

# MODULE 1

# HOW THE ELECTIONS WORK

**2026**  
**MUNICIPAL  
ELECTIONS**



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This module is part of a comprehensive set of online election resources which will be updated from time to time in the run-up to the 2026 local government elections. For further information on the 2026 elections, please visit <https://elections.sanef.org.za>

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## MODULE 1 | ELECTIONS 2026: HOW THE ELECTIONS WORK

### Overview of this module:

- The constitutional rights of voters, and the constitutional and legislative framework applicable to elections;
- The role and functions of key electoral institutions such as the Independent Electoral Commission of South Africa (“IEC”) and Electoral Court;
- How the mixed-voting system of proportional representation (“PR”) and first-past-the-post (“FPTP”) (ward candidates) works in South Africa;
- What the key milestones of the Election Timetable are during an election period.

### 1. The constitutional framework

Democracy is a fundamental and indispensable principle of government in South Africa. The preamble to the South African Constitution states that government must be based on the “will of the people”, and section 1 sets out the values on which South Africa is founded, which include universal adult suffrage, a national common voters’ roll, regular elections, and a multi-party system of democratic government.

In an open and democratic society, citizens express their will through elections. Elections are based on, and must be conducted in accordance with, the above democratic values. Political rights are particularly important given South Africa’s history in which the majority of its citizens were denied the right to vote.<sup>1</sup>

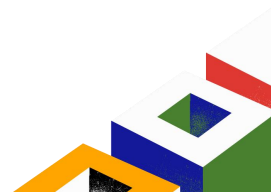
Section 19 of the Bill of Rights in the Constitution provides that:

- (1) Every citizen is free to make political choices, which includes the right—
  - (a) to form a political party;
  - (b) to participate in the activities of, or recruit members for, a political party; and
  - (c) to campaign for 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.

These rights and values are safeguarded by several other civil and political rights in the Constitution, such as **freedom of expression** (section 16) and **access to information** (section 32), which together ensure that voters can make informed choices and hold political representatives to accounts. These rights also include an express protection of media freedom, which is integral to a democratic society.

The exercise of these rights enables citizen involvement in government through a democratic process that is representative, participatory, and direct. However, no right is absolute. Section 36 of the Constitution provides that the limitation of any right must be justifiable. These stipulations

<sup>1</sup> See *Ramakatsa and Others v Magashule and Others* [2012] ZACC 31 at para 64.



include that a right may only be limited in terms of a law of general application — that is, that it applies to the general population, and to the extent that it is reasonable and justifiable in an open and democratic society.

## WHAT RIGHTS DO VOTERS HAVE?

Section 19, read with section 1(d) of the Constitution, facilitates both the representative and participatory elements of democracy. According to the IEC, the key rights that each voter enjoys include:<sup>2</sup>

- The right to free and fair elections;
- The right to vote;
- The right not to vote;
- The right to spoil one's vote;
- The right to vote once at one's registered voting station;
- The right to one's own free choice of party or candidate;
- The right to a secret vote;
- The right to get help to vote;
- The right to vote safely; and
- The right to make a complaint about harassment or intimidation.

## 2. The legislative framework

South Africa's elections are governed through several key laws:

- The **Electoral Commission Act 51 of 1996** expands on the establishment of the IEC and details its composition, administrative structure, power, duties, and functions.
- The **Electoral Act 73 of 1998** (Electoral Act)<sup>3</sup>, as amended, applies primarily to national and provincial elections, but also stipulates a range of processes and regulations that apply to municipal elections as well. It provides for the various operational and administrative aspects relevant to elections, including the registration of voters and the voters' roll, the accreditation of observers, and the determination and declaration of final results. Part I of Chapter 7 of the Electoral Act sets out what conduct is prohibited in terms of the legislation. (See below.)
- The **Local Government: Municipal Electoral Act 27 of 2000** (Municipal Electoral Act)<sup>4</sup>, as amended, regulates specific processes for municipal elections in South Africa. The Municipal Electoral Act states that its provisions should be deemed to take precedence over the Electoral Act when it expressly deals with an issue related to municipal elections.

<sup>2</sup> IEC, 'Municipal elections handbook', (2016) at 51-52. (Accessible [here](#)).

<sup>3</sup> Electoral Act 73 of 1998, as amended. (Accessible [here](#)).

<sup>4</sup> Local Government: Municipal Electoral Act 27 of 2000, as amended. (Accessible [here](#)).

