



Ministry of Home Affairs

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Multi Party Negotiating Process
World Trade Centre
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Sir

FIRST DRAFT ON THE ELECTORAL BILL: GOVERNMENT'S COMMENTS

It will be appreciated if you will forward the attached comments to the Technical Committee.

Yours faithfully

D P A SCHUTTE
MINISTER OF HOME AFFAIRS

GOVERNMENT'S SUBMISSION:

Comments on the First Draft of the Electoral Bill

1. General remarks

- 1.1 The Electoral Bill is of fundamental importance as it will set the rules and provide the mechanisms to obtain membership of the National Assembly and other legislatures, provided for in the Constitution.
- 1.2 It stands to reason therefore that the Electoral Bill and the Constitution Bill are completely dependent on each other, and that the Electoral Bill can only be finalized once the Constitution Bill is accepted.
- 1.3 When the First Draft of the Electoral Bill was discussed in the Negotiating Council on 29 September 1993, the Government notified the Council that it would make written comments on the Bill for consideration by the Technical Committee.
- 1.4 The Annexure contains the Government's comments on the Bill.

2. Fundamental issues

- 2.1 Attention is drawn to the following matters which are of fundamental importance and which could have a serious negative impact on the elections, if not properly addressed by the Technical Committee:
 - 2.1.1 Identification of voters (more especially voter's cards).
 - 2.1.2 Eligibility of voters from the TBVC-states.
 - 2.1.3 Voting by persons in detention.
 - 2.1.4 Registration of political parties.
 - 2.1.5 Submission by parties of lists of candidates.
 - 2.1.6 Foreign voting stations and special votes.
 - 2.1.7 Tendered ballots.
 - 2.1.8 The handling of voters in the 500 meter area around the voting station at the close of the poll.
 - 2.1.9 Ethical code of conduct for political parties (still to be submitted by the Technical Committee).
- 2.2 The Government also wishes to express its willingness to be consulted by the Technical Committee at any time on any of the matters dealt with in the Annexure.

FIRST DRAFT OF THE ELECTORAL BILL

1. CHAPTER 1 - INTERPRETATION

1.1 Section 1 - "Acceptable identity document" - Page 5

1.1.1 Delete "acceptable". An identity document means those documents specified, which would *ipso facto* make them acceptable.

1.2.2 Delete "a valid passport".

Note : In order to qualify for a passport a person must, in the first instance, be in possession of an identity document. A limited number of persons (e.g. stateless persons) also use South African passports as travel documents and the acceptance of passports will grant them voting rights whilst they are not South African citizens.

1.1.3 Add: or a temporary voter's identity card, after "temporary identity certificate".

Note: A temporary voter's identity card could be issued on submission of a complete and acceptable application for an identity document whilst a temporary identity certificate is issued to (temporarily) replace a lost identity document. See section 14, paragraph 3.3 for an explanation.

1.1.4 Delete "or a voter's card;"

Note : The IEC would not have the infrastructure to identify persons or verify their age or citizenship status. The granting of a voter's card - which in effect means the confirmation of identity, age and citizenship - can not be done by any organization other than the Department of Home Affairs in terms of both facilities and experience as well as for comparison with existing records, (including fingerprint records), of South African citizens, permanent residents, contract workers and illegal immigrants previously repatriated or deported. The temporary voter's identity card mentioned in paragraph 1.1.3 will serve the same purpose as a voter's card except that it will be issued by the Department of Home Affairs and not by the IEC. If considered necessary, it can be provided that the issuing of temporary voter's identity documents will be monitored by the IEC. It is also important to note that at the stage when the IEC will be in place, less time will be available to issue enabling documents to those voters who are not yet in possession of identity documents. It is therefore of utmost importance to address the problem immediately instead of waiting until the IEC is operative.

1.2 Section 1 - Deputy Director - Page 5

Add after "counting station" : "Deputy director" means the deputy director referred to in section 20(1) of the Commission Act.

