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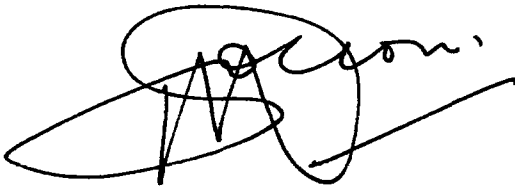
PROVINCIAL NOTICE

No. 48

10 November 2008

PROVINCE OF THE EASTERN CAPE**OFFICE OF THE PREMIER****REGULATIONS ON THE ESTABLISHMENT OF TRADITIONAL
COUNCILS**

I **MBULELO SOGONI**, Premier of the Province of the Eastern Cape, acting in terms of section 35 of the Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005) hereby make regulations on the establishment of traditional councils as set out in the schedule hereto.



MBULELO SOGONI
PREMIER : EASTERN CAPE PROVINCE

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS**EASTERN CAPE REGULATIONS FOR ESTABLISHMENT OF TRADITIONAL COUNCILS.**

Acting in terms of section 35 of Eastern Cape Traditional Leadership and Governance Act, 2005 (Act No. 4 of 2005) I, Mbulelo Sogoni, after consultation with the Eastern Cape Provincial House of traditional Leaders, Congress of Traditional Leaders of South Africa and South African National Civic Organization hereby make the regulations in the Schedule thereto, prescribing the procedures for recognition of traditional Communities, selection and election of members for Traditional Councils as required by section 5 and 6 of that Act.

Mbulelo Sogoni

Premier in the Executive Council

EASTERN CAPE PROVINCE REGULATIONS FOR THE ESTABLISHMENT OF TRADITIONAL COUNCILS

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PART A

DEFINITIONS, SCOPE OF APPLICATION, INTERPRETATION AND DECLARATION

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Traditional Leadership and Governance Act, 2005 (Act no 4 of 2005) shall have that meaning and, unless the context otherwise indicates-

"Administrative Area" means an area of a traditional community headed by iNkosana

"By-election" means a by-election contemplated in regulation 39 of these regulations;

"Candidate" means a person who has been nominated in terms of regulation 15 of these regulations;

"Day" means a working day, excluding weekends and public holidays;

"District" means the area of jurisdiction of a district municipality;

"Election" means an election contemplated in these regulations;

"Election Tribunal" means the Tribunal to be appointed in terms of regulation 37 of these regulations;

"Local House" means a local house of Traditional Leaders as established in terms of section 16 (b) of the Traditional leadership and Governance framework Act, 2003 (Act 41 of 2003)

"MEC" means the Member of the Executive Council responsible for Traditional Affairs in the province ;

"Observer" means a person accredited to observe the election in terms of regulation 41 of these regulations;

"Premier" means the Premier of the province of the Eastern Cape;

"Presiding Officer" means a person presiding at an election in terms of these regulations;

"Regulations" means these regulations and appendices;

"Resident" means a person who is ordinarily resident in an area, which forms part of a Traditional Community;

"Royal Family" means the core customary institution or structure consisting of immediate relatives of the ruling family within a traditional community, who have been identified in terms of custom, and includes, where applicable, other family members who are close relatives of the ruling family;

"The Act " means the Traditional Leadership and Governance Act, 2005 (Act 4 of 2005);

"The Department" means the Department responsible for Traditional Affairs in the Eastern Cape;

"The Electoral Act" means the Electoral Act, 1998 (Act No. 73 of 1998);

"IEA" means the agency to be appointed in terms of regulation 10 of these regulations to conduct Traditional Council elections;

"The Province" means the Province of Eastern Cape;

"The Provincial House of Traditional Leaders " means the House of Traditional Leaders as established in terms of section 1 of House of Traditional Leaders Act, 1995 (act 1 of 1995) as amended;

"Traditional Community" means a traditional community recognised as such in terms of section 5 of the Act ;

"Traditional Council" means a Traditional Council established in terms of section 6 of the Act;

"Traditional Leader" means any person who, in terms of customary law of the traditional community concerned, holds a traditional leadership position as iKumkani, iNkosi or iNkosana and is recognised in terms of the Act

"Tribal Authority" means one or more Administrative Areas headed by iNkosi;

"Voter" means a person who is eligible to vote in the Traditional Council elections in terms of these regulations;

"Voter's roll" means those segments of the voters roll to be used in an election in terms of these regulations and certified by the MEC in terms of regulation 21 of these regulations;

"Voting district" means an area comprising of one or part of Administrative area or a combination of two or more Administrative Areas for which a voter's roll is compiled in terms of regulation 21 of these regulations;

"Voting Station," means a voting station for voting purposes established in terms of regulation 19 of these regulations.

2. The Scope of Application of the Regulations

These regulations regulates the procedure for the recognition of traditional communities and the appointment of members of Traditional Councils

3. Interpretation

- (1) A person interpreting or applying these regulations must: -
- (a) do so in a manner that gives effect to the constitutional declarations, guarantees and responsibilities contained in the Constitution;
 - (b) take into account the Framework Act, and the Act; and
 - (c) take into account the traditions and customs applicable to the Traditional Community provided they do not contradict the legislative Framework and the Constitution.

PART B

GENERAL

4. Application for recognition as a Traditional Community

- (1) A community that wishes to apply for recognition as a traditional community must complete form in schedule A and must lodge the completed form with the Premier of the Province of the Eastern Cape.
- (2) The form must be completed in full and signed by a duly authorised representative of the community concerned.
- (3) The form may be lodged with the Premier by hand delivery or posted by a pre Paid registered post to the Premier, via the Head of the provincial department responsible for Traditional Affairs.
- (4) The Premier must, within three months after receiving the duly completed application, by notice in a local newspaper with wide circulation in the province or area of the Province concerned, or by such other form of communication as determined by him or her and after consultation with the Provincial House of Traditional Leaders, the community concerned and the iKumkani under whose authority that community falls, publish his or her intention to recognise the community as a traditional community and calls for comments or objections.
- (5) The comments or objections by stakeholders must reach the Premier within 30 days from the date of publication.
- (6) Upon expiry of the 30 days period, the Premier may proceed to take a decision regardless of whether comments were received or not.
- (7) The Premier must take a decision within three (3) months from the last day on which comments were supposed to have been submitted.
- (8) The Premier must, when he or she contemplates declining the application request the community concerned to comment in writing on the reasons for the intended refusal. The written comments must be received by the Premier within thirty (30) days of the request by the Premier.
- (9) The Premier must notify the community concerned of his or her decision in writing within three (3) weeks after the decision has been taken and must publish such decision by notice in the Gazette. The recognition of a community as a traditional community shall be with effect from publication of the notice in the Gazette.