- These laws have been amended several times. Most recently, this includes the **Electoral Laws Amendment Act 1 of 2019** and the **Electoral Laws Amendment Act 4 of 2021** which updated procedures relating to the voter roll and the registration of parties, the **Electoral Amendment Act 1 of 2023**, which provided for independent candidates to contest national and provincial elections, and the **Electoral Matters Amendment Act 14 of 2024**, which updated provisions relating to political party funding and donations.
- Although it does not pertain to municipal elections, in 2024 the **Electoral Amendment Act** came into force, allowing independent candidates to contest national and provincial elections for the first time. This reform was the direct outcome of the 2020 Constitutional Court judgment in *New Nation Movement NPC v President of the Republic of South Africa & Others*, which found parts of the Electoral Act unconstitutional because they restricted candidacy to political party membership.<sup>5</sup>

The **Electoral Code of Conduct**, contained in Schedule 2 of the Electoral Act, binds every registered party and every candidate to certain conduct in order to contest elections. The Electoral Code of Conduct is aimed at promoting conditions that are conducive to free and fair elections, in which there is a climate of tolerance, free political campaigning, and open public debate.<sup>6</sup>

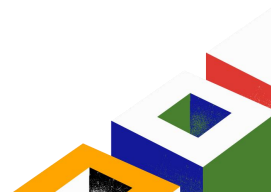
## WHAT DOES THE ELECTORAL CODE SAY?

Registered parties and candidates must:

- Publicly state that everyone has the right to freely express, challenge, or debate their political beliefs and opinions, to publish election materials, support candidates or parties, or recruit members for a party.
- Publicly condemn any action that may undermine the free and fair conduct of elections.
- Respect and facilitate the right of women to participate in electoral and political activities.
- Refrain from using language or acting in a way that may provoke violence during an election or the intimidation of parties, candidates, or voters, publish false or defamatory allegations, or discriminate on protected grounds.
- Refrain from unreasonably preventing any person access to voters.
- Refrain from defacing or unlawfully removing election materials of parties or candidates.
- Communicate and liaise with other political parties about planned political events.
- Recognise the authority of the IEC, assure voters of its impartiality, and obey lawful orders of the IEC.
- Work with IEC structures and allow them to perform their duties.
- Respect the role of the media.
- Accept the results of the election or challenge the result in court.

<sup>5</sup> *New Nation Movement NPC v President of the Republic of South Africa & Others* [2020] ZACC 11.

<sup>6</sup> IEC, above n 2 at 18.



Notably, section 2 of the Electoral Code states that every registered party and candidate must promote the purpose of the Electoral Code, publicise it widely in election campaigns, and promote and support efforts to educate voters. The specific provisions of these laws concerning the media are dealt with in more detail in Module 2.

### Funding and donations to political parties

The **Political Party Funding Act 6 of 2018**, which came into effect ahead of the 2021 municipal elections, ushered in a range of changes relating to the public and private funding of political parties. The most salient of these is the requirement that parties must disclose the identity of any donor who donates above a certain amount in a given year. Initially this threshold for disclosure was set at R100 000, but in 2025 it was raised to R200 000.<sup>7</sup> There is also a cap on how much any donor can contribute to a party, which is currently set at R30 million a year.

Outside of direct private donations, the Political Party Funding Act establishes two political party funds:

- **The Represented Political Party Fund**, which extends the IEC's existing mandate to support multiparty democracy by providing for public funding of represented political parties through funds appropriated by legislation,<sup>8</sup> and
- **The Multi-Party Democracy Fund**, which allows for corporate and private donors to contribute to a pool of funding that the IEC distributes across all elected political parties and independent representatives.<sup>9</sup>

The Political Party Funding Act imposes a wide range of accountability measures on private donations to political parties, including a prohibition on certain donations made directly to political parties, such as funds from foreign governments or foreign government agencies (section 8). It also requires that parties disclose donations above a prescribed threshold, and the source of those donations to the IEC, who must publish quarterly declarations from all parties on its website. (These are available [here](#).)