1.3 **Section 1 - "Temporary identity certificate"** - Page 6

Add after "regulations" : "Temporary identity certificate" means a certificate issued in terms of the Identification Act, 1986.

1.4 **Section 1 - "Temporary voter's identity card"** - Page 6

Add after: "Temporary identity certificate": "Temporary voter's identity card" means a document issued in terms of section 14 of this Act.

1.5 **Section 1 - Voter's Card** - Page 6

Delete the entire definition.

2. **CHAPTER 2 - ADMINISTRATION**

2.1 **Section 3 - Administration of Act** - Page 6

Insert "shall" after "administration".

2.2 **Section 4(1) - Appointment and control of electoral officers and staff** - Page 6

Substitute "and" for "or" at the end of subsection (b)(iii) and delete "or" at the beginning of subsection 4(1)(b) and 4(1)(c).

2.3 **Section 4(2)** - Page 7

Insert "such" after "appoint".

2.4 **Section 5(1)** - Page 7

Substitute "was" in the last line for "is".

2.5 **Section 6(1)** - Page 7

Substitute "was" in the last line for "is".

2.6 **Section 7(1)(c)(i)** - Page 7

Insert "Members of the Commission" before "the Chief Director"

Note: Although members of the Commission could be authorized by the Commission to visit voting stations, it is advisable, for certainty, to regulate the matter in the Bill.

2.7 Section 10 - Page 8

This section should be shifted to follow the existing section 11.

2.7.1 Section 10(1) - Page 8

Substitute the words "**the party concerned shall**" for "the duly authorized representative of a party shall, as soon as possible after the date contemplated in section 20(1) but not later than the date contemplated in section 21(1)".

Note: Refer to the comments on section 16 in paragraph 4

2.7.2 Section 10(1)(a) - Page 8

Insert "business" before the word "addresses".

Note: See paragraph 2.9

2.7.3 Section 10(1)(c) - Page 8

Insert "may, or" after the words "paragraphs (a) and (b)".

The proposed amendment will enable parties to nominate district election agents.

2.8 Section 10(5) - Voting agents - Page 92.8.1 Delete "**by the regional electoral officer**" and delete "**as the Regional Electoral Officer may stipulate**".

Note: The regional electoral officer should not be in a position to prescribe. In the rest of the draft Bill it is either the Commission or Chief Director which prescribes.

2.8.2 Add at the end of subsection (5): "which shall not be more than one such voting agent per registered party for each 1 000 expected voters and one such counting agent for each 10 000 expected ballots".

Note: To prevent any disputes in this regard it is advisable to set a norm for the appointment of voting agents as well as counting agents. The norm for counting agents is based on the assumption that counting will be per district, that is a combination of approximately 10 voting stations. If it is however decided that counting is to be done at every voting station then the norm for counting officers should also be one counting agent for each 1 000 expected ballots.

2.9 New subsection 10(7) - Domicilium Citandi et Executandi - Page 9

Add as section 10(7): "The business address of the Chief election agent and any agent shall for all purposes of the application of the Act be deemed their *domicilium Citandi et Executandi*"

2.10 Remuneration - Page 9

Add a new section to Chapter 2 to provide for the remuneration of electoral officers, voting officers and counting officers.

The following is suggested:

The Commission, after consultation with the Minister of State Expenditure, shall determine the remuneration and allowances of regional and district electoral officers and voting and counting officers: Provided that the Commission may differentiate between the remuneration and allowances for the different categories of officers.