- (10) The notice in which a community is recognised as a traditional community must specify:
- (a) the name by which that traditional community will be known,
 - (b) geographic area of jurisdiction of that traditional community, and
 - (c) the number of members of the traditional community.
- (11) The Premier must issue a certificate of recognition to a community recognised as a traditional community.
- (12) On recognition, a traditional community must ensure that appropriate steps are taken to ensure compliance with the Act.
- (13) A community remains recognised as a traditional community until recognition is withdrawn in terms of the Act.
- (14) If a community requests the Premier to withdraw its recognition as a traditional community, it must do so in writing and must set out sufficient information to enable the Premier to properly consider the request , including:
- (a) a full motivation for the request, and
 - (b) the extent of the support for the request within that community, and how that support has been determined.
- (15) The withdrawal of recognition of a traditional community takes effect on publication of a notice in the Gazette withdrawing recognition of that community as a traditional community.

5. Establishment of the Traditional Councils

When a Traditional Community has been recognised by the Premier, the Department must provide that community with the necessary administrative assistance and support to enable it to establish a Traditional Council within three (3) months of recognition.

6. Membership of Traditional Councils

- (1) The members of the Traditional Councils should consists of :
- (i) Inkosi of the Traditional Community who shall be the Chairperson of the Traditional Council;
 - (ii) 60 % Members selected by iNkosi in terms of section 6 (2)(c)(i) of the Act; and
 - (iii) 40% Members elected in terms of section 6(2)(c)(ii) of the Act;

- (2) At least one third (1/3rd) of the members of a Traditional Council shall be women;
- (3) Where it has been proved that an insufficient number of women are available to participate in the Traditional Council, the Premier may prescribe a lower threshold regarding the requirements of paragraph (2);
- (4) Members shall not be less than 9 and not more than thirty (30) in total.

7. Selection of the 60% members by the iNkosi

- (1) The iNkosi must, during the first meeting of the elections, announce the names of the 60% membership of the Traditional Council selected by him or her in terms of section 6 (2)(c)(i) of the Act and taking into account the customs of the said Traditional Community.
- (2) The selected members should comprise of 60% of Inkosana selected by iNkosi from each Administrative Area subject to a maximum of eighteen (18) including the iNkosi of the Traditional Community concerned.
- (3) In instances where the number of iNkosana in a Traditional Community is less than the required 60%, the iNkosi should select from members of the royal families in order to make the 60%.
- (4) In the event that the number of iNkosana exceeds the required 60% of the threshold of 30 members, the MEC may determine an increase in the number of iNkosana subject to same applying **mutatis mutandis** to the 40% representation by community members. This shall also take into account the 1/3rd minimum women representation.
- (5) The 1/3rd minimum required for women representation shall be drawn from both 60% selected by iNkosi and 40% elected by community members.
- (6) Representation of other vulnerable groups such as youth and physically challenged persons in the Traditional Council is encouraged. The balance in terms of tribes, geographic spread, linguistic and cultural diversity must be taken into account.

- (7) Where there is no iNkosi in the Tribal Authority, the Regent shall be the chairperson of the Traditional Council until such time that iNkosi has been recognised.

8. Election of 40% members by Traditional Community.

- (1) Members of the Traditional Council to be appointed in terms of section 6(2)(c)(ii) of the Traditional Leadership and Governance Act , 2005 (Act 4 of 2005) shall be elected from the Traditional Community concerned and shall constitute forty per cent (40%) of the total members of the Traditional Council.
- (2) Where it appears that the size of the Traditional Community does not warrant the maximum number of the members of the Traditional Council, the MEC may determine an appropriate number of the members of the Traditional Council.
- (3) In determining the appropriate size of the Traditional Council the MEC shall use the formula in Schedule B of these Regulations.

9. Meetings of the Traditional Councils

- (1) The iNkosi must call the first meeting of the Traditional Council within twenty one (21) days from the date of the establishment of the Traditional Council.
- (2) The meetings of the Traditional Council shall comply with the provisions of section 10 of the Act and such other rules as may be adopted by the Council in terms of section 10(6) of the Act.

PART C

ELECTIONS FOR THE 40% OF MEMBERS OF TRADITIONAL COUNCILS

10. Appointment of Independent Election Agency

- (1) The MEC must appoint an Independent Election Agency to conduct elections contemplated in these Regulations or may approach the Independent Electoral Commission of South Africa to be designated as the IEA in terms of this Regulations.
- (2) Where the MEC has decided to appoint the IEA other than the Electoral Commission of South Africa, such IEA must be appointed through the official tender process.
- (3) In appointing an IEA the MEC must take into account the following :-
 - (a) the experience and familiarity of the agency with the electoral processes;
 - (b) the capacity of the agency to carry out its obligations;
 - (c) the familiarity of the agency with traditional communities and leadership;
 - (d) the familiarity of the agency with customary and traditional norms; and
 - (e) any other consideration that the Department may consider necessary in Compiling the tender documentation.
- (4) The IEA will be bound by these regulations in conducting the elections and shall observe all the rules governing the conducting of elections to the extent that they are applicable in the elections.

11. Proclamation of and preparations for elections

- (1) The MEC must proclaim the date or dates for the elections of the 40% members of Traditional Councils.
- (2) The proclaimed date or dates of the elections must be published in the provincial gazette at least 6 months before the expiry of the reigning Traditional Council allowing for the following processes to take place:-
 - (a) proper communication processes with traditional communities to

- take place;
- (b) nominations, elections and the announcement of results to happen at least 6 weeks before the expiry of the term of office of the reigning Traditional Council;
 - (c) submission of names of the newly elected members to the MEC, as the case may be, at least two weeks before the gazette containing the names of the newly elected members of the Traditional Council is issued;
 - (d) the gazetting of names referred to in sub-regulation (2) (c) must be done at least two weeks before the expiry of the term of office of the outgoing Traditional Council; and
 - (e) the swearing-in of members of the new Traditional Council must take place on or before the last day of the term of office of the outgoing Traditional Council.
- (3) After the proclamation of the election date, the election time table must be compiled by the IEA in consultation with the MEC and must be published in the gazette.
- (4) The election time table may be amended by the IEA after consultation with the MEC if it is necessary for the free and fair elections or if the voting is postponed.
- (5) The elections in general may also be postponed by the MEC after consultation with the IEA if the MEC is of the opinion that the elections may grossly prejudice the administration of justice, order, peace and security or they will not be free and fair.
- (6) In the event of postponement, the MEC must make the decision known in a manner that he or she deems appropriate and must within 4 weeks of postponement, proclaim another date, provided that the new date is within ninety days of the expiry of the term of the existing traditional council.

12. Calling of and participation in the Traditional Community meetings

- (1) The iNkosi must convene a notice of the traditional community to enable the IEA to conduct the elections in terms of these Regulations.
- (2) In convening the meeting the iNkosi must give at least 14 days notice of a meeting of the Traditional Community in terms of customs of that Traditional Community, for the purposes of the elections.

- (3) The meeting referred to in this regulation must be conducted at the Great place of the Traditional Community or any central venue within the jurisdictional area of the Traditional Council which should be identified by the INkosi.
- (4) The IEA must preside over the meetings of the Traditional Community regarding the election process.
- (5) Where less than 50% + 1 of members of the community who appears on the voters roll attend the meeting, such meeting may not proceed.