The decision to increase the disclosure thresholds and total limits donations came after the National Assembly amended the Act in 2024, reflecting inflationary pressures and ongoing debates about balancing transparency with the administrative burden on parties. This amendment, which was criticised by transparency advocates,<sup>10</sup> coincided with heightened scrutiny of party financing in the run-up to the 2024 national elections. During the 2026 State of the Nation Address, the President announced that the Act would be further amended to criminalise donations to political parties "in the expectation of access to procurement tenders or contracts."<sup>11</sup>

In 2025, the transparency group My Vote Counts brought a court challenge to the constitutionality of the Political Party Funding Act,<sup>12</sup> raising concerns around the non-disclosure

<sup>7</sup> Presidency of South Africa, Proclamation Notice R. 275 of 2025 (6 August 2025). (Accessible [here](#).)

<sup>8</sup> IEC 'Represented Political Parties Fund' (no date). (Accessible [here](#)).

<sup>9</sup> IEC 'Multi-Party Democracy Fund' (no date). (Accessible [here](#)).

<sup>10</sup> My Vote Counts, 'Media Statement: President Ramaphosa takes us back to greater secrecy, less accountability in private political funding' (19 August 2025). (Accessible [here](#)).

<sup>11</sup> State of the Nation, 'Political Party Funding Act' (2026). (Accessible [here](#)).

<sup>12</sup> *My Vote Counts NPC v President of the Republic of South Africa and Others* [2025] ZAWCHC 383.



of donations below the R100 000 (now R200 000) threshold, the allowance of individual donations up to R15 million (now R30 million) annually, and the President's broad discretion over funding limits. However, the matter was dismissed in August 2025.

### 3. The role of the IEC

The Constitution lists the IEC under Chapter 9 as a state institution supporting democracy. Section 181(2) of the Constitution provides that Chapter 9 institutions are independent, subject only to the Constitution and the law, and that they must be impartial and exercise their powers and functions without fear, favour, or prejudice.

The IEC consists of five members (one of whom must be a judge) each appointed by the President for a term of seven years.<sup>13</sup>

#### IEC COMMISSIONERS FOR THE 2026 ELECTIONS

The IEC commissioners in 2026 are: Mr Mosotho Moepya (Chairperson); Mr Glen Mashinini; Ms Janet Love; Ms Joyce Pitso; and Judge Dhaya Pillay.

The Chief Electoral Officer is Mr Sy Mamabolo.

The IEC, through the Office of the Chief Electoral Officer, has three main functions as set out in the Constitution,<sup>14</sup> including to manage the elections of national, provincial, and municipal legislative bodies, and ensure they are free and fair, to declare results, and to compile and maintain a voters' roll.<sup>15</sup> A national common voters' roll was first used in the 1999 general elections; and for every subsequent election (general and municipal) thereafter.

The further functions of the Commission are set out in section 5(1) of the Electoral Commission Act.

### 4. The Electoral Court

The Electoral Court is established in terms of section 18 of the Electoral Commission Act and enjoys the same status as that of a Supreme Court. The role of the Electoral Court is to review the decisions of the IEC relating to an electoral matter and to hear appeals and reviews of decisions made by it.<sup>16</sup> All matters must be conducted on an urgent basis and disposed of as expeditiously as possible.<sup>17</sup>

<sup>13</sup> Sections 6(1) and 7(1) of the Electoral Commission Act.

<sup>14</sup> Section 190(1) of the Constitution.

<sup>15</sup> As set out in section 5(1) of the Electoral Commission Act.

<sup>16</sup> The powers, duties, and functions of the Electoral Court are set out in section 20 of the Electoral Commission Act.

<sup>17</sup> Section 20(1) of the Electoral Commission Act.

The Electoral Court is also empowered to determine any matter that relates to the interpretation of a law referred to it by the IEC,<sup>18</sup> and to investigate any allegation of misconduct, incapacity, or incompetence of a member of the Commission and accordingly to make a recommendation to the National Assembly.<sup>19</sup>

For instance, in the decision of *Kham and Others v Electoral Commission and Another*, the Constitutional Court noted that:<sup>20</sup>

“The jurisdiction to review any decision of the IEC relating to an electoral matter affords the Electoral Court a power of judicial oversight over the activities of the IEC. The Electoral Court can examine any decision by the IEC and substitute it with its own. The range of electoral matters may be great. Certainly all the issues arising in the present case relate to electoral matters. They concern who may vote and whether all those who voted were entitled to do so.”

Members sitting on the Electoral Court are appointed by the President, on the recommendation of the Judicial Services Commission (JSC).

