

ADDENDUM "A"

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**Materials  
Science and  
Technology****CSIR****TELEFAX MESSAGE**

TO : TECHNICAL COMMITTEE ON THE ELECTORAL ACT  
For attention : Dr Frene Ginwala  
FAX No. : (011) 330 7242  
FROM : Annelie Forbes  
OUR REF. : 03/ Nov 93  
DATE : 2 November 1993

NO OF PAGES

(including this page) : 9

**MESSAGE:**

Dear Dr Ginwala

**INTERIM REPORT**

Attached please find the Second Interim Report. Please let me know if the quality of the fax is satisfactory.

We are in possession of the tender specifications for the UV sensor systems as was required by Home Affairs. It can be made available to the Independent Electoral Committee if required.

Please contact us if you need further information.

With Best Regards

Annelie Forbes

**CHEMICAL PRODUCT AND PROCESSES**

**CONFIDENTIAL****INK AND SENSORS TO BE USED IN THE APRIL 1994****GENERAL ELECTION****SECOND INTERIM REPORT****Compiled by A Forbes****DATE:** 2 November 1993

**TO:** Dr F Ginwala                      Multi Party Negotiating Process  
Dr B Clark                              CSIR

There are internationally recognised solutions to the marking problem. The CSIR has already been in touch with two companies and a third company has been identified that provide such skin marking solutions and sensor systems.

The two companies already contacted both have skin marking solutions that are invisible in normal light, visible under UV and are indelible for three to seven days. Both companies will provide samples of the skin marking solutions to be tested by the CSIR. Information received from one of the companies is attached as Appendix I.

In the opinion of the CSIR the most effective skin marking technique will be a reactive ink which operates by forming a fluorescent compound when it comes into contact with the amines (naturally present) in the skin. It appears from the patent literature that the compound formed remains bound to the skin for up to three weeks. It is, in our opinion, unlikely that such a compound can be removed with a solvent.

It is, however, not at present clear whether the commercially available skin markers provided by the above mentioned three companies work on this principle and this will therefore have to be tested.



**CONFIDENTIAL**

It is considered essential that the potential marking inks be tested for "durability" in South African conditions with a reasonable set of solvents and reactive chemicals prior to the election. A report from a reputable research institution would go a long way to reducing distrust and uncertainty as to the efficacy of the marking system and minimise the risk of election fraud.

The view that communication rather than secrecy is considered to be the better strategy to minimise distrust and uncertainty was expressed by the Electoral Officer of Canada. The Independent Electoral Committee will, however, have to decide on the most appropriate strategy to be followed with regard to skin marking techniques.

CSIR is proceeding with further studies of the relevant literature, sourcing of active chemicals where available and evaluating of the efficacy of such chemicals.

CSIR would caution against press reporting which creates the perception that the reactive inks referred to above can be removed by solvents. This is extremely unlikely and such reporting creates a negative perception with regard to the efficacy and utility of such widely used electoral procedures. A copy of an article in the Sunday Star is attached as Appendix II.

The CSIR has in the meanwhile, received from the Director General of Home Affairs a reply to the first interim report sent to Dr Ginwala, Dr Clark and Mr Botha. The reply indicated that the Department of Home Affairs had called for tenders for the supply of UV sensor systems to meet specifications set by the South African Bureau of Standards. The specifications requested by the CSIR in the first interim report were provided. It was also stated in the reply that the Department of Home Affairs had asked the Tender Board not to award the tender until further notice. The letter and the specifications are attached as Appendix III.

**CONFIDENTIAL**

The reply received from the Department of Home Affairs indicated that the Department had no objection to the Sub-Committee of the Planning Committee of the Multi Party Forum, which is to be established within a week, requesting the CSIR to evaluate the suitability of equipment provided by the tenderers.

We await any further instructions as to how we can effectively meet your requirements.



**CONFIDENTIAL****APPENDIX I**

Further to your fax dated October 26 and your telephone conversation today with , I am pleased to send you the following information regarding Voter Marking Inks.

Since 1989 has supplied electoral materials to over 13 countries for "free and fair elections" (see attached). We supplied all of the electoral materials used by the UNTAC for the Cambodia election.

can offer you three (3) unique chemical solutions for voter markings; each has a specific identification technique and time period for which the stain remains on the person or object. Either a "VISIBLE" or "INVISIBLE" solution is available for application to the skin. These solutions can be produced using an acetone based or water based solution. Although the water based solution is more simple for transport because it is not considered "dangerous goods" under the IATA regulations, the acetone based solution is faster drying and will provide a longer lasting stain.

