



SOUTH AFRICA

**KNOW YOUR RIGHTS,
CLAIM YOUR RIGHTS:
VOTER
EDUCATION**



VOTER EDUCATION

2021



Peace Centre

Hilltop Empowerment

KAS

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1. What is Elections?

National and provincial elections are held once every five years.

All South African citizens aged 18 and over are eligible to vote.

Every adult citizen has the right to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and to stand for public office and, if elected, to hold office.”

These provisions contain the implied limitation that only citizens of South Africa have a right to vote, and...

2. Who is responsible for elections in South Africa?

The Electoral Commission (EC)

- The EC has to manage the elections on national, provincial and municipal levels.
- It is the duty of this commission to ensure that elections are free and fair.
- The EC has to declare the results within the period of time which is mentioned in the national legislation.

The [Constitution](#) places all elections and referendums in the country in all three spheres of government under the control of the [Independent Electoral Commission \(IEC\) \(link is external\)](#), established in terms of the [IEC Act, 1996 \(Act 51 of 1996\) \[PDF\]](#) .

3. The IEC

3.1 The obligations of the IEC are to:

- manage elections of national, provincial and municipal legislative bodies
- ensure that those elections are free and fair
- declare the results of those elections
- compile and maintain a voters' roll.

3.2 The duties of the IEC are to:

- compile and maintain a register of parties
- undertake and promote research into electoral matters
- develop and promote the development of electoral expertise and technology in all spheres of government
- continuously review electoral laws and proposed electoral laws, and make recommendations
- promote voter education
- declare the results of elections for national, provincial and municipal legislative bodies within seven days
- appoint appropriate public administrations in any sphere of government to conduct elections when necessary.

The IEC manages an average of approximately 130 by-elections a year. By-elections are held when ward councilors vacate their seats for a variety of reasons including death, resignation or expulsion from the party or the council.

4. What is Accountability?

Accountability is a broad concept, closely connected to responsibility, liability and transparency. Whilst difficult to define in a manner that is applicable to all contexts, one definition considered to be rather all-encompassing reads as follows:

- 'The obligation of an individual or organisation to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner. It also includes the responsibility for money or other entrusted property.'
- Being accountable applies to everyone, in various ways. It applies to agreements and contracts; to governments, officials and politics; to professionals; employers; employees and families ... and more.



Everyone, no matter who they are, is accountable for their actions and responsible for them, in a number of different daily situations. For example: getting up in time to get to school; feeding, clothing and sheltering one's dependents and generally 'doing as you would be done by'.

Accountability is of tremendous importance in a democracy and to some extent helps to manage the risk that politicians may govern the citizens without having a mandate to do so. In a democracy, the power lies with the people and thus it is the people who have the 'authority' and 'mandate' to hold those who are in power to account.

For the purposes of this handbook the emphasis on accountability is focused upon governance and accountability – and what this means at election time.

Let's consider how the free and fair election process in South Africa acts as a means of holding those in power to account. www.businessdictionary.com/definition/account

The constitutional right lying at the heart of the election process is section 19 of the Bill of Rights which reads as follows:

- (1) Every citizen is free to make political choices, which includes the right –
 - (a) to form a political party or cause.
- (2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
- (3) Every adult citizen has the right –
 - (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
 - (b) to stand for public office and, if elected, to hold office.

During the elections (on all levels, not just a national level) citizens have the opportunity to express their feelings about the various political parties in general and about the job the governing party in power is doing. Elections are a most critical moment for parties, especially the governing party, as their largest fear is to lose office due to a lack of public support.

Election time is the toughest competition parties can face in a democracy, as in a multi-party system all the parties are fighting for the support and votes of the citizens of the country. Along with this competition for votes come the promises of each party, which will be expected to be turned into reality if and/or when such party wins and comes into power. However, after the elections are over and the results known, it always remains to be seen whether the promises are kept.

The performance of the governing party and its adherence to the promises made are constantly evaluated by citizens between elections and the voters who put the party in its position via

contributing to the majority vote, constantly assess whether the party is being accountable with regard to what it has promised.

Usually when voters are not satisfied with one party they can express their dissatisfaction by giving their vote to another party in the next election.



Although in reality many people have one party which they loyally support, when their wishes are not respected to the extent that they expected, they often refuse to vote again. It is important to note, however, that in this situation that particular citizen member is not being accountable for his or her actions as a member of a democracy as voting is an important duty of each and every member of civil society living in a democracy.

Voting and the influence citizens have, makes the difference between a democracy and many other forms of government where the citizens do not have the power to influence the future.

If too many people neglect to vote and do not actively participate in the voting procedure made available to them in a democracy, the various political parties will lose their respect (and fear) of elections and in so doing, stop bothering with accountability. This outcome benefits no-one.