2.11 Substitution and dismissal of electoral officers and voting officers - Page 9

Add a further new section to Chapter 2 to provide for the substitution of electoral and voting officers in the event of death, illness or prolonged absence and for their dismissal in the event of incompetence or for displaying bias. The Commission should act as the final arbiter in the event of any dispute arising from a dismissal. The following is suggested: "(1) Notwithstanding any other provision contained in this Act, an election or voting officer may be removed from office by the Chief Director or his delegate on account of misconduct or inability to perform the duties of his or her office efficiently, or by reason of his or her absence without the prior permission of the Chief Director or his delegate, or by his or her incompetence or for displaying bias. (2) In the event of a dismissal contemplated in subsection (1) or in the event of his or her death the Chief Director or his delegate may appoint someone in the place of such a person so removed or deceased."

3. CHAPTER III - FRANCHISE

3.1 Section 12(b) - Identity document - page 9

Delete "acceptable".

Note: The question of franchise for citizens of the TBVC countries is entirely a constitutional issue to be dealt with in the debate on the Constitution.

3.2 Section 13(d) - Persons in detention - Page 9

The implication of the proposal contained in this clause that prisoners in detention be able to vote is not acceptable for the Government. Consequently the following is proposed:

Insert as section 13(d): If that person at all times on the polling day(s) of the election is detained in accordance with a sentence imposed or order granted under any Act.

3.3 Section 14(1) and (2) - Voter's cards - Page 10

The Commission will neither have the facilities nor the infrastructure to determine the identity, age and citizenship of persons and to issue enabling documents. In view of this, the section should be replaced by the following:

Temporary Voter's Identity Card

- 14(1) As from a date determined by the Commission in consultation with the Director-General: Home Affairs the Department of Home Affairs shall issue temporary voter's identity cards in the prescribed manner, which documents shall be issued free of charge and shall constitute proof of the holder's entitlement to vote.
- 14(2) Entitlement for temporary voter's identity card shall be in accordance with the grounds of eligibility to vote in terms of the Constitution, except for the requirement to be in possession of an identity document issued under the Identification Act, 1986: Provided that a complete application for an identity document in terms of the Identification Act, 1986 shall, from the date contemplated in subsection (1), constitute an application for an identity document as well as for a temporary voter's identity card, the latter which shall be issued within 14 days.
- 14(3) The provisions of the Identification Act, 1986, shall in so far as it is not inconsistent with the provisions of this section apply with regard to temporary voter's identity cards issued under this section: Provided that such card shall only be deemed to be an identity document for the purposes of voting in terms of this Act.

4. CHAPTER IV - Registration of Parties

Although provision is only made for the registration of political parties for the forthcoming election, the Government is of the view that such registration should be an open ended process. Parties should be allowed to register whether intending to participate in an election or not, for the purposes:

- (a) of protecting their name, distinguishing marks, or symbols and designated colours;
- (b) to raise funds without permission from the director of Fundraising of the Department of National Health and Population Development; and
- (c) of making it formally known to the public that the party is a registered bona fide political party and as such is subscribing to the Ethical Code of Conduct.

A transitional arrangement to effect such registration after the forthcoming election will have to be made e.g. by empowering the National Assembly to designate a Government Department for this purpose.

4.1 Heading to sections 15 and 16 - Page 10

Delete "for purpose of election".

4.2 Section 16(1) - Application for registration

Delete "within 10 days" and replace it with not later than 10 days after.

Note : This amendment is aimed at making it possible for parties to apply for registration immediately after the establishment of the Commission and the commencement of the Bill, but before the proclamation contemplated in section 20(1), if they so desire.

Considering the following time scales proposed in the Bill the maximum period for registration will be 35 days after the proclamation of the election:

<u>Number of days</u>	<u>Action</u>	<u>Section</u>
-	Proclamation of election	20(1)
10	Application for registration	16(1)
7	Submission to IEC of applications by the CD:A	16(7)(a)
3	Rectifying of applications	16(7)(b)
3	Consideration of rectified applications	16(7)(c)
3	Publication of details of registered parties	17
5	Objections against registration	19(1)
1	Consideration of objections	19(2)
3	Rectifying of applications	19(3)(b)

35

As political parties will only be able to submit candidates lists once their registration has been finalised and as ballot papers can only be printed after the candidates lists have been submitted and accepted, it follows that the submission of lists of candidates cannot be earlier than 35 days after the proclamation of the election.