**SOLUTION 1: BLUE INVISIBLE MARKING SOLUTION:**

This INVISIBLE solution will fluoresce up to 72 hours after application when exposed to long wave ultraviolet light after application. Often it takes up to 96 hours to be completely removed. The fluorescent colour is "BRIGHT BLUE". After application and when the finger or fingers are exposed to long wave ultraviolet light, the fingers will fluoresce "BRIGHT BLUE". The INVISIBLE stain defies removal from normal washing of the hands with various types of household and industrial detergents, chemicals, etc..

**NOTE:** supplied an INVISIBLE, water based ink to UNTAC for the Cambodia election.

**UV LAMP FOR USE WITH INVISIBLE MARKING SOLUTION:**

can supply the same long-wave ultraviolet lamp that was supplied for the Cambodia election. These hand-held lamps operate on four (4) standard alkaline "AA" batteries which are readily available. A convenient on-off switch provides for ease of application.

**SOLUTION 2: DARK PURPLE VISIBLE MARKING SOLUTION:**

The VISIBLE stain defies removal from normal washing of the hands with various types of household and industrial detergents, chemicals, etc.. It is simple to use and highly effective. It produces an intense "DARK PURPLE" stain which will not begin to fade for at least 96 hours after initial application. It also contains a by-product which will appear "dark brown" on the finger even after the "dark purple" stain has begun to fade. This brown stain will intensify and remain for a long time and will begin to intensify after the dark purple stain has almost faded away. This is especially true of the fingernail and cuticle area.



**CONFIDENTIAL****SOLUTION 3: COMBINATION VISIBLE AND INVISIBLE MARKING SOLUTION:**

These unique solutions contain the combined attributes of the VISIBLE AND INVISIBLE inks which produces both a short term visible stain and a long term invisible stain.

**NOTE:** The recommended application area for the above inks is the fingernail/cuticle area.

**SPECIAL NOTE:**

1. All of the voter marking inks that we supply are safe for use on the skin and will not cause skin irritations.
2. All of our voter marking inks are quick-drying, non transferable and non-flammable.
3. All of our voter marking inks will not deteriorate, leak or evaporate under tropical conditions.
4. All of our inks resist removal by washing with various types of household and industrial detergents, chemicals, etc.

The method of application that we recommend is as follows:

The ink would be supplied in a 4 ounce size jar with a 2 1/2 ounce liquid fill. The jar contains a specially manufactured sponge foam that has a unique die-cut to accommodate the finger for easy insertion, thereby enabling the first joint of the finger to be completely covered with the ink. The special foam also eliminates spillage.

This is the most popular method used today. It has been widely used and is approved by at least 12 to 15 countries for vote fraud detection. Each jar will accommodate 200-250 voters.

Other methods of application are:

1. Brushed, swabbed or applied with a felt tip applicator pen on the fingernail, cuticle, finger and hand.
2. Stamped with a number, letters, etc. on the palm wrist or backhand.
3. Sprayed on the fingers with an aerosol sprayer.
4. Supplied in a poly bottle with a special dropping nozzle that enables the ink to be dropped directly onto the fingernail & cuticle area.

I hope that the above information sufficiently describes the various marking solutions that are available through We will arrange to send you samples of these marking inks asap.

In the meanwhile, should you require any further information, please do not hesitate to contact us.



ELECTION OFFICIALS are keeping a crook-stopping formula under close wraps

# Just dyeing to vote twice

**■ Top secret:** The chemical formula for the invisible dye to mark voters will be a tightly-guarded secret before the elections.

BY DAVID BREWER  
POLITICAL CORRESPONDENT

It will be a secret formula so powerful, it could change the balance of political power in South Africa if it falls into the wrong hands.

An elaborate operation worthy of a spy thriller is being planned to guard the secret chemical formula for the invisible dye which will be used to mark

the hands of voters in South Africa's first nonracial elections due on April 27. The goal is to prevent multiple voting by cheats.

The dye will be visible only under ultra-violet lamps and cannot be washed off — unless the secret formula is leaked so that the antidote can be made.