All in all, elections are the perfect moment for citizens to express their opinion and also to hold the party in power accountable for its actions. Without their support and vote, the party would not be able to remain in power.

Between elections citizens can still exact accountability, which is what service delivery protests are about, as are the demands for the fulfillment of promises made.

While protests, complaints and demands have a role to play, they often have limited value in getting the government to do what it should and thus the surest form of exacting accountability is via the

process of litigation. The litigation process involves asking the courts to decide on the subject matter of the protests, complaints and demands.

If the law supports the entitlement of the nation to the subject of the protest, the complaint or the demand, the courts will order the government to deliver what is required.

There are many examples of activists who have succeeded in court in holding the government to account and to be more responsive to the needs of ordinary people, which is made possible by the various systems put into place in our Constitution.

5. The Electoral Code of Conduct

What is the Electoral Code of Conduct?

The Code is a set of rules. The parties and candidates must:

- speak out against political violence and threats against other parties, the Electoral Commission (IEC), members of the public and the media.
- let the authorities know about of planned marches or rallies.
- communicate with other political parties about planned political events.
- recognize the authority of the IEC.
- work with the IEC structures and allow them to perform their duties.
- work with the police in their investigation of election crime and violence, and
- accept the results of the election or challenge the result in court.

Why do we need an Electoral Code of Conduct?

The Code makes it easier to have free and fair elections.

What are free and fair elections?

Elections are free and fair when:

- There are regular elections.
- There are many different political parties.
- All parties and candidates can carry out their campaigns without fear.
- There is a voters' roll with every registered voter's name on it.
- Voters can take part in elections without fear.
- All citizens can belong to any political party of their choice.
- Anyone can form a party or be a candidate.
- There is respect for other people's views and there is open public debate.
- Every registered voter, including persons with disabilities, can vote.
- Elections are open and not influenced by any person or group.
- There is no electoral fraud.
- All parties accept the results of the election.

How does the Code of Conduct work?

- The Electoral Code of Conduct must be agreed to by:
- Every registered party before the party takes part in an elections; and – every candidate before he/she is placed on the list of candidates.
- Parties and candidates must stick to the code and must:
- Let the public know about the Code;
- Promote the purpose of the Code; and
- Support efforts to educate voters
- Parties and candidates must also inform the public that all people (including women, persons with disabilities, and different language and cultural groups) have the right:
- To be free to express their political beliefs and to be part of any political party; and
- To join in any political campaigns, marches or public meetings.

What happens when you break the Code of Conduct?

Any person who breaks the Code is guilty of a crime and can be fined or sent to prison for up to 10 years.

How does the Code of Conduct affect political parties?

Political parties that break the Code can:

- Be fined
- Be stopped from working in an area; or
- Have their votes in an area cancelled.

6. How to Vote in the NATIONAL and PROVINCIAL ELECTIONS

For you to be able to vote in the National and Provincial Elections (NPE), you must:

- (1) be registered on the National Common Voters' Roll before the voters' roll closes on the day the election is proclaimed;
- (2) be a South African Citizen, who is 18 years or older on voting day;
- (3) have a green bar-coded ID book, or a temporary Identification Certificate (TIC) or a smart ID card.
- (4) REMEMBER: If your ID is not in your possession, you can visit your local Department of Home Affairs to apply for a TIC.

What to expect when you get to the voting station:

- You will give your ID/TIC/smart ID card to the IEC Official on duty.
- Your ID will be scanned and a sequence number on the voters' roll will be given to you.
- Your name on the voters' roll will be checked and crossed off.
- If your name on the voters' roll is without an address or if it has an incomplete address record, you will be needed to provide your address details before you vote.
- If you are voting in the province where you are registered, you will receive 2 ballots – a National ballot paper and a Provincial ballot paper.
- The IEC Official will stamp your ballot/s on the back.
- An IEC Official will ink your left thumb nail with indelible ink.

Why two ballot papers?

- One paper is to choose your preferred political party for the National Assembly.
- The other paper is to choose your preferred party for the Provincial Legislature for the province in which you are registered.

The structure of the ballot paper:

- The full name of each political party
- A photograph of each party leader.
- The abbreviated (shortened) name of each party.
- The logo or symbol of each party of your choice.
- A box to indicate the party of your choice.

How do you make your mark?

An IEC Official will show you where there is an open voting booth. You will be alone in the booth to make your mark. Your vote is your secret.

- Make your mark in the blank box next to the party of your choice.
- Be careful not to let your mark touch any of the walls of the box.
- Make only one mark on the ballot paper.
- It is best to make a cross like this
- If you have made a mistake, do not put your ballot paper in the box. Tell the IEC Official. He or she will then cancel your ballot paper. You will be given a new one.
- Fold each ballot paper in half. So nobody can see your mark.
- An IEC Official will check the stamp on the back of each ballot. You then place your ballot papers in the relevant ballot boxes.