13. Explanation of the Election process

- (1) The IEA must preside during the election process.
- (2) A member or members of the Local House within whose area of jurisdiction the Traditional Community is located and a member or members of the Provincial House may observe the community meetings and the election process.
- (3) The IEA must do the following:
 - (a) explain the provisions of these regulations and the provisions of the Act to the Traditional Community, and this may take the form of voter education;
 - (b) keep a complete and proper record of the conduct of the nominations and election process by the Traditional Community;
 - (c) record nominees and count the votes; and
 - (d) conduct the announcement of results of the elections.

14. Qualification for nomination

A person who wishes to stand for and accept a nomination as a candidate to the Traditional Council must comply with the qualification requirements in section 6(3) of the Act and shall not have already been selected by iNkosi as part of the 60% selected by the iNkosi.

15. Nomination of Candidates

- (1) The number of the nominees must be equal to 40% of the total number of members of the Traditional Council multiplied by two.
- (2) When conducting the nominations, the IEA must ensure that the number of women nominees doubles the number of women representation in the Traditional Council as contemplated in schedule B to contribute towards achieving the minimum 1/3rd of women.
- (3) A nomination may be done in writing in a form in Appendix 1 to these regulations or may be done by show of hands.
- (4) A nomination by a show of hands must be conducted in the following manner:
 - (a) the presiding officer or IEA must call for nominations;
 - (b) a candidate whose name has been proposed must be seconded by at least one person; and
 - (c) for a nomination to be accepted, a nominee must accept the nomination and sign the relevant nomination acceptance form in Appendix 2 to these Regulations.
- (5) The nomination and the secondment must be recorded by the IEA.

16. Qualification to vote

- (1) A person who wishes to participate, as a voter in the elections of any Traditional Council must:
 - (a) be a citizen of the Republic of South Africa;
 - (b) be a resident of the Traditional Community concerned and appears in the voters roll;
 - (c) be in possession of a valid South African identity document; and
 - (d) be 18 years of age or older.

17. Election of Candidates by Secret Ballot

- (1) The IEA must prepare the ballot form by filling the names of the candidates nominated during the meeting in terms of these regulations.
- (2) The IEA must, after compiling the ballot form, distribute all the election material as mentioned in schedule D of these regulations.
- (3) Before voting takes place, the presiding officer must explain:-
 - (a) the secret ballot voting procedure;
 - (b) that each voter may only vote for one candidate;
 - (c) that the ballot papers will be reconciled against the number of voters after the voting has taken place;
 - (d) that the counting of votes and finalisation of results will take place once voting has been done; and
 - (e) that the results will be issued immediately after counting has been completed.
- (4) The voters must be directed to deposit their ballot papers in the deposit boxes provided for that purpose.
- (5) When the voting has been finalised the presiding officer assisted by other officials must immediately reconcile the ballot papers and count the votes.
- (6) When counting has been finalised and the results have been determined, the presiding officer must immediately announce the results to the meeting.
- (7) The record of the election process must be signed by the Senior Traditional Leader and presiding officer, and sent by the presiding officer to the Head of the Department within 7 days.
- (8) The record of the elections must be kept for the whole term of office of the Traditional Council.

18. Assistance to certain voters

- (1) A person, other than the presiding officer or a voting officer, may assist a voter in voting, but only if—
- (a) the voter requires assistance due to physical disability;
 - (b) the voter has requested to be assisted by that person; and
 - (c) the presiding officer is satisfied that the person rendering assistance is—
 - (i) at least 18 years and older; and
 - (ii) not an observer or a candidate.
- (2) The presiding officer or a voting officer, at the request of a voter who is unable to read, must assist that voter to cast a vote and provide such assistance in the presence of—
- (a) a person appointed by an accredited observer, if available; and
 - (b) a voting officer or presiding officer.
- (3) In applying sub-regulation 2, the secrecy of voting contemplated in these regulations must be preserved as far as possible.

19. Establishment of Voting Stations

- (1) The IEA must demarcate the voting districts boundaries with a view to determine the number of voting stations per Traditional Community as follows:-
- (a) define the administrative area to be a voting district;
 - (b) sub-divide the jurisdictional area of the Traditional Community into voting districts; and
 - (c) a combination of paragraphs (a) and (b) above.

- (2) More than one voting station may be established where the size of the voting district so requires.
- (3) Each voting station must generally comply with the provisions of section 64 of the Electoral Act and regulations made in terms of that Act.

20. Election Staff

- (1) Each voting station shall be managed by efficient and competent election staff appointed by IEA from within the traditional community where the elections will take place.
- (2) To qualify for appointment as an election staff member each person must prove that he or she :
 - (a) is registered at the voting station where he or she is to be stationed;
 - (b) is not an agent for any candidate who has been nominated to contest the elections ;
 - (c) is not a candidate in the election;
 - (d) does not hold political office in any political party;
 - (e) is not a member of Parliament, any legislature or municipal council; and
 - (f) meets the academic and other criteria in place for election staff.
- (3) Each voting station shall be staffed by the following officials:-
 - (a) the presiding officer;
 - (b) the deputy presiding officer; and
 - (c) a sufficient number of support staff including voting officers and counting officers.
- (4). Voting and counting officers are responsible for all activities within each voting station including but not limited to:-
 - (a) verification of registration;

- (b) stamping and issuing of ballots;
- (c) marking of voters with identifying mark;
- (d) assisting voters who need assistance;
- (e) ensuring that ballots are deposited into the ballot box;
- (f) ensuring that full ballot boxes are sealed and stored in a secure place in the voting station; and
- (g) counting of ballot papers.

(5) The presiding officer is responsible for the following: -

- (a) manage, co-ordinate and supervise the voting at the voting station;
- (b) take all reasonable steps to ensure orderly conduct at that voting station;
- (c) may request a security member to assist in ensuring orderly conduct;
- (d) may exclude persons for valid reasons from the area within the boundary of the voting station; and
- (e) make all determinations, recommendations and decisions regarding disputes and any other matters relating to the voting process within the voting station including the decision whether or not a dispute should be referred to the Election Dispute Tribunal appointed in terms of regulation 37 of these regulations.

(6). Election staff must subscribe to the code of conduct as set out in Schedule C to these regulations.

(7) The MEC may at any time terminate the appointment of any election staff who is in contravention of the Code of Conduct as set out in Schedule C to these regulations, provided that such termination is in line with applicable labour legislation.

(8) In managing and conducting the elections the IEA will be responsible for the following:-

- (a) the training of election staff deployed at each voting station and to equip staff with the voting material set out in Schedule D to these regulations;
- (b) Election staff will be appointed by and be responsible to the IEA which will determine their contractual obligations and rights and no liability arising out of this relationship lies against the Department;
- (c) In appointing the election staff from the local community the IEA must exercise fairness, equity and equality and avoid practices that may be viewed as bias, nepotism or favouritism.

