

# A touchpad to our future

An election resource for journalists

MUNICIPAL ELECTIONS

2011



OPEN SOCIETY FOUNDATION  
FOR SOUTH AFRICA

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- Derek Powell of the Community Law Centre (CLC)
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# Messages

“Media, both print and electronic, have been an essential and integral element of South African elections and our political system in general. The media play a significant role in deepening democracy in this country.”

**Dr Brigalia Bam**

IEC Chairperson

“Love your South Africa. Love your hood. Ek smaak my dorpe. Loxion is lekker. We are targeting young people and trying to add in that sense of patriotism that peaked last year during the World Cup. We continue to inspire South Africans to be patriotic by participating in the electoral process.”

**Adv Pansy Tlakula**

IEC Chief Electoral Officer



## Mission Statement of the OSF-SA

The Open Society Foundation for South Africa (OSF-SA) is committed to promoting the values, institutions and practices of an open, non-racial, non-sexist, democratic society. It will work for a vigorous and autonomous civil society in which the rule of law and divergent opinions are respected.

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# Introduction

## Elections, democracy and the media

“Love them or hate them, but you can’t live without them.”

We are talking about the media and journalists. In the history of humankind, and no less so in South Africa’s turbulent history of colonialism, apartheid and the struggle for democracy, the media has played a key role in shaping and recording events and public opinion. In its various forms, it has provided a voice for the powerful and for the oppressed and voiceless.

In South Africa, we faced the challenge of deepening a post-apartheid democratic order ushered in by our 1994 national and provincial elections. Key components of strengthening our democracy are entrenching free, fair and regular elections, and maintaining a diverse, independent, ethical and professional media that reinforces access to information and freedom of expression.

The role of our mainstream media has shifted dramatically from a largely traditional ‘uninvolved observer’ role to a more active ‘civic journalism’ role. With the advent of on-line media and increasing access to information, journalists, reporters and presenters are no longer the gatekeepers to information that few others could reach.

Some journalists, reporters or presenters define their current role as being an ‘objective’ one, with a duty to report news accurately, responsibly and factually. Others see their role as being more activist or engaging, with a duty to encourage the expression of opinion, comment and constructive criticism. Growing on-line media has promoted citizen participation and openly ‘subjective’ comment.

Some journalists, reporters or presenters feel they can justify adopting a neutral or an activist role, depending on the issue and the medium. The emergence of Facebook, Twitter and other forms of social networking also raises ethical issues around the expression of personal views by journalists or reporters that may clash with the views or policy of their publication or station.

Whichever way you define your role, the evolving role of being a journalist or reporter in the print, broadcast or on-line media challenges us, for example, to:

- Seek out rather than tell the news.
- Promote discussion and understanding of public issues.
- Inform people on their civil, political, social and economic rights.
- Encourage people to organise and find solutions to pressing issues.

A good example of civic journalism has been the community radio sector. It has developed into an important voice for many communities in reaching areas and touching issues that other media often do not reach. Community radio stations made a vital contribution in our various post-1994 elections. They served communities where many people do not read or do not have access to newspapers, or have no access to a variety of political party campaign media. In 2007, 152 of South Africa's 191 radio stations were community radio stations.

The Media Monitoring Project (MMP) concluded that most of our media has tended to focus on the events of elections – like rallies, meetings and court cases – but often ignored issues like housing, services and the economy. Community radio stations were generally seen to pay more attention to these issues than the public broadcaster and private broadcasters:

“Community stations faced the challenge of reporting the elections with their communities' interests and the democratic process as their primary concern. Election coverage by community stations was not only about fairness and diversity, but about developing a democratic culture and learning to participate in a democracy.”

In our 2011 elections and beyond, the media has a pivotal information, analysis, debate, discussion and watchdog role. As journalists, reporters and presenters covering the elections, you bear the responsibility of reporting events as they unfold, as well as promoting the values underpinning our Constitution, such as equality, non-discrimination, human dignity, tolerance and a respect for diversity.

In the public, private or community sector where you may be active as journalists, reporters or presenters, you have a responsibility to take on this broader, complex role that challenges you to:

- Report accurately and comprehensively on the elections.
- Be an independent, critical and non-partisan voice during the election period.
- Present the views and concerns of voters in the lead-up to elections.
- Inform, motivate and educate the public around the elections and voting.
- Present information and debate on candidates, party policies and current issues.
- Cover the election results and the delivery of election promises after the elections.

Once again, the media has an historic responsibility to continue to play an active role before, during and after the 2011 municipal elections:

- How can you play an ongoing independent role around the elections and in deepening our democracy in a changing political landscape?
- How can you assist with continuing voter education on voter registration, how to vote and other voting rights like protection from intimidation?
- How can you help voters to make an informed choice about whether to vote, and which party or candidate to vote for?
- How can you promote core civil rights and freedoms such as the right of access to information and freedom of expression?
- How can you encourage people to get actively involved in taking up and participating in local, provincial and national issues after elections?

As South Africans, we have been through a period in which the role of the media, and the right to freedom of expression and access to information, have been a source of intense contestation and debate. The reflections of an experienced journalist, Zubeida Jaffer, are as relevant now as they were before the 2009 national and provincial elections:

“The media will have to navigate the changing political terrain artfully. Its responses can either encourage the worst inclinations among all of us or help to bring out the best. In the interests of building a respected and solid media practice, it will need to be seen as fair, conducting itself without fear or favour. We are poised on the cusp of a great opportunity that will test our ability to respond with great maturity as never before.”

*Cape Times, 8 January 2009*

# The aim of this resource file

This file is an empowerment and information package guide for you as a community or mainstream journalist, reporter or presenter from the print, broadcast or on-line media. For example, you may be a political reporter, a local government reporter or a general reporter assigned to election coverage.

The file aims to build your capacity to effectively prepare for, monitor and report on the 2011 municipal elections, while also educating voters on elections and democracy.

## The file aims to help you understand:

- **Section A: Introduction to the Constitution, government and the law**, including the Bill of Rights, national, provincial and local levels of government, and the law-making process.
- **Section B: Elections and election law**, including democracy and election systems, the Electoral Act and Regulations, the role and structures of the Independent Electoral Commission, identity documents and voter registration, voters' rights, the Electoral Code of Conduct, and voting and counting processes.
- **Section C: Media law and using the media for elections**, including the development of new media laws, ICASA and its structures, the ICASA Code of Conduct, other independent bodies recognised by ICASA, the ICASA Act and Regulations, the Electronic Communications Act, recent debates on media laws, and other media codes and guidelines impacting on elections.
- **Section D: Practical guidelines for journalists**, reporters and presenters, including core media ethics, ensuring fair coverage, preparing coverage, developing election programming, and interviewing skills and techniques.

## The file aims to empower you to play a vibrant and effective role in:




- **Community motivation and education on voter registration**, for example on:

- How and where to register to get your name on the voters' roll
- Where to get help with problems around IDs and registration.
  
- **Community and political party education during the election campaign,** for example on:
  - The rights of voters
  - The Electoral Code of Conduct.
  
- **Community motivation and education on voting,** for example on:
  - Why vote in the elections?
  - What you are voting for (party and ward candidate votes)
  - How to vote (especially for new voters)
  - Where to get help with voting and problems like intimidation.
  
- **Community information and debate,** for example, on:
  - Political party and candidate manifestos, policies and track-records
  - Political issues, including local and community problems.

## How to use this resource file

These are the tools we have used to make this file reader-friendly:

- **Detailed contents at the front of the file:**  
to help you to find the information you need.
- **File format:**  
to make it easy to pull out pages when you need them or for photocopying, and to update the file with your own notes or new information.
- **Colour-coded and marked divider-pages:**  
to make it easier to find things and to put them back after using them.
- **Repeated contents at the start of each section:**  
to help you get to information quickly.
- **Ideas for using each main section:**  
a guide at the start of each section.
- **Photocopy me:**  
on the top corner of the pages we suggest you copy for colleagues.

- **List of abbreviations and acronyms:**  
to understand the short references to words and structures used in the file, like MDB for the Municipal Demarcation Board.
- **List of useful words:**  
to understand concepts, definitions and structures used, for example, election broadcast period.
- **Bold letters:**  
when we use a word in the *List of useful* words the first time in a section.
- **Examples:**  
we use this symbol  when we give examples of something.
- **Cross-references:**  
we use this symbol  when we refer you to another part of the information file for more details.
- **Highlights:**  
we use this symbol  to mark points that are very important for your election coverage.
- **Contacts:**  
a quick way for you to get help or more information.

## Updating this file

The IEC, ICASA and other structures are still finalising some of the regulations and timelines for the 2011 elections. This file gives you the latest available information. You should try to update your file when any new information is available, for example, when ICASA publishes its final Municipal Elections Regulations. You can also update the file with your own notes, for example, your own practical guidelines to add to Section D.

## Giving us feedback

Please let us know if you found this file easy to use and if you have any ideas on how we can improve it in future. If you need copies, more information, or you have any suggestions, please contact us:

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# Section A:

## The Constitution, government and the law

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## Ideas for using this section

This section introduces you to how government and the law works. It helps you to understand things like:

- The Constitution and your rights under the Constitution.
- How the structures of government work.
- Where laws come from and how they are made.

If you already know these things, go straight to Section B to find out about how the 2011 municipal elections will work.

### **Ways of using this section**

- Read it to increase your own knowledge and understanding.
- Discuss it with colleagues.
- Include the information in your programming, for example, have a 3-part series on:
  1. What is the Constitution and Bill of Rights?
  2. How does government work?
  3. How does the law work?



# A1. The Constitution and Bill of Rights

Our **Constitution** of 1996 was drawn up after wide consultation with many sectors of our people by the **Constitutional Assembly**.

The Constitution is the highest law of the country. The Government must follow the Constitution in running the country and cannot make any new laws that go against the Constitution. Old or new laws or parts of laws can be challenged in court if they go against the Constitution.

Part of the Constitution is the **Bill of Rights**, the list of rights of all people in our country. The rights in the Bill of Rights speak about our democratic values of equality, human dignity and freedom.

The Constitution creates the framework for running free, fair and regular elections. It also includes all the civil and political rights relating to elections such as the freedom of the media and the right to vote.

## Equality and non-discrimination

Following many years of discrimination under the apartheid system, the Equality Clause (Section 9 of the Constitution) is a key part of the Bill of Rights.

### What does the Equality Clause say?

- Everyone is equal under the law.
- Laws can be passed to protect or advance people disadvantaged by unfair discrimination in the past, or people who are experiencing unfair discrimination now.

#### Examples

- The Employment Equity Act of 1998
- The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000.

- No-one, including government, is allowed to unfairly discriminate against you on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.



### Respecting equality

In the Langemaat case, a medical insurance company refused to allow the unemployed partner of a lesbian woman to benefit from the medical aid scheme of her partner. The Constitutional Court decided that the company had unfairly discriminated against the couple because of their sexual orientation, and said that the company must change their policy to follow the Bill of Rights.



## Civil rights, including freedom of expression and access to information

*The Bill of Rights includes civil rights and freedoms that directly affect your rights around elections:*



### Examples

- **Freedom of expression**, including:
  - freedom of the press and other media
  - freedom to receive or give out information or ideas.
- Freedom of conscience, religion, thought, belief and opinion.
- Freedom of association, such as joining a community organisation or a union for journalists.
- The right of **access to information** from government or from private bodies to protect any of your rights.
- The right to just **administrative action**, including the right to get reasons for decisions from government bodies.
- The right not to be arrested without just cause, to have a lawyer and a fair trial.

The meaning of freedom of expression has always been hotly contested. The Bill of Rights says the right of freedom of expression does not include things like inciting people to violence and hatred based on race, ethnicity, gender or religion. This is also called **hate speech** and is monitored by bodies such as the South African Human Rights Commission (SAHRC).

## How far does freedom of expression go?

You can make a **defamation** case against someone who insults your good name and dignity. In defamation cases, the courts have often had to decide how free journalists are to publish reports that attack or question the good name and dignity of a person.

In the past, the courts have said that to successfully defend a defamation case, newspapers have to prove:

- The report was true and that it was in the interests of the public to publish it, or
- The report was an expression of an opinion, based on facts which were “substantially true” (in other words, mainly true).

In the Bogoshi case, the Appeal Court developed a new approach that gives the media a wider space to report or broadcast with less fear of being taken to court for defamation. These are some of the questions that a court will now ask:

- Was the publication of the facts in the report “reasonable” at the time they were published and in the way they were published?
- Did the newspaper or broadcaster have good grounds for believing the facts were true?
- Did the newspaper or broadcaster take “proper steps” for checking the accuracy of the material?
- Did the newspaper or broadcaster try to get a response from the affected person and publish this response?

If you are taken to court for defamation, you may get off if you can show that you followed these steps. Then it will not matter that some of the “facts” you published were false.

Laws have been passed to detail exactly what some of the civil rights included in the Bill of Rights mean.

### Examples

- The Promotion of Access to Information Act of 2000
- The Promotion of Administrative Justice Act of 2000.

## Claiming the right of access to information

The Promotion of Access to Information Act of 2000 (PAIA) enables individuals and institutions to get access to information from government bodies. In the CCII systems case, a computer system company wanted to know the reasons why it was excluded from supplying its systems to the South African Defence Force. It wished to get access to reports, audit files and correspondence between state departments on the contract.