Can you be assisted when voting?

- Anyone with a disability can choose someone who is over 18 years to help them.
- The person you choose cannot be a political party agent.
- Any voter requiring assistance may be assisted by the Presiding Officer, while two party agents observe.

Things to remember when voting

- You must take your ID with you when you vote.
- You can only vote once.
- Do not pretend to be someone else.
- Do not remove the indelible ink from your finger.
- Your vote is your secret.
- NO weapons are allowed in the voting station.

The South African Police Service may search you.

7. Free and Fair Elections

What makes our elections free and fair?

a) There are clear laws governing elections:

The right of South Africans to participate in free and fair elections is set out in the Constitution of the Republic of South Africa. The Electoral Act (73 of 1996) outlines the provisions governing national and provincial elections. The Municipal Electoral Act (27 of 2000) outlines the provisions governing municipal elections. The acts also list the behaviours that are illegal before and during an election.

b) Your vote is your secret.

Voters can take part in elections without the fear of others knowing who they voted for.

c) Elections are held regularly

South Africans vote in both national and provincial elections and in municipal elections. Each are held every 5 years.

d) You have choices.

There are many political parties to choose from. Anyone can form a party or be a candidate in an election and you can support or belong to any political party.

e) Everyone who is registered to vote, can vote.

Every registered voter's name appears on a voters' roll. Only registered voters can vote. If

you aren't able to be in your voting district on the date of elections, you can apply for a special vote that allows you to vote in your voting station before the election.

f) The election process doesn't take sides and is in full view of everyone.

Elections are run by the Electoral Commission which is an organisation that is independent of the government. It does not favour or support any political party. Elections are an open and transparent process and are not influenced by any person or group. Political parties and observers are able to observe every step of the election process.

g) Parties and candidates can campaign without fear

There is respect for other people's views and there is open public debate.

h) All political parties accept the final outcome of the election

Anyone is allowed to object to the declared results of the election. The Electoral Commission investigates these and makes a decision. If anyone is not satisfied with that decision, they can take it to the Electoral Court which can pass judgement on all election disputes.

i) There is a code of conduct that everyone must follow before, during and after elections.

All political parties taking part in elections have to sign and accept the Electoral Code of Conduct that sets out the rules for a free and fair election.

Among other things, political parties and candidates agree to:

- speak out against political violence and threats against other parties, the Electoral Commission, members of the public and media.
- communicate with the authorities and other political parties about planned political events.
- work with the Electoral Commission to allow it to perform its duties.
- accept the results of the election or challenge the results in court.

It is illegal for anyone to:

- prevent someone else from speaking to other voters.
- interfere with a voter's right to secrecy when he or she is voting.
- use language which provokes violence.
- intimidate candidates or voters.
- offer any reward to a person to vote for a party.

- bribe or influence an official of the Electoral Commission while they are doing their duty.
- prevent the Electoral Commission from doing its duties in running the election.

IF ANYONE BREAKS THE LAWS GOVERNING ELECTIONS THEY CAN BE FINED OR SENT TO PRISON FOR UP TO TEN YEARS. POLITICAL PARTIES THAT BREAK THESE LAWS CAN BE FINED AND STOPPED FROM WORKING IN AN AREA. THEY CAN ALSO HAVE THEIR VOTES IN AN AREA CANCELLED.

8. About the Electoral Commission

The Electoral Commission is an independent, impartial institution established by Chapter 9 of the Constitution. It manages national, provincial and municipal elections. It makes sure these elections are credible, free and fair.

One of the most important aspects of a working democracy is that citizens have the right to vote and choose their leaders. For this to happen, the elections need to be free and fair.

The Electoral Commission manages national, provincial and municipal elections, including referendums in South Africa. Its most important task is to ensure that these elections are free and fair. Since 1994 all of South Africa's election have been viewed as free and fair by domestic and international stakeholders.

National Office: Telephone: 012 622 5700
 Email: info@elections.org.za
 Website: www.elections.org.za
 Contact Centre: 0800 11 8000 (during elections)
 Also available on Facebook and Twitter



Eastern Cape:	043 709 4200	Mpumalanga:	013 754 0200
Free State:	051 401 5000	North West:	019 391 0800/5
Gauteng:	011 644 7400	Northern Cape:	053 838 5000
KwaZulu Natal:	031 279 2200	Western Cape:	021 910 5700
Limpopo:	015 283 9100		

9. Local Government Election Legislation

Municipal Electoral Act 27 of 2007

10. Different Levels of Governance Elections

A Mayoral elections

- Mayors that are elected by the voters in an area serve a four-year term.
- These mayors are elected in addition to the elected councilors.
- A person elected as mayor cannot also be elected as a councilor in the same area.
- The other councils do not have mayoral elections.
- After the new councilors for an area are elected they will vote to elect one of the councilors as mayor for a two-year term.
- At the end of the two-year term the councilors elect a new mayor for the following two years.
- The NSW Electoral Commission is not involved in the election of mayors by councilors.

