

COMMENTS BY THE GOVERNMENT OF CISKEI INDEPENDENT ELECTORAL
COMMISSION ACT

SECTION 2: Parliament is defined as the body to be elected as a result of the transitional election. The repeal of this section is confined to this parliament giving the impression that a parliament which falls outside the definition of parliament will not be empowered to repeal this act. Whereas this section extends the life of the decree beyond the defined parliament if not repealed.

SECTION 2: In view of the number of states existing at the moment it is felt that the use of the word "State" is not clear. It is suggested that it be defined in Section 1 to avoid any confusion.

SECTION 7.1 A more appropriate word for "Nor" must be used.

SECTION 7.2 The last restriction for holding "Public Office" must be renamed as it might discourage as permit persons for accepting appointment to serve on this commission.

SECTION 7.5 &
7.6

The appointment of members in terms of Section 7.1 is done upon the "Advice of the Forum". The substitution in terms of Section 7.6. is done with the approval of forum or the council. It is not clear why the council has been excluded in 7.1. It is also not clear why in 7.1 the appointment is done on the advice whereas the substitution is on the approval, it is suggested that one method be adopted for the sake of uniformity.

10. It would suggest the addition after Finance if the expression "Out should not be less favourable than those of a Deputy Minister of State" so as enhance the status of each member.

13.3. A more precise formulation must be found to replace "Statutes". This use of statutes is vague.

15. As the money comes from the state revenue fund it is suggested that these powers be performed with the concurrence of the Minister of Finance for control purposes or any standing financial instructions like the tender board.
16. There are structures already in place which are responsible for the issuing of voter registration . There is no need for the creation of a further structure. If the existing structures are inadequate they can only be strengthened.
 - 16.4. In the event of overlapping of functions there should be a method of dealing with that situation.
 - 17.5. The word "proposed" should be deleted.
 - 17.15. The amount of R1 000 is too low and will result in unnecessary administrative work.
23. It is suggested that any such delegation should not denogate from the commission's competency to perform any duty or to exercise any function so delegated.
33. The application of this act is only made possible only to referendum in the regions. Wouldn't it be better to make its application possible to regional elections as well?

The act creates a number of offences and penalties, which are either R100 000.00 or R10 000 and in terms of imprisonment fine or 3 years. For the sake of clarity and ease of reading it is suggested that the penalty clause be combined in one section with two sub-sections in the following terms.

30. PENALTY CLAUSE

Any person who contravenes the provision of sections:

- 30.1. Sections 24,25 and 26 shall on conviction be liable to a fine of R100 000.00 or in default of payment for five years or to both such fine and such imprisonment.
- 30.2. 27,28 and 29 shall be liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding three years or both such fine and such imprisonment.

28 May 1993

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