The Department of Defence and other state departments refused to allow CCII access to these records. They said:

- The number of documents were too many and they didn't have enough staff.
- Supplying the documents would break the confidentiality of third parties.
- The records had information on South Africa's defence and security, and their disclosure would prejudice the country.

CCII took the case to the High Court and won the right to have access – the judge decided:

- PAIA places the burden of proving why the records cannot be disclosed on the state official (the information officer refusing access).
- The information officer had to identify exactly which records he/she wants to withhold and give valid reasons.
- The information officer cannot make a general refusal to disclose records.
- The departments have to find extra staff to find and supply the records requested.



Contact the OSF-SA for more information on how individuals can request information in *The Promotion of Access to Information Act: A Best Practice Handbook for Information Officers and Requesters*.

# Political rights

The Bill of Rights sets out the political rights of citizens around elections:

## Examples

- The right to form a political party
- The right to participate in party activities
- The right to campaign for a party or cause
- The right to free, fair and regular elections
- For adults, the right to a secret vote in elections
- The right to remain a citizen (in other words, once you have citizenship, the right not to have this taken away from you).

# Social and economic rights

The Bill of Rights also includes social and economic rights:

## Examples

- The right to fair labour practices
- The right to make a claim for property taken away under racially discriminatory laws or practices
- The right to have access to adequate housing
- The right to sufficient food and water
- As a child, the right to basic nutrition, shelter, basic health care services and social services
- The right to a basic education, including adult basic education.

# The limitation of rights

Some of the rights in the Bill of Rights may not be limited in any way.

## Examples:

- The right to human dignity
- The right to life.

Some of the rights can be limited by other laws, but only if:

- The limitation is “reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom”, and
- The limitation carefully considers factors like the extent of the limitation and if less restrictive ways are possible to achieve the aim of the limitation.

## Example

The Electoral Act includes an Electoral Code of Conduct that places some limitations on behaviour during elections, for example, you are not allowed to carry weapons during election rallies.



For more details on the *Electoral Code of Conduct*, see B4 on page 82.

# A2. How government works

## Separation of powers

Under the Constitution, there is a separation of government powers. In other words, power is split between different parts of government: the **Executive**, the **Legislature** and the **Judiciary**.

The Executive is the Cabinet of the Government, made up of the President, the Deputy President and Cabinet Ministers. The Executive is the country's highest decision-making structure – this is where government policy is decided.

The Legislature is the law-making arm of government – this is where laws are debated and passed. At national level, the Legislature is Parliament, made up of:

- The **National Assembly**, the biggest part of Parliament, with 400 members, representing the whole country, and
- The **National Council of Provinces**, the second part of Parliament, with 90 members representing the 9 provinces and a further 10 members representing the South African Local Government Association (SALGA).

The Judiciary is the courts of the country that decide and watch over all the laws of the country, including the Constitution. These are the courts:

- The Constitutional Court (Johannesburg), the highest court in the country on all constitutional issues.
- The Supreme Court of Appeal (Bloemfontein), the highest court for appealing against decisions of other courts (except in constitutional cases).
- The High Courts, including the Labour Courts and the Electoral Court.
- The Magistrates' Courts, including Regional Magistrates' Courts (for more serious criminal cases), District Magistrates' Courts, Maintenance Courts, Juvenile Courts and Children's Courts.
- Other special courts, like the Small Claims Courts, Courts of Chiefs and Headmen and the Land Claims Court.

National, provincial and local government are elected in periodic elections guided by our Constitution and election laws.



See Section B3 from page 59 onwards for details on these election laws.

# National and provincial government

National government is headed by the Cabinet, with Parliament as the National Legislature. Major areas of government responsibility are carried out by Government ministries and departments.

Ministries have overall political responsibility and make policy decisions, for example, the Ministry of Justice. Ministries are headed by a Cabinet Minister and sometimes a Deputy Minister, and are based in Pretoria and Cape Town.

Departments carry out policy, write laws and are responsible for day-to-day-administration, for example, the Department of Justice. Departments are headed by a Director-General and are based in Pretoria.

Provincial government in each of the 9 provinces is headed by a provincial Premier and provincial Cabinet. The law-making function is carried out by the **Provincial Legislature**. The provincial government is responsible for some areas of government jointly with national government – this responsibility is carried out by provincial departments that usually combine a number of provincial government responsibilities, for example, Department of Housing, Local Government and Planning.

## Local government

Under the Local Government Transition Act of 1993, local government was run by Regional Councils, Transitional Local Councils, Metropolitan Councils and Municipal Councils. These local councils were responsible for things like local amenities and facilities, electricity, and traffic and parking.

3 new laws were developed to organise and run local government:

- The Local Government: Municipal Structures Act of 1998 divided the country into:
  - Metropolitan Councils for large cities
  - Local Councils for towns and surrounding rural areas
  - District Councils for regional co-ordination.

This law is called the **Municipal Structures Act** for short.

- The Local Government: Municipal Demarcation Act of 1998 set up a

**Demarcation Board (MDB)** to draw up municipal boundaries. This is called the **Municipal Demarcation Act**.

- The Local Government: Municipal Systems Act of 2000 set out the internal systems and guiding principles that democratic local government structures must follow.

#### **Examples of principles for democratic local government**

- Integrated development planning and budgeting
- Performance management
- Participation by local people and parties.


This is known as the **Municipal Systems Act**.

## Institutions supporting democracy


Chapter 9 of the Constitution sets up independent institutions (bodies) to protect people and to check on government. We say these bodies are independent because they are created under the Constitution, but are not controlled by the Government. These bodies are sometimes called Chapter 9 institutions.

#### **Examples**

- The Public Protector investigates complaints about government officials, for example, corruption by pension payout clerks.
- The South African Human Rights Commission (SAHRC) educates people about human rights and investigates complaints around human rights issues, for example, discrimination against a child living with disability at a school.
- The Commission for Gender Equality (CGE) educates people around gender issues, and monitors and lobbies around laws and customs that discriminate against people because of their sex or gender.
- The Electoral Commission – this is the **Independent Electoral Commission (IEC)**.

 See B2 on page 47.

- An Independent Authority to Regulate Broadcasting – the **Independent Communications Authority of South Africa (ICASA)**.

 See C1 on page 117.

# Statutory bodies

Other laws create bodies called statutory bodies that are responsible for taking on tasks listed in the law that set them up.

## **X** Examples

- The South African Broadcasting Corporation (SABC)
- The Government Communication and Information Service (GCIS)
- The Municipal Demarcation Board (MDB).

# A3. How the law works

## Sources of law

The sources of law are where the law comes from. Sometimes you have to look at different kinds of law to find the law to solve your problem.

These are the sources of South African Law:

- **Statute law**

**Statutes** are the written laws made by Parliament as the highest law-making body in the country. Statutes are better known as **Acts**, for example, Labour Relations Act, **Municipal Electoral Act**.

The 9 provinces also have powers to make statutes for their provinces.

Often a statute gives powers to make more detailed rules called **Regulations** to a person (such as the Minister of Justice) or a body (like the Department of Social Development, the Independent Electoral Commission). So, for example, there are **Municipal Electoral Regulations** under the Municipal Electoral Act to explain how the Act should be implemented.

Statutes can also give powers to local government (towns and cities) to make written laws, called by-laws, for example, on hanging posters in the municipal area.

- **The Constitution**

The full name of the Constitution is The Constitution of the Republic of South Africa Act. It is the most important statute because all other laws have to follow the Constitution.



See A1 on page 11.

- **Common law**

This is law that is not made by Parliament or any other law-making body.

**Common law** comes from Roman-Dutch and English law brought to South Africa by Dutch and English settlers. When a legal problem is not covered by statute law, you look at the common law for the answer.

 **Examples of the common law:** Assault, murder, robbery.

- **Customary law**

This is the written and unwritten law that develops from the customs and practices of a community.

- **Court decisions**

Courts often have to make decisions (called judgements) by interpreting what they think the law means. This can depend on the facts of the case and changing views about issues.

 **Example**

Have a look at the decision on the media's right to freedom of expression in the Bogoshi case.



See A1 on page 13.

Lower courts must follow the decisions of higher courts. So when we look for the law, we sometimes have to check to see if there are court decisions on that part of the law. These will tell us how statute law has been interpreted, or how the common law and customary law have been changed to fit in with new policies and developments.

# The law-making process

These are the main steps that are usually followed when Parliament makes new statute laws:

## 1. Green Paper

A government department publishes a draft policy document, called a Green Paper in the official government paper, the **Government Gazette**.

## 2. White Paper

A department publishes a **White Paper** in the Government Gazette for public comments. This is government policy that will be used to write new laws after changes have been made, for example, White Paper on Local Government.



See The White Paper on Broadcast Policy on page 113.

## 3. Writing a Bill

Before a law is passed, it is called a **Bill**, for example, the Municipal Electoral Bill of 2000. A department writes a Bill and the Cabinet approves it.

## 4. Checking a Bill

The Bill goes to government lawyers called the State Law Advisers. Their job includes making sure that the Bill follows the Constitution and does not go against other laws.

## 5. Tabling a Bill

The Bill is tabled (put forward for discussion) in Parliament. This is called the first reading of the Bill.

## 6. Parliamentary Committees

The Bill is then discussed in parliamentary committees in the National Assembly.

## 7. Public comments

The parliamentary committee invites the public to make written comments

and to say if they want to make oral submissions (share their views verbally).

## **8. Public hearings**

The committee can hold public hearings on the Bill – this is a chance for you or your organisation to say what problems you have with the Bill and to suggest changes.

## **9. National Assembly debate and voting**

After committee changes, the Bill is tabled again in the National Assembly – the second reading of the Bill. The National Assembly debates the Bill and votes on it.

## **10. NCOP and provincial discussion**

Once a Bill is passed by a majority in the National Assembly, it goes to a National Council of Provinces (NCOP) committee for discussion after tagging – marking it for NCOP approval if it affects provincial or local government. With Bills that affect the provinces, there must also be full discussion in provincial legislatures.

## **11. The Bill becomes law**

When passed by the National Assembly and the NCOP, the Bill becomes law as an Act, for example, the Municipal Electoral Act. Acts are published in the Government Gazette and the President fixes the date that the law will come into operation (start working).

# Public participation

The process followed by the Constitutional Assembly in drawing up our new Constitution set a very good example in how to involve the public in the law-making process. The new Constitution itself says that there must be public participation in Parliament.

## Examples of how to get involved in the law-making process

- Contact Parliament, the **Government Printer** or non-governmental organisations (NGOs) monitoring Parliament (such as the Parliamentary Monitoring Group: PMG) to get information on a White Paper, a Bill or an Act.
- Send a parliamentary committee your comments on a White Paper or Bill.
- Look out for adverts about public hearings on Bills.
- Attend public hearings on Bills.
- Make your views public through the newspapers and community radio.

## The role of civil society, including the media

When we talk about **civil society**, we mean people and organisations that are independent of government, including the independent media. So far we have looked at the role of civil society in the law-making process in Parliament.

We all remember the active role played by NGOs in mobilising against apartheid.

In our introduction, we looked at the monitoring role that the media can play before, during and after elections as part of civil society and responsible journalism.



See pages 1 to 3.

## Examples of civil society's wider role

- Being a watchdog by monitoring the activities of government and independent statutory bodies.
- Doing research on policy issues and helping with policy development.
- Representing people and sectors on issues affecting them.

- Lobbying government on problems, policies and laws.
- Educating and mobilising people to know their rights and take collective action around issues.
- Assisting with service delivery and implementing government projects.

# Section B:

## Elections and election law

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# Ideas for using this section

This section is a guide to election laws and how the elections will work. It helps you to understand things like:

- Who will run the elections
- How you register to vote
- Your rights as a voter
- How parties and voters are meant to behave during the election period
- How you vote on election day.

You may already know some of these things from previous elections. Check through this section to see what has changed since then. If you want to get straight into media law and the elections, turn to Section C.

## Ways of using this section

- Read it to increase your own knowledge and understanding.
- Discuss it with colleagues.
- Photocopy the pages marked *Photocopy me* and pass on a copy to colleagues.
- Include the information in your programming, for example, have features on:
  - Why is it important to vote?
  - Why must you register to vote?
  - How do you register to vote?
  - What are your rights as a voter?
  - How must parties, candidates and voters behave during the election period?
  - How do you vote on election day?
  - How are votes counted?
  - When will we hear the election results?
- Use the *Guide questions* to get information across, for example, interviews on:
  - Identity documents and voter registration  
 See B3 on page 72.
  - How voting and counting will work  
 See B5 on page 87.



# B1. Democracy and elections

## The importance of elections

For so many years, the majority of South Africans suffered under apartheid and had no right to vote in democratic elections. The idea of democracy was a distant dream, very far removed from the day-to-day lives of most South Africans.



See pages 34 to 40 for information on elections between 1994 and 2009.

## What is democracy?

- Taking part in the social, political and economic life of the country.
- Having rights like **freedom of expression, access to information**, the right to form organisations, the right to meet and the right to vote.
- Government at all levels representing the needs and interests of the majority of the people.
- Government at all levels being accountable (answerable) to the people.

## How does voting in elections fit into democracy?

- By voting, all citizens have the right to choose government at all levels, for example, local, provincial and national government.
- Regular elections give you the chance to vote out a government that does not satisfy the needs and interests of our people.

In local elections, you can support parties and candidates you feel will most effectively take up the issues that are close to you and your community.