B Councilor Elections

- Council areas are either divided into wards or are undivided (no wards).
- The number of councilors elected varies from council to council.
- Where councils have wards, an equal number of councilors are elected for each ward.
- Voters in a ward elect the councilors for that ward.
- Voters in an undivided council elect the councilors for the whole council area.
- Councilors are elected for a four-year term.


The election of a mayor by voters and the election of councilors are conducted at the same time but are separate elections. For example, if a council has a total of 10 councilors to be elected, and the mayor is elected by the voters, the election for that council would be for nine councilors and one mayor.


The screenshot shows a web browser window with the URL elections.org.za/pw/Voter/Ward-Councillor-Information. The page header features the Electoral Commission of South Africa logo and the text "ELECTORAL COMMISSION OF SOUTH AFRICA" and "THWAPHO FIDEL AND FARELELOTHWE". A search icon is visible in the top right corner.

Address
1 OLUFANTSHOEK
MITCHELLS PLAIN
TAFELSIG

Use the [Voting station finder](#) tool to locate and navigate to your correct station.

Your ward councillor details

Name	BONGILE PATRICK NGCANI
Councillor affiliation	AFRICAN NATIONAL CONGRESS
	Contact person MR ACE E S MAGASHULE
	Telephone 011 3761011
	Fax 011 3761124
	Postal address PO BOX 61884 MARSHALLTOWN KPTM/MANAWANG TSHULU
	Website KPTM/MANAWANG TSHULU

Back to top 

The Windows taskbar at the bottom shows the search bar with "Type here to search", several application icons, and the system tray with the date "2021/03/08" and time "20:50".

C Constitutional referendums

A council can decide to conduct a constitutional referendum. The following issues can be proposed to the voters:

- whether the mayor should be elected by the voters
- whether to increase or reduce the number of councillors for that council
- whether to divide the council area into wards or abolish all wards
- whether to change the method of election of councillors for an area divided into wards.

For a constitutional referendum to pass a majority of voters in the council area must have voted in support of the proposal.

Voting in a constitutional referendum is compulsory and the result is binding on the council. If the constitutional referendum is passed, the result takes effect at the next local government elections.

D Council polls

A council can decide to conduct a poll. A poll can be on any issue and is used to guide the council in its decisions. For example:

- whether to introduce fluoride into the drinking water
- whether to construct a roundabout in the main street.

For a council poll to pass a majority of voters must have voted in support of the proposal.

The council can decide whether to poll all voters in the council area or only a portion of voters. As such not all voters may be eligible to vote in a council's poll.

E Filling a councilor casual vacancy

When a casual vacancy occurs after the local government elections in a councilor position (for example through resignation or death), the vacancy is filled by way of a by-election, unless one of the following options is used:

In the 18 months following the local government ordinary election, a count back election will be conducted, but only if the relevant council passed a resolution at its first meeting after the ordinary election that any vacancy would be filled by a count back of votes and if the vacating councilor was elected under the proportional representation method (that is, where two or more candidates were elected).

In the 18 months prior to the next local government ordinary election, the council may receive ministerial approval to leave the position vacant until that next election.

F Filling a popularly elected mayor casual vacancy

When a casual vacancy occurs in the office of a popularly elected mayor (for example through resignation or death), the vacancy is filled by way of a by-election, unless it occurs within 18 months before the next ordinary election.

If so, the Governor of New South Wales will appoint a councilor nominated by the council to the vacant office. If the council does not nominate a councilor, the Governor may appoint one of the councilors to the office.

G By-elections

A by-election is an election in a single local government area or ward, and can take place outside the normal four-year cycle. By-elections are held when a vacancy arises in a council, for example when a councilor resigns or dies in office.

H Countback elections

An alternative to a by-election is a countback election. Following the next NSW Local Government elections, a council may resolve to have vacancies that occur on the council in the 18 month period after the elections to be filled by a 'countback' of the votes, instead of a by-election. This does not apply to a vacancy in the office of mayor.

