
GENERAL NOTICE

NOTICE 1205 OF 2008

ELECTORAL COMMISSION

ELECTORAL COMMISSION ACT 51 OF 1996

REGULATIONS RELATING TO ACTIVITIES PERMISSIBLE OUTSIDE VOTING STATIONS ON VOTING DAY

The Electoral Commission has, in terms of section 23(1)(d) of the Electoral Commission Act, 1996 (Act No. 51 of 1996), made the regulations set out in the Schedule.

SCHEDULE

Preamble

It is in the interest of free and fair elections that contesting parties should be allowed to continue with lawful and legitimate election related activities immediately outside voting stations. It is however also necessary that voters must not feel intimidated or inhibited by certain activities in the proximity of entrances to voting stations they are obliged to use when proceeding to cast their votes in elections.

Definitions

1. In this Schedule, unless the context indicates otherwise-
 “the Act” means the Electoral Commission Act, 1996 (Act No. 51 of 1996);
 “the Regulations” means the Regulations for the Registration of Political Parties published under Government Notice No. R. 13 of 07 January 2004; and
 “voting day” means the day on which voting in an election takes or is to take place.

Areas of Application

2. These regulations apply to vacant areas immediately adjacent to the boundaries of voting stations in national, provincial and municipal elections.

Location of Party Facilities

3. A party or independent candidate, where applicable, may not place or position its temporary operational facility, which may include but not limited to a tent, table, or caravan, in a manner that is likely to impede voters' free and direct access to the entrance of a voting station.
4. If, in the opinion of the presiding officer, a facility is likely to impede voters' access, the presiding officer may instruct the party to move the temporary operational facility elsewhere.
5. If parties cannot agree amongst themselves on the positioning of their facilities, the presiding officer may be called upon to decide the dispute and issue instructions accordingly to the parties.
6. The presiding officer may instruct any person who acts in contravention of regulations 3 and 4 to move his or her facility from the designated area and where necessary, request any available security officer to remove any person not in compliance and his or her temporary operational facility, from such area.

Offences

7. Anyone who fails to carry out a lawful instruction of the presiding officer or a security officer is guilty of an offence punishable by a fine or a period of imprisonment not exceeding one year.
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Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
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