# Election voting systems

Three of the best known election voting systems are:

## The ‘winner takes all’ system

In this system, the country is divided into constituencies or wards. You vote in a constituency or ward. The party with the highest number of votes in a constituency or ward wins the election and gets the seat (place) in Parliament for that ward. The votes of the parties that lose in that ward do not count. This was the system used in the old “white” elections before 1994.

### Example

Party A: 1400 votes

Party B: 1000 votes

Party C: 600 votes

Here Party A wins the seat for this ward and Party A's candidate will be in Parliament. The votes of Parties B and C do not make any difference to representation in Parliament.

## The proportional representation (PR) system

The **proportional representation** system is also called the **party list** system. Here every vote counts. The total number of votes a party gets decides the number of seats it gets. Parties draw up lists of candidates, and the number of people that get in will be decided by the number of seats the party wins. This was the system used in our 1994, 1999, 2004 and 2009 national and provincial elections.

### Example

Party A: 100 000 votes – 100 seats

Party B: 20 000 votes – 20 seats

Party C: 50 000 votes – 50 seats

The first 100 people on Party A's list will get seats in Parliament, the first 20 on Party B's list and the first 50 on Party C's list.

## A mixed system

This is a combination of the ‘winner takes all’ and proportional representation systems. This approach was used in the 1995-6, 2000 and 2006 local government elections, where some councillors were elected by winning ward elections and others got in by being on their party lists for the area.

The mixed system will again be used in the 2011 municipal elections.



See *What are you voting for?* In B3 on from pages 90 to 93.

When it comes to calculating the final number of seats that goes to different parties, the principle of proportionality decides this.



### Example

If there are 10 seats available in a municipality – 5 ward seats and 5 proportional representation (PR) seats:

- Party A, with 50% of votes, has a right to 5 seats: if they win 4 wards, they will get 1 PR seat.
- Party B, with 30% of votes, has 3 seats: if they win 1 ward, they will get 2 PR seats to end up with 3 seats.
- Party C, with 20% of votes, earns 2 seats: if they did not win any wards, they still get 2 PR seats to make up their total.



### How can the voting system for our elections be improved?

There is a debate about changing South Africa’s future voting system for our national and provincial elections.

An independent panel of experts commissioned by Parliament has recommended that, from our 2014 national and provincial elections onwards, we have the mixed system approach, with some Members of Parliament (MPs) being directly elected to represent constituencies (similar to wards in municipal elections).

These are some of the arguments in favour of the new approach:

- The current PR or party list system makes MPs accountable to their political parties and gives parties the power to choose their own representatives.

- The mixed system will make MPs more accountable to voters to deliver on their promises.
- In the constituency-based part of the system, voters get a chance to elect another MP of their choice when someone leaves Parliament instead of:
  - The political party choosing who will replace the MP, *or*
  - MPs themselves deciding to change parties under the controversial **floor-crossing legislation**.



For an example of the result of floor-crossing by MPs, see page 39.

Another proposal is to have national, provincial and municipal elections all on one day from 2014 onwards. This still needs to be further investigated to see if it can work effectively.

## The 1994 national and provincial elections

The struggles waged by the liberation movements and communities countrywide, together with international pressure, led to the unbanning of organisations and a negotiated transition period, including the drawing up of a democratic constitution.

The resulting elections on 27 April 1994 were historic because they were the first-ever democratic elections in South Africa. They were run mainly under 3 laws:

- The 1993 Constitution – this was called the interim Constitution: our national Constitution until we had a new 1996 Constitution drawn up by the Constitutional Assembly and becoming law on 4 February 1997.
- The 1993 Independent Electoral Commission Act that gave the **Independent Electoral Commission (IEC)** powers to run the elections.
- The 1993 Electoral Act and Regulations that set all the rules for how the elections would run.

After fighting for so long to win the right to vote, almost 20 million South Africans voted, using the proportional representation system of voting.

<b>National representation of parties in the 1994 elections:</b>		
	<b>% Votes won</b>	<b>National Assembly Seats</b>
African National Congress	62,65	252
National Party	20,39	82
Inkatha Freedom Party	10,54	43
Freedom Front	2,17	9
Democratic Party	1,73	7
Pan Africanist Congress	1,25	5
African Christian Democratic Party	0,45	2
		<b>400</b>

The 1996 Constitution said that there must be elections every 5 years. So new national and provincial elections had to be held before the end of July 1999.

## **The 1995/6 municipal elections**

Our first democratic local elections were held in different parts of the country on different dates in 1995 and 1996. In these elections, we voted for local **ward** candidates and for the party of our choice (proportional representation, as in national and provincial elections).

After changes to the Constitution:

- Elections for municipal councils were extended from every 4 years to every 5 years.
- The 2000 local elections and future elections had to be held on the same day in all parts of the country.

# The 1999 national and provincial elections

Our second democratic national and provincial elections were held on 2 June 1999.

The 1999 national and provincial elections were run under 3 main laws:

- The 1996 **Constitution**.
- The 1996 **Electoral Commission Act** that set up the IEC and gave it powers to run elections.
- The 1998 **Electoral Act**, **Electoral Regulations** and Voter Registration Regulations, and the updated 1999 Electoral Regulations.

## National representation of parties in the 1999 elections:

	% Votes won	National Assembly Seats
African National Congress	66,35	266
Democratic Party	9,56	38
Inkatha Freedom Party	8,58	34
New National Party	6,87	28
United Democratic Movement	3,42	14
African Christian Democratic Party	1,43	6
Freedom Front	0,80	3
United Christian Democratic Party	0,78	3
Pan Africanist Congress	0,71	3
Federal Alliance	0,54	2
Minority Front	0,30	1
Afrikaner Eenheids Beweging	0,29	1
Azanian People's Organisation	0,17	1
		<b>400</b>

Let's look at some other interesting figures for the 1994 and 1999 elections:

	1994 elections	1999 elections
Total votes	19,726,610	16,228,462
Spoilt votes	193,112	251,320
Number of possible voters	22,709,152	18,172,751
Percentage turnout	<b>86,87%</b>	<b>89,30%</b>

### Questions to think about

- There was no voter registration for the 1994 elections. When formal registration was introduced, why did fewer people register and vote in the 1999 elections?
- **Spoilt votes** are when votes do not count because it is not clear which party someone wishes to vote for. Why were there more spoilt votes in the 1999 elections?



For more on spoilt votes, see B4 on page 79.

## The 2000 municipal elections

The 2000 municipal elections took place under a battery of new municipal electoral laws, such as the **Municipal Electoral Act** of 2000, on 5 December 2000.

Depending on where voters lived, they had 2 or 3 party or ward candidate votes in **Metro Councils**, **Local Councils** or **District Councils** newly demarcated under the Municipal Structures Act.



See A2 on page 18 for details of the new municipal electoral laws.

# The 2004 national and provincial elections

Our third democratic national and provincial elections were held on 14 April 2004 and were run under the same laws as the 1999 elections, together with additional amendments and various new Electoral Regulations.

<b>National representation of parties in the 2004 elections:</b>		
	<b>% Votes won</b>	<b>National Assembly Seats</b>
African National Congress (ANC)	69,69	279
Democratic Alliance (DA)	12,37	50
Inkatha Freedom Party (IFP)	6,97	28
United Democratic Movement	2,28	9
Independent Democrats (ID)	1,73	7
New National Party	1,65	7
African Christian Democratic Party	1,60	6
Vryheidsfront Plus	0,89	4
United Christian Democratic Party	0,75	3
Pan Africanist Congress of Azania	0,73	3
Minority Front	0,35	2
Azanian People's Organisation	0,25	2
		<b>400</b>

## **X** **Examples: impact of floor-crossing legislation**

After one of the controversial floor-crossing periods on 16 September 2007 and as a result of previous political developments and crossings:

- ANC representation increased to 297 seats: 74,25% of the total
- DA representation was 47 seats: 11,75%
- IFP representation was 23 seats: 5,75%
- ID representation was 4 seats: 1%
- The National Democratic Convention (NADECO), after defections from the IFP, had 4 seats: 1%

- The African People's Convention had 2 seats: 1%, resulting from the loss of 2 seats by the PAC during the latest crossing.



For comments on electoral reform and floor-crossing, see pages 33-34.

## The 2006 municipal elections

The 2006 municipal elections took place on 1 March 2006 during the year in which we celebrated the 10th anniversary of our new **Constitution**.

The number of registered voters increased from 18,476,516 to 21,054,957 voters as a result of ongoing registration, including targeting specific sectors and having two general registration weekends.

97 political parties and 45,189 candidates participated, made up of:

- 23,691 **party ward candidates**
- 663 **independent ward candidates**
- 21,498 **party list candidates**.

The proportion of women as candidates increased from 28,5% in 2000 to 34,8% in 2006 to move closer to the demographics of registered voters, with women making up almost 55% of registered voters.

# The 2009 national and provincial elections

Our fourth democratic national and provincial elections were held on 22 April 2009 and were run under the same laws as the 2004 elections, with a few amendments and updated Electoral Regulations.

<b>National representation of parties in the 2009 elections:</b>		
	<b>% Votes won</b>	<b>National Assembly Seats</b>
African National Congress (ANC)	65,90	264
Democratic Alliance (DA)	16,66	67
Congress of the People (COPE)	7,42	30
Inkatha Freedom Party (IFP)	4,55	18
Independent Democrats (ID)	0,92	4
United Democratic Movement	0,85	4
Vryheidsfront Plus	0,83	4
African Christian Democratic Party	0,81	3
United Christian Democratic Party	0,37	2
Pan Africanist Congress of Azania	0,27	1
Minority Front	0,25	1
Azanian People's Organisation	0,22	1
African People's Convention	0,20	1
		<b>400</b>

# Reflecting on voter registration and participation

<b>Voter turnout in the 2006 municipal elections:</b>		
<b>Province</b>	<b>Registered voters</b>	<b>% voter turnout</b>
Eastern Cape	2,908,106	56,06%
Free State	1,318,408	47,24%
Gauteng	4,785,955	42,48%
KwaZulu-Natal	3,964,817	50,57%
Limpopo	2,146,048	44,74%
Mpumalanga	1,546,728	46,35%
North West	1,554,864	45,63%
Northern Cape	528,657	53,51%
Western Cape	2,301,371	51,79%
<b>TOTAL</b>	<b>21,054,954</b>	<b>48,40%</b>

The IEC's 2008 Voter Participation Survey carried out by the Human Sciences Research Council revealed that 73% of South Africans were registered as voters. The Survey showed:

- The highest proportion of registered voters in the Northern Cape (82%), while the lowest was in KwaZulu-Natal (67%).
- Registration in rural informal settlements was 64% and in urban informal settlements it was 66%.
- 75% of women were registered compared to 69% of men.
- Registration was lowest among 18 to 24 year-olds (22%).
- An average of 89% of voters was registered in the district they reside in.

**Questions to think about**

- 77,30% of registered voters voted in the 2009 national and provincial elections. Why do you think there is such a big difference compared to the 48,40% voter turnout in the 2006 municipal elections?
- Is the voter turnout in the 2011 municipal elections likely to increase significantly? What can the media do to increase interest in the 2011 elections?

# B2. Managing and monitoring the 2011 municipal elections

## The SADC Principles for election management, monitoring and observing

Beginning with a Southern African Electoral Forum Conference in Namibia in 2000, and culminating in their adoption on 6 November 2003 in South Africa, the Principles for Election Management, Monitoring and Observation in the Southern African Development Community (SADC) Region (SADC Principles), are a set of guidelines to help ensure the delivery of credible, free and legitimate elections. The SADC Principles were approved by electoral management bodies and civil society organisations from all 14 SADC countries.

The recommended principles address these 6 major issues:

- The need for a comprehensive constitutional and legal framework.
- The importance of transparent and accessible pre-election procedures (including the **delimitation** process, voter registration and candidate nomination).
- The equitable use of the media and public resources, and issues of political party finance.
- The organisation and management of the election phase, including the location of polling stations, their layout and access to them, the secrecy of the ballot and the counting process.
- The post-election phase, including the settlement of election disputes and ways of ensuring that results are acceptable.
- The requirements for unhindered, credible, professional and impartial monitoring and observation of the electoral process.

# The African Charter on Democracy, Elections and Governance

A second key electoral guiding document for our continent is the **African Charter on Democracy, Elections and Governance**, adopted by the African Union (AU) on 30 January 2007 in Addis Ababa. The Charter has 53 Articles and was drawn up in 4 original languages: Arabic, English, French and Portuguese.

## The Charter's Preamble notes:

- A concern that unconstitutional changes of government are one of the essential causes of insecurity, instability and violent conflict in Africa.
- A commitment to entrench in Africa a political culture of change of power based on holding regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies.
- A determination to promote and strengthen good governance through institutionalising transparency, accountability and participatory democracy.

## Article 3 sets out 11 key implementation principles:

1. Respect for human rights and democratic principles
2. Access to and exercise of power according to the country constitution and the principle of the **rule of law**
3. Promotion of a representative system of government
4. Holding regular, transparent, free and fair elections
5. Separation of powers (between different branches of government)
6. Promotion of gender equality in public and private institutions
7. Effective participation of citizens in democratic and development processes and in governance of public affairs
8. Transparency and fairness in managing public affairs
9. Condemnation and rejection of corruption and related offences
10. Condemnation and rejection of unconstitutional changes of government
11. Strengthening political **pluralism** through recognising the role, rights and responsibilities of legally constituted political parties, including opposition parties.