Officials have confirmed that many voters have more than one identity document including those from homelands and South Africa.

## More opportunities

This would make multiple voting possible, even if ID books were marked in addition, voter cards are likely to be issued creating more op-

portunities for multiple voting.

Also there is resistance to the marking of ID books as there are fears that election boycotters could intimidate voters by inspecting their ID. Voters will be able to vote at any polling station. All this has increased the scope for large-scale election fraud through people voting more than once.

The use of the invisible dye has therefore become the only real backup to prevent massive election fraud.

But Department of Home Affairs deputy director for elections Norman de Plessis said no formula was infallible. Any chemist could make a counter formula to clean off the marking fluid if the formula should leak into unscrupulous hands before the elections. This would enable dishonest voters to vote repeatedly.

De Plessis this week told the Sunday Star some of the extraordinary precautions being planned to prevent the formula leaking out before the elections. He said there were certain basic ingredients in the marking fluid, but there was no single formula and various formulas were possible. The Independent Electoral Commission would decide on the final formula shortly before the elections — three

weeks at the most.

"The fluid will basically be made in the last week under the supervision of the Commission. That will leave just enough time to distribute the cans. They will be sealed until the elections. The seal can only be broken in the presence of party agents on election day.

"We will refuse to make the fluid available beforehand even to scientific institutions so the contents are not known. This is as solid a system as is practical in the circumstances," he said.

Officials hope these extraordinary precautions will prevent unscrupulous political operators rushing the fluid to a chemist to work out a counter formula in time for the elections, enabling crooks to vote repeatedly.

## Various dodges

In last year's white referendum in which invisible dye was also used, voters tried various dodges including washing hands in Coca Cola — but most of it worked, De Plessis said.


The use of the marking dye had been tested in many elections including Namibia, Cambodia, Angola and Nicaragua.



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The tender for ultraviolet light systems has already closed and tenderers indicated that delivery can only take place at the end of January 1994, if the tender is awarded as soon as possible. The Department however requested the Tender Board not to award the tender until further notice.

Yours faithfully

  
DIRECTOR-GENERAL



## APPENDIX III

B-47

REPUBLIC OF SOUTH AFRICA/REPUBLIEK VAN SUID-AFRIKA

DEPARTMENT OF HOME AFFAIRS

DEPARTEMENT VAN BINNELANDSE SAKE



242 STRUBEN STREET/STRUBENSTRAAT 242  
PRIVATE BAG/PRIVAATSAK X114  
PRETORIA  
0001

TEL: 3148 911  
FAX/TAKS: 18/8/10/3  
REF/VERW:

FOR ATTENTION: Annelie Forbes

CSIR  
P O Box 395  
PRETORIA  
0001

1893 -10-27

Dear Ms Forbes

MARKING INK AND ULTRAVIOLET LIGHT SYSTEMS FOR USING IN  
A GENERAL ELECTION

Your facsimile dated 21 October 1993 refers.

I hereby confirm that a tender has been called for, for the supply of ultraviolet light systems to meet the specifications as set out by the SABS.


With regard to the marking ink, it has not been decided as to what type, etc., will be used and no order has been placed. For security reasons marking ink should be ordered as close as possible to polling day.

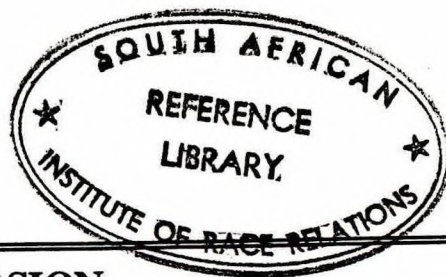
The specifications used for ultraviolet light systems are attached as requested. The Department has no marking ink, used in the past referendum, at its disposal, as it was destroyed after the referendum. For security reasons the Department did not enquire about the chemical composition of the marking ink supplied by the forensic department of the SA Police.

It has been intimated that a Sub-Committee of the Planning Committee of the Multi Party Forum will be established within a week to evaluate, consider and if thus decided, to approve any preparations made by the Department.

The Department has no objection to a request by such a Sub-Committee to make use of the CSIR to evaluate the suitability of equipment provided by the tenderers. It must however be emphasised that all preparations must be ready for an election on 27 April 1994. The possibility of a referendum before an election must also be kept in mind.