21. Registration of Voters and Compilation of Voters' Roll

- (1) The voters' roll must be compiled by the IEA for each voting district before the date of the elections is proclaimed: provided that the Department ensures that the affected communities are sufficiently informed of the voter registration.
- (2) The IEA must, in compiling a voter's roll, take into account the provisions of Chapter 2 of the Electoral Act.
- (3) The voter's roll compiled in terms of sub-regulation (1) above must be certified by the MEC on the date contemplated on the election time table.

22. Election Material

Each voting district must be provided with enough voting material including any equipment that may be deemed necessary for the success of the election process as set out in Schedule D to these regulations.

23. General Management of the Elections

- (1) The Department will oversee and monitor the election process as well as the performance of the IEA and any incidental matters.
- (2). The elections must be managed by the IEA in order to ensure free and fair elections as

contemplated in these regulations and any contract entered into between the Department and the IEA.

- (3). The Department must provide funding for the elections in accordance with the budget submitted by the IEA and approved by the Department in terms of the tender processes.
- (4) The Department may make available staff to assist the election agency in managing and monitoring the elections.

24. Hours of voting

The voting hours must be from 07h00 – 19h00 unless the MEC determines otherwise by notice in the provincial gazette.

25. Boundaries of voting stations

- (1) On voting day, the presiding officer must determine the outer boundaries of the venue of the voting station before voting commences.
- (2) The presiding officer must demarcate the outer boundary of the voting station by, where practically possible, marking the boundary by using visible signs, markers or tape along the whole line of the boundary or at sufficient points along the line of the boundary.

26. Mobile voting stations

- (1) The IEA may decide, when necessary, to use mobile voting stations in addition to or instead of a fixed voting station and must give proper public notice of all intended routes, stopping times and venues of the mobile voting stations.
- (2) The electoral rules provided for in these regulations must be followed when the mobile voting station is used.

27. Initial procedures.

- (1) Immediately before opening a voting station for voting, the presiding officer must show all accredited observers and candidates present that each ballot box to be used at that voting station is empty.

- (2) If all persons present are satisfied that a ballot box is empty, the presiding officer must seal that box by means of a seal designed and supplied to the presiding officer for that purpose by closing all openings of the ballot box except the slot to allow the completed ballot papers to be deposited.

28. Voting procedure

- (1) A voter may vote:—
 - (a) in an election only at the voting station in the voting district in which that voter is registered; and
 - (b) only once in the election.

- (2) A voter may vote at a voting station—
 - (a) on producing of that voter's South African Bar Coded identity document to the presiding officer or a voting officer at the voting station; and
 - (b) if that voter's name is on the certified segment of the voters' roll for the voting district for which that voting station is established.

- (3) When a voter produces a South African Identity Document to a Presiding Officer or voting officer, that officer must examine the document and determine whether—
 - (a) the voter is the person described in that South African Bar Coded Identity Document;

- (b) the voter's name appears on the certified segment of the voters' roll for the voting district concerned; and
- (c) the voter has not already voted in the election.

(4) If the presiding officer or voting officer is satisfied in respect of all the matters mentioned in sub regulation 3, that officer must—

- (a) record that the voter is regarded to have voted in the election;
- (b) mark the hand of the voter as described in regulation 30;
- (c) mark the back of the ballot paper to which the voter is entitled with the official stamp for the election; and
- (d) hand the ballot paper to the voter.

(5) Once the voter has received a ballot paper marked in terms of sub-regulation 4(c), the voter must—

- (a) enter an empty voting compartment;
- (b) mark the ballot paper in secrecy in a way that indicates the candidate the voter wishes to vote for;
- (c) fold the ballot paper to conceal the voter's vote;
- (d) take the ballot paper to a ballot box and show it to the Presiding Officer or a voting officer in a way that officer can see the official stamp affixed in terms of sub-regulation (4)(c);
- (e) place the ballot paper in the ballot box; and
- (f) without delay leave the voting station.

29. Issue of new ballot papers

(1) If a voter accidentally marks a ballot paper in a way that does not indicate for whom the voter wishes to vote and the ballot paper has not yet been placed in the ballot box, the voter may return that ballot paper to the presiding officer or a voting officer.

(2) Upon receiving the ballot paper from a voter, the presiding officer or voting officer must mark "cancelled" on the back of the ballot paper and file it separately and then hand the voter a new ballot paper.

30. Marking of hand.

- (1) The hand of a voter must be marked by drawing a short line on the voter's thumb or left thumb nail with visible indelible ink.
- (2) If the voter does not have a left thumb or thumb nail or if it is impractical due to injury, disease or any other cause to mark, then any one of the left hand or right hand fingers and nails must be so marked.
- (3) If for any of the reasons referred to in sub-regulation (2), no finger and nail of a voter can be marked, the Presiding Officer must keep a record of that voter's name, address, identity number and the reasons why the voter's hand could not be marked.

31. Sealing of ballot boxes.

(1) The presiding officer, in the presence of any observers and candidates present, must as soon as a ballot box is full, seal the ballot box by closing the opening of the ballot box with a seal and after the last vote has been cast, similarly seal the last ballot box and any unused ballot boxes.

(2) A sealed ballot box must remain sealed inside the voting station until opened for the counting of votes.

32. Completion of ballot paper statement and sealing of voting material.

As soon as practicable after a voting station has been closed for voting, the Presiding Officer, in the presence of any observers and candidates present, must-

- (a) complete a ballot paper statement on a form similar to Appendix 3 reflecting the number of—
 - (i) ballot boxes entrusted to that Presiding Officer;
 - (ii) used ballot boxes;
 - (iii) unused ballot boxes;
 - (iv) ballot papers entrusted to that Presiding Officer;
 - (v) issued ballot papers;
 - (vi) unissued ballot papers; and
 - (vii) cancelled ballot papers;
- (b) seal each unused ballot box entrusted to that Presiding Officer;
- (c) seal in separate containers—
 - (i) the certified segment of the voters' roll for the voting district;
 - (ii) the unused ballot papers entrusted to that Presiding Officer; and
 - (iii) the cancelled ballot papers.

33. Counting Procedures

- (1) The presiding officer must act as a counting officer .
- (2) The counting officer must ensure that the counting procedures provided for in the regulations commence as soon as practicable after the voting station is closed for voting and continue uninterrupted until they are completed.
- (3) The counting officer, before counting commences, must in the presence of the election staff, examine whether the seals are intact on the sealed items.
- (4) After examining the seals, the counting officer must open all the sealed ballot boxes and containers and must deal with any irregularities and discrepancies found, and if any of the material appears to have been unlawfully tampered with or is missing, the counting officer must call in the assistance of a member of the security forces to investigate the matter and to assist in the search for any missing material.
- (5) If no discrepancies are found, the counting officer must open all the used sealed ballot boxes and proceed as follows:

- (a) the counting officer must reject a ballot paper that indicates-
- (i) the identity of the voter;
 - (ii) a vote cast for more than one candidate;
 - (iii) no mark or that is marked in such a way that it is not reasonably possible to determine the voter's choice;
 - (iv) the official mark not appearing on the back of the ballot paper; or
 - (v) that it is not an official ballot paper.
- (b) The counting officer must—
- (i) mark "rejected" on the back of each rejected ballot paper;
 - and
 - (ii) file the rejected ballot papers separately.