[More information on countback elections](#)

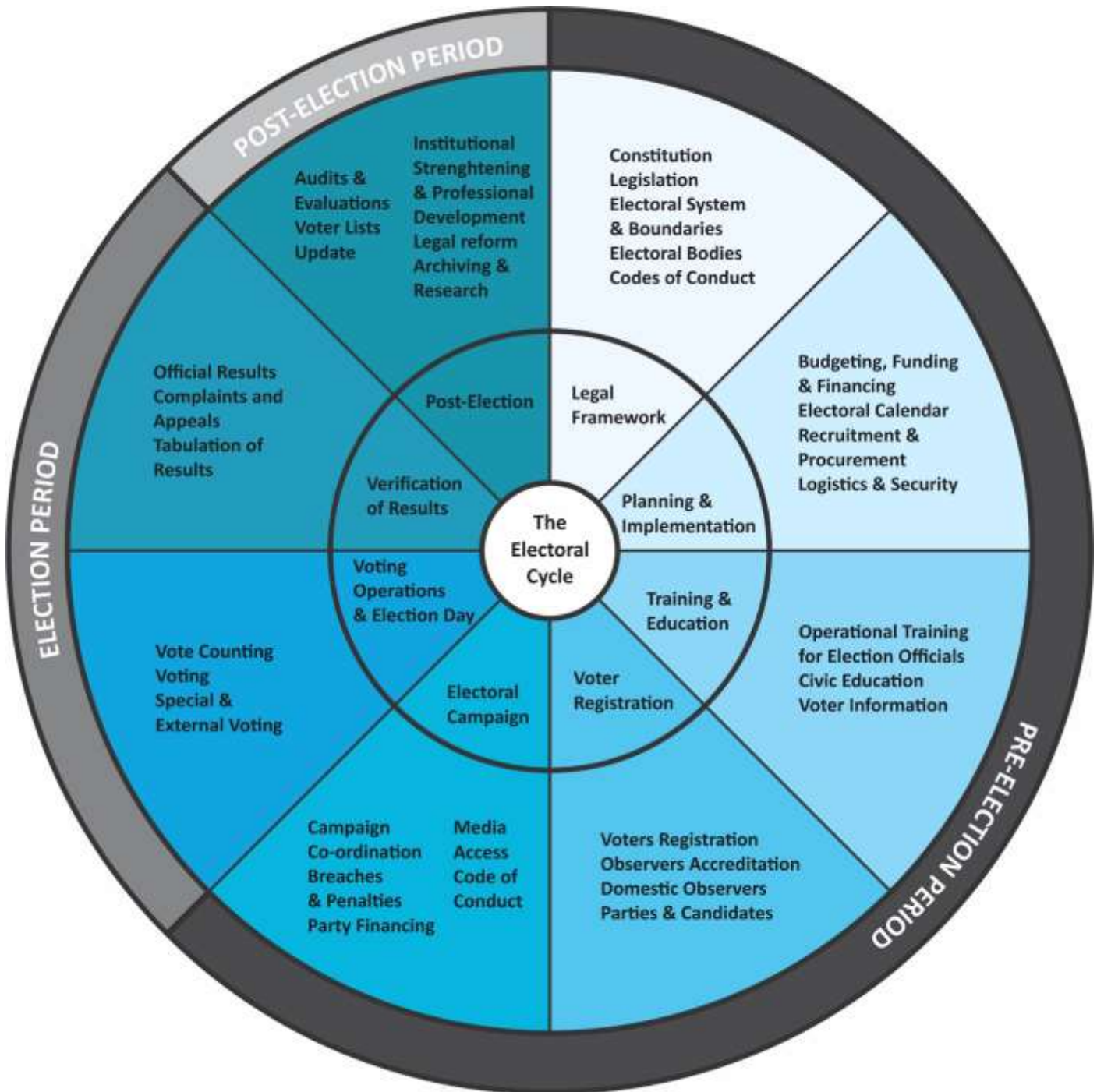
I Relevant legislation

All local government elections in NSW are conducted in accordance with the [Local Government Act 1993 and the Local Government \(General\) Regulation 2005](#).

The political donations and electoral expenditure of political parties, candidates, and other election participants are regulated by the [Electoral Funding Act 2018 and Electoral Funding Regulation 2018](#).

[1] The postponement of the 2020 Local Government elections, until 4 September 2021, will not affect the schedule of subsequent council elections. After the September 2021 elections, the next local government election will take place in September 2024.

