Kommissie gemaak word teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, en moet aan die benoemde kandidaat beteken word.

(3) Die Kommissie moet die beswaar beslis, en moet die beswaarmaker en die benoemde kandidaat op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, van die beslissing in kennis stel.

(4) The objector, or the nominated candidate, may appeal against the decision of the Commission to the Electoral Court in the prescribed manner and by not later than the relevant date stated in the election timetable.

(5) The Electoral Court must consider and decide the appeal and notify the parties to the appeal and the chief electoral officer of the decision in the prescribed manner and by not later than the relevant date stated in the election timetable.

List of independent candidates entitled to contest election

31F. (1) By not later than the relevant date stated in the election timetable, the chief electoral officer must—

(a) give effect to a decision of the Commission in terms of section 31E(3) and to a decision of the Electoral Court in terms of section 31E(5); and

(b) compile a final list of independent candidates entitled to contest the election concerned.

(2) The chief electoral officer must provide a certified copy of, or extract from, a list mentioned in subsection (1)*(b)* to any person who has paid the prescribed fee.

(3) By not later than the relevant date stated in the election timetable, the chief electoral officer must issue to each independent candidate on the list of independent candidates for an election, a certificate stating that the person is an independent candidate in that election.''.

Amendment of section 39 of Act 73 of 1998, as substituted by section 12 of Act 34 of 2003

7. Section 39 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph *(b)* of the following paragraph:

''*(b)* two agents, either from different parties or representing different independent candidates, if available.''.

Amendment of section 57A of Act 73 of 1998, as inserted by section 15 of Act 34 of 2003

8. Section 57A of the principal Act is hereby amended—

(a) by the substitution for paragraph *(a)* of the following paragraph:

''*(a)* lists of candidates and lists of independent candidates;''; and

(b) by the substitution for paragraph *(c)* of the following paragraph:

''*(c)* the designation of candidates from candidate lists and lists of independent candidates as representatives **[in]** for those seats; and''.

Substitution of section 58 of Act 73 of 1998, as amended by section 10 of Act 18 of 2013

9. The following section is hereby substituted for section 58 of the principal Act:

''Appointment of [party] agents

58. (1) Every registered party or independent candidate contesting an election may appoint such number of agents as may be prescribed—

(a) **[two party agents]** for each voting station **[or, if voting or counting at a voting station takes place in more than one room or separately enclosed area, two party agents in respect of each room or area]**; and

(b) **[four party agents]** for each venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place.

(2) **[A party]** An agent—

(4) Die beswaarmaker, of die benoemde kandidaat, kan op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, by die Verkiesingshof appèl aanteken teen die beslissing van die Kommissie.

(5) Die Verkiesingshof moet die appèl oorweeg en daaroor beslis en die partye tot die appèl op die voorgeskrewe wyse en teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, in kennis stel van die beslissing.

Lys van onafhanklike kandidate wat aan verkiesing mag deelneem

31F. (1) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, moet die hoofverkiesingsbeampte—

(a) gevolg gee aan 'n beslissing van die Kommissie ingevolge artikel 31E(3) en aan 'n beslissing van die Verkiesingshof ingevolge artikel 31E(5); en

(b) 'n finale lys opstel van onafhanklike kandidate om aan die betrokke verkiesing deel te neem.

(2) Die hoofverkiesingsbeampte moet 'n gesertifiseerde afskrif van, of uittreksel uit, 'n lys in subartikel (1)*(b)* genoem, voorsien aan enige persoon wat die voorgeskrewe gelde betaal het.

(3) Teen nie later nie as die tersaaklike datum in die verkiesingstydrooster vermeld, moet die hoofverkiesingsbeampte aan elke onafhanklike kandidaat op die lys van onafhanklike kandidate vir 'n verkiesing, 'n sertifikaat uitreik waarin verklaar word dat die persoon 'n onafhanklike kandidaat in daardie verkiesing is.''.

Wysiging van artikel 39 van Wet 73 van 1998, soos vervang deur artikel 12 van Wet 34 van 2003

7. Artikel 39 van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf *(b)* deur die volgende paragraaf te vervang:

''*(b)* twee agente, hetsy van verskillende partye, of wat onafhanklike kandidate verteenwoordig, indien beskikbaar.''.

Wysiging van artikel 57A van Wet 73 van 1998, soos ingevoeg deur artikel 15 van Wet 34 van 2003

8. Artikel 57A van die Hoofwet word hierby gewysig—

(a) deur paragraaf *(a)* deur die volgende paragraaf te vervang:

''*(a)* lyste van kandidate en lyste van onafhanklike kandidate;''; en

(b) deur paragraaf *(c)* deur die volgende paragraaf te vervang:

''*(c)* die aanwysing van kandidate vanaf **[lyste]** kandidaatlyste en lyste van onafhanklike kandidate as verteenwoordigers **[in]** vir daardie setels; en''.

Vervanging van artikel 58 van Wet 73 van 1998, soos gewysig deur artikel 10 van Wet 18 van 2013

9. Artikel 58 van die Hoofwet word hierby deur die volgende artikel vervang:

''**Aanstelling van [party-agente] agente**

58. (1) Elke geregistreerde party of onafhanklike kandidaat wat aan 'n verkiesing deelneem, kan sodanige getal agente soos voorgeskryf aanstel—

(a) **[twee party-agente]** vir elke stemlokaal **[of, indien die uitbring en tel van stemme in meer as een vertrek of apart afgesonderde area geskied, twee party-agente ten opsigte van elke vertrek of area, aanstel]**; en

(b) **[vier party-agente aanstel]** vir elke punt waar die verrigtinge plaasvind waarvoor Deel 3 of 5 van Hoofstuk 4 voorsiening maak.

(2) 'n **[Party-agent moet]** Agent—

(a) must be a South African citizen; and
(b) may not be a candidate in an election.

(3) The appointment and revocation of appointment of a person as **[a party]** an agent must be effected in the prescribed manner.''.

Amendment of section 59 of Act 73 of 1998, as amended by section 16 of Act 34 of 2003

10. Section 59 of the principal Act is hereby amended by the substitution in subsection (3)*(a)* for subparagraph (ii) of the following subparagraph:

''(ii) the registered party or independent candidate represented by that agent; and''.

Amendment of section 62 of Act 73 of 1998

11. Section 62 of the principal Act is hereby amended—

(a) by the substitution for the heading of the section of the following heading:

''**Consultation with [party] political liaison committee**''; and

(b) by the substitution for paragraphs *(a)* and *(b)* of the following paragraphs, respectively:

''*(a)* the municipal **[party]** political liaison committee for the municipality within which that voting district will fall; or

(b) if no municipal **[party]** political liaison committee has been established in a municipality, the provincial **[party]** political liaison committee for the province within which that voting district will fall.''.

Amendment of section 64 of Act 73 of 1998, as amended by section 18 of Act 34 of 2003

12. Section 64 of the principal Act is hereby amended by the substitution in subsection (3) for paragraphs *(a)* and *(b)* of the following paragraphs, respectively:

''*(a)* the municipal **[party]** political liaison committee for the municipality within which that voting station will fall; or

(b) if no municipal **[party]** political liaison committee has been established in the municipality, the provincial **[party]** political liaison committee for the province within which the voting station will fall.''.

Amendment of section 66 of Act 73 of 1998, as substituted by section 19 of Act 34 of 2003

13. Section 66 of the principal Act is hereby amended—

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

''(1) Before the voting station opens for voting on voting day the presiding officer of a voting station must determine the boundary of thevoting station after consultation with **[party]** agents and members of the security services who are available at that voting station at that stage.''; and

(b) by the substitution for subsection (3) of the following subsection:

''(3) The presiding officer may alter the boundary at any time if it is necessary to do so to ensure proper control and security at the voting station and after consultation with **[party]** agents and members of the security services who are available at that voting station at that stage.''.

Substitution of section 94 of Act 73 of 1998

14. The following section is hereby substituted for section 94 of the principal Act:

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(a) moet ’n Suid-Afrikaanse burger wees; en

(b) mag nie ’n kandidaat in ’n verkiesing wees nie.

(3) Die aanstelling en intrekking van aanstelling van ’n persoon as ’n **[party-agent]** ’n agent moet op die voorgeskrewe wyse geskied.’’.

Wysiging van artikel 59 van Wet 73 van 1998, soos gewysig deur artikel 16 van Wet 34 van 2003

10. Artikel 59 van die Hoofwet word hierby gewysig deur in subartikel (3)*(a)*, subparagraaf (ii) deur die volgende subparagraaf te vervang:

‘‘(ii) die geregistreerde party of onafhanklike kandidaat aantoon wat deur daardie agent verteenwoordig word; en’’.

Wysiging van artikel 62 van Wet 73 van 1998

11. Artikel 62 van die Hoofwet word hierby gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

‘‘**Oorlegpleging met [party-skakelkomitee] politiekeskakelkomitee**’’; en

(b) deur paragrawe *(a)* en *(b)* onderskeidelik deur die volgende paragrawe te vervang:

‘‘*(a)* die munisipale **[party-skakelkomitee]** politiekeskakelkomitee vir die munisipaliteit waarin daardie stemdistrik sal val; of

(b) indien geen munisipale **[party-skakelkomitee]** politiekeskakelkomitee in ’n munisipaliteit ingestel is nie, die provinsiale **[party-skakelkomitee]** politiekeskakelkomitee vir die provinsie waarin daardie stemdistrik sal val.’’.

Wysiging van artikel 64 van Wet 73 van 1998, soos gewysig deur artikel 18 van Wet 34 van 2003

12. Artikel 64 van die Hoofwet word hierby gewysig deur in subartikel (3) paragrawe *(a)* en *(b)* onderskeidelik deur die volgende paragrawe te vervang:

‘‘*(a)* die munisipale **[party-skakelkomitee]** politiekeskakelkomitee vir die munisipaliteit waarin daardie stemlokaal sal val; of

(b) indien daar geen munisipale **[party-skakelkomitee]** politiekeskakelkomitee in die munisipaliteit ingestel is nie, die provinsiale **[party-skakelkomitee]** politiekeskakelkomitee vir die provinsie waarin die stemlokaal sal val.’’.

Wysiging van artikel 66 van Wet 73 van 1998, soos vervang deur artikel 19 van Wet 34 van 2003

13. Artikel 66 van die Hoofwet word hierby gewysig—

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

‘‘(1) Voordat die stemlokaal vir die uitbring van stemme op die stemdag open, moet die voorsittende beampte van ’n stemlokaal die grens van die stemlokaal bepaal na oorleg met **[party-agente]** agente en lede van die veiligheidsdienste wat in daardie stadium by daardie stemlokaal beskikbaar is.’’; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

‘‘(3) Die voorsittende beampte kan die grens te eniger tyd verander indien dit nodig is om dit te doen ten einde behoorlike beheer en veiligheid by die stemlokaal te verseker en na oorleg met **[party-agente]** agente en lede van die veiligheidsdienste wat in daardie stadium by daardie stemlokaal beskikbaar is.’’.

Vervanging van artikel 94 van Wet 73 van 1998

14. Artikel 94 van die Hoofwet word hierby deur die volgende artikel vervang:

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''**Contravention of Code**

94. No person, **[or]** registered party, or independent candidate bound by the Code may contravene or fail to comply with a provision of that Code.''.

Amendment of section 96 of Act 73 of 1998

15. Section 96 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph *(c)* of the following paragraph:

''*(c)* the forfeiture of any deposit paid by that person or party in terms of section 27(2)*(e)* or paid by an independent candidate in terms of section 31B(3)*(b)*;''.

Amendment of section 99 of Act 73 of 1998, as amended by section 15 of Act 4 of 2021

16. Section 99 of the principal Act is hereby amended by the deletion in subsection (1) of the word ''and'' at the end of paragraph *(a)*, the insertion of the word ''and'' at the end of paragraph *(b)*, and the addition of the following paragraph:

''*(c)* by every independent candidate before that independent candidate may be placed on a list of independent candidates in terms of section 31F.''.

Amendment of section 100 of Act 73 of 1998

17. Section 100 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph *(a)* of the following words:

''(2) The Commission may make regulations, after consultation with the **[party]** national political liaison committee, regarding any matter—''.