  
**EMBARGOED**  
**UNTIL TABLING IN THE NEGOTIATING COUNCIL**  
**ON WEDNESDAY 8 NOVEMBER 1993**



**FOURTH VERSION**  
**OF THE DRAFT ELECTORAL BILL**  
**CLAUSES 1 - 41**  
**BY THE**  
**TECHNICAL COMMITTEE ON THE ELECTORAL BILL**

**8 November 1993**



## **B I L L**

**To regulate elections for the National Assembly and any other legislature to be elected in terms of the Constitution of the Republic of South Africa Act, 1993; and to provide for matters in connection therewith.**

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:-

### **ARRANGEMENT OF SECTIONS**

#### **Section**

#### **CHAPTER I**

#### **Interpretation and Application of Act**

1. Definitions
2. Application of Act
3. Act binding on State and State President

#### **CHAPTER II** **Administration**

4. Administration of Act
5. Party liaison committees
6. Functions of party liaison committees
7. Appointment and control of electoral officers and staff
8. Powers, duties and functions of provincial electoral officers
9. Powers, duties and functions of district electoral officers
10. Powers, duties and functions of presiding officers during voting
11. Powers, duties and functions of voting officers at voting stations



12. Powers, duties and functions of counting officers
13. Appointment and powers, duties and functions of party election and voting agents
14. Declaration of secrecy

### **CHAPTER III**

#### **Franchise**

15. Persons entitled to vote
16. Persons not entitled to vote
17. Temporary Voters' cards

### **CHAPTER IV**

#### **Registration of Participating Parties**

18. Registration for purposes of election
19. Application for registration for purposes of election
20. Registration of alliances of parties
21. Notice of registration in Gazette

### **CHAPTER V**

#### **Announcement of Election and Submission of Lists of Candidates**

22. Determination of voting day and hours of voting
23. Submission of lists of candidates to Chief Director
24. Publication of lists of candidates



## **CHAPTER VI**

### **Preparation for Voting**

- 25. Voting stations**
- 26. Foreign voting stations**
- 27. Supplying of voting materials**
- 28. Voting compartment and ballot box**
- 29. Ballot box**
- 30. Ballot paper**
- 31. Commencement and closing of vote at voting stations**

## **CHAPTER VII**

### **Voting at Voting Stations**

- 32. Place of voting**
- 33. Number of votes per voter**
- 34. Voting to be in secret**
- 35. Identification**
- 36. Manner of voting**
- 37. Voters who cannot read or who are incapacitated by blindness or other physical disability from voting**
- 38. Objection to voting**
- 39. Sealing of ballot boxes and other election material by presiding officer**
- 40. Special voters**
- 41. Procedure of voting by special voters**



**CHAPTER VIII**  
**Determination of Results of Poll**

- 42. Notice of place and time of counting of votes
- 43. Verification of ballot paper count by counting officer
- 44. Counting of votes
- 45. Alleged irregularities or inaccuracies, and challenges of tally
- 46. Formal objections

**CHAPTER IX**  
**Announcement of Result of Election and**  
**Determination of Number of Candidates of Registered Parties Duly Elected**

- 47. Note

**CHAPTER X**  
**Offences and penalties**

- 48. Undue influence
- 49. Bribery
- 50. Personation
- 51. Infringement of voting secrecy
- 52. Prohibition on interference with voting materials and election material
- 53. Prohibition on unauthorized printing, manufacture and supply of voting materials and election material
- 54. Prohibition on interference with free political canvassing and campaigning
- 55. Prohibition on non-compliance with lawful directions, instructions and orders, and obstruction of electoral officers and party election or voting agents
- 56. Prohibition on intentional false statements



- 57. Miscellaneous offences**
- 58. Ownership of voting materials and election material**
- 59. Penalties**

## **CHAPTER XI**

### **General provisions**

- 60. Forfeiture of deposit paid by registered party**
- 61. Destruction of election material**
- 62. Electoral Code of Conduct**
- 63. Bills, placards, etc., to bear publisher's name**
- 64. Prohibition on publication of opinion polls**
- 65. Prohibition on political activities during 48 hours prior to and during voting period**
- 66. Regulations**
- 67. Repeal of laws**
- 68. Short title and commencement**