4.3 Section 16(3)(g) - Chief Election Agent - Page 10

Delete this subsection. Refer to paragraph 2.7.3 in respect of section 10(1)(c) and paragraph 4 in respect of the registration of parties. If it is provided that parties could register (if they wish) before an election has been proclaimed, then the requirement for an election agent to be nominated, must fall away and arrangement for the appointment of agents should be done in accordance with the provisions of the amended section 10(1) - (paragraph 2.7.1).

4.4 Section 16(4) - Page 10

Delete "and" before "candidates" and insert after last mentioned word: "and its supporters".

4.5 Section 16(7) to (9) - Page 11

In terms of the proposals contained in these subsections the Commission considers applications and registers parties. At the same time it is also the adjudicator in respect of its decisions where objections have been lodged in accordance with the provisions of section 19. This is not acceptable as the Commission should not be the judge of its own cause and the solution is to empower the Chief Director - Administration to register parties whilst the Commission be empowered to adjudicate all objections. The other alternative is to empower the Special Electoral Court be the adjudicator of objections in terms of section 19.

4.6 Amalgamation of Political Parties

The draft Bill makes no provision for the amalgamation of political parties after they have been registered and before candidates lists must be submitted. Such provision should be made in accordance with the proposals contained in section 15(4) of the Government's submission on the Draft Electoral Bill.

5. CHAPTER V - LIST OF CANDIDATES

5.1 Section 20(1)

The voting day and the hours of the voting should for purposes of clarity and certainty be specified in the Bill. The Government is of the opinion that a well informed decision should be taken on the number of voting days after due consideration of all relevant reports and advice in this regard. The voting hours could be between 07:00 and 21:00.

5.2 Section 21(1) - Submission of lists - Page 12

Note : Refer to the note in paragraph 4.2 - lists of candidates should not be submitted before the registration of a party has been finalized. It would serve no purpose to submit such lists in anticipation of registration as the printing of ballot papers can in any event only commence once it is clear which parties will participate in the election. Section 21(1) will therefore have to be amended accordingly.

5.3 **Section 21(4) - Deadline for submission of lists** - Page 13

See notes under paragraphs 4.2 and 5.2. It is suggested that a maximum period of 3 days be allowed after the registration of political parties has been finalized, for the submission of candidates lists.

Note: The Government reserves its position on the compilation of lists of candidates until such time as more clarity is reached on Schedule 5 of the Constitution.

5.4 **Section 21(8) - Lapse of registration** - Page 13

Delete the whole section since it is suggested that the registration of political parties should be an open ended process.

5.5 **Section 22(2) - Substitution of names** - Page 13

Substitute "voting day" at the end of the section for the words: "voting commences on the first voting day" to eliminate any uncertainty.

5.6 **Vacancies**

No provision is as yet made in the draft Bill for the filling of vacancies in any legislature after the election. This aspect must be addressed as soon as clarity is reached on Schedule 5 of the Constitution.

6. **CHAPTER VI - PREPARATION FOR VOTING** - Page 25

6.1 **Section 23(3)**

The Government strongly believes that the area around a polling station should not be less than 300 meters and is therefore proposing that this section be adapted accordingly.

6.2 **Section 23(4) - Voting Stations** - Page 14

Add at the end of the section: Provided that the Commission may amend or supplement the number of voting stations if, in its discretion, circumstances necessitate such amendment or supplementation and will cause such amendments to be published in the Gazette, if possible.

Note : This is a practical arrangement as political parties may at a very late stage submit good reasons for the establishment of additional voting stations.

6.3 Foreign Voting Stations

The Government is of the firm opinion that all eligible voters should be enabled to vote at missions abroad, provided that the same requirements for voters in the Republic shall also apply to those voters.