Amendment of section 106 of Act 73 of 1998

18. Section 106 of the principal Act is hereby amended—

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

''(1A) Subject to section 96(2)*(c)*, the Commission must refund to an independent candidate any deposit paid by such candidate in terms of section 31B(3)*(b)* if the candidate is allocated a seat in the legislature whose election the independent candidate contested.''; and

(b) by the substitution for subsection (2) of the following subsection:

''(2) A deposit that is not refundable in terms of subsection (1) or (1A) is forfeited to the State.''.

Amendment of section 110 of Act 73 of 1998

19. Section 110 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

''(1) Any mistake in the certified segment of the voters' roll referred to in section 24, **[or]** the final list of candidates referred to in section 31, or the final list of independent candidates referred to in section 31F, does not invalidate that voters' roll, **[or]** that list of candidates, or that list of independent candidates.''.

Amendment of Schedule 1 to Act 73 of 1998, as amended by section 24 of Act 34 of 2003 and section 17 of Act 1 of 2019

20. Schedule 1 to the principal Act is hereby amended—

(a) by the substitution for item 4 of the following item:

''**Cut-off date for submission of list of candidates and nominations of independent candidates**

“**Oortreding van Kode**

94. Geen persoon, **[of]** geregistreerde party, of onafhanklike kandidaat wat deur die Kode gebind word, mag ’n bepaling van daardie Kode oortree of versuim om daaraan te voldoen nie.”.

Wysiging van artikel 96 van Wet 73 van 1998

15. Artikel 96 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf *(c)* deur die volgende paragraaf te vervang:

“*(c)* die verbeuring van enige deposito wat deur daardie persoon of party ingevolge artikel 27(2)*(e)* betaal is of wat ingevolge artikel 31B(3)*(b)* deur ’n onafhanklike kandidaat betaal is;”.

Wysiging van artikel 99 van Wet 73 van 1998, soos gewysig deur artikel 15 van Wet 4 van 2021

16. Artikel 99 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord “en” aan die einde van paragraaf *(a)* te skrap, die woord “en” aan die einde van paragraaf *(b)* in te voeg, en die volgende paragraaf by te voeg:

“*(c)* deur elke onafhanklike kandidaat voordat daardie onafhanklike kandidaat ingevolge artikel 31F op ’n lys van onafhanklike kandidate geplaas word.”.

Wysiging van artikel 100 van Wet 73 van 1998

17. Artikel 100 van die Hoofwet word hierby gewysig deur in subartikel (2) die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde te vervang:

“(2) Die Kommissie kan, na oorleg met die **[party]** nasionale **[skakelkomitee]** politiekeskakelkomitee, regulasies betreffende enige aangeleentheid maak—”.

Wysiging van artikel 106 van Wet 73 van 1998

18. Artikel 106 van die Hoofwet word hierby gewysig—

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

“(1A) Behoudens artikel 96(2)*(c)*, moet die Kommissie enige deposito wat ’n onafhanklike kandidaat ingevolge artikel 31B(3)*(b)* betaal het, aan daardie kandidaat terugbetaal indien ’n setel in die wetgewer aan wie se verkiesing die onafhanklike kandidate deelgeneem het, aan die kandidaat toegewys word.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Deposito wat nie ingevolge subartikel (1) of (1A) terugbetaalbaar is nie, word ten gunste van die Staat verbeur.”.

Wysiging van artikel 110 van Wet 73 van 1998

19. Artikel 110 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige fout in die gesertifiseerde segment van die kieserslys waarna in artikel 24 verwys word, **[of]** op die finale kandidaatlys waarna in artikel 31 verwys word, of die finale lys van onafhanklike kandidate waarna in artikel 31F verwys word, maak nie daardie kieserslys, **[of]** kandidaatlys, of daardie lys van onafhanklike kandidate ongeldig nie.”.

Wysiging van Bylae 1 by Wet 73 van 1998, soos gewysig deur artikel 24 van Wet 34 van 2003 en artikel 17 van Wet 1 van 2019

20. Bylae 1 tot die Hoofwet word hierby gewysig—

(a) deur item 4 deur die volgende item te vervang:

“**Sperdatum vir voorlegging van kandidaatlys en benoemings van onafhanklike kandidate**

4. (1) Registered parties that intend to contest this election must nominate and submit a list of their candidates for the election to the chief electoral officer in the prescribed manner by .... [day/month/year].

(2) Nominators of independent candidates that intend to contest this election must submit their nominations to the chief electoral officer in the prescribed manner by .... [day/month/year].'';

(b) by the substitution for subitem 5(1) of the following subitem:

''(1) The chief electoral officer must notify a registered party that has submitted a list of candidates in terms of section 27 but has not fully complied with **[that]** section 27(2)*(a)*, *(b)*, *(c*A*)*, *(d)* or section 27(4), of that non-compliance by .... [day/month/year];'';

(c) by the insertion after subitem 5(1) of the following subitem:

''(1A) The chief electoral officer must notify the person nominated to be an independent candidate, who has not fully complied with section 31B(3)*(c)*, *(d)*, *(e)*, *(f)* or section 31B(4), of that non-compliance by ... [day/month/year].'';

(d) by the substitution for subitem 5(2) of the following subitem:

''(2) If the party or person notified **[party]** in terms of subitem (1) or (1A) takes the opportunity to comply with section 27(2)*(a)*, *(b)*, *(c*A*)*, *(d)*, section 27(4), section 31B(3)*(c)*, *(d)*, *(e)*, *(f)* or section 31B(4), that party or person must do so by .... [day/month/year].'';

(e) by the insertion after subitem 5A(1) of the following subitem:

''(1A) The Commission must notify—

(a) a person who has been nominated both as an independent candidate and by one or more parties for an election; and

(b) all the parties on whose party lists such a candidate appears,

of the multiple nominations by .... [day/month/year].'';

(f) by the substitution for subitem 5A(2) of the following subitem:

''(2) If the notified party decides to act in terms of section 28(3) or section 31C(3), that party must do so by .... (date).'';

(g) by the substitution for item 6 with the following item:

''**Inspection of lists of candidates and draft list of independent candidates and accompanying documents**

6. The chief electoral officer must give notice by .... [day/month/year], that from the date of the notice until .... [day/month/year], copies of the following documents will be available for inspection:

(a) The lists of candidates and accompanying documents submitted by registered parties in terms of section 27, as amended and supplemented in terms of section 28**[.]**; and

(b) the draft list of independent candidates and accompanying documents submitted in terms of section 31B, as amended and supplemented in terms of section 31C. '';

(h) by the substitution for item 8 of the following item:

''**Decision of objections**

8. The Commission must decide an objection under section 30 or section 31E, and must notify the objector, **[and]** the registered party that nominated the candidate, and the nominated independent candidate, if applicable, of the decision in the prescribed manner by .... [day/month/year].'';

(i) by the substitution for item 9 of the following item:

4. (1) Geregistreerde partye wat aan hierdie verkiesing wil deelneem, moet teen .... [dag/maand/jaar] hul kandidate vir die verkiesing benoem en 'n lys van dié kandidate op die voorgeskrewe wyse aan die hoofverkiesingsbeampte voorlê.

(2) Benoemers van onafhanklike kandidate wat aan hierdie verkiesing wil deelneem, moet teen .... [dag/maand/jaar] hul benoemings op die voorgeskrewe wyse aan die hoofverkiesingsbeampte voorlê.'';

(b) deur subitem 5(1) deur die volgende subitem te vervang:

''(1) Die hoofverkiesingsbeampte moet teen .... [dag/maand/jaar] aan 'n geregistreerde party wat ingevolge artikel 27 'n kandidaatlys voorgelê het, maar wat nie ten volle aan **[daardie]** artikel 27(2)*(a)*, *(b)*, *(c*A), *(d)* of artikel 27(4) voldoen het nie, kennis van daardie nie-voldoening gee teen .... [dag/maand/jaar];'';

(c) deur die volgende subitem na subitem 5(1) in te voeg:

''(1A) Die hoofverkiesingsbeampte moet teen .... [dag/maand/jaar] aan 'n persoon wat genomineer is om 'n onafhanklike kandidaat te wees, maar wat nie ten volle aan artikel 31B(3)*(c)*, *(d)*, *(e)*, *(f)* of artikel 31B(4) voldoen het nie, kennis van daardie nie-voldoening gee.'';

(d) deur subitem 5(2) deur die volgende subitem te vervang:

''(2) Indien die party of persoon aan wie kennis gegee is ingevolge subitem (1) of (1A), die geleentheid gebruik om aan artikel 27(2)*(a)*, *(b)*, *(c*A), *(d)*, artikel 27(4), artikel 31B(3)*(c)*, *(d)*, *(e)*, *(f)* of artikel 31B(4) te voldoen, moet daardie party of persoon dit doen teen .... [dag/maand/jaar].'';

(e) deur die volgende subitem na subitem 5A(1) in te voeg:

''(1A) Die Kommissie moet—

(a) 'n persoon wat as 'n onafhanklike kandidaat sowel as 'n kandidaat vir een of meer partye vir verkiesing benoem is; en

(b) al die partye op wie se partylyste sodanige kandidaat verskyn,

teen .... [dag/maand/jaar], van die veelvuldige benoemings in kennis stel.'';

(f) deur subitem (5A)(2) deur die volgende subitem te vervang:

''(2) Indien die party wat in kennis gestel is, besluit om ingevolge artikel 28(3) of artikel 31C(3) te handel, moet daardie persoon dit teen .... (datum) doen.'';

(g) deur item 6 deur die volgende item te vervang:

''**Insae in kandidaatlyste en konseplys van onafhanklike kandidate en bygaande dokumente**

6. Die hoofverkiesingsbeampte moet teen .... [dag/maand/jaar] kennis gee dat afskrifte van die volgende dokumente vanaf die datum van die kennisgewing tot .... [dag/maand/jaar] ter insae beskikbaar sal wees:

(a) Die kandidaatlyste en bygaande dokumente wat ingevolge artikel 27 deur geregistreerde partye voorgelê is, soos ingevolge artikel 28 gewysig en aangevul**[.]**; en

(b) die konseplys van onafhanklike kandidate en bygaande dokumente ingevolge artikel 31B, soos gewysig en aangevul ingevolge artikel 31C.'';

(h) deur item 8 deur die volgende item te vervang:

''**Beslissing van besware**

8. Die Kommissie moet 'n beswaar kragtens artikel 30 of artikel 31E beslis, en moet die beswaarmaker, **[asook]** die geregistreerde party wat die kandidaat benoem het, en die benoemde onafhanklike kandidaat, indien van toepassing, teen .... [dag/maand/jaar] op die voorgeskrewe wyse van die beslissing in kennis stel.'';

(i) deur item 9 deur die volgende item te vervang:

"**Cut-off date for appeals against decisions**

9. (1) The objector or the registered party who nominated the candidate may appeal against a decision of the Commission in terms of section **[30(3)]** 30(4) to the Electoral Court in the prescribed manner by .... [day/month/year].

(2) The objector or the nominated independent candidate may appeal against a decision of the Commission in terms of section 31E(4) in the prescribed manner by .... [day/month/year].";

(j) by the substitution for item 10 of the following item:

"**Deciding appeals**

10. The Electoral Court must consider and decide an appeal brought under section 30(4) or 31E(4) and notify the parties to the appeal, and the chief electoral officer, of the decision in the prescribed manner by .... [day/month/year].";

(k) by the substitution for item 11 of the following item:

"**List of parties and candidates entitled to contest election and final list of candidates**

11. By .... [day/month/year], the chief electoral officer—

(a) must give effect to a decision of the Commission in terms of section 30(3), section 31E(3), or a decision of the Electoral Court in terms of section 30(5) or section 31E(5); and

(b) must compile a list of the registered parties entitled to contest the election, **[and]** the final list of candidates for each of those parties, and the list of independent candidates contesting this election."; and

(l) by the substitution for item 12 of the following item:

"**Issue of certificate to candidates**

12. By .... [day/month/year], the chief electoral officer must issue in the prescribed manner to each candidate on a final list of candidates, and to each independent candidate on the final list of independent candidates, a certificate stating that the person is a candidate in this election in terms of section 31(3) and section 31F(3).".

Substitution of Schedule 1A to Act 73 of 1998, as inserted by section 25 of Act 34 of 2003 and amended by section 8 of Act 55 of 2008

21. Schedule 1A to the principal Act is hereby substituted for the following schedule:

"**Sperdatum vir appèlle teen beslissings**

9. (1) Die beswaarmaker of die geregistreerde party wat die kandidaat benoem het, kan teen .... [dag/maand/jaar] op die voorgeskrewe wyse teen 'n beslissing van die Kommissie ingevolge artikel **[30(3)]** 30(4), na die Verkiesingshof appelleer.