## 5. The voting system

Municipal elections take place in South Africa every five years and constitute the most basic formal level of democratically elected government in South Africa. Municipal elections differ from national and provincial elections in that they use a mix or hybrid of both a proportional representation (PR) system and ward system.<sup>21</sup>

There are three types of municipal councils in South Africa which hold executive and legislative authority, namely: <sup>22</sup>

### **Metropolitan municipalities (also known as Category A):**

There are eight metropolitan municipalities in South Africa, based in cities with dense populations and high levels of economic activity:<sup>23</sup> Cape Town, eThekweni (Durban), Johannesburg, Mangaung (Bloemfontein), Tshwane (Pretoria), Nelson Mandela Bay (Gqeberha), Buffalo City (East London), and Ekurhuleni (East Rand).

Metropolitan municipalities are broken into wards, for which ward councillors are elected. Half of the ward councillors in metropolitan councils are elected through the proportional representation system through parties, and the other half are directly elected by residents (and may be independent or nominated by a political party).<sup>24</sup> In December 2025, the Municipal Demarcation Board finalised and handed over 4 305 wards, representing around 95% of all wards nationally.

### **Local municipalities (also known as Category B):**

Areas that do not fall within metropolitan municipalities are divided into **local municipalities**. There are currently 205 local municipalities nationwide. Each local municipality is further divided

<sup>18</sup> Section 20(6) of the Electoral Commission Act.

<sup>19</sup> Section 20(7) of the Electoral Commission Act.

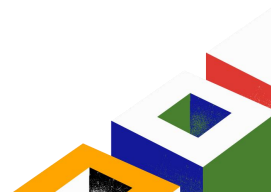
<sup>20</sup> [2015] ZACC 37 at para 42.

<sup>21</sup> IEC, ‘Municipal Elections’ (2021). (Accessible [here](#)).

<sup>22</sup> Municipalities.co.za, ‘The Local Government Handbook South Africa 2021,’ p 12. (Accessible [here](#)).

<sup>23</sup> Section 2 of the Local Government: Municipal Structures Act 117 of 1998.

<sup>24</sup> Dullah Omar Institute, ‘Electing Councillors: A Guide to Municipal Elections,’ (2016). (Accessible [here](#)).



into different wards. While in the past there was a differentiation between urban and local urban government, this is no longer the case and now all rural villages and farms fall under local municipalities.<sup>25</sup>

### **District municipalities (also known as Category C):**

Local municipalities are grouped together to make up **district municipalities**. South Africa currently has 44 district municipalities, usually made up of four to six local municipalities.

## **6. How seats are assigned in a council**

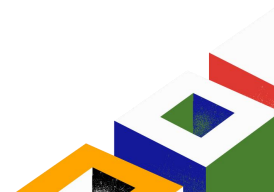
Municipal councils use a mixed system to elect councillors, incorporating both proportional representation (like the national elections), and a ward constituency system.

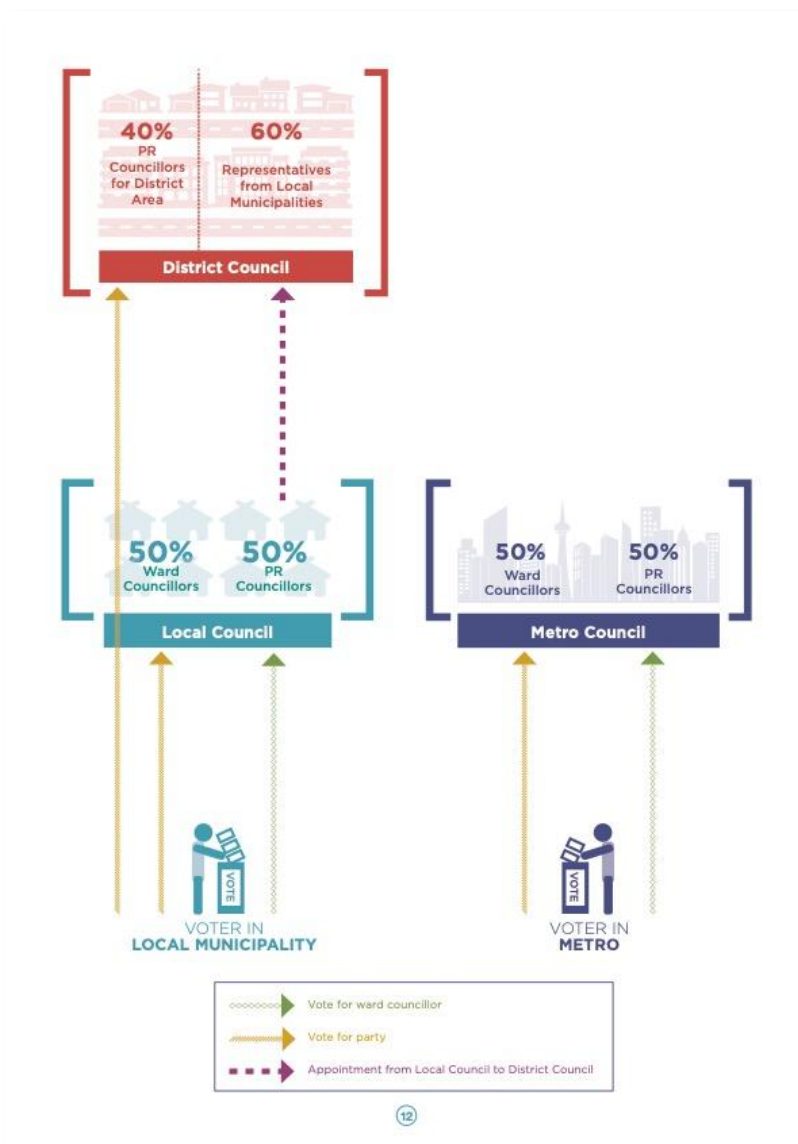
### **Seat allocation in local and metropolitan councils**