(5) The counting must be done manually.

34. Procedure concerning results and voting material.

- (1) The counting officer must determine the results of the count of all the ballot papers cast in that voting station and record the results by completing a result form on a form substantially similar to Appendix 4, reflecting the results of the count in respect of the election conducted at the voting station.
- (2) The counting officer must announce the provisional results of that voting station concerned after completion of the ballot paper statement.
- (3) Once the counting officer has complied with sub-regulation (1), the counting officer must seal all the voting material, including the used and unused ballot papers, together with the ballot paper statement, in separate containers and deliver such containers to the regional office.
- (4) Once the results of each voting station in each regional office have been finalised, the IEA will forward all its results to the Department to facilitate

gazetting of the names of the selected and elected members of the Traditional Council.

35. Election Ties

- (1) After the counting of all votes and before the announcement of results at Traditional Community meeting, election ties shall be resolved by conducting a draw using envelopes with the names of the candidates who are involved in the tie placed therein.
- (2) The draw of an envelope must be presided over and conducted by the Presiding officer who will at his or her discretion select anyone to pick an envelope.
- (3) A candidate whose name is picked first must be declared elected.
- (4) Where the required minimum of one third of women representativity has not been reached, the female candidate should be declared elected in order to satisfy the provisions of gender representativity outlined in the Act : Provided that where only women candidates are involved in a tie the draw must still be conducted.
- (5) The results of the draw shall form part of the results announced at Traditional Community meeting for that purpose.

36. Election disputes and appeals

- (1) Where any interested party, including an observer or candidate wishes to lodge a complaint regarding the procedures or processes of the elections or the results of the elections he or she must do so by lodging such complaint in writing with the presiding officer at the voting station. All election related complaints and disputes must be lodged on the day of the elections.
- (2) The presiding officer must seek to resolve the dispute through mediation or negotiation failing which the presiding officer must make a decision.
- (3) The presiding officer must record the objection and his or her decision and inform the objector and any other party involved or affected verbally of the decision taken.

- (4) Where the objector is still not satisfied with the decision of the presiding officer the objector may lodge an appeal within 48 hours with the election tribunal as established in terms of regulation 37 of these regulations.

37. The Establishment of an Election Dispute Tribunal

- (1) The MEC must immediately after the proclamation of the election date establish an Election Dispute Tribunal consisting of not less than three (3) people and not more than five (5) people.
- (2) The members of the Tribunal must be fit and proper persons and must possess at least one or more of the following basic skills and competencies-
- (a) knowledge of legal procedures;
 - (b) knowledge of election processes;
 - (c) knowledge of traditional leadership issues;
 - (d) knowledge of dispute resolution procedures; or
 - (e) any other competency as may be identified by the MEC.
- (3) The MEC must appoint one of the members of the Tribunal as the chairperson of the Tribunal.
- (4) The Tribunal must adopt rules and procedures for the conduct of its business.
- (5) The Tribunal will have jurisdiction over all electoral matters and infringements of the Code referred to it and may take any decision and may impose any reasonable sanction having due regard to any applicable law and prescripts.
- (6) The Tribunal may at its discretion after having heard with regard to the nature and magnitude of the transgression or complaint refer the matter to other competent agencies.
- (7) Any complaint must be lodged in writing in a form substantially similar to Appendix 5.
- (8) The Tribunal must convene within 3 days of the complaint being lodged or the contravention being committed.

(9) The term of office of the Election Dispute Tribunal shall end after the announcement of the results or such other time as may be recommended for the proper finalisation of its responsibilities.

(10) The powers of the Election Dispute Tribunal shall be as contemplated in schedule E: Part 2 to these regulations.

38. Swearing in of members of the Traditional Council

(1) New members of the Traditional Council must be sworn in by a person designated by the MEC within 14 days after the gazetting of the results of the elections or on the last day of the term of office of the outgoing Traditional Council. In the event that the incoming Traditional Council cannot be sworn in within the stipulated 14 days, the iNkosi must apply to the MEC for extension. The designated person must administer the oath or affirmation in Schedule G

(2) Where the term of office of the outgoing Traditional Council has expired and the new term of office has commenced and the new Traditional Council members have not been sworn in, the iNkosi and the staff of the Traditional Council must assume the day-to-day functions of the Traditional Council.

(3) A Traditional Council must adopt such rules to provide for other positions and subcommittees as may be necessary to conduct its business

39. By-Elections

(1) Whenever a vacancy arises in any Traditional Council in terms of section 8 of the Act and subject to sub-regulations (2) and (3) under this regulation, the vacancy occurring in the Traditional Council must be filled by the candidate who got the next highest number of votes in the elections contemplated in these regulations.

- (2) A candidate who did not receive any votes in the elections contemplated in these regulations may not become a member of the Traditional Council in terms of sub-regulation (1) above and is regarded as being disqualified.
- (3) In the event that a female member of the Traditional Council caused the vacancy to arise, the next available female candidate on the remaining list of candidates who received the highest number of votes in the elections contemplated in these regulations must fill the vacancy.
- (4) Where the next candidate who obtained the highest number of votes in the elections contemplated in these regulations is for whatever reason not available to fill the vacancy, then the next person with the highest number of votes will become a member of the Traditional Council.
- (5) The name of the person who becomes a member of the Traditional Council in terms of this regulation must be proclaimed in the provincial gazette.
- (6) Where a tie exists among the candidates on the list, such a tie will be resolved in terms of regulation 35 of these regulations.
- (7) Where no person is available to take up the membership of a Traditional Council in terms of this regulation, then a new election must be conducted afresh in terms of these regulations.
- (8) In the event that a new election must be conducted the MEC must proclaim the date for the by-election in a provincial gazette and allow for the required number of days to give effect to the election timetable.
- (9) Once the date of the election has been proclaimed in terms of sub-regulation (8), the date must also be published in a newspaper circulating in the area where the by-elections must be held.
- (10) The voter's roll to be used for the by-election is the voter's roll as it exists on the date that the MEC proclaims the date of the by-election but only those segments of the voter's roll for those administrative areas affected by the vacancy.

(11)The councillor elected at the by-elections shall be elected for the remainder of the office of the existing Traditional Council and until the next elections.

40. Code of Conduct

- (1) Every candidate participating in the elections is bound by and must comply with these regulations and the Act as well as the Code of Conduct provided for in Schedule E to these regulations.
- (2) Any person who contravenes or fails to comply with the Code of Conduct is guilty of a criminal offence and on conviction liable to a fine or a period of imprisonment determined by a magistrate's court within whose area of jurisdiction the contravention took place.