(2) Die beswaarmaker of die benoemde onafhanklike kandidaat kan teen .... [dag/maand/jaar] op die voorgeskrewe wyse teen 'n beslissing van die Kommissie ingevolge artikel 31E(4) appelleer.";

(j) deur item 10 deur die volgende item te vervang:

"**Beslissing van appèlle**

10. Die Verkiesingshof moet 'n appèl wat kragtens artikel 30(4) of 31E(4) aangeteken is, oorweeg en beslis en die partye tot die appèl asook die hoofverkiesingsbeampte, op die voorgeskrewe wyse teen .... [dag/maand/jaar] van die beslissing in kennis stel.";

(k) deur item 11 deur die volgende item te vervang:

"**Lys van partye en kandidate geregtig om aan verkiesing deel te neem en finale kandidaatlys**

11. Die hoofverkiesingsbeampte moet teen .... [dag/maand/jaar]—

(a) aan 'n beslissing van die Kommissie ingevolge artikel 30(3), artikel 31E(3) of 'n beslissing van die Verkiesingshof ingevolge artikel 30(5) of artikel 31E(5) uitvoering gee; en

(b) 'n lys van die geregistreerde partye wat geregtig is om aan die verkiesing deel te neem, **[en]** die finale kandidaatlys vir elk van daardie partye en die lys van onafhanklike kandidate wat aan hierdie verkiesing deelneem, opstel."; en

(l) deur item 12 deur die volgende item te vervang:

"**Uitreik van sertifikaat aan kandidate**

12. Teen .... [dag/maand/jaar] moet die hoofverkiesingsbeampte op die voorgeskrewe wyse 'n sertifikaat wat verklaar dat die persoon 'n kandidaat in hierdie verkiesing is ingevolge artikels 31(3) en artikel 31F(3), aan elke kandidaat op 'n finale kandidaatlys, en aan elke onafhanklike kandidaat op die finale lys van onafhanklike kandidate uitreik.".

Vervanging van Bylae 1A by Wet 73 van 1998, soos ingevoeg deur artikel 25 van Wet 34 van 2003 en gewysig deur artikel 9 van Wet 55 van 2008

21. Bylae 1A van die Hoofwet word hierby deur die volgende bylae vervang:

“SCHEDULE 1A

SYSTEM OF REPRESENTATION IN NATIONAL ASSEMBLY AND PROVINCIAL LEGISLATURES

(Section 57A)

National Assembly

1. The seats in the National Assembly are as determined in terms of section 46 of the Constitution and item 1 of Schedule 3 and are allocated as follows:

(a) Half the seats are filled by independent candidates and candidates from lists of candidates of parties contesting the nine regions and these shall be referred to as regional seats; and

(b) half the seats are filled by candidates from lists of candidates of parties and these shall be referred to as compensatory seats.

2. The Commission must prepare a list of independent candidates contesting an election of the National Assembly in each region in accordance with this Act.

3. (1) Registered parties contesting an election of the National Assembly must nominate candidates on a list of candidates prepared in accordance with this Act.

(2) A party’s list of candidates must consist of—

(a) a regional list for each region that the party wishes to contest; and

(b) a national list,

with such number of names on each list as the party may determine subject to subitem (3).

(3) The lists of candidates submitted by a party must together not contain more names than the number of seats in the National Assembly, and each such list must denote the fixed order of preference of the names as the party may determine.

(4) A candidate—

(a) may be nominated on a party’s regional list for one region and the national list of a party but the same candidate’s name may not appear on more than one regional list for that party; or

(b) may be nominated as an independent candidate in more than one region.

Regional seats

4. The Commission must determine a fixed number of seats reserved for each region for every election of the National Assembly, taking into account available scientifically based data in respect of voters and representations by interested parties.

5. The seats referred to in item 1*(a)* must be allocated to the parties and independent candidates contesting an election, as follows:

(a) A quota of votes per seat must be determined in respect of each region by dividing the total number of valid votes cast in a region by the number of seats, plus one, reserved for such region under item 4.

(b) The result plus one, disregarding fractions, is the quota of votes per seat in respect of a particular region.

(c) The number of seats to be awarded for the purposes of paragraph *(e)* in respect of such region to a party or independent candidate must, subject to paragraph *(d)*, be determined by dividing the total number of votes cast in favour of such party or independent candidate in a region by the quota of votes per seat indicated by paragraph *(b)* for that region.

(d) Where the result of the calculation referred to in paragraph *(c)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or

"**BYLAE 1A**

STELSEL VAN VERTEENWOORDIGING IN NASIONALE VERGADERING EN PROVINSIALE WETGEWERS

(Artikel 57A)

Nasionale Vergadering

1. Die setels in die Nasionale Vergadering word vasgestel ingevolge artikel 46 van die Grondwet en item 1 van Bylae 3 en word soos volg toegeken:

(a) Die helfte van die setels word deur onafhanklike kandidate en kandidate vanaf kandidaatlyste van partye wat oor die nege streke meeding, gevul en hierdie setels sal streeksetels heet; en

(b) die helfte van die setels word gevul deur kandidate vanaf lyste van kandidate van politieke partye en hierdie setels sal teenwigsetels heet.

2. Die Kommissie moet 'n lys opstel van onafhanklike kandidate wat ooreenkomstig hierdie Wet aan 'n verkiesing van die Nasionale Vergadering deelneem in elke streek.

3. (1) Geregistreerde partye wat aan 'n verkiesing van die Nasionale Vergadering deelneem, moet kandidate op 'n lys kandidate wat ooreenkomstig hierdie Wet voorberei is, benoem.

(2) 'n Party se kandidaatlys moet bestaan uit—

(a) 'n streeklys vir elke streek waar die party wil deelneem; en

(b) 'n nasionale lys,

met sodanige getal name op elke lys wat die party behoudens subitem (3) kan bepaal.

(3) Die kandidaatlyste wat deur 'n party voorgelê is, moet altesaam nie meer name op hê as die getal setels in die Nasionale Vergadering nie en elke sodanige lys moet die vaste voorrangorde van die name soos die party kan bepaal, aandui.

(4) 'n Kandidaat—

(a) kan benoem word op 'n party se streeklys vir een streek en die nasionale lys van 'n party, maar dieselfde kandidaat se naam mag nie op meer as een streeklys vir daardie party verskyn nie; of

(b) kan in meer as een streek as 'n onafhanklike kandidaat benoem word.

Streeksetels

4. Die Kommissie moet 'n vaste getal setels wat vir elke streek gereserveer is, vir elke verkiesing van die Nasionale Vergadering bepaal, met inagneming van beskikbare wetenskaplike data ten opsigte van kiesers en vertoë deur belanghebbende partye.

5. Die setels bedoel in item 1*(a)*, moet toegewys word aan die partye en onafhanklike kandidate wat aan 'n verkiesing deelneem, soos volg:

(a) 'n Kwota stemme per setel moet bepaal word ten opsigte van elke streek deur die totale getal geldige stemme in 'n streek gebring, te deel deur die getal setels plus een, vir daardie streek gereserveer ingevolge item 4.

(b) Die uitslag plus een, met breukdele buite rekening gelaat, is die kwota stemme per setel ten opsigte van 'n bepaalde streek.

(c) Die getal setels wat vir die doeleindes van paragraaf *(e)* ten opsigte van sodanige streek aan 'n party of onafhanklike kandidaat in 'n streek toegewys moet word, behoudens paragraaf *(d)*, word bepaal deur die totale getal stemme wat in 'n streek ten gunste van sodanige party of onafhanklike kandidaat gebring is, te deel deur die kwota van stemme per setel deur paragraaf *(b)* vir daardie streek aangedui.

(d) Waar die uitslag van die berekening in paragraaf *(c)* bedoel setels oplewer wat nie geabsorbeer word deur die getal wat aan partye of onafhanklike kandidate toegeken is nie, ding die surplus van stemme

independent candidates in respect of the relevant region, competes for the remaining seats in sequence of the highest surplus of votes.

(e) The aggregate of a party's or independent candidate's awards in terms of paragraphs *(c)* and *(d)* in respect of a particular region indicates that party's or that independent candidate's provisional allocation of the seats reserved under item 4 for that region.

(f) Where an independent candidate's award in terms of paragraph *(e)* exceeds one seat, the candidate is awarded one seat as his or her provisional allocation. The excess seats must be dealt with in terms of item 7.

(g) If the same independent candidate is provisionally allocated a seat in more than one region, the candidate is awarded the seat in the region where he or she received the highest proportion of votes, as his or her provisional allocation. The excess seats in other regions must be dealt with in terms of item 7.

(h) The aggregate of a party's provisional allocations for the various regions in terms of paragraph *(e)*, indicates its provisional allocation of the seats referred to in item 4.

(i) If no recalculation of provisional allocations is required in terms of item 7, the provisional allocation of such seats in terms of paragraphs *(e), (f), (g)* and *(h)* becomes the final allocation of such seats to the various parties and independent candidates, and if a recalculation is required, the provisional allocation of such seats, as adjusted in terms of item 7, becomes the final allocation of such seats to the various parties and independent candidates.

(j) Parties' seats shall be filled from its regional lists in accordance with its final allocation of seats in respect of each region.

(k) Where an independent candidate is contesting in more than one region, the votes received across regions for that independent candidate may not be aggregated in order to obtain a seat in the National Assembly.

Compensatory seats

6. The seats referred to in item 1*(b)* must be allocated to the parties contesting an election, as follows:

(a) A quota of votes per seat must be determined by dividing the total number of valid votes cast for parties on both the regional and compensatory ballots by the total number of seats in the National Assembly, plus one, minus seats won by independent candidates, and the result plus one, disregarding fractions, is the quota of votes per seat.

(b) The number of seats to be awarded to a party for the purposes of paragraph *(d)* must, subject to paragraph *(c)*, be determined by dividing the total number of votes cast on both the regional and compensatory ballots in favour of such party by the quota of votes per seat determined in terms of paragraph *(a)*.

(c) Where the result of the calculation referred to in paragraph *(b)* yields seats not absorbed by the number awarded to parties, the surplus of votes accruing to any party or parties competes for the remaining seats in sequence of the highest surplus of votes, up to a maximum of five seats so awarded: Provided that the subsequent award of seats still remaining must be made in sequence of the party or parties with the highest average number of votes per seat already awarded in terms of paragraph *(b)* and this paragraph.

(d) The aggregate of a party's awards in terms of paragraphs *(b)* and *(c)* must be reduced by the number of seats allocated to it in

wat toeval aan enige party, partye of onafhanklike kandidate ten opsigte van die tersaaklike streek, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(e) Die totaal van 'n party of onafhanklike kandidaat se toekennings ingevolge paragrawe *(c)* en *(d)* ten opsigte van 'n bepaalde streek dui daardie party of daardie onafhanklike kandidaat se voorlopige toewysing van die setels aan wat kragtens item 4 vir daardie streek gereserveer is.

(f) Waar 'n onafhanklike kandidaat se toewysing ingevolge paragraaf *(e)* meer as een setel is, kry die kandidaat een setel as sy of haar voorlopige toewysing. Die oorblywende setels moet ingevolge item 7 hanteer word.

(g) Indien 'n setel in meer as een streek voorlopig aan dieselfde onafhanklike kandidaat toegewys word, word die setel in die streek waar die kandidaat die hoogste persentasie van stemme gekry het aan daardie kandidaat toegeken, as sy of haar voorlopige toewysing. Die oorblywende setels in ander streke, moet ingevolge item 7 hanteer word.

(h) Die totaal van 'n party se voorlopige toewysings vir die verskeie streke ingevolge paragraaf *(e)*, dui die party se voorlopige toewysing van die setels bedoel in item 4 aan.

(i) Indien geen herberekening van voorlopige toewysings ingevolge item 7 vereis word nie, word die voorlopige toewysing van sodanige setels ingevolge paragrawe *(e)*, *(f)*, *(g)* en *(h)*, die finale toewysing van sodanige setels aan die verskeie partye en onafhanklike kandidate, en indien 'n herberekening vereis word, word die voorlopige toewysing van sodanige setels, soos ingevolge item 7 aangepas, die finale toewysing van sodanige setels aan die verskeie partye en onafhanklike kandidate.