For both metropolitan and local councils, half of all seats on the council are allocated to proportional representation and half to ward candidates. This means that each voter in one of these municipalities votes once for a party, who is then allocated seats proportional to the percentage of votes that they receive, seats which the party fills from a closed list of candidates. The voter also then votes for an individual from a list of ward candidates, who may be representatives of parties or independent candidates, and from which the individual with the highest number of votes is elected.

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<sup>25</sup> IEC, 'Municipal elections handbook', (2016) at 21. (Accessible [here](#)).





Source: Dullah Omar Institute, 'Electing Councillors: A Guide to Municipal Elections', accessible [here](#).

A unique element of the mixed system is how the PR vote impacts the overall seat calculation. Even when a smaller party/organisation does not win a ward, those 'lost' votes are not discarded but added to that party/organisation's total votes to possibly give it a PR seat. This was one of the ANC's main criticisms of the electoral system after the 2016 local elections where, although the party had won more wards than other parties, its PR seat tally was restricted through the IEC's complex seat-allocation formula. In some instances, some smaller parties/organisations went on to assume the role of kingmaker in smaller councils due to a single PR seat allocation. Often, this kingmaker status afforded these smaller players more leverage in the form of demanding official positions such as that of the mayor, deputy mayor and council speaker posts as a bargaining tool.

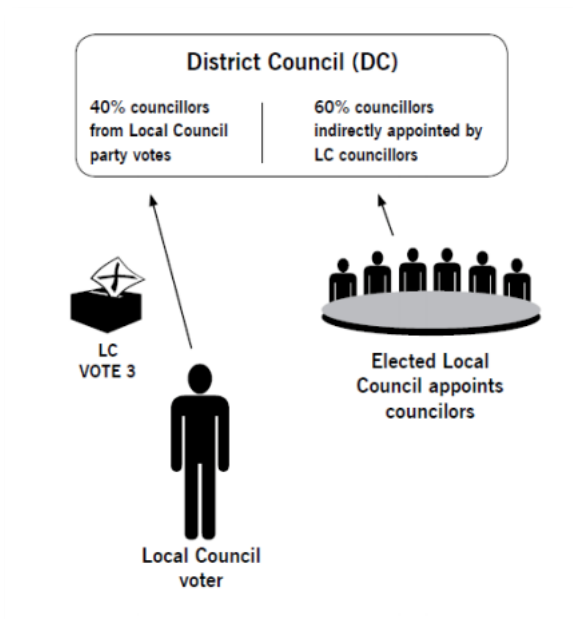
In turn, the government introduced the Local Government: Municipal Structures Amendment Bill (B2-2025) in 2024.<sup>26</sup> The Bill was introduced with the aim of amending the Local Government:

<sup>26</sup> See Local Government: Municipal Structures Amendment Bill (B2-2025). (Accessible [here](#)).