While the Charter broadly supports the building and sustaining of democratic institutions and elections, it is short on specific detail on the development and protection of a free, independent media.

The only direct media provisions are:


- Countries must ensure fair and equitable access by contesting parties and candidates to state-controlled media during elections (Article 17).
- Countries must commit themselves to promote freedom of expression, in particular freedom of the press and fostering a professional media (Article 27).

# Laws governing elections in South Africa


Since 1994, South Africa has established and refined a framework of election laws in keeping with the SADC Principles and the African Charter on Democracy, Elections and Governance.

The 2009 national and provincial elections will be run under these laws:


- The 1996 Constitution, which includes the right to vote, the drawing up of a national **voters' roll**, and the calling of elections every 5 years.

 See more on the political rights in the Constitution in A1 on page 15.

- The 1996 Electoral Commission Act and various Election Regulations under the Electoral Commission Act that set up the IEC and give it powers to run the elections.

 See more on the IEC on page 47.

- The 1998 Municipal Structures Act and the 1998 Municipal Demarcation Act.

 For more details on these laws, see pages 21, 59 and 62.

- The 2000 Municipal Electoral Act, the 2010 Municipal Electoral Amendment Act and updated Municipal Electoral Regulations, which set most of the rules for running municipal elections. While we call this law the Municipal Electoral Act, its full name is: Local Government: Municipal Electoral Act.

- The 1998 Electoral Act and subsequent Electoral Regulations, to govern things not covered by the Municipal Electoral Act and Regulations.

 **Note:**

In B2 to B5 of this file, we summarise all the available information on how the IEC will run the 2011 municipal elections.

# The role and structures of the Independent Electoral Commission

The role of the IEC includes:

- Supervising and organising the elections
- Making the regulations needed to run the elections
- Registering voters and compiling a voters' roll
- Promoting democracy and voter education
- Keeping contact and co-operating with political parties and candidates
- Making sure that the elections are free and fair
- Sorting out disputes between political parties
- Counting and verifying election results
- Announcing the election results.

## Current commissioners

- 5 commissioners, who serve for 7 years
- Chairperson: Dr Brigalia Bam
- Vice-Chairperson: Ms Thoko Mpumlwana
- Commissioner: Judge Herbert Msimang
- Commissioner: Mr Terry Tselane
- Commissioner: Mr Fanie van der Merwe

Commissioners are not allowed to:

- Directly or indirectly support or oppose any political party or candidate.
- Directly or indirectly support or oppose any issues in contention between political parties or candidates.
- Say or do anything which can harm his/her independence or the independence of the IEC.



### **Note:**

Like the IEC Commissioners, all IEC and other election officials at national, provincial and local level must work independently and not take sides with any political party or candidate.

# National structures

The IEC's national structures include:

- The Office of the **Chief Electoral Officer (CEO)**, Adv Pansy Tlakula
- The Office of the Deputy Chief Electoral Officer, with 3 Deputy CEOs, covering Corporate Services, Outreach and Electoral Operations
- Chief Directorate: Human Resources, Skills Development and Training, and Support Services
- Chief Directorate: Financial Management
- Chief Directorate: Information Communication Technology
- Chief Directorate: Legal Services
- Chief Directorate: Communications
- Chief Directorate: Civic Education, Research and Knowledge Management
- Chief Directorate: Logistics and Infrastructure
- Chief Directorate: Electoral Processes: Voters' Roll, Delimitation, Voting and Counting.



The IEC Chairperson and the IEC CEO are the IEC's national spokespeople.



See the *Contacts* on page 241 for national IEC media contacts.

# Provincial structures

- There are IEC offices in all 9 provinces.
- Each office has a Provincial Electoral Officer (PEO) and a Manager: Electoral Operations.
- The current PEOs are:
  - Eastern Cape: Rev Bongani Finca
  - Free State: Mr Jabulani Mepha
  - Gauteng: Mr Simon Mamabolo
  - KwaZulu-Natal: Mr Mawethu Mosery
  - Limpopo: Ms Nkaro Mateta
  - Mpumalanga: Mr Steve Ngwenya
  - North West: Dr Tumelontle Thiba
  - Northern Cape: Mr Justice Bekebeke
  - Western Cape: Mr Courtney Sampson.



The PEO is the IEC's media spokesperson for the IEC in their province, including municipal election queries. Their communication officers act as facilitators for the media. For example, the PEO will issue statements to the media on election results and invite parties to attend at the provincial election results centre.



See the *Contacts* on pages 242-245 for provincial IEC media contacts.

## Local structures

- In every municipal area, a **Municipal Electoral Officer (MEO)** is appointed by the IEC to liaise with the municipality, political parties and other stakeholders, and also to declare the election results.
- Regional Supervisors under the PEO of each province oversee the MEOs within their province and the operational side of organising elections, such as organising voting stations, staff employment, voter registration, party and candidate registration, and election day voting and counting.
- In some metropolitan areas and big towns, the MEO will work from the IEC provincial office.
- In some areas, the MEO will be the Chief Executive Officer (also called Municipal Manager) of the local council and will work from existing council offices.
- Where there are no existing offices, the IEC may set up special election offices, for example, in some District Council areas.
- The MEO will employ:
  - Registration officers for voter registration days in each **voting district**.
  - Election officers for election day in each **voting station**, for example, **presiding officers, voting officers** and **counting officers**.



### **Disqualification from being an election officer**

From the 2009 national and provincial elections onwards, the IEC has taken special care to disqualify people with political party or union ties from being election officers at national, provincial or municipal level.

For example, to be appointed as a Presiding or Deputy Presiding Officer:

- You must not, in the last 5 years have held political office or have been a candidate in an election, or have been politically active for a political party.

- You must not, in the last 5 years, have held office in an organisation that has party political affiliations or aims.

In launching the IEC's *Love your South Africa* 2011 municipal election campaign, CEO Adv Pansy Tlakula announced that, after objections about political affiliations, 50 IEC officials were recently replaced, while 19 objections were rejected.

# The funding of political parties

The funding of political parties has been a topic of hot debate in our new democratic order. This funding is governed by the Public Funding of Represented Political Parties Act of 1997 and the Public Funding of Represented Political Parties Regulations of 1998.

## **Q1. What sort of political party funding is allowed in South Africa?**

Parties can get public government funding and private funding from other sources, for example, members' contributions and donations from local or foreign companies. Financial contributions are called direct funding, while contributions in kind like office space, equipment or advertising are known as indirect funding.

### **Note:**

While the public funding of political parties is regulated, private funding is not regulated and parties do not need to disclose private sources of funding. This raises serious concerns about the potential of private funding 'buying' influence and undermining the electoral process. For more on the monitoring of private party funding, see [www.whofundswho.org](http://www.whofundswho.org).

## **Q2. How does a political party get public funding?**

A political party has a right to get funds from the Represented Political Parties' Fund (the Fund) for any financial year that it is represented in:

- The National Assembly, or
- Any provincial legislature, or
- Both the National Assembly and in any provincial legislature.

### **Note:**

Funds are awarded in proportion to the number of seats held by each party meaning that parties with bigger representation get more funds. The Fund does not fund political parties represented in municipal councils only.

## **Q3. What restrictions and checks are there on public party funding?**

The Act says that parties can use the funds "for any purpose compatible with functioning as a political party in a modern democracy", such as influencing public opinion and carrying out political and voter education. Parties may not use the money for things like paying its representatives or starting a business. Parties have to account in detail for how the money was used, appoint an official to administer the funds and keep them in a separate bank account. The IEC receives reports on how funding is spent, monitors party spending, and passes rules and regulations on funding when this is needed.

# Party Liaison Committees, agents and election observers

## Party Liaison Committees

- At national, provincial and local level, the IEC co-ordinates **Party Liaison Committees (PLCs)**:
  - To inform political parties on election arrangements, including procedures for attending at election results centres.
  - To consult and advise the IEC on election arrangements.
  - To deal with conflicts between parties, or between a party and the IEC.
- At national and provincial level, all registered political parties can have 2 representatives on each PLC.
- At a local level, all registered political parties in that area can have 2 representatives on the local PLC.
- The MEO chairs local PLC meetings.

## Party and independent ward candidate agents

- Every registered party contesting a municipal election can appoint 2 **party agents** for each voting station.
- An independent ward candidate can appoint 1 independent ward candidate agent for each voting station in the ward.



In some cities where there are many voters at a voting station, the IEC can set up different queues (called 'streams') of voters in one voting station OR more than one voting station in different rooms of a bigger voting centre. Then parties and independent candidates can have agents for each stream or room.

- An agent:
  - Must be a South African citizen *and*
  - May not be a party or ward candidate in the election.
- The job of an agent is:
  - To observe and represent the interests of their parties or candidates in ensuring free and fair elections.
  - To make any complaints to the Presiding Officer or a counting officer.
- Agents wear identification tags approved by the IEC, indicating 'party agent', but *not* showing the party or ward candidate they are representing.

- Agents must follow orders given by:
  - An election officer *or*
  - A security service member instructed by an election officer.
- Agents must not:
  - Display or distribute any billboard, placard, poster or pamphlet.
  - Wear, carry or display any clothing with any writing, pictures or signs linked to a party or candidate (except for their identification tag).
  - Force, influence or persuade a person to vote or not to vote for a party or candidate.
  - Force, influence or persuade a person not to vote.



### **Election Regulations also say:**

- Party and independent ward candidate agents may bring any objections or irregularities to the attention of the Presiding Officer, but must not interfere with the voting procedures.
- Presiding Officers should give different agents a chance to observe different parts of the voting process – this should happen by rotation when there is not space to accommodate everyone, for example, to monitor the checking of names on the voters' roll or the marking of voters' hands with indelible ink.

## **Election observers**

- The IEC will accredit (officially recognise) organisations wishing to appoint election observers if the observers:
  - Promote free and fair elections.
  - Observe impartially and independently of parties and candidates.
  - Observe competently and professionally.
  - Follow the **Code of Conduct for Accredited Observers**.
- The IEC can cancel an observer's **accreditation** if they do not follow conditions set by the IEC.
- Anyone can inspect the register of **accredited observers** and copies of certificates of people registered as observers at the IEC Head Office.
- Accredited observers can observe voting, counting and the calculation of election results.
- Accredited observers must wear identification tags approved by the IEC.
- Accredited observers must follow orders given by:

- An election officer, or
- A security service member instructed by an election officer.



Election *observers* have limited powers. They do not have the powers of election *monitors*, who would have the power to actively intervene and take action. Observers play the role of watching and reporting to relevant authorities such as the IEC.

# **The Code of Conduct for Accredited Observers**

## **Things that accredited observers must do**

- Observe the election impartially and independently of political parties and candidates.
- Be competent and professional in observing the election.
- Remain neutral and non-partisan, and carry out observing duties in an unbiased way.
- Tell the IEC about any relationship that can lead to the observer not being able to observe in a neutral and non-partisan way.
- Give the IEC a report on the elections, including information on things like:
  - The impartiality of the IEC
  - The freedom of political parties and ward candidates to organise and campaign
  - The opportunity for agents to observe the whole election process
  - The fair access of parties to national media and other state resources
  - Voting and the counting of votes
  - Any other issues affecting free and fair elections.
- Follow all duties and instructions of:
  - The IEC and its employees/officers, or
  - Any election officer, or
  - Any security service member acting on the instructed by an IEC or election officer.

## **Things that accredited observers must *not* do**

- Do not do anything that would show support for a political party or ward candidate.
- Do not accept any gifts or favours from political parties, candidates or people involved in the election process.
- Do not participate in any activities that can make people think that the observer sympathises with a political party or candidate.
- Do not express opinions on issues that are part of election campaigning.
- Do not influence or try to influence any voter to choose a political party or ward candidate.
- Do not wear, carry or display any political party's or candidate's symbols or colours.


# Accreditation for voter education

- The IEC will accredit individuals or structures wanting to run voter education, if the voter education providers:
  - Promote voter education, and free and fair elections.
  - Work effectively and meet standards set by the IEC.
  - Educate impartially and independently of parties and candidates.
  - Educate competently.
  - Follow the **Code of Conduct for Accredited Voter Education Providers**.
  
- **Accredited voter education providers** must make sure their employees:
  - Are not party or ward candidates, or agents, in the election.
  - Do not hold political or executive office in a registered party.
  - Carry out voter education impartially and independently.
  
- Accredited voter education providers and their employees must not get involved in election campaigning and issues.

## Example:

### **A community radio station as an accredited voter education provider**

- Your community radio station or other media institution can also get IEC accreditation to do voter education.
- Accreditation means you will get recognition and support from the IEC as an official voter education provider.
- Apply for accreditation at your IEC provincial office. You will have to fill in an application form and include documents to support your application.

 For questions on accreditation, contact the IEC Head Office or Provincial Offices: see contact details from page 241 onwards.

# The Code of Conduct for Accredited Voter Education Providers

## Things that accredited voter education providers must do

- Be non-partisan and neutral, and carry out voter education free of any influence or control by political parties or candidates.
- Respect the right of voters to elect parties or candidates of their choice, by using impartial training methods.
- Make voters aware of:
  - Their rights like freedom of belief, freedom of speech and the right to participate freely in peaceful political activities.
  - The right of political parties, candidates and the media to communicate information and opinions.
- Promote democratic values and political tolerance.
- Follow correct accounting procedures and use voter education funds for the purpose they were given.