(j) Partye se setels word gevul vanuit die partye se streeklyste ooreenkomstig die partye se finale toewysing van setels ten opsigte van elke streek.

(k) Waar 'n onafhanklike kandidaat in meer as een streek deelneem, kan die stemme regoor streke vir daardie onafhanklike kandidaat gebring, nie saamgevoeg word ten einde 'n setel in die Nasionale Vergadering te verkry nie.

Teenwigsetels

6. Die setels bedoel in item 1*(b)* moet soos volg toegewys word aan die partye wat aan 'n verkiesing deelneem:

(a) 'n Kwota stemme per setel word bepaal deur die totale getal geldige stemme wat vir partye gebring is op beide die streek- en teenwigstembriewe, te deel deur die totale getal setels in die Nasionale Vergadering, plus een, minus setels gewen deur onafhanklike kandidate, en die uitslag plus een, sonder inagneming van breukdele, is die kwota stemme per setel.

(b) Die getal setels wat vir die doeleindes van paragraaf *(d)* aan 'n party toegestaan moet word, moet, behoudens paragraaf *(c)*, bepaal word deur die totale getal stemme wat op beide die streek- en teenwigstembriewe ten gunste van sodanige party gebring is, te deel deur die kwota stemme per setel ingevolge paragraaf *(a)* bepaal.

(c) Waar die uitslag van die berekening in paragraaf *(b)* bedoel setels oplewer wat nie deur die getal aan partye toegeken, geabsorbeer is nie, ding die surplus van stemme wat aan enige party of partye toeval, mee om die oorblywende setels in volgorde van die hoogste surplus van stemme, tot en met 'n maksimum van vyf setels aldus toegeken: Met dien verstande dat daaropvolgende toekennings van oorblywende setels in volgorde toegeken word aan die party of partye wat die hoogste gemiddelde getal stemme per setel het wat reeds ingevolge paragraaf *(b)* en hierdie paragraaf toegeken is.

(d) Die totaal van 'n party se toekennings ingevolge paragrawe *(b)* en *(c)*, moet verminder word met die getal setels aan die party toegewys

terms of item 5*(i)* and the result indicates that party's provisional allocation of the seats referred to in item 1*(b)*.

(e) If no recalculation of provisional allocations is required in terms of item 7 in respect of the seats referred to in paragraph *(d)*, the provisional allocation of such seats in terms of paragraph *(d)* becomes the final allocation of such seats to the various parties, and if such a recalculation is required, the provisional allocation of such seats, as adjusted in terms of item 7, becomes the final allocation of seats to the various parties.

(f) In terms of paragraph *(e)*, the seats finally allocated to a party, must be filled from its national list.

Insufficient names on party lists and independent candidates provisionally allocated more than one seat

7. (1) If a party has submitted a national or a regional list containing fewer names than the number of its provisional allocation of seats which would have been filled from such list in terms of item 5 or item 6 had such provisional allocation been the final allocation, it forfeits a number of seats equal to the deficit.

(2)*(a)* If, following the provisional allocation in item 5, an independent candidate stands to be allocated more than one seat in a region, he or she is only allocated one seat and forfeits any additional seats.

(b) If, following the provisional allocation in item 5, an independent candidate stands to be allocated a seat in more than one region, he or she is only allocated a seat in the region where he or she received the highest proportion of votes and shall forfeit any additional seats.

(3) In the event of any forfeiture of seats in terms of subitem (1) and subitem (2) affecting the provisional allocation of seats in respect of any particular region in terms of item 5*(e)*, such allocation must be recalculated as follows:

(a) The party or independent candidate forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 5*(e)* for the region in question, minus the number of seats forfeited by it, becomes its final allocation in respect of the seats reserved for such region in terms of item 4.

(b) An amended quota of votes per seat must be determined in respect of such region by dividing the total number of votes cast in the region, minus the number of votes cast in such region in favour of the party or independent candidate referred to in paragraph *(a)*, by the number of seats, plus one, reserved for such region under item 4, minus the number of seats finally allocated to the said party or independent candidate, in terms of paragraph *(a)*.

(c) The results plus one, disregarding fractions, is the amended quota of votes per seat in respect of such region for purposes of the said recalculation.

(d) The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such region to a party or independent candidate participating in the recalculation, must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast in favour of such party or independent candidate in such region by the amended quota of votes per seat indicated by paragraph *(c)* for such region.

(e) Where the result of the calculation referred to in paragraph *(d)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or

ingevolge item 5*(i)* en die uitslag dui daardie party se voorlopige toewysing van die setels bedoel in item 1*(b)* aan.

(e) Indien geen herberekening van voorlopige toewysings ingevolge item 7 vereis word ten opsigte van die setels in paragraaf *(d)* bedoel nie, word die voorlopige toewysing van sodanige setels ingevolge paragraaf *(d)* die finale toewysing van sodanige setels aan die verskeie partye, en indien so 'n herberekening vereis word, word die voorlopige toewysing van sodanige setels, soos ingevolge item 7 aangepas, die finale toewysing van setels aan die verskeie partye.

(f) Ingevolge paragraaf *(e)*, moet die setels finaal aan 'n party toegewys, uit die party se nasionale lys gevul word.

Onvoldoende name op partylyste en onafhanklike kandidate aan wie meer as een setel voorlopig toegeken is

7. (1) Indien 'n party 'n nasionale of 'n streeklys ingedien het met minder name op as die getal van die party se voorlopige toewysing van setels wat vanuit sodanige lys gevul sou word ingevolge item 5 of item 6 indien sodanige voorlopige toewysing die finale toewysing sou wees, verbeur die party 'n getal setels gelyk aan die tekort.

(2)*(a)* Indien, ná afloop van die voorlopige toewysing in item 5, 'n onafhanklike kandidaat meer as een setel in 'n streek staan te kry, word slegs een setel aan hom of haar toegewys en enige bykomende setels word verbeur.

(b) Indien, ná afloop van die voorlopige toekenning in item 5, 'n onafhanklike kandidaat 'n setel in meer as een streek staan te kry, word slegs een setel aan hom of haar toegewys in die streek waar hy of sy die hoogste persentasie van stemme gekry het en verbeur enige bykomende setels.

(3) Indien enige verbeuring van setels ingevolge subitem (1) en subitem (2) die voorlopige toewysing van setels ten opsigte van enige bepaalde streek ingevolge item 5*(e)* raak, moet sodanige toewysing soos volg herbereken word:

(a) Die party of onafhanklike kandidaat wat setels verbeur, word in sodanige herberekening buite rekening gelaat, en die voorlopige toewysing van setels ingevolge item 5*(e)* vir die betrokke streek, minus die getal verbeurde setels, word hulle finale toewysing ten opsigte van setels wat ingevolge item 4 vir sodanige streek gereserveer is.

(b) 'n Gewysigde kwota van stemme per setel moet bepaal word ten opsigte van sodanige streek deur die totale getal stemme wat in die streek gebring is, minus die getal stemme wat in sodanige streek vir die party of onafhanklike kandidaat bedoel in paragraaf *(a)* gebring is, te deel deur die getal setels, plus een, wat kragtens item 4 vir sodanige streek gereserveer is, minus die getal setels finaal toegewys aan die vermelde party of onafhanklike kandidaat, ingevolge paragraaf *(a)*.

(c) Die uitslae plus een, sonder om breukdele in ag te neem, is die gewysigde kwota van stemme per setel ten opsigte van sodanige streek vir doeleindes van die vermelde herberekening.

(d) Die getal setels wat vir die doeleindes van paragraaf *(f)* ten opsigte van sodanige streek aan 'n politieke party of onafhanklike kandidaat wat aan die herberekening deelneem, toegeken staan te word, behoudens paragraaf *(e)*, word bepaal deur die totale getal stemme wat in sodanige streek ten gunste van sodanige party gebring is, te deel deur die gewysigde kwota van stemme per setel deur paragraaf *(c)* vir daardie streek aangedui.

(e) Waar die uitslag van die berekening in paragraaf *(d)* bedoel, setels oplewer wat nie deur die getal setels aan partye of onafhanklike kandidate toegeken, geabsorbeer is nie, ding die surplus stemme wat

independent candidates in respect of the relevant region, competes for the remaining seats in sequence of the highest surplus of votes.

(f) The aggregate of a party's or independent candidate's awards in terms of paragraphs *(d)* and *(e)* in respect of such region, subject to subitem (5) and subitem (6), indicates that party's or independent candidate's final allocation of seats reserved under item 4 for that region.

(4) In the event of any forfeiture of seats in terms of subitem (1) affecting the provisional allocation of seats in terms of item 6*(d)*, such allocation must be recalculated as follows:

(a) The party forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 6*(d)*, minus the number of such seats forfeited by it, becomes its final allocation of the seats referred to in item 1*(b)*.

(b) An amended quota of votes per seat must be determined by dividing the total number of votes cast nationally on both the regional and compensatory ballots, minus the number of votes cast nationally on both the regional and compensatory ballots in favour of the party referred to in paragraph *(a)*, by the number of seats in the National Assembly, plus one, minus the number of seats finally allocated to the said party in terms of paragraph *(a)*, minus the aggregate of seats won by independent candidates.

(c) The result plus one, disregarding fractions, is the amended quota of votes per seat for the purposes of the said recalculation.

(d) The number of seats to be awarded for the purpose of paragraph *(f)* to a party participating in the recalculation must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast nationally in favour of such party by the amended quota of votes per seat indicated by paragraph *(c)*.

(e) Where the result of the calculation referred to in paragraph *(d)* yields seats not absorbed by the number awarded to parties, the surplus of votes accruing to any party or parties competes for the remaining seats in sequence of the highest surplus of votes, up to a maximum of five seats so awarded: Provided that the subsequent award of seats still remaining must be made in sequence of the party or parties with the highest average number of votes per seat already awarded in terms of paragraph *(d)* and this paragraph.

(f) The aggregate of such a party's awards in terms of paragraphs *(d)* and *(e)* must be reduced by the number of seats finally allocated to it in terms of item 5*(i)*, and the results, subject to subitem (5) indicates that party's final allocation of the seats referred to in item 1*(b)*.

(5) In the event of a party being allocated an additional number of seats in terms of this item, and if its list in question then does not contain the names of a sufficient number of candidates as set out in subitem (1), the procedure provided for in this item must be repeated with the changes required by the context until all seats have been allocated.

(6) In the event that an independent candidate stands to be allocated more than one seat in terms of subitem (3)*(f)*, the procedure provided for in subitem (3), must be repeated with the changes required by the context until all seats have been allocated.

Provincial legislatures

8. The number of seats in each provincial legislature are as determined in terms of section 105 of the Constitution and item 3(1) of Schedule 3.

9. (1) Registered parties contesting an election of a provincial legislature must nominate candidates for election to such provincial legislature on a provincial list of candidates prepared in accordance with this Act, with such

toeval aan enige party, partye of onafhanklike kandidate ten opsigte van die tersaaklike streek, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(f) Die totaal van 'n party of onafhanklike kandidaat se toekennings ingevolge paragrawe *(d)* en *(e)* ten opsigte van sodanige streek, behoudens subitem (5) en subitem (6), dui daardie party of onafhanklike kandidaat se finale toewysing van setels kragtens item 4 vir daardie streek gereserveer aan.

(4) Indien enige verbeuring van setels ingevolge subitem (1) die voorlopige toewysing van setels ingevolge item 6*(d)* raak, moet sodanige toewysing soos volg herbereken word:

(a) Die party wat setels verbeur, moet in daardie herberekening buite rekening gelaat word, en hul voorlopige toewysing van setels ingevolge item 6*(d)* minus die getal sodanige setels deur die party verbeur, word die finale toewysing van die setels in item 1*(b)* bedoel.

(b) 'n Gewysigde kwota stemme per setel, moet bepaal word deur die totale getal stemme wat nasionaal gebring is op die streek sowel as teenwigstembriewe, minus die getal stemme nasionaal gebring op die streek- sowel as teenwigstembriewe ten gunste van die party in paragraaf *(a)* bedoel, te deel deur die getal setels in die Nasionale Vergadering, plus een, minus die getal setels finaal toegewys aan die vermelde party ingevolge paragraaf *(a),* minus die totaal van setels deur onafhanklike kandidate gewen.

(c) Die uitslag plus een, met breukdele buite rekening gelaat, is die gewysigde kwota stemme per setel vir die doeleindes van die vermelde herberekening.