Municipal Structures Act to strengthen stability in South Africa’s municipalities by curbing the misuse of motions of no confidence. The Bill proposes that only one motion of no confidence may be tabled against a speaker, whip, executive mayor, or deputy executive mayor within a 12-month period. However, it allows exceptions in cases of constitutional or legal violations, misconduct, or incapacity, ensuring genuine accountability is not compromised. Additionally, the Bill seeks to introduce a 1% electoral threshold for party representation in councils, binding coalition agreements, restrictions on frequent no-confidence motions, and a shift from mayoral executive systems to collective governance in coalition-led municipalities. To safeguard fairness, the Bill requires that any such motion be referred to an independent panel to assess its validity.

### Seat allocation in district councils

District councils operate slightly differently because they are made up of several local municipalities. Each voter in a local municipality also receives a district municipality ballot, from which they vote for parties according to the proportional representation system. 40% of the seats on the district council are allocated this way. The remaining 60% are allocated to councillors sent by the local councils that make up that district, according to the proportion of support that parties have in a specific council.



Source: IEC, ‘Seat allocation for District Councils’, accessible [here](#).

Section 157 of the Constitution mandates the composition and election of municipal councils. It requires that a person may vote in a municipality only if they are registered on that municipality's segment of the national common voters' roll. This means that, unlike national elections, South Africans living outside the country may not vote in local elections. Likewise, prisoners also cannot vote in local elections because registered voters need to be resident where they are registered; and their names must appear on that segment of the voting district voter's roll.

The process for establishing ward and voting district boundaries is complex and managed across various agencies:<sup>27</sup>

1. First, the Minister of Cooperative Governance and Traditional Affairs (COGTA) defines the formulas for determining the number of councillors for each municipal council.
2. Second, the provincial Members of Executive Councils (MECs) apply the formula to determine the number of municipal council seats for each municipality in their province, which is published in the *Government Gazette*.
3. Third, the Municipal Demarcation Board (MDB) then steps in. The MDB is an independent body established by the Constitution and the **Municipal Demarcation Act 27 of 1998** to draw municipal (known as demarcation) and ward (known as delimitation) boundaries.
4. Lastly, after an extensive nationwide public participation programme to inform their work, the MDB hands over final wards to the IEC prior to the election.

It is also worth noting that municipal by-elections take place in between regular elections. These must be held within 90 days after a municipal ward council seat becomes vacant when a ward councillor resigns, is expelled, or dies.<sup>28</sup>

## 7. Key milestones during the election period

To be eligible to vote, citizens must register to vote. To register, a person must:

- be a South African citizen;
- be 18 years old on the date on which the election was proclaimed by the President;
- have a valid green barcoded ID book, smart-card ID, or temporary ID certificate; and
- be registered on the roll.<sup>29</sup>

### DID YOU KNOW?

The voters' roll closes at midnight on the day of proclamation, and must then be made publicly available after certification by the IEC.<sup>30</sup>

To contest an election, registered political parties and independent (ward) candidates must pay a deposit for each election that they want to contest, and parties must have submitted candidate lists to the IEC.<sup>31</sup> To be registered, a political party must submit the name of the party, the party's symbol in colour, the party's abbreviation, and the party's constitution. Failure to satisfy any one

<sup>27</sup> IEC, 'Municipal elections handbook,' (2016) at 23. (Accessible [here](#)).

<sup>28</sup> IEC, 'Frequently asked questions: Elections'. (Accessible [here](#)).

<sup>29</sup> Sections 6 and 7 of the Electoral Act.

<sup>30</sup> Section 16 of the Electoral Act.

<sup>31</sup> Sections 14 and 27 of the Municipal Electoral Act.

of these requirements may result in a refusal of registration. For example, after the establishment of the Congress of the People (COPE) in 2008, the ANC objected on the basis that COPE's name was closely associated with the ANC's own liberation history. COPE was allowed to keep its name following a court ruling that the 1955 Congress of the People in Kliptown was not the exclusive preserve of the ANC and its history.<sup>32</sup> A similar objection by the ANC, although unsuccessful, recently occurred with the MK Party.<sup>33</sup>

The election date must be published or "proclaimed" in the *Government Gazette* after consultation with the IEC, which is required to compile and publish an election timetable.