41. Election Observers

- (1) Any person or organisation that wishes to observe the Traditional Council elections must make an application to the IEA, for accreditation as an observer to observe the elections as contemplated in these regulations and must apply for accreditation by completing a form substantially similar to Appendix 6.
- (2)Every accredited observer is bound by the Code of Conduct for Observers as set out in Schedule F.

42. Election Campaigns

Election campaigns must be conducted in terms of the provisions of Schedule E to these regulations.

43. Declaration of secrecy

The declaration of secrecy to be signed by a person before that person can be appointed as an officer must be in a form substantially similar to appendix 7.

SCHEDULE A

APPLICATION FOR RECOGNITION AS A TRADITIONAL COMMUNITY

TO	The Premier Province of the Eastern Cape c/o The Head of Department Local Government and Traditional Affairs
FOR THE ATTENTION OF :	
1	This is an application for recognition as a traditional community in terms of section 5 of the Eastern Cape Traditional Leadership and Governance Act, 2005 (Act 4 of 2005)
2	The Premier may decline to consider this application if the form is not completed in full, or is not clearly written
3	Name of the Community
4	Other names by which the Community may be known
5	Physical Location of the community and description of the area within which the community generally resides
6.	Postal address
7.	The iNkosi under whose authority the community falls
8.	General background of the community (including the history of the community and other general facts relevant to the background and history of that community)

SCHEDULE B
NUMBER OF MEMBERS OF TRADITIONAL COUNCILS

A	B	C	D	E	F	G	H	I
Selected Members	Inkosi	Additional members from Royal family/Families	Total no of 60% selected by iNkosi (1x60%)	C: 40% Elected Members (1x40%)	1/3 women representation (minimum) (1/3xI)	No of women selected by Inkosi (Fx60%)	No of women elected by community members (Fx40%)	Total Members (D+E)
17	1	-	18	12	10	6	4	30 (maximum).
16	1	-	17	11	9	5	4	28
15	1	-	16	10	9	5	4	26
14	1	-	15	10	8	5	4	25
13	1	-	14	9	8	5	4	23
12	1	-	13	8	7	4	3	21
11	1	-	12	8	7	4	3	20
10	1	-	11	7	6	4	2	18
9	1	-	10	6	5	3	2	16
8	1	-	9	6	5	3	2	15
7	1	-	8	5	4	2	2	13
6	1	-	7	4	4	2	2	11
5	1	-	6	4	3	2	1	10
4	1	-	5	4	3	2	1	9
3	1	1	5	4	3	2	1	9
2	1	2	5	4	3	2	1	9

Note: Explanation of formula to determine the number of member of members of the Traditional Councils.*the determination of the number of members of a Traditional Council is based on custom where Inkosi selects a person from each administrative area within the jurisdictional area of the Traditional Community to be a member of the 60% of the Traditional Council. This figure constitutes the 60% portion of a Traditional Council. To determine 60% of the total number of the Traditional Council the following formula has been used : Total number of members of Traditional Council multiplied by 60%. To determine the 40% the following formula applies: total number of members of the Traditional Council multiplied by 40%. The numbers have therefore been rounded up where a fraction results from the calculation.

SCHEDULE C**CODE FOR ELECTION STAFF**

Election staff must:

1. Come to work on time and knock off after counting is completed;
2. Abide by the instructions given by the Presiding Officer or Deputy Presiding Officer;
3. Carry out all assigned duties competently and efficiently;
4. Be and act impartial and do not favour or side with any candidate;
5. Serve voters with respect, dignity and courtesy;
6. Be accurate and thorough in their work;
7. Keep their work above question;
8. Preserve the secrecy of the vote;
9. Treat colleagues, observers and security personnel with respect
10. Dress respectfully and be presentable;
11. Conduct themselves in a professional manner;
12. Make sure that the voting station is presentable and tidy;
13. Always act in accordance with the law; and
14. Approach the Presiding Officer or the deputy presiding officer for clarity on issues where and when necessary.

During the election day, election staff is not allowed to:

- 1) Canvass or campaign for any candidate;
- 2) Use equipment or assets of a candidate;
- 3) Behave negligently;
- 4) Behave fraudulently;
- 5) Wear clothing with any candidate names, signs or logos;
- 6) Abuse equipment for personal interests during the hours of voting and counting;
- 7) Use drugs and alcohol-related substances; and
- 8) Disclose any information regarding how a voter voted.

SCHEDULE D
VOTING MATERIALS

The following minimum voting material is needed in each voting station: -

ballot papers;

ballot boxes;

voting compartments;

the certified segment of the voters' roll for the voting district;

indelible ink;

seals;

official stamp;

all prescribed forms;

pencils and pens;

rulers;

boundary tape;

banners;

industrial tape;

envelopes;

paper clips;

stickers;

name tags; and

punch.

SCHEDULE E**ELECTORAL CODE OF CONDUCT FOR CANDIDATES PARTICIPATING IN TRADITIONAL COUNCIL ELECTIONS****Part 1****Prohibited conduct**

Undue influence

1. No person may –

(a) compel or unlawfully persuade any person –

- (i) to register or not to register as a voter;
- (ii) to vote or not to vote;
- (iii) to vote or not to vote for any nominated candidate; or
- (iv) to support or not to support any nominated candidate.

(b) interfere with the independence or impartiality of the IEA, its employees or

election staff;

(d) prejudice any person because of any past, present or anticipated performance of a function in terms of these regulations;

(e) advantage, or promise to advantage, a person in exchange for that person not performing a function in terms of these regulations;

(f) prevent any of the following persons from gaining reasonable access to

voters, whether in a public or private place:

- (i) any representative of a candidate or a candidate;
- (ii) any candidate in an election;
- (iii) any member or employee of the IEA;
- (iv) any person appointed by an accredited observer; or
- (v) any person accredited to provide voter education;

2. Subject to these regulations, no person may prevent anyone from exercising a right conferred by these regulations.
3. No person, knowing that another person is not entitled to be registered as a voter, may –
 - (a) persuade that person to be registered as a voter; or
 - (b) represent to anyone else that the person is entitled to be registered as a voter.
4. No person, knowing that another person is not entitled to vote, may –
 - (a) assist, compel or persuade that other person to vote; or
 - (b) represent to anyone else that the other person is entitled to vote.

Impersonation

1. No person –
 - (a) may apply to be registered as a voter in the name of any other person, whether living, dead or fictitious;
 - (b) may apply for a ballot paper at a voting station in the name of another person, whether living, dead or fictitious;
 - (c) who is not entitled to vote in an election or at a voting station, may vote in that election or at that voting station;
 - (d) may cast more votes than that person is entitled to; or
 - (e) may impersonate –
 - (i) a representative of a candidate or candidates;
 - (ii) a candidate in an election;
 - (iii) a member or employee of the IEA or election staff;
 - (iv) a person appointed by an accredited observer; or
 - (v) a person accredited to provide voter education.

Intentional false statements

(1) No person, when required in terms of these regulations to make a statement, may make the statement –

- (a) knowing that it is false; or
- (b) without believing on reasonable grounds that the statement is true.