(d) Die getal setels wat vir die doeleindes van paragraaf *(f)* toegeken moet word aan 'n party wat aan die herberekening deelneem, moet, behoudens paragraaf *(e)*, bepaal word deur die totale getal stemme wat nasionaal ten gunste van sodanige party gebring is te deel deur die gewysigde kwota stemme per setel in paragraaf *(c)* aangedui.

(e) Waar die uitslag van die berekening in paragraaf *(d)* bedoel, setels oplewer wat nie deur die getal geabsorbeer word wat aan partye toegeken is nie, ding die surplus stemme wat aan enige party of partye toeval, mee om die oorblywende setels in volgorde van die hoogste surplus stemme, tot 'n maksimum van vyf setels aldus toegeken: Met dien verstande dat die daaropvolgende toekenning van setels wat nog oorbly, gemaak moet word in volgorde van die party of partye met die hoogste gemiddelde getal stemme per setel wat reeds toegeken is ingevolge paragraaf *(d)* en hierdie paragraaf.

(f) Die totaal van sodanige party se toekennings ingevolge paragrawe *(d)* en *(e)*, moet verminder word deur die getal setels wat finaal daaraan toegeken is ingevolge item 5*(i)*, en die uitslae, behoudens subitem (5), dui daardie party se finale toewysing van die setels in item 1*(b)* bedoel, aan.

(5) In 'n geval waar 'n bykomende getal setels ingevolge hierdie item aan 'n party toegewys word, en indien daardie party se betrokke lys dan nie genoeg kandidate se name op het soos in subitem (1) uiteengesit nie, moet die prosedure waarvoor in hierdie item voorsiening gemaak word, met die veranderinge deur die samehang vereis, herhaal word totdat alle setels toegewys is.

(6) Indien 'n onafhanklike kandidaat meer as een setel staan te kry ingevolge subitem (3)*(f)*, moet die prosedure waarvoor in subitem (3) voorsiening gemaak word, herhaal word met die veranderinge deur die samehang vereis totdat al die setels toegewys is.

Provinsiale wetgewers

8. Die getal setels in elke provinsiale wetgewer is soos bepaal ingevolge artikel 105 van die Grondwet en item 3(1) van Bylae 3.

9. (1) Geregistreerde partye wat aan 'n verkiesing van 'n provinsiale wetgewer deelneem, moet kandidate vir verkiesing tot sodanige provinsiale wetgewer benoem op 'n provinsiale kandidaatlys wat ooreenkomstig

number of candidates on each list as the party may determine subject to subitem (2).

(2) The list of candidates submitted by a party must not contain more names than the number of seats in the provincial legislature concerned, and must denote the fixed order of preference of the names as the party may determine.

10. The Commission must prepare a list of independent candidates contesting an election of a provincial legislature in accordance with this Act.

11. The seats determined for a provincial legislature must be allocated to parties and independent candidates contesting an election, as follows:

(a) A quota of votes per seat must be determined by dividing the total number of valid votes cast in the province concerned by the number of seats, plus one, determined for such province and the result plus one, disregarding fractions, is the quota of votes per seat for such province.

(b) The number of seats to be awarded to a party or independent candidate for the purposes of paragraph *(d)* must, subject to paragraph *(c)*, be determined by dividing the total number of votes cast in the province in favour of such party or independent candidate by the quota of votes per seat determined in terms of paragraph *(a)*.

(c) Where the result of the calculation referred to in paragraph *(b)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or independent candidates in respect of the relevant province, competes for the remaining seats in sequence of the highest surplus of votes.

(d) The aggregate of a party's or independent candidate's awards in terms of paragraphs *(b)* and *(c)*, indicates that party's or independent candidate's provisional allocation of seats in the provincial legislature in question.

(e) Where an independent candidate's award in terms of paragraph *(d)* exceeds one seat, the candidate is awarded one seat as his or her provisional allocation. The surplus of seats yielded must be dealt with in terms of item 12.

(f) If no recalculation of provisional allocations for a province concerned is required in terms of item 12, the provisional allocation of seats in respect of that province in terms of paragraph *(d)*, becomes the final allocation of such seats to the various parties and independent candidates, and if such a recalculation is required the provisional allocation of such seats as adjusted in terms of item 12 becomes the final allocation of such seats to the various parties and independent candidates.

(g) In terms of paragraph *(f)* the seats finally allocated to a party, must be filled from its respective provincial lists.

12. (1) If a party has submitted a provincial list containing fewer names than the number of seats provisionally allocated to it in terms of item 11*(d)*, it must forfeit a number of seats equal to the deficit.

(2) If, following the provisional allocation in item 11*(d)*, an independent candidate stands to be allocated more than one seat in a region, he or she is only allocated one seat and forfeits any additional seats.

(3) In the event of any forfeiture of seats in terms of subitems (1) or (2), the allocation of seats in respect of the province concerned must be recalculated as follows:

(a) The party or independent candidate forfeiting seats must be disregarded in such recalculation, and its provisional allocation of seats in terms of item 11*(d)*, minus the number of seats forfeited by it, becomes its final allocation of seats in the provincial legislature concerned.

(b) An amended quota of votes per seat must be determined in respect of such province by dividing the total number of votes cast in the

hierdie Wet voorberei is, met sodanige getal kandidate op elke lys wat die party behoudens subitem (2) bepaal.

(2) Die kandidaatlys wat deur 'n party voorgelê word, moet nie meer name op hê as die getal setels in die provinsiale wetgewer nie en moet die vaste voorrangorde van die name soos die party kan bepaal, aandui

10. Die Kommissie moet 'n lys voorberei van onafhanklike kandidate wat aan die verkiesing van 'n provinsiale Wetgewer deelneem ooreenkomstig hierdie Wet.

11. Die setels vir 'n provinsiale wetgewer bepaal, moet soos volg in drie aparte rondtes aan partye en onafhanklike kandidate wat aan 'n verkiesing deelneem, toegewys word:

(a) 'n Kwota stemme per setel moet bepaal word deur die totale getal geldige stemme in die provinsie gebring, te deel deur die getal setels, plus een, vir sodanige provinsie bepaal en die uitslag plus een, sonder inagneming van breukdele, is die kwota stemme per setel vir sodanige provinsie.

(b) Die getal setels wat vir die doeleindes van paragraaf *(d)* aan 'n party of onafhanklike kandidaat toegewys staan te word, moet, behoudens paragraaf *(c)*, bepaal word deur die totale getal stemme wat in die provinsie ten gunste van sodanige party of onafhanklike kandidaat gebring is, te deel deur die kwota van stemme per setel ingevolge paragraaf *(a)* bepaal.

(c) Waar die uitslag van die berekening in paragraaf *(b)* bedoel setels oplewer wat nie deur die getal aan partye of onafhanklike kandidate toegeken, geabsorbeer word nie, ding die surplus van stemme wat toeval aan enige party, partye of onafhanklike kandidate ten opsigte van die tersaaklike provinsie, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(d) Die totaal van 'n party of onafhanklike kandidaat se toekennings ingevolge paragrawe *(b)* en *(c)*, dui daardie party of onafhanklike kandidaat se voorlopige toewysing van setels in die betrokke provinsiale wetgewer aan.

(e) Waar 'n onafhanklike kandidaat se toekenning ingevolge paragraaf *(d)* een setel oorskry, kry die kandidaat een setel as sy of haar voorlopige toewysing. Die surplus van setels wat opgelewer word, moet ingevolge item 12 hanteer word.

(f) Indien geen herberekening van voorlopige toekennings vir 'n betrokke provinsie ingevolge item 12 vereis word nie, word die voorlopige toekenning van setels ten opsigte van daardie provinsie ingevolge paragraaf *(d)*, die finale toewysing van sodanige setels aan die verskeie partye en onafhanklike kandidate, en indien sodanige herberekening vereis word, word die voorlopige toewysing van sodanige setels soos ingevolge item 12 aangepas, die finale toewysing van sodanige setels aan die verskeie partye en onafhanklike kandidate.

(g) Ingevolge paragraaf *(f)* moet die setels wat finaal aan 'n party toegeken word, uit die party se onderskeie provinsiale lyste gevul word.

12. (1) Indien 'n party 'n provinsiale lys ingedien het wat minder name op het as die getal setels voorlopig daaraan toegewys ingevolge item 11*(d)*, moet die party 'n getal setels gelyk aan die tekort verbeur.

(2) Indien 'n onafhanklike kandidaat, ná afloop van die voorlopige toewysing in item 11*(d)*, meer as een setel in 'n streek staan te kry, word slegs een setel aan hom of haar toegewys en hy of sy verbeur enige bykomende setels.

(3) In die geval van enige verbeuring van setels ingevolge subitems (1) of (2), moet die toewysing van setels ten opsigte van die betrokke provinsie soos volg herbereken word:

(a) Die party of onafhanklike kandidaat wat setels verbeur, moet buite rekening gelaat word in sodanige herberekening, en hulle voorlopige toewysing van setels ingevolge item 11*(d)*, minus die getal setels deur hulle verbeur, word hulle finale toewysing van setels in die betrokke provinsiale wetgewer.

(b) 'n Gewysigde kwota stemme per setel moet ten opsigte van sodanige provinsie bepaal word deur die totale getal stemme in die provinsie

province, minus the number of votes cast in the province in favour of the party or independent candidate referred to in paragraph *(a)* by the number of seats, plus one, determined in terms of item 8 in respect of the province concerned, minus the number of seats finally allocated to the said party in terms of paragraph *(a)*.

(c) The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such province for purposes of the said recalculation.

(d) The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such province to a party or independent candidate participating in the recalculation must, subject to paragraph *(e)*, be determined by dividing the total number of votes cast in favour of such party or independent candidate in such province by the amended quota of votes per seat indicated by paragraph *(c)* for such province.

(e) Where the result of the calculation referred to in paragraph *(d)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or independent candidates in respect of the relevant province, competes for the remaining seats in sequence of the highest surplus of votes.

(f) The aggregate of such a party's or independent candidate's awards in terms of paragraphs *(d)* and *(e)* in respect of such province, subject to subitems (4) and (5), indicates that party's or independent candidate's final allocation of the seats determined under item 8 in respect of that province.

(4) In the event of a party being allocated an additional number of seats in terms of subitem (3)*(f)* and if its list in question then does not contain the names of a sufficient number of candidates as set out in subitem (1), the process provided for in this item must be repeated with the changes required by the context until all seats have been allocated.

(5) In the event that an independent candidate stands to be allocated more than one seat in terms of subitem (3)*(f)*, the procedure provided for in subitem (3), must be repeated with the changes required by the context until all seats have been allocated.

Ballot papers

13. (1) The Commission must produce separate ballot papers for each regional election of members to the National Assembly, the compensatory seats of members to the National Assembly and of members to each provincial legislature.

(2) The ballot paper to be used in each region for the election of members of the National Assembly shall include only parties and independent candidates standing in that region for election to the National Assembly.

(3) The ballot for a provincial legislature shall include the names of parties and independent candidates standing for elections in that province.

Designation of representatives of parties

14. (1) After the counting of votes has been concluded, the number of representatives of each party has been determined and the election result has been declared in terms of section 190(1)(c) of the Constitution, the Commission must, within two days after such declaration, designate from each list of candidates, the representatives of each party in the National Assembly and provincial legislature.

(2) Following the designation in terms of subitem (1), if a candidate's name appears on more than one list for the National Assembly or on lists for both the National Assembly and a provincial legislature (if an election of the National Assembly and a provincial legislature is held at the same time),

gebring, minus die getal stemme in die provinsie gebring vir die party of onafhanklike kandidaat in paragraaf *(a)* bedoel te deel deur die getal setels, plus een, vasgestel ingevolge item 8 ten opsigte van die betrokke provinsie, minus die getal setels finaal toegewys aan die vermelde party ingevolge paragraaf *(a)*.

(c) Die uitslag plus een, sonder inagneming van breukdele, is die gewysigde kwota stemme per setel vir doeleindes van die vermelde herberekening.

(d) Die getal setels wat vir die doeleindes van paragraaf *(f)* ten opsigte van sodanige provinsie aan ’n party of onafhanklike kandidaat wat aan die herberekening deelneem, toegewys moet word, moet, behoudens paragraaf *(e)*, bepaal word deur die totale getal stemme wat in sodanige provinsie ten gunste van sodanige party of onafhanklike kandidaat gebring is, te deel deur die gewysigde kwota van stemme per setel deur paragraaf *(c)* vir sodanige provinsie aangedui.