## Things that accredited observers must *not* do

- Do not try to find out which political party or ward candidate a voter wants to vote for.
- Do not influence or try to influence any voter to choose a political party or candidate.
- Do not influence or try to influence any voter to register or vote when the person does not have a right to register or vote.
- Do not publish, repeat or distribute any false information.
- Do not obstruct or interfere with the work of the IEC or any of its officials or representatives.
- Do not do anything that would show support for a political party or candidate.
- Do not accept any gifts or favours from political parties, candidates or people involved in the election process.
- Do not participate in any activities that can make people think that the observer sympathises with a political party or ward candidate.
- Do not wear, carry or display any political party's or ward candidate's symbols or colours.



# **B3. The 2011 municipal elections: preparation and registration**

## **The need for new election laws**

Our first democratic elections in 1994 were held under special conditions. The majority of our people had never voted in elections and used a variety of identity documents. Also, there had been no reliable census involving all communities.

As a result, it would have been impossible by April 1994 to break the country up into voting constituencies and to register voters on a common voters' roll (national list of all voters) using the same ID documents.

These are the main reasons why the 1998 Electoral Act was drawn up to run the 1999 elections and guide future elections:

- Our 1996 Constitution said that a common voters' roll had to be set up for all future elections.
- The 1996 Electoral Commission Act established the IEC as the single body for managing all national, provincial and local elections.
- The 1996 Census built a foundation for the reliable setting up of new municipal boundaries and voting areas.



See pages 60 and 64 for details.

# The changing face of local government: demarcation of municipal boundaries

The Constitution and Municipal Demarcation Act set up the **Municipal Demarcation Board (MDB)** as an independent body with the task of drawing up municipal boundaries in time for the 2000 municipal elections: this is known as **demarcation**.

The MDB was established on 1 February 1999 and its members were appointed by the President for a 5-year term of office.

## Redrawing apartheid boundaries

South Africa inherited the race-based Bantustan system and municipal boundaries from the apartheid system. For so many years, people were separated at local level through Group Areas laws, influx control and a policy of “own management for own areas”. Apartheid tried to limit the responsibility of wealthy “white” areas to help service disadvantaged “black” areas.

## Aims of demarcation

As a result, municipal boundaries needed to be redrawn to achieve aims such as:

- Democratic local government
- Accountable local government
- A redistribution of finances and services
- Financially viable municipalities
- Social and economic development in local areas.

## Factors affecting demarcation

In deciding on boundaries, the MDB considered factors like:

- The movement of people, and the existence of employment and services in the area
- The need to combine neighbouring areas into integrated municipalities
- The financial and administrative ability of a municipality to carry out municipal functions
- Existing municipal and provincial boundaries

- Existing functional boundaries, for example, voting districts, magisterial districts, census boundaries and police districts
- The need for co-ordinated municipal, provincial and national programmes, for example, around health care
- Geographical and environmental factors.

## **The current Municipal Demarcation Board**

Chairperson: Mr Landiwe Mahlangu

Deputy Chairperson: Ms Nondumiso Gwayi

Members:

Mr Ashraf Adam

Ms Sumaya Castle

Ms Lynelle John

Dr Vuyo Mlokoti

Ms Wendy Ovens

Mr Khosi Ramovha

Prof Nico Steytler

Chief Executive Officer: Mr Hilary Monare.

## **The MDB's timetable for elections**

For each of the municipal elections from 2000 onwards, the MDB has had the task of demarcating, amending or finalising metropolitan, district, municipal and ward boundaries in preparation for each election.

There has been an opportunity for public participation, including comments and objections to the MDB's decisions. For example, people and communities have challenged the inclusion of some townships and smaller towns into larger municipalities.

# Different types of municipalities

The Municipal Structures Act divides South Africa up into 3 kinds of municipalities. Based on the number of registered voters for the 2009 national and provincial elections and after further review by the MDB, these are the current types and number of councils that will be used for the 2011 elections:

## 1. Metropolitan Councils for large cities

- There are 8 **Metropolitan Councils**:
  - Buffalo City (East London): 387,452 registered voters
  - City of Cape Town: 1,719,878 registered voters
  - City of Johannesburg: 2,003,007 registered voters
  - City of Tshwane (Pretoria): 1,310,735 registered voters
  - Ekurhuleni (East Rand): 1,421,433 registered voters
  - Ethekwini (Durban): 1,639,153 registered voters
  - Mangaung (Bloemfontein): 372,733 registered voters
  - Nelson Mandela Bay (Port Elizabeth): 566,668 registered voters.
- Metropolitan Councils are also called 'Metro Municipalities' or 'Metros' for short.
- Buffalo City and Mangaung are new Metros for the 2011 elections.

## 2. Local Councils for towns and surrounding rural areas

- Most of the country falls under **Local Councils** – there are 226 Local Councils nationally.
- All rural villages and farms are now under Local Municipalities – so there is no longer a difference between urban and rural local government.
- Examples of larger Local Councils in KwaZulu-Natal are:
  - Newcastle: 141,142 registered voters
  - uMhlatuze (Richard's Bay): 146,959 registered voters
  - Msunduzi (Pietermaritzburg): 276,008 registered voters.

## 3. District Councils for regional co-ordination

- In the 8 big metro areas, co-ordination will happen through the Metro Councils.

- In the rest of the country, there will be regional co-ordination through a total of 44 District Councils.
- **District Councils** will be made up of a number of Local Councils.
- **District Management Areas (DMAs)**, very low population rural areas and nature reserves, used to form part of District Councils in previous municipal elections, but they have now been done away with.
- Examples of larger District Councils in KwaZulu-Natal are:
  - Ugu: 321,621 registered voters
  - Umgungundlovu: 436,464 registered voters
  - Uthungulu: 396,010 registered voters.



There will be different kinds of voting in each of these different types of municipality.



See *What are you voting for?* in B5 from pages 90 to 93.

# Ward delimitation, voting districts and voting stations

After the MDB has demarcated outer municipal boundaries, it draws up ward boundaries and divides all Metropolitan and Local Municipalities into areas called **wards**: this is known as **delimitation**. District Municipalities do not have wards.

Using its electronic mapping system, called the Geographic Information System, the IEC then takes delimitation a step further by dividing wards into **voting districts**:

- So that you can vote easily at the designated **voting station** in your voting district, for example, without having to queue for too long *and*
- For efficient administration and counting by the IEC and its officials.

## Voting districts for the 1999 national and provincial elections

After the pressure of preparing for the first democratic elections in 1994, the IEC established new voting districts for the 1999 national and provincial elections:

- Nationally there were just over 14,500 voting districts.
- Each voting district had a voting station.
- Voting districts had between about 1000 and 3000 voters.
- Some smaller rural areas had fewer than 1000 voters.
- Mobile voting stations were used where necessary to ensure greater access for voters.
- Initially, the Census enumerator areas (counting areas) were used by the IEC to build a voting district.
- The idea was that voting districts would be used in future to form wards for municipal elections.
- Voting stations were also used as voter registration stations on public voter registration days.

## Demarcating wards for the 2000 municipal elections and beyond

In drawing ward boundaries for the 2000 local elections, the Demarcation Board tried to follow the IEC's 1999 voting districts, but to achieve a more even spread of voters, they ensured that there were no wards with over 15% more registered voters than other wards and no wards with fewer than 12,300 people.

Since 2000, the distribution of voting districts and stations has been further refined for subsequent national, provincial and municipal elections, taking into account factors like:

- Identifying where old voting districts were split by new ward boundaries.
- Checking on voters' rolls and re-allocating voters in voting districts split by new ward boundaries.
- The increasing number of voters with the further registration of new voters.

## Preparing for the 2011 municipal elections

For the 2009 national and provincial elections, there were 19,726 voting stations and 23,181,997 million registered voters.

The MBD was then tasked with reviewing and delimiting municipal wards for the 2011 municipal elections:

- After the public was given notice of the relevant dates, the MBD began the ward delimitation process in July 2009. The Minister of Cooperative Governance and Traditional Affairs gazetted formulae for calculating the number of councillors for the different types of municipalities, based on the number of registered voters in each municipality.
- All wards in a municipality must have about the same number of voters:
  - The MBD established the number of wards by dividing the number of councillors by 2.
  - The MDB worked out the number of voters allowed in a ward by dividing the number of registered voters in the municipality by the number of wards.
- The MDB handed over its new ward delimitation to the IEC on 1 September 2010 after a 10-month period of consultation, considering objections and amending ward boundaries.

As a result, 10,055 council seats will be contested in 4,277 wards in 2011. This is a 10% increase in the number of wards from 3,895 in the 2006 municipal elections.

This table compares the number of councillors and wards in the municipal elections of 2000, 2006 and 2011:

Province	Councillors 2000	Wards 2000	Councillors 2006	Wards 2006	Councillors 2011	Wards 2011
Eastern Cape	1440	601	1522	636	1661	715
Free State	732	291	761	300	752	317
Gauteng	982	446	933	423	1105	508
KwaZulu-Natal	1782	748	1829	771	1954	828
Limpopo	1056	445	1239	513	1319	543
Mpumalanga	954	393	857	365	973	402
North West	820	338	884	365	938	383
Northern Cape	404	162	427	174	471	194
Western Cape	781	330	815	348	882	387
<b>Total</b>	<b>8951</b>	<b>3754</b>	<b>9267</b>	<b>3895</b>	<b>10055</b>	<b>4277</b>

Using the municipalities highlighted on pages 62 and 63, here are some examples of the number of councillors and wards in different kinds of municipalities:

	<b>Councillors 2011</b>	<b>Wards 2011</b>
Buffalo City Metro	100	50
Cape Town Metro	221	111
Johannesburg Metro	260	130
Tshwane Metro	210	105
Ekurhuleni Metro	202	101
Ethekwini Metro	205	103
Mangaung Metro	97	49
Nelson Mandela Bay Metro	120	60
Newcastle Local Council	61	31
uMhlathuze Local Council	60	30
Msunduzi Local Council	73	37
Ugu District Council	35	0
Umgungundlovu District Council	45	0
Uthungulu District Council	41	0

Voting districts also had to be adjusted to align them with the newly demarcated ward boundaries. This resulted in an increase in voting districts by 6% from 19,726 in the 2009 national and provincial elections to 20,864 voting districts for the 2011 municipal elections.

# Registration of political parties

The Electoral Commission Act gave the IEC powers to register political parties.

To register, parties have to give:

- The name of the party
- The party's symbol in colour
- The party's abbreviation
- The party's constitution.

Parties not already represented in national, provincial or local government have to give further details like the party's deed of foundation (the official document used to launch the party).

Applications for new registration and details of successful registrations must be published in the **Government Gazette**.

The Electoral Commission Act and Regulations say the IEC should not register a party if:

- The party's registration details are too similar to the details of another party (for example, the colours), and this will lead to confusion for voters, *or*
- The party's registration details go against an Act of Parliament, or use a name, mark or symbol already registered in South Africa (for example, by another company or organisation), *or*
- The party's registration details includes anything which can:
  - Lead to the promotion or incitement of violence or hatred, or
  - Cause serious offence to any section of the population on the grounds of race, gender, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language.

Any party unhappy with being refused registration, or with the IEC's decision to register a new party, can appeal to the IEC within 30 days of the refusal.

## Example: COPE

After the establishment of the new Congress of the People (COPE) in late 2008 and their application for IEC registration, the African National Congress (ANC) objected to the name of the new political party. The ANC felt that COPE

should not be allowed to use as its name an event like the 1955 Congress of the People in Kliptown that the ANC argued was closely associated with its own history.

COPE was allowed to keep its name after the High Court ruled in favour of COPE and decided that the 1955 Congress was not the exclusive preserve of the ANC and its history. The ANC had gone to court to try to prevent COPE from using its new name even before the IEC had made a decision on the issue.

## **Tighter party registration**

2011 Electoral Regulations increase the number of signatures of registered voters needed to register a political party from 50 to 100. They also increase the deposits that must be paid for contesting an election:

- From R3,000 to R4,000 for contesting proportional representation (PR) and ward elections in a Metro Council.
- From R2,000 to R2,500 for contesting PR and ward elections in a Local Council.
- From R1,000 to R1,500 for contesting a PR election only in a District Council.
- From R500 to R1,000 for contesting a ward as an independent candidate only.

# Ward candidates and party lists

## What prevents you from becoming a councillor



The Constitution says you cannot become a municipal councillor if:

- You are not a South African citizen.
- You do not live in and you are not a registered voter in the municipal area.
- You do paid work for the council (unless a national law excludes you from this rule).
- You do paid work for another government department and a national law says that you cannot stand.
- You have been declared as an “unrehabilitated insolvent” or “of unsound mind”.
- You have been sentenced to more than 12 months in prison after the end of 1996 without the option of a fine.
- You are a Member of Parliament, a Member of a Provincial Legislature or a member of another municipal council (unless you are representing a municipal council in the other body).



### Note:

A ward candidate does not have to live in the ward where they stand as long as they live in the municipality.

## Rules and timelines for candidates and parties

The Municipal Electoral Act sets other rules for candidates and parties, including:

- Proportional representation (PR) candidates must be nominated by a registered party.
- Ward candidates must be nominated by a registered party or a registered voter living in the ward.
- Independent ward candidates must be nominated with the signatures of at least 100 registered voters from the ward.
- If a party candidate is both a PR and a ward candidate, and wins in the ward, they must take up the ward seat.