## CHAPTER I

### Interpretation and Application of Act

#### Definitions

1. In this Act, unless the context otherwise indicates -

**"Administration Directorate"** means the Election Administration Directorate established by section 19 of the Commission Act;

**"alliance party"** means any alliance party registered in terms of section 20;

**"Appeal Tribunal"** means an Electoral Appeal Tribunal established in terms of section 30 of the Commission Act;

**"armed force"** means any armed force not established by or under any law and which is under the authority and control of, or associated with and promotes the objectives of, any party;

**"ballot box"** means any ballot box referred to in section 29;

**"ballot paper"** means any ballot paper referred to in section 30;

**"candidate"** means any person whose name appears on a list of nominations by any registered party to be a member of the National Assembly or any other legislature in terms of the Constitution and this Act;

**"Chief Director"** means the Chief Director: Administration appointed to that office by the Commission in terms of section 20(1) of the Commission Act;

**"Chief Director: Monitoring"** means the person appointed to that office by the Commission in terms of section 23(1) of the Commission Act;

**"Commission"** means the Independent Electoral Commission established by section 4(1) of the Commission Act;

**"Commission Act"** means the Independent Electoral Commission Act, 1993;

**"Constitution"** means the Constitution of the Republic of South Africa Act, 1993;

**"controlled area"** means any controlled area contemplated in section 25(1)(c);

**"counting officer"** means any counting officer appointed in terms of section 7(1)(b)(iii);

**"counting station"** means any place determined by the Commission in terms of section 42 where the counting of votes is to take place;

**"deputy director"** means any deputy director appointed in terms of section 20(1) of the Commission Act;

**"directorate"** means the Administration or Monitoring Directorate;

**"district electoral officer"** means any district electoral officer appointed in terms of section 7(1)(b)(i);

**"election"** means any election conducted in terms of the Electoral Act for the National Assembly or any other legislature;

**"election centre"** means any election centre contemplated in section 25(1)(a);

**"election material"** means any ballot papers, counterfoils, envelopes, statements and other documentation used in connection with the voting in an election;

**"Electoral Code of Conduct"** means the Electoral Code of Conduct contained in Schedule 2;



**"electoral district"** means any electoral district demarcated by the Commission by regulation;

**"electoral officer"** means any deputy director, any provincial or district electoral officer or his or her deputy, any counting officer or any voting officer;

**"Electoral Tribunal"** means an Electoral Tribunal established in terms of section 28 of the Commission Act;

**"foreign voting station"** means any foreign voting station established in terms of section 26;

**"identification mark"** means the mark approved by the Commission for the purpose of the identification of a voter who has voted in the election in terms of section 36(4);

**"inner perimeter"** means any inner perimeter contemplated in section 25(1)(b);

**"interim party liaison committee"** means the interim party liaison committee established in terms of section 5(1)(a);

**"international observer"** means any person appointed as a representative of the United Nations, the Organization of African Unity, the European Community, the Commonwealth and any other inter-governmental organization or foreign government accredited for that purpose by the Subcouncil on Foreign Affairs of the Transitional Council in consultation with the Department of Foreign Affairs in order to observe and report on the electoral process;

**"monitor"** means any person appointed as such in terms of section 24(1)(a) of the Commission Act;

**"Monitoring Directorate"** means the Election Monitoring Directorate established by section 22 of the Commission Act;

**"National Assembly"** means the National Assembly which together with the Senate shall constitute the Constitutional Assembly as contemplated in the Constitution;

**"observer"** means any observer registered as such with the Monitoring Directorate in terms of section 24(1)(b) of the Commission Act;

**"official mark"** means the mark determined by the Chief Director, for the purpose of the identification of a ballot paper having been officially issued in terms of section 36(6)(a) or 41(3);

**"other legislature"** means any legislature contemplated in the Constitution, excluding the National Assembly and Senate;

**"party"** means any registered party, and any party, organization or movement of a political nature which publicly supports or opposes the policies, candidates or cause of any registered party, or which propagates non-participation in any election or the non-acceptance of the results certified by the Commission;

**"party election agent"** means any party election agent appointed in terms of section 13(1) or (3)(c);

**"party election district agent"** means any party election district agent appointed in terms of section 13(1)(c);

**"party election national agent"** means any party election national agent appointed in terms of section 13(1)(a);

**"party election provincial agent"** means any party election provincial agent appointed in terms of section 13(1)(b);

**"party liaison national committee"** means the party liaison national committee established in terms of section 5(3)(a);