(e) Waar die uitslag van die herberekening ingevolge paragraaf *(d)* ’n surplus setels oplewer wat nie deur die getal aan partye of onafhanklike kandidate toegeken, geabsorbeer word nie, ding die surplus stemme wat toeval aan enige party, partye of onafhanklike kandidate ten opsigte van die tersaaklike provinsie, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(f) Die totaal van ’n party of onafhanklike kandidaat se toekennings ingevolge paragrawe *(d)* en *(e)* ten opsigte van sodanige provinsie, behoudens subitems (4) en (5), is daardie party of onafhanklike kandidaat se finale toewysing van die setels kragtens item 8 ten opsigte van daardie provinsie bepaal.

(4) Indien ’n bykomende getal setels ingevolge subitem (3)*(f)* aan ’n party toegewys word, en indien daardie party se betrokke lys nie genoeg kandidate se name op het soos in subitem (1) uiteengesit nie, moet die proses waarvoor in hierdie item voorsiening gemaak word, met die veranderinge deur die samehang vereis, herhaal word totdat alle setels toegewys is.

(5) Indien meer as een setel ingevolge subitem (3)*(f)* aan ’n onafhanklike kandidaat toegeken staan te word, moet die prosedure waarvoor in subitem (3) voorsiening gemaak word, herhaal word met die veranderinge deur die samehang vereis, totdat alle setels toegewys is.

Stembriewe

13. (1) Die Kommissie moet aparte stembriewe produseer vir elke streekverkiesing van lede tot die Nasionale Vergadering, die teenwigsetels van lede van die Nasionale Vergadering en van lede van elke provinsiale wetgewer.

(2) Die stembrief wat in elke streek gebruik gaan word vir die verkiesing van lede van die Nasionale Vergadering, moet slegs partye en onafhanklike kandidate insluit wat in daardie streek verkiesbaar is tot die Nasionale Vergadering.

(3) Die stembrief vir ’n provinsiale wetgewer moet die name van partye en onafhanklike kandidate insluit wat vir verkiesing in daardie provinsie staan.

Aanwysing van verteenwoordigers van partye

14. (1) Nadat stemme klaar getel is, die getal verteenwoordigers van elke party vasgestel is en die verkiesingsuitslag ingevolge artikel 190(1)(c) van die Grondwet uitgeroep is, moet die Kommissie, binne twee dae ná sodanige verklaring, vanaf elke lys van kandidate, die verteenwoordigers van elke party in die Nasionale Vergadering en provinsiale wetgewer aanwys.

(2) Ná die aanwysing ingevolge subitem (1), indien ’n kandidaat se naam op meer as een lys vir die Nasionale Vergadering of op lyste vir beide die Nasionale Vergadering en ’n provinsiale wetgewer verskyn (indien ’n verkiesing van die Nasionale Vergadering en ’n provinsiale wetgewer

and such candidate is due for designation as a representative in more than one case, the party which submitted such lists must, within two days after the said declaration, indicate to the Commission from which list such candidate will be designated or in which legislature the candidate will serve, as the case may be, in which event the candidate's name must be deleted from the other lists.

(3) If a party fails to indicate to the Commission from which list a candidate will be designated or in which legislature a candidate will serve, such candidate's name must be deleted from all the lists.

(4) The Commission must forthwith publish the list of names of representatives in the National Assembly or provincial legislatures.

Supplementation of lists of candidates of parties

15. A party may not supplement a list of candidates for any legislature prior to the designation of representatives in terms of item 14.

16. After the designation of representatives in terms of item 14 has been concluded, parties may supplement their lists of candidates by the addition of an equal number of names at the end of the applicable list, if—

(a) a representative is elected as the President or to any other executive office as a result of which he or she resigns as a representative of a legislature;

(b) a representative is appointed as a permanent delegate to the National Council of Provinces;

(c) a name is deleted from a list in terms of item 14(2) or (3); or

(d) a vacancy has occurred and the appropriate list of candidates of the party concerned is depleted.

17. A party may supplement a list of candidates referred to in item 14(1) on one occasion only at any time during the first 12 months following the date on which the designation of representatives in terms of item 14 has been concluded, in order to fill casual vacancies: Provided that any such supplementation must be made at the end of the list.

18. The number of names on lists of candidates as supplemented in terms of item 16 may not exceed the difference between the number of seats in the National Assembly or a provincial legislature, as the case may be, and the number of representatives of a party in any such legislature.

Review of lists of candidates by party

19. A party may review its undepleted lists as supplemented in terms of items 16, 17 and 18, within seven days after the expiry of the period referred to in item 17, and annually thereafter, until the date on which a party has to submit lists of candidates for an ensuing election, in the following manner:

(a) All vacancies may be supplemented;

(b) no more than 25 per cent of candidates may be replaced; and

(c) the fixed order of lists may be changed.

Publication of supplemented and reviewed lists of candidates

20. The Secretary to Parliament and the Secretaries of the provincial legislatures must publish lists of candidates supplemented in terms of items 16 and 17 or reviewed in terms of item 19 within 10 days after the receipt of such lists from the parties concerned.

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terselfdertyd gehou word) en sodanige kandidaat in meer as een geval as verteenwoordiger aangewys staan te word, moet die party wat daardie lyste ingedien het, binne twee dae ná vermelde deklarasie, aan die Kommissie aandui vanaf water lys sodanige kandidaat aangewys sal word of watter wetgewer die kandidaat sal dien, na gelang van die geval, in welke geval die kandidaat se naam van ander lyste geskrap moet word.

(3) Indien 'n party in gebreke bly om aan die Kommissie aan te dui vanaf watter lys 'n kandidaat aangewys sal word of in watter wetgewer 'n kandidaat sal dien, moet daardie kandidaat se naam van al die lyste geskrap word.

(4) Die Kommissie moet onverwyld die lys van name van verteenwoordigers in die Nasionale Vergadering of provinsiale wetgewers publiseer.

Aanvulling van lyste van kandidate van partye

15. 'n Party mag nie 'n kandidaatlys vir enige wetgewer aanvul voordat verteenwoordigers ingevolge item 14 aangewys word nie.

16. Ná die aanwysing van verteenwoordigers ingevolge item 14 afgehandel is, kan partye hulle kandidaatlyste aanvul deur 'n gelyke getal name aan die einde van die toepaslike lys by te voeg, indien—

(a) 'n verteenwoordiger as die President of tot enige ander uitvoerende amp verkies word, wat meebring dat hy of sy as verteenwoordiger van 'n wetgewer bedank;
(b) 'n verteenwoordiger as 'n permanente afgevaardigde na die Nasionale Raad van Provinsies aangestel word;
(c) 'n naam ingevolge item 14(2) of (3) van 'n lys geskrap word; of
(d) 'n vakature ontstaan het en die gepaste kandidaatlys van die betrokke party is uitgeput.

17. 'n Party kan 'n kandidaatlys bedoel in item 14(1) slegs een keer in die eerste 12 maande wat volg op die datum waarop die aanwysing van verteenwoordigers ingevolge item 14 afgehandel is, aanvul ten einde informele vakatures te vul: Met dien verstande dat enige sodanige aanvulling aan die einde van die lys gemaak moet word.

18. Die getal name op kandidaatlyste soos ingevolge item 16 aangevul, mag nie meer wees as die verskil tussen die getal setels in die Nasionale Vergadering of 'n provinsiale wetgewer nie, na gelang van die geval, en die getal verteenwoordigers van 'n party in enige sodanige wetgewer.

Hersiening van kandidaatlyste deur party

19. 'n Party kan hul onuitgeputte lyste soos ingevolge items 16, 17 en 18 aangevul, onthul binne sewe dae ná die verstryking van die tydperk in item 17 bedoel, en jaarliks daarna, tot die datum waarop die party kandidaatlyste vir 'n komende verkiesing moet indien, op die volgende wyse:

(a) Alle vakatures kan aangevul word;
(b) hoogstens 25 persent van kandidate mag vervang word; en
(c) die vasgestelde orde van lyste mag verander word.

Publikasie van aangevulde en hersiene kandidaatlyste

20. Die Sekretaris van die Parlement en die sekretarisse van die provinsiale wetgewers moet kandidaatlyste wat ingevolge items 16 en 17 ingedien is, of ingevolge item 19 hersien is, binne 10 dae ná ontvangs van sodanige lyste van die betrokke partye publiseer.

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Designation of seats of independent candidates

21. (1) If an independent candidate is finally allocated a seat in accordance with item 11*(f)* as well as in accordance with item 5*(i)*, such independent candidate must within two days after the said final allocation, indicate to the Commission the seat he or she elects to retain or in which legislature the independent candidate will serve, as the case may be, in which event the independent candidate's name must be deleted from the relevant other list and the recalculation performed in terms of item 23.

(2) If an independent candidate fails to indicate to the Commission from which list such independent candidate will be designated or in which legislature an independent candidate will serve, such independent candidate's name must be deleted from all the lists and both the regional and provincial recalculations performed in terms of item 23.

Vacancies

22. (1) In the event of a vacancy in a legislature of a seat allocated to a party, the party which the vacating member represented must fill the vacancy by nominating a person—

(a) whose name appears on the list of candidates from which that party's members were originally nominated; and
(b) who is the next qualified and available person on the list.

(2) A nomination to fill a vacancy must be submitted to the Speaker of the legislature in writing.

(3) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of section 47(3)(c) or section 106(3)(c) of the Constitution, the seats in question must be allocated to the remaining parties with the changes required by the context as if such seats were vacated seats in terms of item 23 and item 24, as the case may be.

23. (1) In the event of a vacancy in a region or provincial legislature with respect to a seat allocated to an independent candidate, the chief electoral officer must in writing allocate the seat by recalculating the result as follows:

(a) disregarding the votes allocated to the independent candidate causing the vacancy;
(b) disregarding the votes and seats allocated to the independent candidates already in office; and
(c) recalculating the result for the region or provincial legislature in terms of the provisions in subitem (3).

(2) The vacant seat is awarded to an eligible independent candidate or party that contested the preceding election in terms of subitem (1)*(c)*.

(3) *(a)* An amended quota of votes per seat must be determined in respect of such region or province by dividing the total number of votes cast in the region or province, minus the number of votes cast in the region or province in favour of the independent candidate causing the vacancy, minus the votes cast in such region or province in favour of independent candidates already allocated one seat, by the number of seats, plus one, determined in terms of item 4 or item 8 in respect of the region or province concerned, minus the seats held by independent candidates.

(b) The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such region or province for purposes of the said recalculation.

(c) The number of seats to be awarded for the purposes of paragraph *(e)* in respect of such region or province to a party or independent candidate participating in the recalculation must, subject to paragraph *(d)*, be determined by dividing the total number of votes cast in favour of such

Aanwysing van setels van onafhanklike kandidate

21. (1) Indien ’n onafhanklike kandidaat finaal ’n setel ooreenkomstig item 11*(f)* asook ooreenkomstig item 5*(j)* kry, moet daardie onafhanklike kandidaat binne twee dae ná die vermelde finale toewysing, aan die Kommissie die setel aandui wat hy of sy kies om te behou of in watter wetgewer die onafhanklike kandidaat sal dien, na gelang van die geval, in welke geval die onafhanklike kandidaat se naam van die tersaaklike ander lys geskrap moet word en die herberekening moet ingevolge item 23 gedoen word.

(2) Indien ’n onafhanklike kandidaat versuim om aan die Kommissie aan te dui vanaf watter lys sodanige kandidaat aangewys sal word of in watter wetgewer ’n onafhanklike kandidaat sal dien, moet daardie onafhanklike kandidaat se naam vanaf al die lyste geskrap word en die streeks- sowel as die provinsiale herberekenings ingevolge item 23 uitgevoer, gedoen word.

Vakatures

22. (1) Indien ’n vakature ontstaan in ’n setel in ’n wetgewer wat aan ’n party toegewys is, moet die party wat deur die ontruimende lid verteenwoordig is, die vakature vul deur ’n persoon te benoem—

(a) wie se naam op die kandidaatlys verskyn waaruit daardie party se lede oorspronklik benoem is; en

(b) wat die volgende gekwalifiseerde en beskikbare persoon op die lys is.

(2) ’n Benoeming om ’n vakature te vul, moet skriftelik by die Speaker van die wetgewer ingedien word.