- Parties and ward candidates must pay an amount of money as a deposit to stand – they lose this if they do not get 10% of votes in a ward.

Registered political parties are invited to submit candidate lists. Parties draw up their lists of candidates after party list conferences or discussions within the party. Depending on the percentage of votes received by the party, a proportional number of candidates on its list will qualify to be a member of a Metro, Local or District Council after the 2011 elections.



For more on proportional representation, see B1 on page 32.



For more on the different kinds of votes you have, see B5 on pages 90-93.

Political parties and candidates will have to meet the deadlines set in the Election Timetable when this is announced by the IEC. This happens when the election date is published in the Government Gazette.



### **Deadline dates – consult the IEC’s Election Timetable**

- Date for each party to submit its list of candidates to the IEC.
- Dates for the IEC to make party lists publicly available for inspection to check if any proposed candidates should be excluded.
- Date for making objections to candidates.
- Date for Electoral Court to decide on any appeals against IEC decisions around party lists and candidates.
- Date for IEC to compile a final list of parties and candidates.




For the full Election Timetable, see Appendix on page 249.

# Identity documents, voter registration and the voters' roll

## Summary of what needs to happen:


To vote in the 2011 municipal elections, you must:

- Have a **bar-coded** identity document and
- Be registered in the voting district you live in.

 **Remember:** No registration, no vote!

### **Note:**

- The IEC held a nationwide voter registration weekend on 5 and 6 February 2011 at each of the voting stations. Before this weekend, there were 22,691,76 registered voters. An additional 534,016 voters were registered on 5 and 6 February.
- The IEC held a final voter registration weekend on 5 and 6 March 2011 between 08h00 and 17h00.
- When the election date was published in the Government Gazette on 10 March 2011, voter registration ended and the voters' roll closed at 17h00. This brought the number of registered voters to 23,6 million voters.

 ***These 12 guide questions will help you inform listeners and readers on everything about identity documents and voter registration:***

## **Q1. Why register to vote in the elections?**

- It is your democratic right to vote to have your say on what happens in your local area and to register to vote in elections.
- Even if you decide not to vote, you are at least giving yourself a chance to make a choice at election time: to vote or not to vote!
- This is your chance to make sure you are on the voters' roll – the list of voters who are allowed to vote in the 2011 municipal elections.
- Remember that once you register, you stay on the voters' roll for all future elections – you will not have to register again unless you move to another voting district.

## Q2. Why IDs with bar-codes?

- Many people in South Africa have had more than one **identity document (ID)** in different names.
- Some people have used different IDs to do things like applying for two pensions or two housing subsidies. This is against the law.
- In an election, these people could try to register in two areas under different names, and then vote twice!
- To get a green bar-coded ID, your fingerprints are taken and put on a national computer with other details. If you try to apply for another ID with a different name, you will be caught because your fingerprints will match.
- Bar-coded IDs are a way of stopping cheating in elections and fraud in the social welfare system.

## Q3. Where do you apply for a bar-coded ID?

- You usually apply for a bar-coded ID at a Department of Home Affairs regional office or at a Home Affairs mobile unit.
- During special voter registration periods, Home Affairs may open extra places for applying, for example, at schools, clinics or council offices.

## Q4. How do you apply for a bar-coded ID?

- Take 2 small ID-size photographs of yourself with you and your old ID or birth certificate.
- If you do not have a birth certificate, take a witness (such as a family member or an old friend) who knows you from when you were born and any other documents that prove you were born in South Africa.

### **X** Examples of documents allowed:

- Baptismal certificate, a certificate from the hospital where you were born, a copy of your school attendance register with your name on it.
- If you have an existing ID when you apply for your bar-coded ID, you will get a **temporary identity certificate** (the same as what you get if you have lost your ID and you are waiting for a new one). Your temporary identity certificate will be valid for 2 months and you will use it to register to vote while you wait to receive your permanent ID.
- If you are applying for an ID for the first time, when you apply for your bar-coded ID, you will not get a temporary identity certificate – you will only be able to register to vote if your bar-coded ID comes through before

the cut-off date for registration for the 2011 elections. The Department of Home Affairs has said it will do its best to speed up the processing of bar-coded IDs of people who still want to register to vote before the cut-off date.

- At some Home Affairs offices, they have a person to take photos – sometimes this is done for free. If you have no money for photos, ask the staff if they can give you free photos.
- If you are applying for an ID for the first time, the application is free.
- If you have an existing ID and you are applying for a bar-coded ID, you must pay R20.

### **Q5. How long will it take to apply for a bar-coded ID?**

- Getting your permanent ID usually takes at least 6 weeks.
- But you will get your temporary identity certificate while you wait at the office. Depending on how many people are waiting in the queue, this should only take a couple of hours.
- Your fingerprints will be taken – everyone has to do this.
- The staff has to check your details on computer to see that you do not have an ID already.
- If you apply at a mobile unit where there is no computer, it will take longer – maybe even half a day or the whole day. The officials will take your application to the nearest Home Affairs computer. You will have to come back later in the day to collect your temporary identity certificate.

### **Q6. Who should register to vote in the elections?**

- If you registered for the 2006 or 2009 elections and you still live in the voting district where you registered, you do not need to register again.
- You need to register if:
  - You did not register for the 2006 or 2009 elections.
  - You have moved to a new voting district since the last elections.
  - You were not yet 18 on the date of the last elections.
- You can register if you are a South African citizen – you become a citizen when you are 16 and get an ID, but you can only vote when you are 18. If you turn 18 before or on election day (18 May 2011), you can vote in the 2011 elections.
- If you have applied for a bar-coded ID and have a temporary identity certificate, you can also register.

## **Q7. Where and when can you register to get your name on the voters' roll?**

- You have to register in the area where you will be living on election day in 2011 (18 May 2011).
- If you stay in 2 places, you have to work out where you will be on election day and register in that place.

### **X Examples of people who may be on the move:**

Students, domestic workers, migrant or seasonal workers.

- You can register now during office hours at your local council office or at your voting station on the special registration weekend on 5 and 6 February 2011.

## **Q8. How do you register to get your name on the voters' roll?**

- You can register with any one of these 2 documents:
  - A South African, green, bar-coded ID: these are IDs issued from 1986 onwards.
  - A temporary identity certificate: this is the certificate you get if you have an existing ID and you applied for a bar-coded ID at Home Affairs, or you have lost your ID and you are waiting for a new one.
- At the registration point, you will fill in an application form for registration as a voter. On the form you will have to fill in a physical address to show that you live in the area. You can ask for help to fill in the form.
- While you are waiting in the queue, an official will check:
  - If you have the correct identity document and
  - If you live in that voting district.
- When you register, you will get a sticker or a receipt in your bar-coded ID or on your temporary identity certificate as proof of registration. The sticker or receipt should show the number of the voting station where you will vote in the 2011 municipal elections.
- If you are under 18 when you register, your sticker will also show that you will only be able to vote if you have turned 18 by election day.

### **X Example of sticker:**

“Ineligible to vote before 06-07-2011”

- If you have already registered as a voter, and you realise that you will be living in another place on election day, you can go back to a registration point and fill in a form to change your registration details. You will then be moved to another voting district and your name will be put on the voters' roll for that district.

## Q9. How long will it take to register as a voter?

- This will depend on how busy the registration point is, but this should not take more than about 15 minutes.

## Q10. When do you have to re-register as a voter?

- When you move and your home address changes or
- When the IEC informs you that your voting district has changed (for example, when the IEC creates new voting districts between elections because there are now a lot more voters in your municipal area).

## Q11. How can you check that you are on the voters' roll?

- After registration finishes, the voters' roll is finalised and the IEC must publish the voters' roll by a date fixed in the Election Timetable.
- The voters' roll will then be available for inspection at times published in the Government Gazette and in the Election Timetable.
- After the publishing of the final voters' roll, you will be given a week for a last chance to check that you are on the voters' roll and that your details are correct – this should happen at your registration point or nearest IEC office.
- Any person or political party can make objections to the voters' roll.



### Example:

You can object if you applied for registration as a voter before the registration deadline and your name is not on the voters' roll for your voting district.

- The IEC will investigate objections, and decide what to do about them.



If you have already registered for previous elections, or after you register and the voters' roll has been updated, you can check if your name is on the voters' roll and where you should be voting by:

- Sending an SMS from a Vodacom, MTN or Cell C phone with your ID number to 32810 *or*
- Checking on the IEC's *Am I registered?* webpage: [www.elections.org.za](http://www.elections.org.za) *or*
- Calling the IEC's public call centre on 0800 11 8000 between 08h00 and 17h00.

## Q12. Where can you get help with problems around IDs and registration?

- You can contact one of these places:
  - Your regional Home Affairs office
  - Your local voter registration office or the Municipal Electoral Officer
  - Your provincial IEC office
  - The national IEC helpline
  - Your local advice office
  - Voter education NGOs
  - Your organisation or political party.



Find out your regional and local contact details, for example, local municipality voter registration offices, local advice offices or local NGOs.



Call the IEC's toll free number between 08h00 and 17h00: 0800 11 8000.



Also see the *Contacts* for details of provincial and national Home Affairs offices (page 239) and IEC offices (page 241).



# B4. The 2011 municipal elections: the election campaign

## Voters' rights

You need to raise awareness around the rights of voters throughout the election campaign so that voters, especially first-time voters, feel confident and know what to do on election day.



*These are the 10 important rights of voters:*

### 1. The right to free and fair elections

You have the right to get the information you need to make up your own mind. This means you must be able to hear or see all the political parties and candidates. For this to happen, parties and candidates must be able to hold meetings in all areas, and must be given a fair amount of time to speak on radio and TV.

### 2. The right to vote

This is one of your political rights under the Constitution and your democratic right as a citizen. No-one is allowed to stop you from voting.

### 3. The right not to vote

It is also your democratic right not to vote. No-one is allowed to force you to vote.

### 4. The right to spoil your vote

You have the democratic right to spoil your ballot paper (voting paper) – this is when you deliberately vote for more than one party on the ballot paper, or by mistake fill your ballot paper out in a way that a counting officer cannot work out who you are voting for. Some people choose to participate in voting but

to spoil their votes because they feel there is no party or ward candidate they wish to support.

## **5. The right to vote once in your voting district on each ballot paper**

In the 2011 municipal elections, you have the right to vote once in the voting district where you registered. Depending on where you live, you will have 2 or 3 votes for the parties or ward candidates of your choice in your Metro, Local or District Council. There will be a separate ballot paper for each type of vote.

The bar-coded ID system is supposed to stop people from trying to vote again in another voting district or from coming back to vote under another name at the same voting station.



For details on the different kinds of votes, see What are you voting for? in B5 from page 90 to 93.

## **6. The right to your own free choice of party or candidate**

You can choose which party or ward candidate to vote for. No-one is allowed to try to buy your vote or make threats against you to force you to vote for their party or ward candidate.

## **7. The right to a secret vote**

No-one has a right to know who you voted for. Your vote is secret because your name is not on the ballot paper. No-one is allowed to watch you when you go into the voting booth. If you ask for help to vote, and any election officials, observers or agents see how you vote, they are sworn to secrecy.

### **Note:**

You can volunteer to tell the media or anyone else who you voted for, but no-one should force you to tell them if you do not want to.

## **8. The right to get help to vote**

If you are blind, disabled or elderly, you can ask someone to help you to vote. You can take someone along with you (for example, a family member or friend) or ask one of the election officials to help you. Ask for an interpreter if you need help with translation of any instructions.

If you take someone to help you, this person must be at least 18, but cannot be a candidate, a party agent or an agent representing an independent ward candidate.

## 9. The right to vote safely

There will be security arrangements so that voters can vote in a safe environment. Speak to the police or Presiding Officer if you feel there is anything that threatens your safety.

## 10. The right to make a complaint

If you are unhappy about harassment or intimidation within the voting station, you can make a complaint to the Presiding Officer or another election official. If you are not happy with the help you get, try one of the other places for help.

### Examples of other places you can complain to

- Your local council election office or the Municipal Electoral Officer
- Your provincial IEC office or any local IEC office
- The national IEC helpline
- Your local advice office
- Voter education NGOs
- NGOs observing the elections
- Your organisation, political party, candidate or party agents
- The police
- The media, including newspapers and community radio stations.

### **Note:**

For incidents that take place outside the voting station and do not directly interfere with voting, it is better to report these to the police.



Find out your local details and pass these on to listeners or readers, for example, the address of your local council election office and your nearest advice office.



Call the IEC's toll free number between 08h00 and 17h00: 0800 11 8000.



Also see the *Contacts* from page 237 onwards for details of IEC offices and other contacts.

# Electoral responsibilities: the Electoral Code of Conduct

The rights of voters are based on the **Electoral Code of Conduct**. This is part of the Municipal Electoral Act and must be followed by everyone contesting the elections, including all the political parties and candidates.

The IEC will convene a national Summit to promote political tolerance on 3 March 2011. In addition, all parties will be asked to publicly declare that they consider themselves bound by the Electoral Code of Conduct (called the Code) at a public event organised by the IEC.

In this section, we summarise the main points of the Code, highlighting the *Role of Media* clause.

## **Purpose of Code**

- To promote free and fair elections, including
  - Political tolerance,
  - Free campaigning, and
  - Open public debate.