Section 24(2) - Categories of eligible voters - Page 14

Delete section 24(2)(a) as all eligible voters should be allowed to vote.

Special Votes

Due to -

- (a) the large number of special voters that could be involved if provision is made for a special voting system;
- (b) the extra personnel;
- (c) high costs;
- (d) the risk of fraud; and
- (e) security considerations,

the Government is not in favour of a special voting system. However, the Government could consider the supporting of such a system if special votes could be restricted to persons in hospitals and registered old-age homes who will be unable to vote on the voting day. A day immediately preceeding the voting day could be set aside for the taking of such votes. It is furthermore suggested that the manner in which voting at foreign voting stations, and special voting must take place, be prescribed by regulation.

6.4 Section 27(1)(b) and 27(3) - Page 15

Provision should be made for voting agents, monitors, observers and international observers at that time present in the voting station to do the inspection and to be present at the closing and sealing of ballot boxes.

6.5 Section 28(3) - Language on ballot - Page 16

Note: (1) It is strongly suggested that the proposals contained in section 27(2) of the Government's submission on an Electoral Act be accepted. Those proposals imply that the party itself decides in what language its name must appear on the ballot.

(2) The format of the ballot and requirements should be prescribed in an annexure to the Bill.

6.6 Section 29 - Closing of vote - Page 16

Substitute "that area of the voting station determined for this purpose by the presiding officer," for "the enclosure in which votes are cast".

Note: The Government cannot support the proposal that votes be taken from voters who, after closing hours, are within an area determined by the presiding officer. In the dark with limited security support it would not be practical and safe to designate a waiting area outside the voting enclosure as it may be difficult, if not impossible, to enforce. Different decisions by different presiding officers could also lead to dissatisfaction and conflict.

7. **CHAPTER VII - VOTING AT VOTING STATIONS** - Page 16

7.1 **Section 30 - Place of voting** - Page 16

Substitute "a voter" for "a voter shall, if possible, record his vote in the district where his usual place of residence is situated, but".

Note: Although voters cannot be compelled to vote at particular voting stations, it is nevertheless, as was the case in Namibia, necessary to give a signal to voters to vote in the regions where they have vested concerns.

7.2 **Section 33** - Page 17

Delete "acceptable".

7.3 **Section 34(2)(a)** - Page 17

Delete "acceptable".

7.4 **Section 34(3)(a)** - Page 17

Substitute "bears an" for "does not bear the".

7.5 **Section 34(3)(b) - Agents** - Page 17

Substitute paragraph (b) for the following: "Each voting agent shall have the right to examine a voter for the purposes of paragraph (a).

7.6 **Section 34(4) - Marking** - Page 17

Substitute all the words after "voter" for the following: "and his or her identity document shall in the presence and in accordance with the instructions of the presiding officer or voting officer be marked by means of an appropriate identification mark: Provided that each agent shall have the right to examine the application of the mark."

7.7 Section 34(6)(a) - Ballot paper - Page 17

Add after "ballot paper book and": hand it to another voting officer who shall

Note: It is imperative to take precautions to ensure that a voter only be given one ballot paper.

7.8 Section 34(7)(c) - Secrecy of vote - Page 17

Add at the end of the section after "mark" : but not the manner in which he or she had recorded his or her vote; and

7.9 Sections 37, 38(1)(c), 38(2), 38(4), 41(7)(b), 43, 44 and 45- Tendered Ballots.

Note : Delete the sections indicated. The system of tendered ballots proposed may be practical for countries where voters' lists are available but has no practical application for the coming election. Aspects which need to be taken into account are :

- Apart from voters who do not yet have identity documents there may be as many as 1,3 million legal and illegal immigrants who could vote in this way.
- Any number of persons under the age of 18 years could vote in this way.
- There is no possibility of verifying tendered ballots as prescribed in section 44. The Department of Home Affairs has only a record of persons who have identity documents.
- Given the numbers which could be involved it would delay the result of the election with months if a (futile) attempt at verification is made.
- The proposed system is begging for chaos at the election if there are not clear-cut rules as to who may vote and who not (lost identity documents could be replaced with temporary identity certificates (on the spot), including on voting day).
- A different solution will have to be found for those citizens who are not yet in possession of identity documents to obtain same before voting day. Temporary voter's identity cards, at no cost to the applicant, could serve this purpose.