(2) No person may publish any false information with the intention of –

- (a) disrupting or preventing an election;
- (b) creating hostility or fear in order to influence the conduct or outcome of an election; or
- (c) influencing the conduct or outcome of an election.

Infringement of secrecy

1. No person may interfere with a voter's right to secrecy while casting a vote.
2. Except as permitted in terms of these regulations, no person may-
 - (a) disclose any information about voting or the counting of votes; or
 - (b) open any ballot box or container sealed in terms of these regulations, or break its seal.

Prohibitions concerning voting and election material

1. Except as permitted in terms of these regulations, no person may-
 - (a) print, manufacture or supply any voting or election material;
 - (b) remove or conceal any voting or election material;
 - (c) damage or destroy any voting or election material; or
 - (d) use the voters' roll or any voting or election material for a purpose other than an election purpose.

2. The IEA or election staff may authorise –
- (a) the printing, manufacture or supply of any voting or election material;
 - (b) the use of the voters' roll or any voting or election material for a purpose other than an election purpose; and
 - (c) the removal or destruction of any voting or election material.

Prohibitions Concerning Placards and Billboards during Elections

From the date on which an election is called to the date the results of the election is determined and declared in terms of these regulations, no person may deface or unlawfully remove any billboard, placard or poster published by a candidate.

Obstruction of or Non-Compliance with, directions Of IEA or election Staff

- (1) No person may refuse or fail to give effect to a lawful direction, instruction or order of the IEA, or a member or employee of the IEA or election staff .
- (2) A person may not obstruct or hinder the IEA, or a person mentioned in sub-regulation (1), or a person appointed by an accredited observer, in the exercise of their powers or the performance of their duties.

Contravention of Code

No candidate bound by the Code may contravene or fail to comply with provisions of this Code.

PART 2**Enforcement****Institution of and intervention in civil proceedings by IEA.**

- (1) Subject to these regulations and any other law, the MEC or person delegated, either personally or through the IEA may institute civil proceedings before a court to enforce a provision or provisions of these regulations.
- (2) The MEC or person delegated or through the IEA may intervene in any civil proceedings if the MEC or IEA has a legal interest in the outcome of those proceedings.

Jurisdiction and powers of Election Dispute Tribunal.

- (1) The Election Dispute Tribunal has jurisdiction in respect of all electoral disputes and complaints about infringements of the Code.
- (2) If the Election Dispute Tribunal finds that a person has contravened a provision of Part 1 of this Chapter it may in the interest of a free and fair election impose any appropriate penalty or sanction on that person, including –
 - (a) a formal warning;
 - (b) a fine not exceeding R10 000;
 - (c) an order prohibiting that person from –
 - (i) using any public media;
 - (ii) holding any public meeting, demonstration, march or other event;
 - (iii) entering any voting station for the purpose of canvassing voters or for any other election purpose;

- (iv) erecting or publishing billboards, placards or posters at or in any place;
- (v) publishing or distributing any campaign literature;
- (vi) electoral advertising; or

- (d) an order imposing limits on the right of that person or to perform any of the activities mentioned in paragraph (c);
- (e) an order excluding that person or any agents of that person from entering a voting station;
- (f) an order reducing the number of votes cast in favour of that person;
- (g) an order disqualifying the candidature of that person; or

(3) penalty or sanction provided for in this section will be in addition to any penalty provided for in Part 3 of this Chapter.

(4) Any penalty paid in terms of this regulation is payable to the magistrate's court in whose area of jurisdiction the matter arose.

PART 3

Additional powers and duties of Independent Election Agency

Electoral Code of Conduct and other Codes

1. The Electoral Code of Conduct must be subscribed to-
 - (a) by every registered candidate before that candidate is allowed to contest an election; and
 - (b) by every candidate before that candidate may be placed on a list of candidates.

2. In order to promote free, fair and orderly elections, the MEC or IEA may compile and issue any other Code.
3. The MEC or IEA may change or replace a Code issued in terms of subsection (2).
4. A Code issued in terms of subsection (2), or a change to or replacement of such a Code, must be published in the Government Gazette.

SCHEDULE F**CODE OF CONDUCT FOR ACCREDITED OBSERVERS**

1. Every accredited observer and person appointed by the observer must—
 - 1.1 Observe the election impartially and independently of any candidate contesting the election.
 - 1.2 Remain non-partisan and neutral.
 - 1.3 Be competent and professional in observing the election.
 - 1.4 Provide the IEA with a comprehensive review of the elections taking into account all relevant circumstances including—
 - (a) the degree of impartiality shown by the IEA or election staff;
 - (b) the degree of freedom of candidates to organize, move, assemble and express their views publicly;
 - (c) the opportunity for candidates to have their agents observe all aspects of the electoral process;
 - (d) the fairness of access for candidates to national media and other resources of the state;
 - (e) the proper conduct of polling and counting of votes; and
 - (f) any other issue that concerns the essential freedom and fairness of the election.
 - 1.5 Comply with all instructions given and every obligation imposed by—
 - (a) the IEA;
 - (b) any electoral officer; or
 - (c) any employee of the IEA; or
 - (d) a member of the security services acting on the instructions of an electoral officer.
2. The accredited observer and any person appointed by that observer should—

- 2.1 Avoid doing anything that would indicate or be seen as indicating partisan support for a candidate;
- 2.2 Act in a strictly neutral and unbiased manner;
- 2.3 Disclose to the IEA or election staff any relationship that could lead to conflict of interest regarding the performance of their duties as observers or with the process of observation or assessment of the election;
- 2.4 Not accept any gifts or favor from a candidate, organization or person involved in the election process;
- 2.5 Not participate in any function or activity that could lead to a perception of sympathy for a particular candidate;
- 2.6 Not express a view or opinion on any matter, which is the subject of electoral campaigning;
- 2.7 Not influence or attempt to influence the choice of a voter regarding any candidate in an election; and
- 2.8 Not wear, carry, or display any political party's symbols or colours.