## **Promoting and following the Code and election laws**

Parties and candidates must:

- Promote and publicise the Code.
- Promote and support voter education under the Electoral Act.
- Follow the Code.
- Instruct and ensure that all its representatives, members and supporters follow the Code and all other election laws.

## **Public commitment**

Parties and candidates must:

- Publicly recognise the rights of people to things like:
  - Freely expressing their political beliefs and opinions.
  - Challenging and debating other political beliefs and opinions.
  - Publishing and distributing election and campaign media.
  - Canvassing support and recruiting members.

- Holding, travelling to and attending public meetings.
- Publicly condemn actions that go against free and fair elections.
- Accept election results or challenge them in court.

## Co-operating with other parties

Parties and candidates must:

- Liaise with other parties and candidates to see that times and places for meetings, marches and other events do not clash.

## Role of women

Parties and candidates must:

- Respect the rights of women to communicate freely with parties and candidates.
- Facilitate the full and equal participation of women in political activities.
- Ensure that women freely take part in public political events.

## Role of IEC

Parties and candidates must:

- Recognise the authority and impartiality of the IEC.
- Follow lawful instructions by the IEC.
- Actively co-operate with IEC structures, Party Liaison Committees and other registered parties.
- Facilitate the safe access of IEC representatives to party events.
- Co-operate with any IEC investigations.



## Role of media

Parties and candidates must:

- Respect the role of the media before, during and after the elections.
- Allow members of the media access to public political events.
- Take reasonable steps to ensure that journalists are not harassed, threatened or assaulted by party representatives or supporters.



## Full *Role of Media* section: Clause 8 of the Electoral Code

“ Every party and every candidate –

- (a) must respect the role of the media before, during and after an election conducted in terms of this Act;

- (b) may not prevent access by members of the media to public political meetings, marches, demonstrations and rallies; and
- (c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or supporters.”

## Prohibited behaviour

Parties and candidates must not:

- Speak or behave in a way that provokes violence or intimidates other parties, candidates, supporters or voters.
- Publish false or defamatory allegations about other parties or candidates.
- Copy the symbols, colours or abbreviations of other registered parties.
- Discriminate in election or political activities on the grounds of race, ethnicity, sex, gender, class or religion.

All individuals must not:

- Offer any rewards to someone:
  - To join or not join a party.
  - To attend or not attend a political event.
  - To vote or not to vote.
  - To vote or not to vote in a particular way.
  - To refuse nomination as a candidate on a party list.
  - To withdraw as a candidate.
- Carry or display arms at any political meeting or other event.
- Unreasonably prevent anyone from getting access to voters for activities like voter education, membership recruitment or canvassing support.
- Harm or unlawfully remove any election media of other parties or candidates.
- Abuse a position of power, privilege or influence “including parental, patriarchal, traditional or employment authority” to influence the way the elections are run or the results of the elections.

## Additions to the Code

The IEC has the power to make Regulations to add things to this Code.

## Penalties for breaking the Code

- Ordinary courts or a special **Electoral Court** have powers to handle

all election cases, including charges for breaking the Code. Ways that parties, candidates or individuals can be punished include:

- Heavy fines, up to R200,000.
  - Having to give up the party's election deposit.
  - Being stopped from using any public media.
  - Being stopped from holding meetings in an area.
  - Being stopped from doing any election advertising.
  - A reduction in the number of votes for the party after the election.
  - Cancellation of the party's registration.
- Individuals can also be punished with a jail sentence of up to 10 years for breaking the Code or for other election crimes.

**X** **Examples of election crimes:**

- Forcing someone to register or not to register as a voter
- Trying to vote more than once
- Destroying voting materials
- Publicly disclosing how a person voted.

## Election media

The Municipal Electoral Act places controls on printed election media from the time the election is called to the date election results are announced – this is called the **election period**.

During this election period:

- Any billboard, placard, poster or pamphlet that can have an effect on the result of the elections must clearly state the full name and address of the printer and publisher.
- The publisher of any publication must put a heading on articles saying ‘advertisement’ if an article is paid for and comes from:
  - A registered party (including office-bearers, members and supporters), or
  - A candidate contesting elections (including supporters).

### **Note:**

While the Municipal Electoral Act affects printed election media, the ICASA Act and the Electronic Communications Act cover the broadcast media.



See C3 from page 145 onwards.

## Opinion polls

In the 1994 national and provincial elections, the Electoral Act did not allow the publishing of **opinion polls** on the amount of support for registered parties and their policies within a 21-day period before voting.

There was no restriction from the 1999 elections onwards. So during the 2011 municipal elections, there is no restriction on opinion polls during the 21-day period. You can thus broadcast or print the results of an opinion poll at any time during the election period as long as you follow all the other election laws affecting the print or broadcast media.

Be critical when analysing opinion polls, for example:

- Examine the sample size and which areas were surveyed.
- Explore whether the opinion poll was independently conducted, or whether those commissioning the poll have ties to a particular party.
- Carefully assess any conclusions drawn in the opinion poll.


# B5. The 2011 municipal elections: voting and counting

## The voting and counting process

The steps in the voting and counting process will be mostly the same as in previous municipal elections. Because there will be many people, especially young people, voting for the first time, it is important to do community motivation and education on voting.


### Examples of people needing special attention

- New voters who have turned 18 between the 2009 national and provincial elections, and the 2011 municipal elections date.
- New voters who were not able to vote last time – for example, they had no IDs or they were not registered.
- Voters who are not sure if there is any point in voting this time.
- Voters who are unsure about how the elections will work this time.


 ***You can use these 13 guide questions to inform listeners, readers and viewers on the key voting and counting issues:***

### **Q1. Why vote in the elections?**

- It is your democratic right to have your say and to vote in the elections.
- This is your chance to vote for parties and ward candidates to represent your interests and stand up for your issues in local government.
- You have the chance to give a vote of confidence to the party or ward candidate you supported in the 2006 municipal elections, to vote for a different party or to support a new candidate.
- By voting you are helping to build and maintain democracy, and people's participation in the political life of our country.

 You can use the IEC's *Love your South Africa* slogan to encourage people to show their patriotism by voting in the 2011 municipal elections.

## Q2. When are the elections?

- The 5-year term of the present municipalities ends on 2 March 2011. Elections for new municipalities must be completed within 90 days of this date.
- The Acting President announced the election date on Thursday 3 March 2011. It was then officially published in the **Government Gazette** on Thursday 10 March 2011. The IEC's Election Timetable became available on Friday 11 March 2011 (  see Appendix on page 249).



The date for the 2011 municipal elections is Wednesday 18 May 2011.



On election day, voting will be from 07h00 to 19h00 (7am to 7pm).

### Note:

The voting hours are shorter than for the national and provincial elections when voting was from 07h00 until 21h00.

## Q3. Who can vote in these elections?

- There are 3 important deciding factors:
  - You are a South African citizen with an identity document recognised by the 1998 Electoral Act *and*
  - You have registered as a voter and your name is on the voters' roll for that voting district *and*
  - You are 18 or older on election day (date to be added).



See more on identity documents and voter registration in B3 on pages 72-78.

### Special votes

In national and provincial elections, special votes have been allowed, for example, people who are old, ill or living with a disability, could apply to vote on special voting days before the general election day.

In previous municipal elections no special votes have been allowed. For the first time, the 2010 Municipal Electoral Amendment Act allows special voting in the 2011 municipal elections:


- People who are old, ill or living with a disability, can apply to have their votes collected at home or to vote at their voting station between 08h00

and 17h00 on a special voting day before the election day. They will have to apply for their special vote in advance before a deadline date listed in the Election Timetable.

**Note:**

- As you have to vote in the voting district where you live and are registered in municipal elections, you will not be able to vote if you are outside of South Africa or somewhere else in the country on election day. You can only vote at your designated voting station in your voting district.
- Although prisoners were given the right to vote in the national and provincial elections by a **Constitutional Court** ruling in March 2004, prisoners will not be able to vote in the 2011 municipal elections. This is because of the rule that you must be registered and vote in the area where you live.

**Q4. Where do you vote?**

- You must vote in the voting district where you registered.
- The voting station will be the same place that was used on the public voter registration days. In most cases, this will be the same place where you voted in previous elections unless you have moved.
- You will be sent to the correct voting station if you go to one that is not in your voting district.
- The IEC can also set up a mobile voting station for your voting district if:
  - The voting district is a large and sparsely populated area, *and*
  - The IEC thinks a mobile voting station is necessary for voters who would have to travel long distances to get to an ordinary voting station.
- By a date set out in the Election Timetable, the IEC must publicise:
  - A list of all voting stations that must be available for inspection.
  - Where each mobile station will be stopping and the estimated hours it will spend at each stop (  see Appendix on page 249).

**Q5. How long will it take to vote?**

- The time you spend waiting in queues should not be too long as there are a fixed number of voters registered to vote at each voting station.
- As election day will be a public holiday, it will be easier for you to vote at any time during the day between 07h00 and 19h00. To avoid queues

at the end of the day, it is better to vote earlier in the day and not leave voting to the last minute.

- If you are in the queue at 19h00 (7pm) at the end of election day, you must be allowed to vote before the voting station can close.

## Q6. What are you voting for?

The number and type of votes you have depends on where you live.



See *Different types of municipalities* in B3 on page 56.



### Summary of who votes for what

- **Metro Council voters** (big cities): **2 votes**
  - Vote 1: one party vote for the Metro Council
  - Vote 2: one ward candidate vote.
- **Local Council** (towns & surrounding rural areas): **3 votes**
  - Vote 1: one party vote for the Local Council
  - Vote 2: one ward candidate vote
  - Vote 3: one party vote for the District Council.

### Note:

The District Councils are only finalised after the elections by adding together:

- Councillors directly elected by Vote 3 – the party vote by Local Council voters, *and*
- Councillors indirectly appointed by the elected Local Councils in the district.



See page 93 for more on how the District Councils are made up.

### Remember:


- Your *party vote* is the kind of vote you had in the 2006 municipal elections, and the 2009 national and provincial elections – a **proportional representation (PR)** vote for the party of your choice.
- Your *ward candidate vote* is the kind of vote you had in the 2006 municipal elections – a vote for an independent or party candidate of your choice.

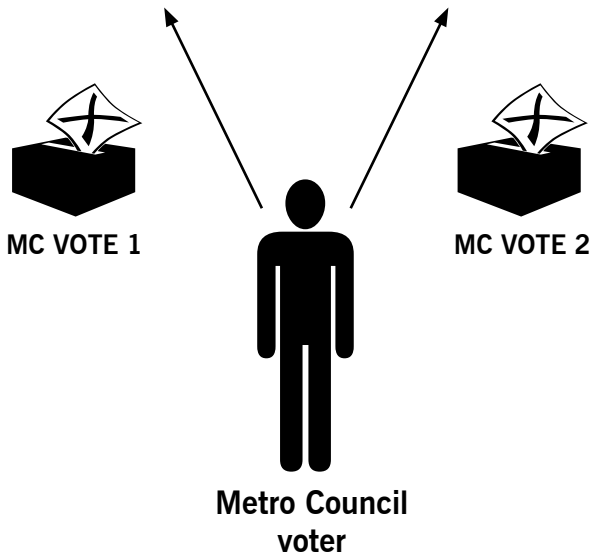



For more on *Proportional representation*, see B1 on page 32.

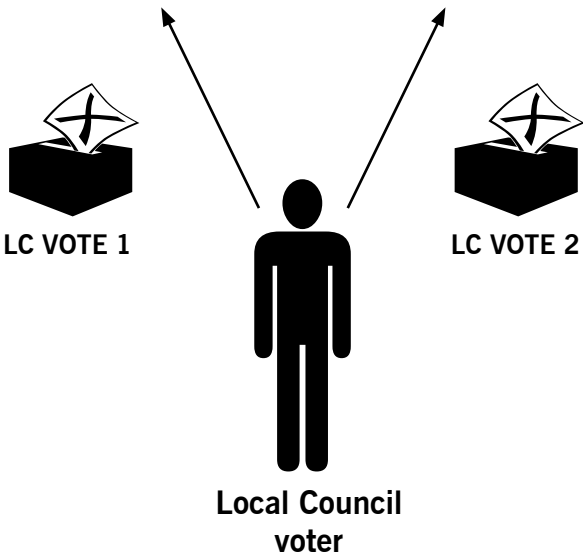



Have a look at the visuals on pages 91 to 93 for more details on how your votes will help to elect councillors.