- Tendered ballots should not be used to any wider extent than proposed in section 37 and section 41(2)(a) of the Government's submission on a Draft Electoral Bill. This proposals implies that a bona fide person who is not entitled to vote, not be turned down, but as a consolation, as presently provided for in the Electoral Act, 1979, be afforded the opportunity to vote with a ballot paper that shall not be counted.

8. CHAPTER VIII - DETERMINATION OF RESULT OF POLL - Page 20

8.1 Section 41 - Counting of votes - Page 20

Section 40(1) provides for the possibility that counting could take place at district level whilst section 41(2) provides for it to be done at regional level. No provision is however made for counting at voting station level. This possibility makes a lot of sense (counting will be finalized within 2 - 3 hours and uncounted ballots will not have to be transported), should also be provided for. If counting is to be done at voting stations or district level then presiding officers (+7 500) or district electoral officers (+800) will have to do the counting as counting officers, as separate personnel with the necessary experience and expertise, will simply not be available. The counting of votes at voting station level is supported together with a provision that all votes should thereafter be delivered to the Chief Director as provided for in section 41(8).

With regard to section 41(8) it must however be pointed out that no provision is made for adjudication by the Chief Director or Commission of disputes regarding ballot papers or for the recounting of the ballots delivered to the Chief Director after the disputes have been settled. Section 42 only deals with the counting of votes and not with disputes.

Closed-off area around Counting Venue

It is strongly suggested that provision be made that a minimum of 300 meters around the counting venue be closed off as part of the venue as in the case of polling stations.

The following further amendments are suggested:

8.2 Section 40(1) - Examining seals - Page 20

Add after "registered parties" : monitors and observers who

8.3 Section 41(7)(g) - Counterfoils - Page 21

Add as section 41(7)(g) : all counterfoils of ballot papers issued

8.4 **Section 39(8) - Packets to be delivered to the Chief Director - Page 21**

Add after "registered parties" : , monitors and observers

9. **CHAPTER X - GENERAL PROVISIONS**

9.1 **Section 48 - Safekeeping of election material - Page 23**

The Commission disbands after completion of its mandate. An arrangement should therefore be made for election material to be kept for safe-keeping up to at least 14 days after the new Government had come in place after the election.

9.2 **Prohibition of Political activities within 48 hours preceeding Polling day**

Sections 19 and 20 of the Independent Media Commission Act, 1993, prohibit party election broadcasts and political advertising in the period of 48 hours prior to the commencement of the polling period.

The Government strongly believes that a prohibition of all political activities during that period will be conducive to a climate for a free and fair election. The Government consequently proposes that such a prohibition be included in the Bill.

10. **ETHICAL CODE OF CONDUCT**

The Government reserves its position until such time as the Ethical Code of Conduct is drafted by the Technical Committee.

The Government nevertheless wishes to indicate its strong need for a Ethical Code of Conduct containing extensive requirements for strict compliance by all political parties, their executives, candidates, members and supporters.

