

APPOINTMENT AND TERMS OF REFERENCE FOR MUNICIPAL ELECTIONS OFFICERS AND OTHER ELECTION OFFICERS.

Local Government elections are attended to by the Independent Electoral Commission (IEC) and are held in terms of the provisions of the Local Government: Municipal Electoral Act 27 of 2000. The appointment of all election officers are done by the IEC in terms of the provisions of the said Act.

The officials appointed include the Local Representative of the IEC in the municipality, also referred to as the Municipal Election Officer of the MEO, presiding officers for each voting station, election officers and counting officers.

Appointment of Local Representative of the IEC in the municipality, also referred to as the Municipal Election Officer (MEOs)

The appointment of MEOs is dealt with in section 12 of the Act, which provides as follows:

- (1) When an election has been called, the Commission must appoint, for the area of the municipality in which the election will be held, an employee or other person as its representative for the purpose of the election.*
- (2) A local representative of the Commission-*
 - (a) may exercise the powers and must perform the duties conferred on or assigned to a local representative by or under this Act;*
 - (b) performs those functions of office subject to the directions, control and disciplinary authority of the chief electoral officer; and*
 - (c) holds office subject to section 37.*

The MEO positions are predominantly filled by municipal officials, in certain instances the Municipal Manager, but it can also be another official or person not in the service of the municipality. The MEO exercises the powers and performs the duties assigned to him or her under the act and does so subject to the direction, control and disciplinary authority of the Chief Electoral Officer.

The delegation and assignment of functions to the MEO does not prevent the IEC or its Chief Electoral Officer from exercising the power or performing the duty itself. The Chief Electoral Officer of the IEC determines the terms and conditions of appointment as well as the remuneration package of the MEO. On appointment, a declaration of secrecy needs to be signed by the person appointed as the MEO. The Chief Electoral Officer of the IEC may remove the MEO from his or her office.

The IEC may also appoint sub-MEOs to assist the MEO in fulfilling his or her obligations.

Appointment process of presiding officers

Section 27 of the Local Government: Municipal Electoral Act 27 of 2000 deals with the appointment of presiding officers. The said section provides as follows:

As soon as practicable after an election has been called, the Commission must appoint a presiding officer and a deputy presiding officer for each voting station at which the election is to be conducted.

The criteria for the appointment of election officials (presiding and deputy presiding officers, in particular) include:

- Presiding (and deputy presiding) officers must not in the last five years have held political office or been a candidate in an election or have been politically active for a political party;
- Must not, in the last five years, have held office in an organization that has party political affiliations or aims.

Party Liaison Committees (PLCs) are consulted by the IEC on the appointment of presiding officers before contracts are concluded.

General provisions relating to election officers

General provisions relating to the appointment of election officers are dealt with in section 37 of the Act, which provides as follows:

- (1) *A person may not be appointed as an officer in an election, or remain in that office, if that person-*
 - (a) *is a party or ward candidate contesting the election;*
 - (b) *is an agent in the election; or*
 - (c) *holds political or executive office in a party.*
- (2) (a) *An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the chief electoral officer.*
 - (b) *The chief electoral officer must determine in writing the terms and conditions of appointment of an officer, including remuneration payable to that officer, if any.*
- (3) *The delegation or assignment of a power or duty to an officer does not prevent the Commission or the chief electoral officer from exercising that power or performing that duty.*
- (4) *A person may be appointed as an officer only if that person has signed a*

prescribed declaration of secrecy.

- (5) *Officers must be impartial and exercise their powers and perform their duties independently and without fear, favour or prejudice.*
- (6) *An officer may not, whether directly or indirectly, in any manner give support to, or oppose, any party or candidate contesting an election, or any of the issues in contention between parties or candidates.*
- (7) *An officer may not place in jeopardy that officer's independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.*
- (8) *An officer may be removed from office by the chief electoral officer on account of-*
 - (a) *misconduct, incompetence or incapacity;*
 - (b) *absence from duty without leave of the chief electoral officer;*
 - (c) *bias;*
 - (d) *a contravention of this section;*
 - (e) *a contravention of the declaration of secrecy; or*
 - (f) *any other consideration related to free and fair elections.*
- (9) *An officer may resign from office by giving one calendar month's notice in writing to the chief electoral officer.*
- (10) *The Commission may appoint, in accordance with this Part, a person to fill a vacancy caused by the death or the removal or resignation from office of an officer.*

In order to comply with audit standards and requirements, electoral officers should take note of the following:

- each voting station staff member has to have a contract with the IEC;
- each individual has to sign an attendance register for each day that they attend to voting activities;
- the signature on the contract and attendance register must be verified and confirmed for payments and S&T allowances, if any
- discrepancies in a small sample are extrapolated to the total population;
- the IEC normally completes payment of electoral staff about 3 weeks after election day. Pressure from mostly unemployed young persons, the media and parliamentarians does not permit verification of every contract and attendance register on an individual basis as this delays payment by months.

Assistance to be rendered to the IEC during the elections

The IEC has indicated to SALGA that the availability of Municipal Electoral Officers (MEOs) and/or municipal infrastructure for key periods in the electoral timetable (especially during voter registration, candidate nomination, party liaison committees and voting day and results declaration period) is of critical importance to the success of the elections.

Municipalities might also be required to provide support to specific voting district w.r.t. water and electricity supply and in particular rural areas access roads to such voting districts.

Municipalities affected by restructuring due to boundary redetermination must liaise with the IEC to ensure that a MEO for the newly to be established municipality is duly appointed once the election date is declared.