(3) Indien ’n party wat in ’n wetgewer verteenwoordig is, ontbind of ophou bestaan en die betrokke lede ontruim hul setels na aanleiding van artikel 47(3)(c) of artikel 106(3)(c) van die Grondwet, moet die betrokke setels aan die oorblywende partye toegewys word met die veranderinge deur die samehang vereis asof sodanige setels vakante setels ingevolge item 23 en item 24 was, na gelang van die geval.

23. (1) Indien ’n vakature ontstaan in ’n streek of provinsiale wetgewer ten opsigte van ’n setel wat aan ’n onafhanklike kandidaat toegewys is, moet die hoofverkiesingsbeampte die setel skriftelik toewys deur die uitslag soos volg te herbereken:

(a) die stemme gebring vir die onafhanklike kandidaat wat die vakature veroorsaak, buite rekening te laat;

(b) die stemme en setels wat toegewys is aan die onafhanklike kandidate wat reeds in die amp is, buite rekening te laat; en

(c) die uitslag vir die streeks- of provinsiale wetgewer ingevolge die bepalings in item (3) te herbereken.

(2) Die vakante setel word toegeken aan ’n verkiesbare onafhanklike kandidaat of party wat aan die voorafgaande verkiesing deelgeneem het ingevolge subartikel (1)*(c)*.

(3) *(a)* ’n Gewysigde kwota stemme per setel moet bepaal word ten opsigte van sodanige streek of provinsie deur die totale getal stemme wat in die streek of provinsie gebring is, minus die getal stemme wat in die streek of provinsie gebring is ten gunste van die onafhanklike kandidaat wat die vakature veroorsaak, minus die getal stemme wat in sodanige streek of provinsie gebring is ten gunste van onafhanklike kandidate wat reeds een setel gekry het, te deel deur die getal setels, plus een, ingevolge item 4 of item 8 ten opsigte van die betrokke streek of provinsie bepaal, minus die setels gehou deur onafhanklike kandidate.

(b) Die uitslag plus een, met breukdele buite rekening gelaat, is die gewysigde kwota stemme per setel ten opsigte van sodanige streek of provinsie vir doeleindes van die vermelde herberekening.

(c) Die getal setels wat vir die doeleindes van paragraaf *(e)* toegeken staan te word ten opsigte van sodanige streek of provinsie aan ’n party of onafhanklike kandidaat wat aan die herberekening deelneem, moet, behoudens paragraaf *(d)*, bepaal word deur die totale getal stemme wat ten gunste van sodanige party of onafhanklike kandidaat in daardie streek of

party or independent candidate in such region or province by the amended quota of votes per seat indicated by paragraph *(b)* for such region or province.

(d) Where the result of the calculation referred to in paragraph *(c)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or independent candidates participating in the recalculation, competes for the remaining seats in sequence of the highest surplus of votes.

(e) The aggregate of such a party's awards in terms of paragraphs *(c)* and *(d)* in respect of such region or province, subject to paragraph *(f)*, indicates that party's or independent candidate's final allocation of the seats determined under item 4 or item 8 in respect of that region or province.

(f) In the event of a party being allocated an additional number of seats in terms of this item and if its list in question then does not contain the names of a sufficient number of candidates as set out in item 7(1) or item 12(1), the process provided for in item 24 must be repeated with the changes required by the context until all seats have been allocated.

24. (1) Should any party or independent candidate stand to lose a seat during the recalculation contemplated in item 23, the party or independent candidate will retain the seat.

(2) A recalculation must be done as follows:

(a) disregarding the votes and seat allocated to the party or independent candidate contemplated in subitem (1);

(b) disregarding the votes and seats allocated to independent candidates already in office; and

(c) recalculating the result for the region or provincial legislature in terms of the provisions in subitem (3).

(3) *(a)* An amended quota of votes per seat must be determined in respect of such region or province by dividing the total number of votes cast in the region or province, minus the number of votes cast in the region or province in favour of the party or independent candidate standing to lose a seat, minus the votes cast in such region or province in favour of independent candidates already allocated one seat, by the number of seats, plus one, determined in terms of item 4 or item 8 in respect of the region or province concerned, minus the seat or seats retained by the party or independent candidate, minus the seats held by the independent candidate.

(b) The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such region or province for purposes of the said recalculation.

(c) The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such region or province to a party or independent candidate participating in the recalculation must, subject to paragraph *(d)*, be determined by dividing the total number of votes cast in favour of such party or independent candidate in such region or province by the amended quota of votes per seat indicated by paragraph *(b)* for such region or province.

(d) Where the result of the calculation referred to in paragraph *(c)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or independent candidates participating in the recalculation, competes for the remaining seats in sequence of the highest surplus of votes.

(e) The aggregate of such a party's awards in terms of paragraphs *(c)* and *(d)* in respect of such region or province, subject to paragraph *(f)*, indicates that party's or independent candidate's final allocation of the seats determined under item 4 or item 8 in respect of that region or province.

(f) In the event of a party being allocated an additional number of seats in terms of this item and if its list in question then does not contain the names

provinsie gebring is, te deel deur die gewysigde kwota stemme per setel deur paragraaf *(b)* aangedui vir sodanige streek of provinsie.

(d) Waar die uitslag van die berekening in paragraaf *(c)* bedoel, setels oplewer wat nie geabsorbeer word deur die getal aan partye of onafhanklike kandidate toegeken nie, ding die surplus stemme wat toeval aan enige party, partye of onafhanklike kandidate wat aan die herberekening deelneem, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(e) Die totaal van sodanige party se toekennings ingevolge paragrawe *(c)* en *(d)* ten opsigte van sodanige streek of provinsie, behoudens paragraaf *(f)*, dui daardie party of onafhanklike kandidaat se finale toewysing van die setels kragtens item 4 of item 8 ten opsigte van daardie streek of provinsie bepaal, aan.

(f) Indien 'n bykomende getal setels ingevolge hierdie item aan 'n party toegewys word en indien die party se betrokke lys nie die name van 'n voldoende getal kandidate soos in in item 7(1) of item 12(1) uiteengesit, bevat nie, moet die proses waarvoor in item 24 voorsiening gemaak word, herhaal word met die veranderinge deur die samehang vereis totdat alle setels toegewys is.

24. (1) Sou enige party of onafhanklike kandidaat 'n setel tydens die herberekening beoog in item 23 staan te verloor, sal die party of onafhanklike kandidaat die setel behou.

(2) 'n Herberekening moet soos volg gedoen word:

(a) laat die stemme en setel aan die party of onafhanklike kandidaat in subitem (1) beoog, buite rekening;

(b) laat die stemme en setels toegewys aan onafhanklike kandidate wat reeds in die amp is, buite rekening; en

(c) herbereken die uitslag vir die streek of provinsiale wetgewer ingevolge die bepalings in subitem (3).

(3) *(a)* 'n Gewysigde kwota stemme per setel moet ten opsigte van sodanige streek of provinsie bepaal word deur die totale getal stemme in die streek of provinsie gebring, minus die getal stemme in die streek of provinsie gebring ten gunste van die party of onafhanklike kandidaat wat 'n setel staan te verloor, minus die setels in sodanige streek of provinsie gebring ten gunste van onafhanklike kandidate waaraan een setel toegewys is, te deel deur die getal setels, plus een, vasgestel ingevolge item 4 of item 8 ten opsigte van die betrokke streek of provinsie, minus die setel of setels deur die party of onafhanklike kandidaat behou, minus die setels deur die onafhanklike kandidaat gehou.

(b) Die uitslag plus een, met breukdele buite rekening gelaat, is die gewysigde kwota van stemme per setel ten opsigte van sodanige streek of provinsie vir die doeleindes van die vermelde herberekening.

(c) Die getal setels wat vir die doeleindes van paragraaf *(f)* ten opsigte van sodanige streek of provinsie toegeken staan te word aan 'n party of onafhanklike kandidaat wat aan die herberekening deelneem moet, behoudens paragraaf *(d)*, vasgestel word deur die totale getal stemme wat ten gunste van sodanige party of onafhanklike kandidaat gebring is, te deel deur die gewysigde kwota stemme per setel deur paragraaf *(b)* aangedui vir sodanige streek of provinsie.

(d) Waar die uitslag van die berekening in paragraaf *(c)* bedoel, setels oplewer wat nie geabsorbeer word deur die getal aan partye of onafhanklike kandidate toegeken nie, ding die surplus stemme wat toeval aan enige party, partye of onafhanklike kandidate wat aan die herberekening deelneem, mee om die oorblywende setels in volgorde van die hoogste surplus stemme.

(e) Die totaal van so 'n party se toekenning ingevolge paragrawe *(c)* en *(d)* ten opsigte van sodanige streek of provinsie, behoudens paragraaf *(f)*, dui daardie party of onafhanklike kandidaat se finale toewysing van die setels kragtens item 4 of item 8 ten opsigte van daardie streek of provinsie aan.

(f) In 'n geval waar 'n bykomende getal setels ingevolge hierdie item aan 'n party toegeken word ingevolge hierdie item en as die party se betrokke

of a sufficient number of candidates as set out in item 7(1) or item 12(1), the process provided for in this subitem must be repeated with the changes required by the context until all seats have been allocated.

Definitions

25. In this Schedule—

'national list' means a list of candidates prepared by a party for an election of the National Assembly to reflect that party's order of preference of candidates in respect of the allocation of compensatory seats;

'provincial list' means a list of candidates prepared by a party for an election of a provincial legislature;

'regional list' means a list of candidates in respect of a region prepared by a party for an election of the National Assembly to reflect that party's order of preference of candidates in respect of the allocation of regional seats in respect of each region; and

'votes' means—

(a) where it occurs in items 5, 6 and 7, votes cast in the election for the National Assembly;

(b) where it occurs in items 11 and 12, votes cast in the election for the provincial legislature of a province concerned; and

(c) where it occurs in item 14, votes cast in the election for the National Assembly and the provincial legislatures.''.

Amendment of Schedule 2 to Act 73 of 1998

22. Schedule 2 to the principal Act is hereby amended by the substitution in item 7*(g)* for subparagraph (iii) of the following subparagraph:

''(iii) that representatives of that party or candidate attend meetings of any **[party]** political liaison committee or other forum convened by the Commission.''.

Electoral Reform Consultation Panel

23. (1) Within four months after the commencement of the Electoral Amendment Act 2023, the Minister must establish the Electoral Reform Consultation Panel.

(2) *(a)* The functions of the Panel are to independently investigate, consult on, report on and make recommendations in respect of potential reforms of the electoral system for the election of the National Assembly and the election of the provincial legislatures, in respect of the elections to be held after the 2024 elections.

(b) The Panel must perform its functions referred to in paragraph *(a)* in a manner that enables Parliament to exercise its constitutional powers to determine the electoral system for the elections of the National Assembly and provincial legislatures, in respect of the elections to be held after the 2024 elections.

(3) The Panel must—

(a) prior to the 2024 elections, engage in research and consider the issues falling within its functions;

(b) after the 2024 elections, undertake a public participation process regarding the issues falling within its functions; and

(c) from the date of its establishment, submit a report to the Minister every three months on its progress.

(4) The Panel must, within 12 months of the date of the 2024 elections, submit a report to the Minister on the possible options for electoral reform for the election of the National Assembly and the election of the provincial legislatures which must include—

(a) reasons, potential advantages and disadvantages;

(b) legal and constitutional implications*;* and

(c) financial implications,

for each proposed electoral system or electoral reform identified by the Panel.

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lys dan nie die name van genoeg kandidate bevat soos uiteengesit in item 7(1) of item 12(1) op het nie, moet die proses waarvoor in hierdie subitem voorsiening gemaak word, herhaal word met die veranderinge deur die samehang vereis totdat alle setels toegewys is.

Woordomskrywing

25. In hierdie Bylae beteken—

'nasionale lys' 'n kandidaatlys deur 'n party voorberei vir 'n verkiesing van die Nasionale Vergadering om daardie party se voorkeurorde van kandidate ten opsigte van die toewysing van teenwigsetels te weerspieël;

'provinsiale lys' 'n kandidaatlys deur 'n party voorberei vir 'n verkiesing van 'n provinsiale wetgewer;

'stemme'—

(a) waar dit in items 5, 6 en 7 voorkom, stemme in die verkiesing vir die Nasionale Vergadering gebring;
(b) waar dit in items 11 en 12 voorkom, stemme in die verkiesing vir die provinsiale wetgewer van 'n betrokke provinsie gebring; en
(c) waar dit in item 14 voorkom, stemme in die verkiesing vir die Nasionale Vergadering en die provinsiale wetgewers gebring; en

'streeklys' 'n kandidaatlys ten opsigte van 'n streek deur 'n party voorberei vir 'n verkiesing van die Nasionale Vergadering om daardie party se voorkeurorde van kandidate ten opsigte van die toewysing van streeksetels ten opsigte van elke streek te weerspieël.''.