11. The Electoral Cycle



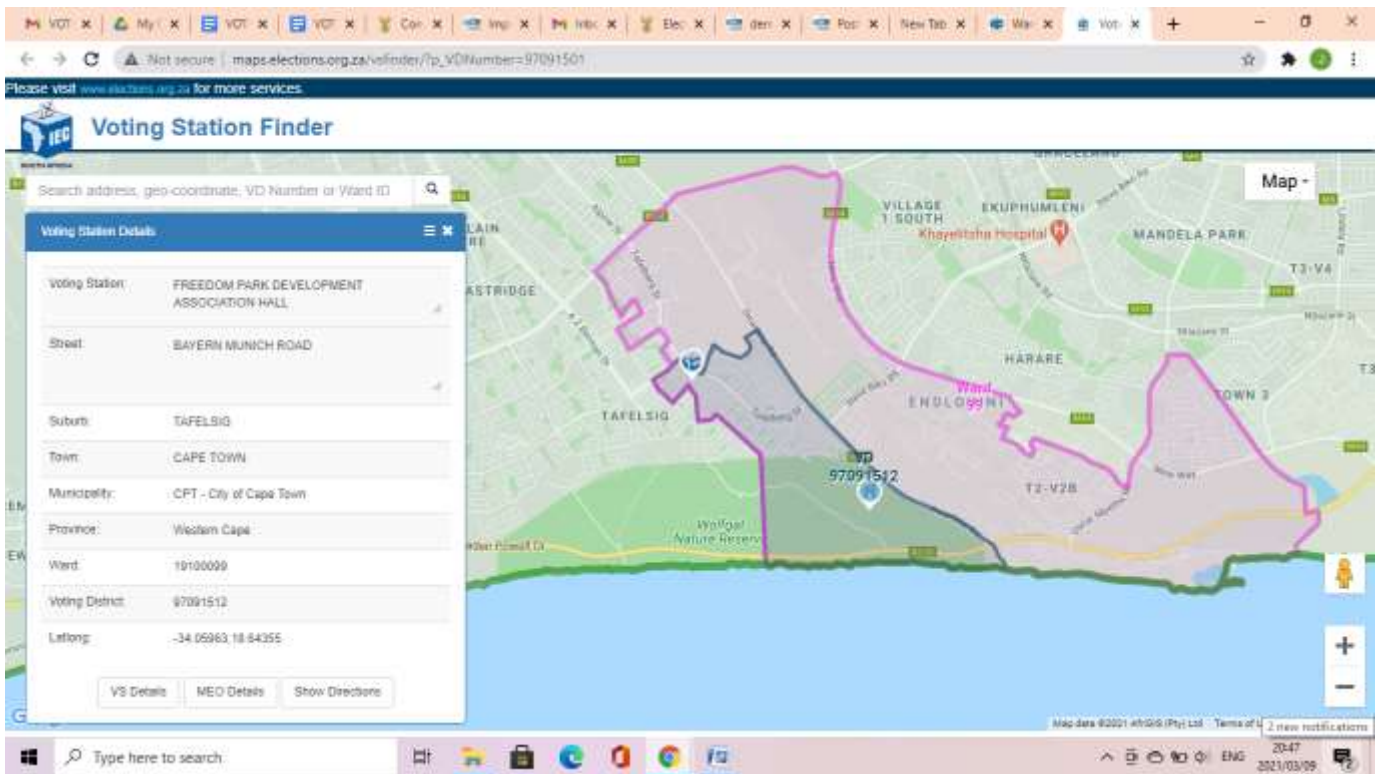
The above wheel is an indication of the process flow for a free and democratic election.

The cycle is divided into 3 very important periods namely:

- Pre-Election period;
- Election period;
- Post-Election period.

The Pre-election period:

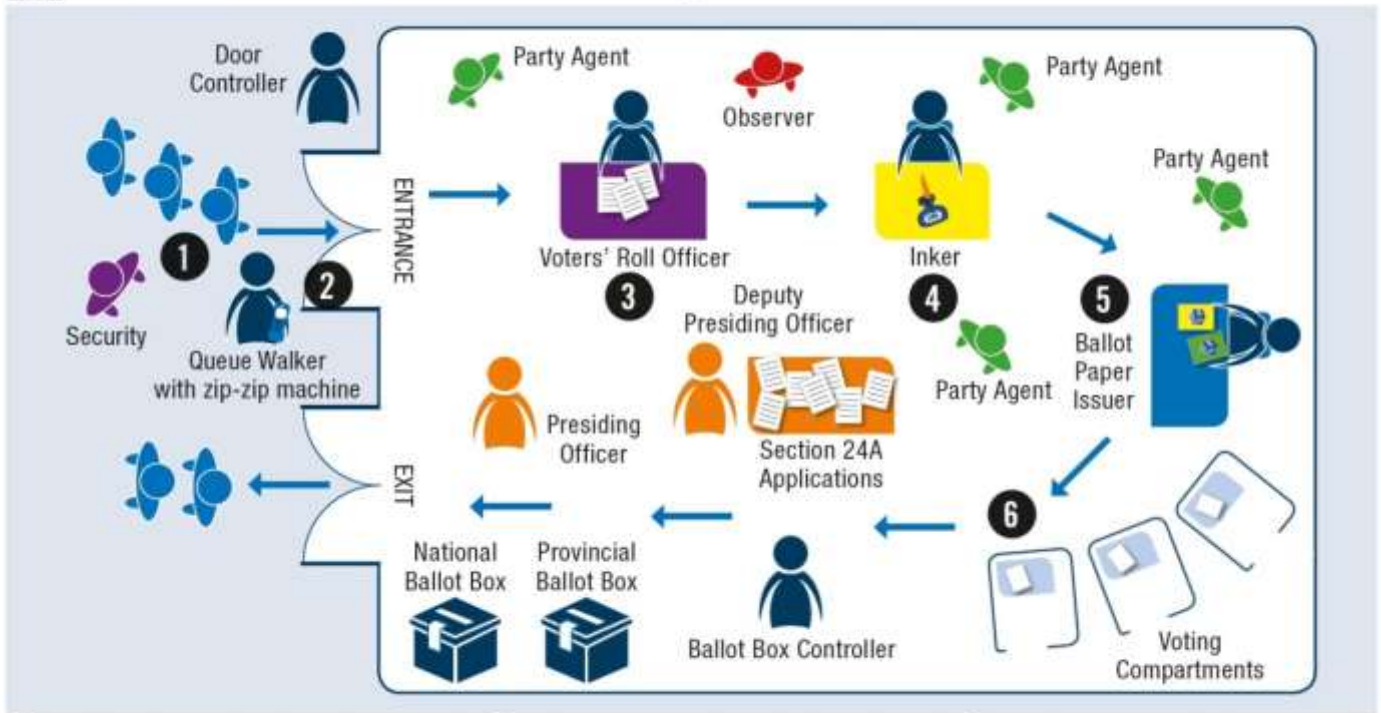
- a) Is the cycle in the process that contributes to the bulk of the election cycle.
- b) This is the period where all relevant legal frameworks are reviewed, boundaries are highlighted and in certain instances demarcations determined by the Demarcation board and constituencies and voting districts clarified (delimitation).
- c) All relevant training and education should take place in this timeframe. This include all operational training of election officials. Civic education as well as all voter information.
- d) Voter Registration is of utmost importance to ensure a successful election. A date for Voter registration is announced and it allows all eligible voters to go to voting stations to register to take part in the upcoming elections. During this period If voters are in doubt of their status, they can check and verify it on the voters roll. This can also be done electronically.
- e) All Domestic Observers will be appointed and receive the necessary training to ensure that there will be no breaches and Electoral misconduct.
- f) Parties and Candidates will be registered and the ballot papers will be drafted.
- g) Electoral Campaigns will be hosted and all registered parties and candidates will be lobbying for votes in communities. Media campaigns will be running as well as door to door campaigns to garnish votes or the respective candidates and parties.
- h) Parties and candidates are responsible for their own financing and will be closely monitored to ensure that they are not in breach of the Electoral Code of Conduct. Should any breaches occur, parties will be issued fines and possible charges in the Electoral Court.
- i) All parties are to be given an equal amount of media coverage to ensure that all constituents are reached in order to make an informed decision on Election Day.



The Election Process:

- a) On Election Day all voting stations must be fully equipped to be able to ensure that all the registered voters are able to vote and that no safety and security breaches occurred to tarnish the integrity of the process. Voting stations must open on the allocated time and should only close on the time as determined by the Electoral Commission.
- b) Voting should be done in secret and no ballots should be tampered with. Special votes will be dealt with in terms of the Regulations set out.
- c) Once all the voting stations have closed on the stipulated time, counting of the ballots can begin under close scrutiny of the observers and election officials.
- d) Strict Guidelines for the counting process and the handling of ballot boxes should be adhered to at all times to ensure that the integrity of the process are not questioned.
- e) As soon as all the boxes have been counted and the totals have been verified, the results can be recorded and the Elections can then be proclaimed as free and fair if there were no breaches or misconduct at any voting stations. All result to be tabulated.
- f) In the event of possible breaches, formal complaints must be lodged and appeals can be made to the outcome of the votes.