**"party liaison provincial committee"** means the party liaison provincial committee established by section 5(3)(b);

**"party voting agent"** means any party voting agent appointed in terms of section 13(5);



**"prescribe"** means prescribe by regulation under this Act or the Commission Act;  
**"presiding officer"** means any presiding officer appointed in terms of section 7(1)(b)(ii);  
**"province"** means any province of the Republic determined as such in terms of the Constitution;  
**"provincial electoral officer"** means any provincial electoral officer appointed in terms of section 7(a)(a);  
**"qualified person"** means any person qualified in terms of the Constitution to serve as a member of the National Assembly or other legislature;  
**"registered party"** means any party registered in terms of Chapter IV;  
**"regulations"** means the regulations made under section 66;  
**"Republic"** means the Republic of South Africa, including any of the Republics of Transkei, Bophuthatswana, Venda or Ciskei;  
**"Secretariat"** means the Election Adjudication Secretariat established by section 25 of the Commission Act;  
**"Secretary"** means the person appointed to that office by the Commission in terms of Section 26(1) of the Commission Act;  
**"Senate"** means the Senate as contemplated in the Constitution;  
**"South African citizen"** means a citizen of the Republic;  
**"Special Electoral Court"** means the Special Electoral Court established by section 32(1) of the Commission Act;  
**"special vote"** means any special vote contemplated in section 40 and 41;  
**"special voter"** means any voter entitled in terms of section 41 to record his or her vote as a special voter;  
**"State"** means the Republic;  
**"temporary voter's card"** means any voter's card issued in terms of section 17;  
**"this Act"** includes the regulations;  
**"Transitional Council"** means the Transitional Executive Council established by section 2 of the Transitional Executive Council Act, 1993;  
**"voter"** means any eligible voter as contemplated in the Constitution and this Act;  
**"voter's eligibility document"** means a valid passport, an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act No. of 1986), or any other law of the Republic, as the case may be, or a voter's card or a reference book issued in terms of the repealed Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act No. 67 of 1952);  
**"voting compartment"** means any voting compartment referred to in section 28;  
**"voting day or days"** means the voting day or days fixed in terms of section 22(1);  
**"voting materials"** means voting compartments, ballot boxes, ballot papers, instruments, seals and other requisites for the purposes of conducting the election;  
**"voting officer"** means any voting officer appointed in terms of section 7(1)(c);  
**"voting period"** means the voting day or days determined in terms of section 22(1); and  
**"voting station"** means any voting station referred to in section 25.

## **Application of Act**

2. The provisions of this Act shall apply in respect of elections held in terms of the Constitution for the National Assembly or any other legislature.



## **Act binding on State and State President**

3. (1) This Act shall bind the State.
- (2) This Act shall bind the State President in so far as he or she shall be obliged to act in accordance with the advice of the Transitional Council wherever so provided for in this Act.

## **CHAPTER II**

### **Administration**

#### **Administration of Act**

4. The provisions of this Act shall be administered by the Commission which in such administration shall endeavour to create an environment which generates confidence in the electoral process and the secrecy of the ballot.

#### **Party liaison committees**

5. (1) The Transitional Council shall -
  - (a) as soon as practicable establish an interim party liaison committee which shall continue until the party liaison national committee has been established in terms of subsection (3)(a); and
  - (b) appoint a chairperson for such committee, who may or may not be a person contemplated in subsection (2), who shall determine the procedures to be followed at the meetings thereof : Provided that if a person contemplated in subsection (2) is so appointed as chairperson, the party represented by such person on such committee may designate another representative in his or her place.
- (2) The interim party liaison committee shall consist of such representatives of parties as may be appointed for that purpose by the Transitional Council.
- (3) Upon publication of the notice contemplated in section 21 the Commission shall -
  - (a) establish a party liaison national committee consisting of all party election national agents of all registered parties participating in the election whether in respect of the National Assembly or the other legislatures; and
  - (b) establish party liaison provincial and local committees consisting of all party election provincial and district agents, as the case may be, of all registered parties participating in the election whether in respect of the National Assembly or the other legislatures.
- (4) The Commission shall attempt -
  - (a) appoint a chairperson for each of the committees contemplated in subsection (3) who shall determine the procedures to be followed at the meetings thereof; and
  - (b) a representative of the Commission to serve on any such committee.