Wysiging van Bylae 2 by Wet 73 van 1998

22. Bylae 2 by die Hoofwet word hierby gewysig deur in item 7*(g)* subparagraaf (iii) deur die volgende subparagraaf te vervang:

''(iii) te verseker dat verteenwoordigers van daardie party of kandidaat vergaderings van enige **[party-skakelkomitee]** politiekeskakelkomitee of ander forum deur die Kommissie byeengeroep, bywoon.''.

Raadplegingspaneel vir Kieshervorming

23. (1) Binne vier maande sedert die inwerkingtreding van die Kieswysigingswet, 2023, moet die Minister die Raadplegingspaneel vir Kieshervorming stig.

(2) *(a)* Die werksaamhede van die Paneel is om onafhanklik ondersoek in te stel, oorleg te pleeg oor, verslag te doen oor en aanbevelings te maak ten opsigte van potensiële hervormings van die kiesstelsel vir die verkiesing van die Nasionale Vergadering en die verkiesing van die provinsiale wetgewers, ten opsigte van die verkiesings wat ná die 2024-verkiesings gehou gaan word.

(b) Die Paneel moet die Paneel se werksaamhede in paragraaf (a) bedoel, op 'n wyse verrig wat die Parlement in staat stel om die Parlement se grondwetlike bevoeghede uit te oefen om die kiesstelsel vir die verkiesings van die Nasionale Vergadering en provinsiale wetgewers te bepaal, ten opsigte van verkiesings wat ná die 2024-verkiesings gehou gaan word.

(3) Die Paneel moet—

(a) voor die 2024-verkiesings, navorsing doen en die kwessies oorweeg wat onder hul werksaamhede val;
(b) na afloop van die 2024-verkiesings, 'n proses vir openbare deelname onderneem oor die kwessies wat onder hul werksaamhede val; en
(c) vanaf die datum van die instelling daarvan, elke drie maande 'n vorderingsverslag aan die Minister voorlê.

(4) Die Paneel moet, binne 12 maande vanaf die datum van die 2024-verkiesing, 'n verslag by die Minister indien oor die moontlike opsies vir kieshervorming vir die verkiesing van die Nasionale Vergadering en die verkiesing van die provinsiale wetgewers, wat moet insluit—

(a) redes, potensiële voordele en nadele;
(b) regs- en grondwetlike implikasies; en
(c) finansiële implikasies,

vir elke voorgestelde kiesstelsel of kieshervorming deur die Paneel geïdentifiseer.

(5) *(a)* The report contemplated in subsection (4) must reflect the views of the members of the Panel as to the possible options and recommendations for electoral reform.

(b) In the case of disagreement as to the possible options and recommendations for electoral reform, the report may be divided into different sections setting out the different views of the members.

(6) *(a)* In the event that the Panel is unable to submit the report contemplated in subsection (4), the Panel must no less than three months before the date on which the report is due, make a written request to the Minister to allow the Panel an extension of no longer than six months to submit the report.

(b) The Minister may upon receiving the request referred to in paragraph *(a)*, grant the extension on good cause shown, provided that such an extension may only be granted once.

(7) Upon receipt of the report contemplated in subsection (4), the Minister must within 30 days, table the report in Parliament for its consideration and publish the report through electronic and any other means.

(8) The Panel is authorised to do all things necessary or incidental to fulfil its functions, including—

(a) to call for and receive written submissions from political parties, independent candidates, civil society organisations and any interested person or party in respect of potential reforms of the electoral system; and

(b) to make the written submissions publicly available and accessible through electronic and any other means.

(9) In order to establish and constitute the Panel, the Minister must—

(a) call on the public and any interested parties to nominate fit and proper South African citizens who—

(i) have the necessary skills, expertise, experience, knowledge or academic qualifications in the administration and running of elections or constitutional law or electoral systems;

(ii) are not members of Parliament or of any provincial legislature; and

(iii) have not, in the past 12 months, been office-bearers or employees of any political party;

(b) in consultation with the Commission and after approval by the National Assembly, appoint nine members to the Panel from such nominated persons who satisfy the criteria specified in paragraph *(a)*; and

(c) appoint one of the members of the Panel as the Chairperson of the Panel.

(10) A member may resign from the Panel by giving the Minister—

(a) one month's written notice; or

(b) less than one month's written notice, with the approval of the Minister.

(11) The Minister may, after taking the steps required by subsection (12), remove a member of the Panel, if that member—

(a) committed an act of misconduct, becomes incapacitated or is incompetent;

(b) is unable to perform his or her functions for more than 30 consecutive days;

(c) acted contrary to the fulfilment of the Panel's functions; or

(d) neglected to perform the functions as required by a resolution of the Panel.

(12) Before removing a member of the Panel in terms of subsection (11), the Minister must afford the member an opportunity to make written representations and must consider those representations.

(13) *(a)* Should a vacancy arise in the Panel, the Minister in consultation with the Commission, and after approval by the National Assembly, must fill the vacancy from the persons already nominated in the process contemplated in subsection (9)*(a)*.

(b) In the event that no suitable person can be appointed, the Minister must undertake a new nomination process as provided for in subsection (9)*(a)*.

(14) A member of the Panel, who is not in the full-time employment of the state, must—

(a) be appointed on such terms and conditions as the Minister may determine; and

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(5) *(a)* Die verslag in subartikel (4) beoog, moet die oogpunte van die lede van die Paneel weerspieël rakende die moontlike opsies en aanbevelings vir kieshervorming.

(b) In die geval van 'n meningsverskil oor die moontlike opsies, kan die verslag in twee afdelings verdeel word waarin die verskillende oogpunte van die lede uiteengesit word.

(6) *(a)* Waar die Paneel nie die verslag beoog in subartikel (4) kan voorlê nie, moet die Paneel nie minder nie as drie maande voor die sperdatum vir die verslag, 'n skriftelike versoek aan die Minister rig om die Paneel uitstel van hoogstens ses maande te gee om die verslag voor te lê.

(b) Die Minister kan, by ontvangs van die versoek in paragraaf *(a)* bedoel, die uitstel toestaan by die aanvoer van goeie gronde, met dien verstande dat sodanige uitstel slegs een keer toegestaan kan word.

(7) By ontvangs van die verslag in subartikel (4) beoog, moet die Minister binne 30 dae die verslag in die Parlement ter tafel lê vir oorweging en die verslag deur elektroniese en enige ander middele publiseer.

(8) Die Paneel is gemagtig om alles nodig of insidenteel te doen om hul werksaamhede te verrig, met inbegrip van—

(a) om skriftelike voorleggings van politieke partye, onafhanklike kandidate, burgerlike gemeenskapsorganisasies en enige belanghebbende persoon of party ten opsigte van potensiële hervormings van die kiesstelsel aan te vra en te ontvang; en

(b) om die skriftelike voorleggings openbaar beskikbaar te stel en toeganklik te maak deur elektroniese en enige ander middele.

(9) Ten einde die Paneel te stig en saam te stel, moet die Minister—

(a) 'n beroep op die publiek en enige belangstellende partye doen om gepaste en geskikte Suid-Afrikaanse burgers te benoem wat—

(i) die nodige vaardighede, kundigheid, kennis of akademiese kwalifikasies in die administrasie en voer van verkiesings of staatsreg of kiesstelsles het;

(ii) nie lede van die Parlement of van enige provinsiale wetgewer is nie; en

(iii) nie, in die afgelope 12 maande, ampsdraers of werknemers van enige politieke party was nie;

(b) in oorleg met die Kommissie en ná goedkeuring deur die Nasionale Vergadering, nege lede op die Paneel aanstel uit die geledere van sodanige benoemde persone wat voldoen aan die kriteria in paragraaf *(a)* gespesifiseer; en

(c) een van die lede van die Paneel as die Voorsitter van die Paneel aanstel.

(10) 'n Lid van die Paneel kan van die Paneel bedank—

(a) deur een maand skriftelik kennis aan die Minister te gee; of

(b) deur minder as een maand skriftelik kennis aan die Minister te gee, met die goedkeuring van die Minister.

(11) Die Minister kan, ná die doen van die stappe deur subartikel (12) vereis, 'n lid van die Paneel verwyder, indien daardie lid—

(a) wangedrag gepleeg het, ongeskik word of onbevoeg is;

(b) vir meer as 30 agtereenvolgende dae nie sy of haar werksaamhede kan verrig nie;

(c) strydig met die vervulling van die Paneel se werksaamhede opgetree het; of

(d) versuim het om die werksaamhede te verrig soos deur 'n besluit van die Paneel vereis.

(12) Voordat 'n lid van die Paneel ingevolge subartikel (11) verwyder word, moet die Minister die lid 'n geleentheid gun om skriftelike vertoë te rig en moet daardie vertoë oorweeg.

(13) *(a)* Sou 'n vakature op die Paneel ontstaan, moet die Minister, in oorleg met die Kommissie, en ná goedkeuring deur die Nasionale Vergadering, die vakature vul uit die geledere van die persone wat reeds benoem is in die proses in subartikel (9)*(a)* beoog.

(b) In 'n geval waar geen geskikte persoon aangestel kan word nie, moet die Minister 'n nuwe benoemingsproses onderneem soos in subartikel (9)*(a)* voor voorsiening gemaak.

(14) 'n Lid van die Paneel, wat nie voltyds in diens van die staat is nie, moet—

(a) op sodanige terme en voorwaardes aangestel word wat die Minister kan bepaal; en

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(*b*) receive such remuneration and allowances, out of the funds appropriated for the functioning of the Panel, as the Minister may determine in consultation with the Minister of Finance.

(15) The Director General of Home Affairs must, subject to the laws governing the public service—

(*a*) appoint, second or designate persons in its employ and

(*b*) make available any other necessary resources,

to assist the Panel to enable it to perform and fulfil its functions.

(16) The Minister must dissolve the Panel—

(*a*) after the Minister has tabled the report referred to in subsection (4) in Parliament; and

(*b*) once the Minister and Parliament no longer require the Panel to perform any of its functions.

(17) In this section:

(*a*) ''**2024 elections**'' means the elections of the National Assembly and the provincial legislatures, due to be held during 2024;

(*b*) ''**Minister**'' means the cabinet member responsible for Home Affairs; and

(*c*) ''**Panel**'' means the Electoral Reform Consultation Panel established in terms of subsection (1).

Short title and commencement

24. This Act is called the Electoral Amendment Act, 2023, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

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(b) sodanige vergoeding en toelaes ontvang, uit die fondse vir die funksionering van die Paneel bewillig, soos die Minister kan bepaal in oorleg met die Minister van Finansies.

(15) Die Direkteur-generaal van Binnelandse Sake moet, behoudens die wette wat die staatsdiens beheer—

(a) persone in diens van daardie departement aanstel, sekondeer of aanwys; en

(b) enige ander nodige hulpbronne beskikbaar stel,

om die Paneel by te staan sodat die Paneel hul werksaamhede kan verrig.

(16) Die Minister moet die Paneel ontbind—

(a) nadat die Minister die verslag in subartikel (4) bedoel in die Parlement ter tafel gelê het; en

(b) sodra die Minister en die Parlement nie meer vereis dat die Paneel enige van die Paneel se werksaamhede uitvoer nie.

(17) In hierdie artikel beteken:

(a) ‘‘**2024-verkiesings**’’ die verkiesing van die Nasionale Vergadering en die provinsiale wetgewers, wat deur die loop van 2024 gehou gaan word;

(b) ‘‘**Minister**’’ die kabinetsminister verantwoordelik vir Binnelandse Sake; en

(c) ‘‘**Paneel**’’ die Raadplegingspaneel vir Kieshervorming ingevolge subartikel (1) gestig.

Kort titel en inwerkingtreding

24. Hierdie Wet heet die Kieswysigingswet, 2023, en tree in werking op ’n datum deur die President by proklamasie in die *Staatskoerant* vasgestel.

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