

To Members of the Technical Committee on the Independent Electoral Commission

From Melanie Cilliers

cc Melody Emmett

Date 12 May 1993

Briefing Note for the Meeting of the Technical Committee on the Independent Electoral Commission to be held at 09h00 on 12 May 1993 in Room U106 at the World Trade Centre

1. Prof Davis, due to a lecturing commitment, will be late for the meeting and expects to arrive at 09h30.
2. Mr Ndlovu will not be able to attend the meeting due to his commitment as a member of the Panel for the SABC Board.
3. **Election Material**

The following election material, which has been placed in this order at each members seat, has been collated:

- * (South Africa) Electoral Act No 45 of 1979
- * (South Africa) Election Regulations, Vol 289, No 12022, Government Gazette, Pretoria, 21 July 1989
- * (South Africa), Rules of Court re Election Petitions, No 952, 10th June, 1924
- * (United Kingdom) Representation of the People act 1983 (as amended)
- * United States Constitution Article 1 s 4, Article 2 s 1 clause 4, Article 4, s 3 clause 2 and the 14th Amendment
- * United States Code, Title 18, Chapter 14, s 431-456, Federal Election Campaign Act 1971
- * United States Code, Title 2, Chapter 12, s 381-396, Contested Election
- * United States Code, Title 18, Chapter 29, s 592-607, Crimes & Criminal Procedure : Elections and Political Activities

- * United States Code, Title 42, Chapter 20, S 1973, Voting Rights Act
- * (Namibia) Provision for the registration of voters for the purposes of an election ..., 1989
 - Agreement on procedures in connection with the registration of voters, 1989
 - Electoral Act drawn up by NAMLAW for SWAPO
 - Commission for the prevention and combatting of election malpractices : Proclamation and Comment.
- * (KwaZulu) KwaZulu Government Notice No 754 of 1988, KwaZulu Legislative Assmebly, Act 16 of 1988, KwaZulu Electoral Amendment Act, 1988
- * The CALS Library will send the Zimbabwe Electoral Act to the meeting via Prof Davis.

The CALS library has two files on election procedures in Namibia. Should you be interested I can ask them to copy it.

4. Submissions

- * Submission by African National Congress
 - Electoral (Constituent Assembly) Bill, 1993.
- * Submissions by the PAC
 - Addendum D : The TEC/TEA and its sub-councils
 - Addendum G : The Election Date

Thank you.



MC

THESE MINUTES ARE CONFIDENTIAL AND RESTRICTED TO MEMBERS OF THE
TECHNICAL COMMITTEE ON THE INDEPENDENT ELECTORAL COMMISSION

**MINUTES OF THE MEETING OF THE TECHNICAL COMMITTEE ON THE
INDEPENDENT ELECTORAL COMMISSION HELD ON 13 MAY 1993 AT 09H00 AT
THE WORLD TRADE CENTRE**

PRESENT: Prof D Davis
Adv H R Laubscher
Mr R B Rosenthal

Ms M Cilliers (Minutes)

APOLOGIES: Mr S K Ndlovu

1. General

- 1.1 It was noted that Mr Ndlovu was still unable to attend meetings of the Technical Committee in view to his commitment to the SABC Panel.
- 1.2 Mr Rosenthal tabled a first rough draft which he had prepared of a proposed statute to establish the Independent Electoral Commission.
- 1.3 The Technical Committee considered at length the provisions of the draft statute, agreed to various extensive changes, and commissioned Mr Rosenthal to carry out necessary re-drafting with a view to procuring an updated second rough draft for perusal over the weekend.
- 1.4 The Commission also received lengthy documentation including comparative legislation in a number of other jurisdictions and noted the following submissions received:
 - * African National Congress
 - * South African Government
 - * Lawyers for Human Rights
 - * Government of the Republic of Bophuthatswana
 - * Democratic Party
 - * PAC
 - * Venda Government
- 1.5 It was agreed that the Committee would discuss the second rough draft in the light of the submissions received and other documentation including

comparative legislation.

2. **Next Meeting**

Sunday 16 May 1993 at 15h00.

3. **Closure**

The meeting closed at 19h30.