## WHEN WILL THE ELECTION TAKE PLACE?

The 2026 local government elections will take place on 4 November 2026.<sup>34</sup>

Once the IEC concludes its voter registration drives to get more people registered for the election, notably previously unregistered and/or new voters, the minister of Cooperative Governance and Traditional Affairs officially proclaims the election date. (Note: while the President may announce the date of the upcoming elections, this is separate from the official legal proclamation of the elections which happens later.)<sup>35</sup> Once the minister has proclaimed the election date, a timetable of key election milestones is set into motion, including:

1. Proclamation and gazetting of the election date.
2. Closing of voters' roll at midnight following the proclamation.
3. Release of proposed voting station addresses for inspection.
4. Certification and publication of voters' roll.
5. Deadline for submission of candidate lists and deposits.
6. Notifying parties/candidates on document/deposit non-compliance.
7. Final compliance deadline for parties and candidates.
8. Publication of list of parties and candidates for elections.
9. Applications for special votes.
10. Publication of voting stations and mobile voting station routes.
11. Issuing of participation certificates to parties and ward candidates.
12. Special voting days (usually spread over two days) from 8am to 5pm.
13. Election Day.

<sup>32</sup> *African National Congress v Congress of the People (Association Inc. Under Section 21) and Others* [2008] ZAGPHC 411. (Accessible [here](#)).

<sup>33</sup> News 24, 'ANC court loss to MK Party gives it legitimacy as a worthy opponent, say analysts, (27 March 2024). (Accessible [here](#)).

<sup>34</sup> IEC, 'Electoral Commission welcomes announcement of 4 November 2026 as Local Government Elections date' (30 April 2026). (Accessible [here](#)).

<sup>35</sup> *Ibid.*

## 8. Voting procedures

### HOW DOES VOTING TAKE PLACE?

Voting takes place as follows:

- The voter produces an identity document, smart identity card, or temporary identity certificate to a presiding officer or voting officer<sup>36</sup> who verifies that the voter's name appears on the certified segment of the voters' roll of the relevant voting district<sup>37</sup> and that the voter has not already voted in that election.<sup>38</sup>
- The presiding officer records that the voter has voted, marks the thumbnail of the voter to prevent double voting, and stamps the back of the ballot papers with the official stamp for the election.
- The voter receives the ballot papers from the presiding officer.
- The voter must enter an empty voting compartment, mark the ballot papers in a way that indicates the registered party or candidate that the voter wishes to vote for and fold the ballot papers to conceal the vote. As discussed in Module 5, voters will receive two ballot papers.
- The voter must take the ballot papers to the ballot boxes and show it to the presiding officer or a voting officer in a way that the officer can see the official stamp on the back.
- The ballot papers must be placed in the ballot boxes.
- The voter must leave the voting station without delay.
- Elderly voters and voters with disabilities may be assisted to vote by a presiding officer or voting officer if they request it and in the presence of an accredited observer or two agents from different parties, if available.

As soon as a ballot box is full, the presiding officer must seal the ballot box in the presence of any party agents and candidates present, and allow those agents to affix their seals to it.<sup>39</sup> When the voting station closes, the presiding officer must seal each unused ballot box, and seal in separate containers the certified segment of the voters' roll for that voting district, the unused ballot papers, the cancelled ballot papers, and the written record of any objections concerning voting.<sup>40</sup>

<sup>36</sup> The IEC has developed a set of criteria for the appointment of presiding and deputy presiding officers, including that they should not have held political office or been politically active in the preceding five years.

<sup>37</sup> A voting district is the geographical area, drawn by the IEC, in an effort to minimise fraud and make administration more efficient. For more about voting districts and stations, see Electoral Commission of South Africa, 'About voting districts and stations'. (Accessible [here](#)).

<sup>38</sup> Section 38(3) of the Electoral Act.

<sup>39</sup> Section 42 of the Electoral Act.

<sup>40</sup> Section 43(1) of the Electoral Act.

## Counting of votes

Votes must be counted at the voting station at which those votes were cast, unless the IEC determines otherwise, or if the voting station is a mobile voting station.<sup>41</sup> This must begin as soon as the station is closed for voting.<sup>42</sup> After sorting the ballot papers, and before counting, the counting officer must reject any ballot paper that:

- Indicates the identity of the voter;
- On which a vote is cast for more than one registered party or candidate;
- That is unmarked or marked in such a way that it is not reasonably possible to determine the voter's choice;
- That does not bear the official stamp of the presiding officer or voting officer; or
- That is not an official ballot paper.<sup>43</sup>

After determining the result at a voting station, the counting officer must announce the result of the count at the voting station to members of the public and agents present at the voting station and inform the IEC.<sup>44</sup>

