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**PROVINCIAL NOTICE**

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[No. 1 of 2019]

**ESTABLISHMENT OF THABO MOFUTSANYANA LOCAL HOUSE OF TRADITIONAL LEADERS, DETERMINATION OF THE NUMBER OF MEMBERS OF THABO MOFUTSANYANA LOCAL HOUSE OF TRADITIONAL LEADERS, THE PROCEDURE TO BE FOLLOWED FOR ELECTION OF MEMBERS OF THE THABO MOFUTSANYANA LOCAL HOUSE OF TRADITIONAL LEADERS AND DETERMINATION OF DATE OF ELECTION**

I, SH Ntombela, hereby in terms of section 9 of the Free State Provincial and Local Houses of Traditional Leaders, Act (Act 7 of 2017) hereby establish the Thabo Mofutsanyana Local House of Traditional Leaders, determines the number of members of the Thabo Mofutsanyana Local House of Traditional Leaders and the procedure to be followed for the election of members as set out in the Schedule hereunder.

**SCHEDULE**

**Definitions**

1. In this Schedule, any word or expression defined in the Free State Provincial and Local Houses of Traditional Leaders Act, 2017 (Act No. 7 of 2017) (the "Act"), and the Free State Traditional Leadership and Governance Act, 2005 (Act No. 8 of 2005), shall bear such meaning unless the context indicates otherwise –

"electoral college" means a collective of traditional leaders consisting of Kings / Queens or their representatives, principal traditional leaders and senior traditional leaders residing within the district or metropolitan municipality, in terms of section 9(4) of the Act;

"headman or headwoman" means a traditional leader who –

- (a) is under the authority of, or exercises authority within the area of jurisdiction of, a senior traditional leader in accordance with customary law; and
- (b) is recognised as such in terms of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003).

**Establishment**

2. The Thabo Mofutsanyana Local House of Traditional Leaders is hereby established.

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**Number of members**

3. The Local House shall consist of not less than 5 and not more than 10 members comprising of the following:
  - (a) Senior traditional leaders and headmen or headwomen residing within the district municipality of Thabo Mofutsanyana, who are not members of the Provincial House;
  - (b) At least one third of the members of a Local House must consist of women.

**Electoral College**

4. (1) The members of the Local House must be elected by the Electoral College consisting of all principal traditional leaders and all senior traditional leaders residing within Thabo Mofutsanyana District Municipality.
- (2) The Head of Department for Cooperative Governance and Traditional Affairs, or his/her representative, shall be the Chairperson of the Electoral College.

**Nomination of candidates**

5. (1) The Chairperson of the Electoral College must preside over the nominations and elections processes.
- (2) Each member of the Electoral College nominates one traditional leader as a candidate contemplated in paragraphs 3(1)(a).
- (3) Nominations contemplated in subparagraph (2) above, must be in accordance with the following procedure:
  - (a) The Chairperson must call for nominations;
  - (b) A candidate whose name has been proposed must be seconded by at least one member of the Electoral College; and
  - (c) For a nomination to be accepted, a nominee must accept the nomination.
- (4) The nomination and the secondment must be recorded by the Chairperson.

**Election Procedure**

6. (1) Two officials from the Department of Cooperative Governance and Traditional Affairs must assist the Chairperson with the elections process.
- (2) The Chairperson must before voting takes place –
  - (a) ensure that the ballot papers containing the names of all nominated candidates are compiled and available at the election;

- (b) ensure that the ballot papers are distributed to all the members of the Electoral College;
  - (c) ensure that a ballot box for depositing completed ballot papers is available; and
  - (d) explain the secret ballot voting procedure.
- (3) Each member of the Electoral College may only vote for ten or less of the candidates nominated to be elected as members as contemplated in paragraph 5(3) (b) and (c);
  - (4) Members of the Electoral College must deposit their completed ballot papers in the ballot box provided for that purpose.
  - (5) Votes must be counted by the officials referred to in subsection (1), under the supervision of the Chairperson of the Electoral College.
  - (6) The first ten (10) candidates who received the highest number of votes shall become members of the Local House.
  - (7) Any ballot paper with more than more than ten candidates elected shall be regarded as a spoiled ballot paper.
  - (8) In a case where more than nine (9) ballot papers are spoiled, a re-election shall be held on the remaining positions, as contemplated in paragraph 3(1).
  - (9) The outcome of the elections must be announced by the Chairperson immediately after counting has been completed and must be submitted by the Chairperson to the Premier.
  - (10) If the number of elected women is less than one third of the total number as contemplated in paragraph 3(1), the Premier may, after consultation with the Electoral College, determine a lower threshold.

**Equal number of votes**

7. In the event that two or more candidates receive an equal number of votes, the Chairperson shall cast a deciding vote: Provided that if one of these candidates is a female, such a female candidate will be regarded as having been elected.

**Filling of vacancies**

8. A vacancy in the House must be filled, within 45 days, by the election of a member for the unexpired portion of the term of office of the member in whose place he or she is elected, and in the same manner in which the previous member was elected.

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**Oath or affirmation**

9. Before the members of the Local House begin to perform their functions in the Local House, they must swear or affirm faithfulness to the Republic and obedience to the Constitution in accordance with Schedule 3 of the Act, before a judge of the High Court designated by the Judge President for this purpose.

**Date, time and venue of the elections**

10. The elections contemplated in this Notice shall take place at 11h00 on 30 April 2019, at the Thabo Mofutsanyana District Municipality Council Chamber, Phuthaditjhaba, Qwaqwa.

**Commencement date**

11. This notice comes into operation on the date of publication in the *Provincial Gazette*.