(5) Notwithstanding the provisions of subsection (3) the Commission may require any registered party which is unrepresented on any party liaison provincial or local committee to appoint a representative to attend the meetings of such committee and to serve thereon.

### **Functions of party liaison committees**

6. A party liaison committee contemplated in section 5 shall not make decisions but shall

- (a) establish liaison between the Commission and the parties represented thereon and between such parties regarding election matters, including -
  - (i) the administration of the electoral arrangement in general;
  - (ii) staffing;
  - (iii) the number and location of voting and counting stations;
  - (iv) the demarcation of electoral districts; and
  - (v) the number and location of foreign voting stations;
- (b) be a forum in which the parties represented on such committee may -
  - (i) discuss matters of concern with a view to obviating the incidence of infringements of the Electoral Code of Conduct and, if possible, resolving same without the necessity for formal complaint and investigation procedures; and
  - (ii) consult regarding the need for and formulation of regulations governing matters in connection with the election.

### **Appointment and control of electoral officers and staff**

7. (1) Subject to sections 15 and 20 of the Commission Act, the Chief Director shall, in respect of any election proclaimed in terms of this Act, in consultation with the Commission, appoint -

- (a) a provincial electoral officer and one or more deputies in respect of each province;
- (b)
  - (i) a district electoral officer and one or more deputies in respect of each district;
  - (ii) a presiding officer in respect of each voting station; and
  - (iii) one or more counting officers in respect of each counting station, orsubject to such consultation, authorize any such appointment by any provincial electoral officer; and
- (c) one or more voting officers in respect of each voting station as he or she may consider necessary for the effective administration of the election, or subject to such consultation, authorize any such appointment by any provincial or district electoral officer.

(2) Subject to section 15 of the Commission Act, the Chief Director, any provincial or district electoral officer or any counting officer may, if authorized thereto by the Chief Director, appoint other staff as may be necessary for the effective administration of the election.

(3) All electoral officers, and staff appointed in terms of this section, shall be under the control and carry out the instructions of the Chief Director.

(4) In the appointment of staff in terms of this section an endeavour shall be made to appoint a broad cross-section of the population, including women.



(5) In effecting any appointment in terms of subsection (1), the Commission shall invite and, where given within 48 hours after submission to the interim party liaison committee or the party liaison national committee, as the case may be, of a proposal regarding any such appointment, consider, but shall not be bound by, the advice of any such committee.

(6) No appointment made in terms of subsections (1) or (9) or removal from office in terms of subsection (7) shall be subject to appeal or review.

(7) Notwithstanding anything to the contrary contained in this Act or any other law any presiding, voting or counting officer may be removed from office by the Chief Director or his or her delegate on account of -

- (a) misconduct;
- (b) inability to perform the duties of his or her office efficiently;
- (c) his or her absence without the prior permission of the Chief Director or his or her delegate;
- (d) his or her incompetence;
- (e) displaying bias; or
- (f) his or her unsuitability for office.

(8) Subject to subsection (5), in the event of a removal from office contemplated in subsection (7), compensation shall be the only remedy available.

(9) In the event of the death of any officer contemplated in subsection (1), any removal from office contemplated in subsection (7) or the ceasing to hold office by any such officer for any other reason, the Chief Director or his or her delegate or the provincial or district electoral officer or his or her respective deputy, as the case may be, may appoint a person in the place of such officer.

#### **Powers, duties and functions of provincial electoral officers**

8. (1) Subject to the control of the Chief Director, the provincial electoral officer shall assume responsibility for the administration, organization, supervision and conduct of the election for both the National Assembly and the other legislature in the province in respect of which he or she has been appointed.

(2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the provincial electoral officer shall have such other powers, duties and functions as may be prescribed.

#### **Powers, duties and functions of district electoral officers**

9. (1) Subject to the control of the provincial electoral officer, the district electoral officer shall have such powers as may be delegated to him or her by the Chief Director under section 21(4) of the Commission Act in respect of the administration, organization, supervision and conduct of the election in the electoral district in respect of which he or she has been appointed.

(2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the district electoral officer shall have such other powers, duties and functions as may be prescribed.