The Voting Process



1 In the queue: An election official will check your ID to make sure you are registered.

2 At the door: An election official will scan your ID with the zip-zip machine.

3 At the voters' roll table: You will give your slip of paper to the voters' roll officer.

4 At the inking table: An election official will make a small mark on the nail of your left thumb with ink.

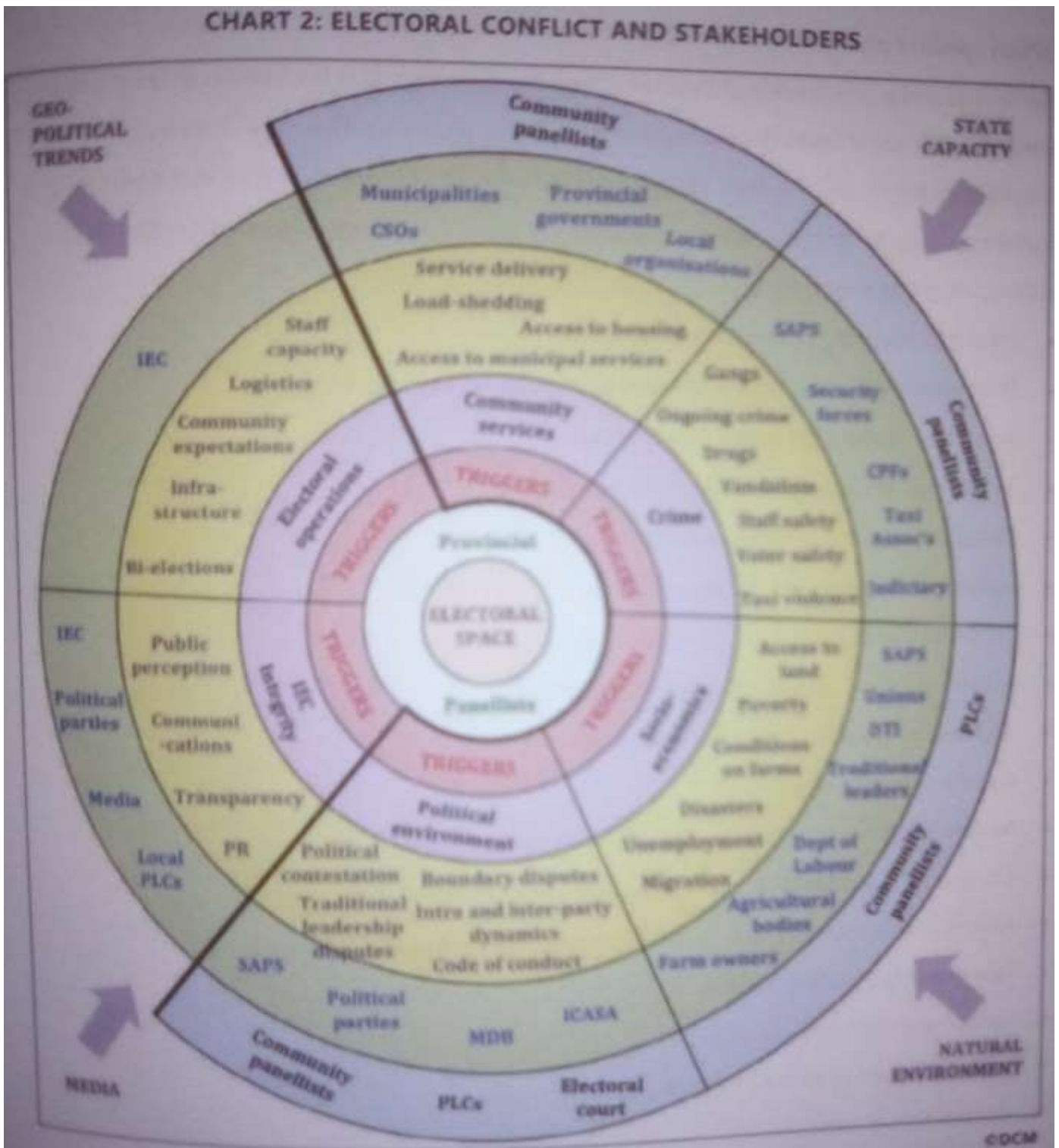
5 At the ballot paper table: You will be given up to two ballots.

6 At the voting compartments: Mark your ballot in secret.

Post-election period

As soon as the Election passed, audits and evaluations of the can be done and voters' lists can be updated. Archiving and research can now take place in order to strengthen the institution and ensure professional development (review process in respect of possible shortfalls, etc. Reference for future).

12. Electoral Conflict and relevant stakeholders



Conflict and Stakeholders

The above illustration give a clear picture of possible triggers that can result in constituents being dissatisfied with government and can lead to conflict or public protests.

There are many factors that influences the cause as well as different stakeholders responsible for the resolution of the dispute.

Main sectors that can trigger conflict and violence in the electoral process:

- Community services;
- Crime;
- Socio-economics;
- Political Environment;
- IEC Integrity;
- Electoral Operations.

NOTE:

It is important that there is close working relationship between communities and councilors of a particular ward in order to ensure that all possible catalyst to conflict can be identified and address at the soonest opportunity to avoid unruly public protests.

Furthermore:

Communities should be informed about the different dynamics in respect of a ward as well as the different spheres of government and their responsibilities in the governing of the country.

[WARD COUNCILLOR LIST - WC 2021.pdf](#)

13. Bibliography

Know your rights, claim your rights - written by Elizabeth Neckel and Elise Burns-Hoffman

Know your rights - SAHRC

Handbook on Electoral offences - IEC;

Holding the Electoral Space - IEC;

Local Government Election Legislation:

Municipal Electoral Act 27 of 2007

The Constitution of South Africa, Act 108 of 1996

www.iec.org.za