SCHEDULE G**PART A****OATH BY MEMBERS OF THE TRADITIONAL COUNCIL**

I(name of member) do swear that I will be faithful to the Traditional Council and do solemnly and sincerely promise at all times to promote that which will advance , and to oppose all that may harm the Traditional Council , to obey , observe , uphold and maintain the laws, rules , orders and procedures of the Council and all other laws of the Republic of South Africa, to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience, to do justice unto all , and to devote myself to the well being of the Council and its members

May the Almighty God by His Grace guide and sustain me in keeping this oath with honour and dignity

PART B**AFFIRMATION**

I(name of member) do swear that I will be faithful to the Traditional Council and do solemnly and sincerely promise at all times to promote that which will advance , and to oppose all that may harm the Traditional Council , to obey , observe , uphold and maintain the laws, rules , orders and procedures of the Council and all other laws of the Republic of South Africa, to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience, to do justice unto all , and to devote myself to the well being of the Council and its members

May the ancestors guide and sustain me in keeping this affirmation with honour and dignity

PART C**AFFIRMATION**

I(name of member) solemnly affirm that I will be faithful to the Traditional Council and do solemnly and sincerely promise at all times to promote that which will advance , and to oppose all that may harm the Traditional Council , to obey , observe , uphold and maintain the laws, rules , orders and procedures of the Council and all other laws of the Republic of South Africa, to discharge my duties with all my strength and talents to the best of my knowledge and ability and true to the dictates of my conscience, to do justice unto all , and to devote myself to the well being of the Council and its members

**Appendix 1
(Regulation 15)**

NOMINATION OF CANDIDATES FOR TRADITIONAL COUNCIL ELECTIONS

Election date:

Traditional Community:

Administrative Area :

I, _____ (Identity number: _____)
Being a resident in the abovementioned Traditional Community and Administrative Area and being registered as a voter on that Traditional Community's segment of the voters' roll, hereby nominate _____
(Identity number: _____)
to contest the election in the abovementioned Traditional Community as a candidate.

Attached is—

- (a) the prescribed acceptance of nomination signed by the candidate;
- (b) a certified copy of the page of the candidate's identification document on which the candidate's photo, name and identity number appear; and

Signature: _____

Place : _____ Date: _____

Contact details of—

(a) Nominator _____

(b) Candidate _____

**Appendix 2
(Regulation 15)**

**ACCEPTANCE OF NOMINATION BY A CANDIDATE FOR TRADITIONAL COUNCIL
ELECTIONS**

Election date: _____

**Traditional
Community:** _____

Administrative Area : _____

I, _____ (Identity number: _____)
hereby accept my nomination as a candidate in the abovementioned election nominated
by

_____ (Note: Insert name of nominating individual)

Signature of candidate: _____

Place: _____ Date: _____

Appendix 3
(Regulation 32)

PRESIDING OFFICER'S BALLOT PAPER STATEMENT IN THE TRADITIONAL COUNCIL ELECTION

Election date : _____

Traditional Community: _____

Administrative Area : _____

Voting District : _____

Voting Station : _____

PART 1: BALLOT BOXES

Total number of ballot boxes received	
Number of ballot boxes used	
Number of unused ballot boxes	
Used plus unused must equal total received	

PART 2: BALLOT PAPERS

(a) Total No. of ballot papers received	
(b) Total No. of ballot papers issued	
(c) Total No. of ballot papers unissued	
(d) Total (b) + (c)	
(e) Total No. of ballot papers cancelled	
(f)Total of ballot papers in the used boxes	
(g) Total (e) + (f)	

NOTE:

The figures at column (d) should be the same as that in column (a).

The figures at column (g) should be the same as that at column (b).

Signature of Presiding Officer

Date

Appendix 4
(Regulation 34)

**RESULTS FORM TO BE COMPLETED BY COUNTING OFFICER IN RESPECT OF VOTES CAST
FOR CANDIDATES IN THE TRADITIONAL COUNCIL ELECTIONS**

Election date : _____

Traditional Community: _____

Regional Management Area [If applicable]: _____

Voting District: _____

RESULTS OF COUNT

CANDIDATE NAME	NUMBER OF VOTES	SIGNATURE OF CANDIDATE /AGENTS/ OBSERVER
Signature of Counting Officer:	Name of Counting Officer:	Identity number:
Date:	Telephone contact number:	After Hours contact number:

Appendix 5

(Regulation 37)

OBJECTION CONCERNING VOTING IN THE TRADITIONAL COUNCIL ELECTIONS

Election date : _____

Traditional Community: _____

Administrative Area : _____

Voting District : _____

Objector

Identity number:

Full Names

Agent/Candidate/ Voter:
(Where applicable)

I object to:

A voter being allowed to vote

A voter being allowed to vote at this station

A voter (or myself) being refused a ballot paper

The conduct of an officer, an agent or other person at this voting station

Reasons for objection (giving full particulars of voter, officer, agent or other person involved)

Signature of Objector _____ Date _____

Presiding Officer's decision

Signature of Objector _____ Date _____

APPENDIX 6

(Regulation 41)

APPLICATION FOR ACCREDITATION AS OBSERVER IN TRADITIONAL COUNCIL ELECTIONS

Application in respect of all the Traditional Council elections to take place on _____ (Date of election)

- 1.1 Name of Applicant: _____
- 1.2 Address of Registered Office of Applicant _____
- 1.3 Telephone Number: _____
- 1.4 Facsimile Number (if any): _____
- 1.5 E-mail Address (if any): _____
- 1.6 Registration Number of Applicant (if applicable): _____
- 1.7 Date of Founding: _____
- 1.8 Number of persons that will be appointed as observers: _____
- 1.9 Person in charge of co-ordinating the applicant's observers: _____
- 1.10 Mark or Symbol of applicant: _____

1.11 Particulars of persons appointed by applicant:

Name	Capacity	Identity/Passport Number	Nationality	Date of arrival in and departure from South Africa (if applicable)

NB. If the space is insufficient, fullsize paper on which the necessary columns have been drawn may be used.

Supporting Documents:

The application must be accompanied by the following:

- (a) Copy of deed of foundation or constitution of the applicant.
- (b) A statement of the reasons why the applicant is suitable for accreditation to observe the election process.
- (c) An affirmation that the applicant commits itself to co-operate with the Commission in relation to the training, conduct and deployment of persons.

We hereby apply for accreditation as observer and certify that the particulars furnished in this form and the supporting documents are true and correct, and certify that all persons appointed by us will subscribe to the Code of Conduct for Observers.

Signature of duly authorized person on behalf of applicant

Date

Name

Capacity:

APPENDIX 7**(Regulation 43)****DECLARATION OF SECRECY IN THE TRADITIONAL COUNCIL
ELECTIONS****Election date:**

I, _____
(full names) about to be appointed as
an officer in the capacity of _____

1. acknowledge that I will be involved in elections of Traditional Councils ;
2. acknowledge that in my position as local electoral staff member, information and documentation regarding the Elections will be disclosed to me;
3. agree and confirm that I will treat all such information and documentation in the strictest confidence and that I will protect it and not disclose it to any person, unless authorized to do so;
4. confirm that I will be bound by this Declaration of Secrecy notwithstanding the termination of my appointment.

Signature: _____ Date: _____

WITNESSES:

APPENDIX 8

PROVINCE OF THE EASTERN CAPE

DEPARTMENT OF LOCAL GOVERNMENT AND TRADITIONAL AFFAIRS

Traditional Leadership and Governance act, 2005 (Act no 4 of 2005): Proclamation of the date or dates for the elections of traditional councils.

I..... in my capacity as the MEC responsible for Traditional Affairs in the Province of the Eastern Cape acting in terms of Regulation 11 promulgated in terms of section 35 of the Traditional Leadership and Governance Act, 2005 (Act no 4 of 2005), hereby proclaim the following date/ dates:.....and..... as the dates for the elections of traditional councils at.....

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