## **Powers, duties and functions of presiding officers during voting**

10. (1) The presiding officer at a voting station shall have power to -

- (a) take such steps as may be necessary for the orderly conduct of the voting, including the regulating of the number of voters to be admitted at a time to the election centre and the inner perimeter; and
- (b) exclude from the election centre and the inner perimeter all other persons except -
  - (i) members, employees and representatives of the Commission;
  - (ii) the Chief Director and any electoral officer concerned;
  - (iii) any party voting agent entitled in terms of section 13(5) to be present at a voting station;
  - (iv) any other person authorized by the Commission to be present as a monitor or international or other observer;
  - (v) any such prescribed number of candidates as the presiding officer may allow;
  - (vi) any such interpreters, staff and other persons as the presiding officer may allow; and
  - (vii) any person recording his or her vote.

(2) Subject to subsection (1)(b), no person shall enter or remain in an election centre or inner perimeter without the permission of the presiding officer.

(3) The presiding officer shall take all reasonable steps for the protection of persons and property, and for preventing any violence or disturbance in or in the vicinity of the voting station.

(4) The powers conferred by this section shall not be so exercised as to prevent any person who is entitled to vote, from having an opportunity to record his or her vote.

(5) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the presiding officer shall have such other powers, duties and functions as may be prescribed.

## **Powers, duties and functions of voting officers at voting stations**

11. (1) Voting officers shall assist the presiding officer in the exercise of the powers and the performance of the duties and functions of the presiding officer in terms of this Act and carry out his or her lawful instructions.

(2) In addition to the powers, duties and functions conferred or imposed by the other provisions of this Act, the voting officer shall have such other powers, duties and functions as may be prescribed.

## **Powers, duties and functions of counting officers**

12. (1) Subject to the control of the provincial electoral officer, the counting officer shall have such powers as may be delegated to him or her by the Chief Director under section 21(4) of the Commission Act in respect of the administration, organization and conduct of the counting of the votes in the area concerned.

(2) In addition to the powers, duties and functions conferred or imposed by the other



provisions of this Act, the counting officer shall have such other powers, duties and functions as may be prescribed.

(3) The provisions of section 10 shall, in so far as they are capable of being applied, mutatis mutandis apply to a counting officer.

### **Appointment and powers, duties and functions of party election and voting agents**

13. (1) Upon registration in terms of sections 19 and 20 the party concerned shall by written notice to the Chief Director -

- (a) if the party is contesting the election for the National Assembly, appoint a party election national agent and his or her deputy and a party election provincial agent in respect of each province, and shall furnish the names and business addresses of such party election agents;
- (b) if the party is not contesting the election for the National Assembly, appoint a party election provincial agent and his or her deputy in respect of each province in which it is contesting the election, and furnish the names and business addresses of such party election agents; and
- (c) when so required by the Commission, appoint a party election district agent in respect of any electoral district within 10 days after notification of such requirement and furnish the name and business address of such party election agent.

(2) The party election national or provincial agent shall attend and represent the registered party at meetings of the party liaison national or provincial committee, as the case may be, and all other fora which the Commission, a Chief Director of a directorate or the provincial electoral officer in its, his or her discretion may constitute in respect of an election.

(3)(a) A registered party which has appointed an election agent may at any time revoke such appointment.

(b) When a registered party revokes an appointment under paragraph (a) or if any party election agent resigns, becomes incapacitated or dies, the registered party shall forthwith inform the Chief Director or the provincial electoral officer concerned in writing of such revocation, resignation, incapacity or death.

(c) A registered party shall as soon as practicable but not later than five days after the occurrence of any vacancy in terms of paragraph (a) or (b), fill such vacancy by appointing any other person as party election agent and shall forthwith notify the Chief Director or the provincial electoral officer concerned in writing of the name and address of the person so appointed: Provided that in the case of a party election national agent, such appointment shall be made within 48 hours of the vacancy having occurred.

(4) A record of all appointments and information noted in terms of this section shall be kept as a matter of public record by the Chief Director and the provincial electoral officer concerned for public scrutiny and a copy of each such notice shall be submitted to each presiding officer in the district concerned.

(5) A party election provincial agent shall in the prescribed manner appoint such number of party voting agents as may be prescribed for the purposes of monitoring voting