## Objections and appeals concerning verification

Any interested party may lodge an objection with the IEC that is material to the determination of the final result of the election at the voting station, in respect of voting procedures and counting of votes.<sup>45</sup> The IEC must decide the objection and notify the objector and other parties involved of its decision. The objector or other party may, if aggrieved by the IEC's decision, appeal to the Electoral Court, which must consider and decide the appeal and notify the parties to the appeal of its decision.<sup>46</sup>

Should the IEC or Electoral Court decide that a serious irregularity has occurred concerning any aspect of an election, the IEC or the Electoral Court may order that the votes cast at a particular voting station do not count in whole or part, or that the votes cast in favour of a registered party or independent candidate at a particular voting station must be deducted in whole or in part from the votes cast in favour of that registered party or candidate in that election.<sup>47</sup>

## Declaration of final result

Only the IEC has the legal authority to announce the election results.<sup>48</sup> The Commission is required to determine and declare the result of an election by adding together the results received from all voting stations within seven days after the voting day.<sup>49</sup> However, the IEC has managed in all recent elections to make the final results announcement on the Saturday after the Wednesday elections.

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<sup>41</sup> Section 46(1) of the Electoral Act and section 56 of the Local Government: Municipal Electoral Act 27 of 2000.

<sup>42</sup> Section 46(2) of the Electoral Act.

<sup>43</sup> Section 47(3) of the Electoral Act and section 61(1) of the Local Government: Municipal Electoral Act.

<sup>44</sup> Section 50(2)-(3) of the Electoral Act.

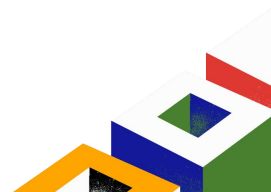
<sup>45</sup> Section 55 of the Electoral Act.

<sup>46</sup> Section 55(3)-(6) of the Electoral Act.

<sup>47</sup> Section 56 of the Electoral Act.

<sup>48</sup> IEC, above n 2 at 69.

<sup>49</sup> Section 57(1)(2) of the Electoral Act.



Accredited media, observers, election monitors, party agents, and candidates are permitted to be present at the Results Operation Centres (ROCs).<sup>50</sup> The IEC may determine and declare the result of an election without having received the results of all voting stations, if waiting for all results would unduly delay the declaration of the final result and the outstanding results are not likely to materially influence the overall result of that election.<sup>51</sup>

## 9. Electoral offences

Electoral fraud (which refers to illegal interference with the process of an election through deliberate wrongdoing) is a matter of particular concern and is a crime.<sup>52</sup> Electoral fraud can take place throughout the election period, both inside and outside of voting stations.<sup>53</sup>

In terms of the Electoral Code of Conduct, any person who acts in breach is guilty of an offence, and can be fined or sentenced to imprisonment for up to ten years. Political parties that breach the Electoral Code of Conduct can, for instance, be fined up to R200 000; have to give up the party's election deposit; be stopped from working in an area; have their votes in an area cancelled; or can have their party registration cancelled.

### EXAMPLES OF ELECTORAL OFFENCES

It is an electoral offence to force anyone to do any of the following:

- To register to vote or not to register to vote.
- To vote or not to vote in an election.
- To support or not to support a particular political party or particular candidate.
- To vote or not to vote for a particular political party or particular candidate.
- To attend or not to attend a political event or rally of a political party.
- To interfere with the fairness or independence of the IEC or any officer of the IEC.

Source: IEC, 'Municipal elections handbook', (2016) at 52-53. (Accessible [here](#)).

<sup>50</sup> IEC, above n **Error! Bookmark not defined.** at 69.

<sup>51</sup> Section 57(3) of the Electoral Act.

<sup>52</sup> IEC, above n **Error! Bookmark not defined.** at 52.

<sup>53</sup> *Id.* at 52-53.

## 10. Suggested resources

- African Commission on Human and Peoples' Rights, 'Guidelines on Access to Information and Elections in Africa' (2017). (Accessible [here](#)).
- Helen Suzman Foundation, 'The South African electoral system'. (Accessible [here](#)).
- IEC, 'Municipal elections handbook', (2016). (Accessible [here](#)).
- Open Society Foundation for South Africa, 'A touchpad for our future: An election resource for journalists (municipal elections 2011)', (March 2011). (Accessible [here](#)).
- Constitution of South Africa, Sections 151-164. (Accessible [here](#)).
- IEC and others 'Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa' (2024). (Accessible [here](#)).

ENDS.