VERKIESINGSAANGELEENTHEDE

1. Na bespreking dui die Staatspresident aan dat die volgende aangeleenthere verder beredeneer moet word en weer aan die Kabinet voorgelê moet word:
 - (a) Die metode waarvolgens verteenwoordigers aangewys word (paragraaf 3(a) van die Kabinetsmemorandum).
 - (b) Samestelling van die parlement (paragraaf 3(b) van die Kabinetsmemorandum).
 - (c) Kandidaatlyste (paragraaf 3(c) van die Kabinetsmemorandum).
 - (d) In die beredenering die volgende aspekte ook aangespreek moet word:
 - (i) die voorwaardes vir die aanvulling van kandidaatlyste;
 - (ii) maatreëls met betrekking tot die disintegrasie van 'n politieke party en die vorming van 'n nuwe politieke party in die parlement; en
 - (iii) die moontlikheid dat 'n kandidaat op die kandidaatlyste van verskillende partye kan verskyn maar nie vir dieselfde owerheid nie.
2. Die Kabinet besluit dat -
 - (a) die getal setels vir streekparlemente voorsiening op 'n proporsionele basis gebaseer op kiesersgetalle vas vir elke streek bepaal word met 'n aanpassing vir kleiner streke om 'n minimum getal van 20 setels toe te ken en groter streke te beperk tot 80 setels;

- (b) daar van twee stembriewe gebruik gemaak word om afsonderlik vir die nasionale- en streekverkiesings voorsiening te maak;
- (c) die foto van die leier van 'n politieke party op die stembrief moet verskyn;
- (d) die Regering die inisiatief neem en dat die uitreiking van 'n tydelike identiteitsdokument goedgekeur word deur -
 - (i) die nodige toerusting te verkry om die uitreiking van die dokumente te versnel; en
 - (ii) aansoekers gedeeltelik te vergoed vir die neem van foto's totdat die toerusting om dokumente vinniger uit te reik in plek is;
- (e) die stelsel om aan RSA burgers 'n tydelike identiteitsdokument uit te reik, ook aangewend word in die TBVC lande wat aan die verkiesing wil deelneem;
- (f) voldoende oorgangsmatreëls in die Kieswet vir die registrasie van politieke partye opgeneem moet word;
- (g) die etiese gedragskode op 'n realistiese wyse versterk word;
- (h) stemburo's in die buiteland ingestel word;
- (i) voorsiening in die Kieswet gemaak word vir die afneem van spesiale stemme 'n dag voor stemburg en dat spesiale stemme beperk word tot hospitale en ouetehuse;

- (j) mobiele stemburo's vir plattelandse gebiede gebruik word waar daar nie groot konsentrasies van kiesers is nie en waar kiesers hulle nie binne bereikbare afstande van 'n stemburo bevind nie;
- (k) die verkiesing oor twee agtereenvolgende dae moet plaasvind en dat die tweede stemdag as openbare vakansiedag verklaar word;
- (l) 'n afgesperde gebied rondom 'n stemburo 'n minimum gebied van 300 meter moet beslaan en dat 'n afgesperde gebied rondom stemlokale ook tellokale ingerig moet word;
- (m) daar voorsiening gemaak moet word vir 'n afkoel periode onmiddellik voor die verkiesing deur 'n verbod op politieke aktiwiteite gedurende die 48 uur voor die verkiesing te plaas;
- (n) 'n stelsel van aangebode stemme nie toegelaat moet word nie; ✓
- (o) daar voorsiening in die Kieswet gemaak moet word vir -
 - (i) die bewaring van stembriewe na ontbinding van die Kommissie; en
 - (ii) die aanvulling van kandidaatlyste en die vulling van vakatures;
- (p) persone wat oor permanente verblyfpermitte beskik en dus oor identiteitsdokumente beskik, toegelaat moet word om aan die verkiesing te kan deelneem; en
- (q) die voorsiening van alliansies nie toegelaat behoort te word nie. ✓

Grondwet

3. Die Staatspresident dui aan dat -

- (a) die hou van die verkiesing oor twee dae weer by die BGH ingevoer kan word;
- (b) praktiese maatreëls ontwikkel moet word met betrekking tot die afgesperde gebied by stemburo's;
- (c) daar nie nodigheid bestaan om stembriewe vir 'n onbepaalde tydperk te bewaar nie en dat vernietiging van die stembriewe twee weke na die nuwe regering in plek is aangewese is.