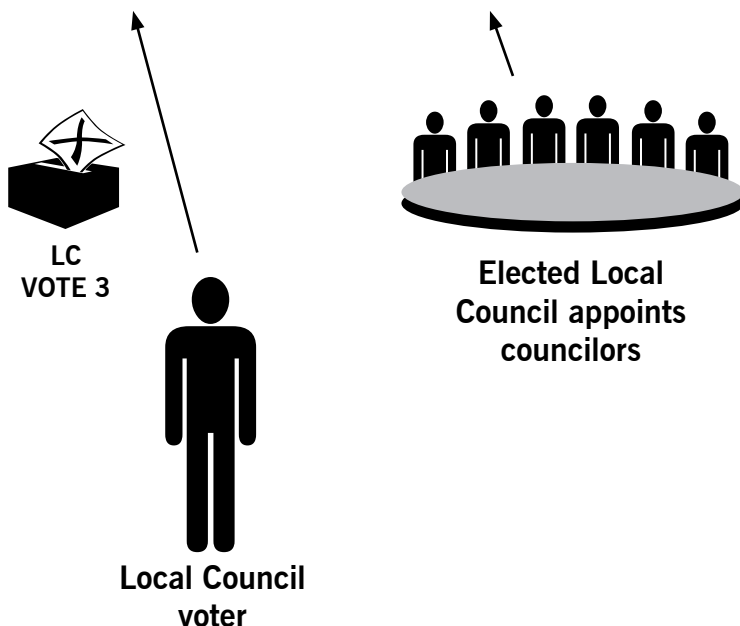
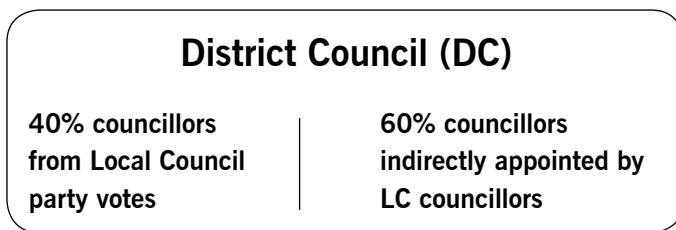
Type of municipality	Number of councillors	Type of vote & councillors
Metro Council (MC)	Between 97 & 260 councillors   see pages 65 to 67 for details	<b>MC vote 1:</b> - Party vote elects 50% of councillors  <b>MC vote 2:</b> - Ward candidate vote elects 50% of councillors



Type of municipality	Number of councillors	Type of vote & councillors
Local Council (LC)	Between 7 & 80 councillors   see pages 65 to 67 for details	<p><b>LC vote 1:</b></p> <ul style="list-style-type: none"> <li>- Party vote elects 50% of councillors</li> </ul> <p><b>LC vote 2:</b></p> <ul style="list-style-type: none"> <li>- Ward candidate vote elects 50% of councillors</li> </ul>



Type of municipality	Number of councillors	Type of vote & councillors
District Council (DC)	Between 13 & 60 councillors   see pages 65 to 67 for details	<b>LC vote 3:</b> - Party vote to elect 40% of councillors  <b>Elected LC:</b> - Appoints 60% of councillors



## Q7. How do you vote?

- You have to mark the ballot paper in a way that shows the party you want to vote for. You can do this by crossing the box next to the name of the party or candidate, or in another way that clearly shows the party or candidate you want to vote for.
- If voters are unsure about how to vote, encourage them to go to a voter education workshop run by a local voter education NGO or by their political party.

## Q8. What are your rights as a voter?

- These are your 10 key voters' rights:
  - The right to free and fair elections
  - The right to vote
  - The right not to vote
  - The right to spoil your vote
  - The right to vote once in your voting district on each ballot paper
  - The right to your own free choice of party or ward candidate
  - The right to a secret vote
  - The right to get help to vote
  - The right to vote safely
  - The right to make a complaint.



See B4 on pages 79-81 for details on voters' rights.

## Q9. What are the steps in the voting process?

1. You show your ID.
2. The voting officer checks your ID.
3. The voting officer checks to see if your name is on the voters' roll (the section of the voters' roll for your voting district).
4. Your hands are checked to see if they have been marked already (in other words, if you have voted already).
5. Your name is crossed off the voters' roll (the section of the voters' roll for your voting district).
6. Your left thumb will be marked with visible indelible ink to make sure that you do not vote again.
7. An official stamp is put on the back of your ballot papers.

8. You receive one ballot paper for each type of vote (for your party and for your ward candidate votes, depending on the area you live in



see Q6 on page 90 for all the details).

9. You go into the voting booth and make a cross for one party or ward candidate on each of the ballot papers. You ask for help from a voting officer if you are not sure how to vote.
10. You fold the ballot papers and put each one into a separate **ballot box**.
11. A voting officer will check to see that the ballot papers have the official stamps on the back and that they are put into the correct ballot box.
- For further information, refer voters to NGO or political party voter education workshops on the voting process, where they can practise voting.

## Q10. How can you get help with problems around voting?

- **For people with physical disabilities**
  - Bring along someone to help you as long as the person is at least 18, and not an agent or a candidate or
  - Ask the Presiding Officer or a voting officer for help.
- **For people who have difficulty reading**
  - Ask the Presiding Officer or a voting officer for help: they will ask an accredited observer and 2 party agents (representing different parties) to watch while they help you.



### Note:

You can get a new ballot paper from a voting officer if:

- You make a mistake when you mark a ballot paper, and
  - You notice this mistake *before* putting the ballot paper into the ballot box.
- If you get a new ballot paper, your old ballot paper will be cancelled.

If you need help with anything else to do with voting, or want to make a complaint about any harassment or intimidation, try one of these people or places for help:



## Examples of people or places to get help or to make complaints

### Before election day:

- Your local council election office or the Municipal Electoral Officer
- Your provincial IEC office or any local IEC office
- The national IEC helpline
- Your local advice office
- Voter education NGOs
- Independent election observers on duty in and outside your voting station
- Your organisation, political party or candidate
- Party agents or agents representing ward candidates
- The police
- The media, including newspapers and community radio stations.

### On election day:

- Your local council election office or the Municipal Electoral Officer
- The presiding officer of the voting station
- NGOs observing the elections
- Your organisation, political party or candidate
- Party agents or agents representing ward candidates
- The police
- The media, including newspapers and community radio stations.



Find out and add your local contact details to this list.



Call the IEC's toll free number between 08h00 and 17h00: 0800 11 8000.



See the *Contacts* from page 241 onwards for details of IEC offices and other contacts.

## Q11. What happens if there is a serious problem at a voting station?

If the IEC decides there has not been a free and fair election at a particular voting station because of things like violence, intimidation, loss of voting materials or a natural disaster such as flooding, then 3 things can happen:

- Interrupt and postpone voting to another day within 7 days of the election date *or*

- Cancel all voting and re-hold voting on another day within 7 days *or*
- Relocate the voting station to another venue to continue voting on election day.

## **Q12. How will the counting of votes be done?**

- Counting will happen at each voting station. Officials employed by the IEC to assist during voting will also assist with counting, working in shifts allocated by the Presiding Officer.
- Votes can be counted at a central place if this will help ensure free and fair elections, or the votes come from a mobile voting station.
- There will be accredited observers and party/independent candidate agents at counting venues to check that the counting is done correctly and fairly.
- For the 2009 elections, there were improved controls over the record paper with the final results for a voting station. This had to be signed by the Presiding Officer and all political parties, and then scanned to create an immediate record and thus more trust in the results compilation process.

## **Q13. How will the election results be worked out and announced?**

- Provisional results for each voting station will be announced and pasted up outside the voting station when counting is finished. The results are sent through to the IEC by the MEO.
- The overall election results will be worked out at centralised election result centres under the control of the IEC: one national centre and one provincial centre in each province.
- There will also be accredited observers, party/independent candidate agents and party representatives invited by the IEC to these venues to check that everything is done correctly and fairly.
- You can object against anything that happened during the elections that can affect the election results.
- You must make an objection before 17h00 on the second day after voting (Friday 20 May 2011).
- The IEC will investigate your objection and can ask you to give evidence about the objection.
- The IEC will decide what to do about the objection. They must make a

decision within 3 days after receiving your objection.

- If you are not happy with IEC's decision, you can appeal to the **Electoral Court** within 3 days of the IEC's decision.
- After all objections are dealt with, the IEC must announce the final results within 7 days of the election day – in other words, by 25 May 2011. Election results usually become available within about 3 days of the election voting day.

# Activities on election day

As journalists, note that the Municipal Electoral Act restricts some activities on election day.

## Political activities

Previously on election day, no-one was allowed to:

- Hold or take part in any political meeting, march, demonstration or other political event, *or*
- Besides voting, take part in any political activity within the boundaries of a voting station.

### **Note: 2008 IEC Regulations**

In 2008, the IEC passed new Regulations under the Electoral Commission Act partially relaxing the restriction of political activities as long as these take place *outside* the boundaries of voting stations on the election day.

The Preamble to the Regulations say:

“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 by certain activities in the proximity of entrances to voting stations they are obliged to use when proceeding to cast their votes in elections.”

Then the Regulations explain:

- Parties must not place things like tents, tables or caravans in a way that blocks voters from free and direct access to the voting station.
- The Presiding Officer can instruct a party to move their facilities and get help from a security officer to achieve this.
- The Presiding Officer should resolve disputes between parties about where to place their facilities.
- Anyone disobeying a Presiding Officer or a security officer can be fined or imprisoned for up to one year.

# Exit polls

During the hours of voting on election day, no-one is allowed to:

- Print, publish or distribute the result of any **exit poll** taken in that election. An exit poll is when you count how many people have voted and which parties you think they have supported.

## Access for journalists and reporters

We expect that access for journalists and reporters will be the same as in previous elections:

- Journalists, reporters and their publication or broadcasting station are responsible for producing their own press identity card.
- Your press identity card will get you access to a voting station to report on voting or counting if it has:
  - Your name and photo as the journalist or reporter, *and*
  - The name of the publication or broadcasting station you are representing.
- You will need formal accreditation to get access to IEC results centres. You should check with your provincial IEC office for arrangements for accreditation, or with the national IEC office for accreditation for access to the national results centre.

### Note:

- The Presiding Officer or the Deputy Presiding Officer has the power to decide if a journalist or reporter should or should not be allowed into a voting station to take photographs or conduct interviews.
- If you have any problems getting access at the door, you should request to speak to the Presiding Officer or the Deputy Presiding Officer.
- You can appeal to the PEO or the provincial Communications Officer if you feel that your access to a voting station has been unreasonably withheld.
- You can also contact the South African National Editors' Forum (SANEF) about your access being unreasonably withheld.



See the *Contacts* from page 242 onwards for details of IEC provincial contacts and page 248 for SANEF contacts.

# Section C:

## Media law and using the media for elections

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## Ideas for using this section

This section starts with a background to media laws and then covers in more detail the laws and rules for the media during elections. It helps you to understand things like:

- The laws that affect you as a journalist, radio station, newspaper or other publication.
- Who will monitor the media during elections.
- How parties and individuals can make complaints about the media during elections.
- What codes and guidelines assist election media.

If you already have an understanding of media laws and how they are changing, you can go straight to C2 and C3 that guide you more on election coverage.



See Section D on page 165 for practical guidelines on how to use these media laws and rules.

## Ways of using this section

- Read it to increase your own knowledge and understanding.
- Discuss it with colleagues.
- Photocopy the pages marked *Photocopy me* and pass on to colleagues.
- Use the information to guide your programming, coverage and features, especially:
  - The way you do voter education to communicate the information in Section B (how the elections will work).
  - The way you present information and comment about political parties, candidates and issues.
  - The way you arrange interaction with and between political parties and candidates, for example, interviews and debates.
  - The way you create spaces for listeners or readers to comment on and question politicians, political parties and candidates, such as phone-ins and letters.



# C1. The development of new media laws

During the apartheid years, the Government firmly controlled broadcasting. The public broadcaster, the **South African Broadcasting Corporation (SABC)**, was used as a propaganda machine. This had the effect of politicising broadcasting and excluding a large section of the population from meaningful access to broadcasting.

In the early 1990s, political developments led to constitutional negotiations and our first democratic elections. A process was started to involve new stakeholders in broadcasting and to place the regulation of the broadcasting system in the hands of an independent broadcasting authority.

The **Independent Broadcasting Authority (IBA) Act** was passed in 1993 and came into force in March 1994. The **Independent Communications Authority of South Africa (ICASA) Act** of 2000 enabled ICASA to succeed the IBA.



For more on the IBA Act, see page 109 and on the ICASA Act, see page 117.

Parallel developments on our continent encouraged initiatives in South Africa to promote freedom of expression by opening up the media from government and corporate control, and through the organising and mobilising of journalists.

# The Windhoek Declaration

At a UN/UNESCO seminar from 29 April to 3 May 1991, African media practitioners adopted the Declaration of Windhoek on Promoting an Independent and Pluralistic African Press (**Windhoek Declaration**).

The Declaration defined an *independent press* as:

“A press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.”

A *pluralistic press* meant:

“The end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.”

In reaction to the repression of journalists through murder, detention, harassment, censorship and other restrictions, the Declaration made a call to:

- Encourage African States to provide constitutional guarantees of freedom of the press and freedom of association.
- Fund the development of non-governmental media.
- Establish independent, representative associations of journalists.

# The African Charter on Broadcasting

At a 10-year celebration of the Windhoek Declaration, media practitioners adopted the **African Charter on Broadcasting** in Windhoek from 3 to 5 May 2001. The idea was to extend the spirit and relevance of the Windhoek Declaration for the print media to address the need for independence and **pluralism** in radio and television broadcasting.

The Charter, for example, called for:

- Principles of broadcast regulation to include respect for freedom of expression, diversity, a free flow of information and ideas.

- A 3-tier system for broadcast regulation: public service, commercial and community.
- All state and government-controlled broadcasters to be transformed into accountable public service broadcasters with editorial independence.
- The promotion of non-profit community-owned and run broadcasting.
- The training of media practitioners in electronic communication.

## The Declaration of Principles on Freedom of Expression in Africa

A further important continental milestone was the adoption of the Declaration of Principles on Freedom of Expression in Africa by The African Commission on Human and Peoples' Rights in The Gambia on 17 to 23 October 2002.

This Declaration recognised:

“The key role of the media and other means of communication in ensuring full respect for freedom of expression, in promoting the free flow of information and ideas, in assisting people to make informed decisions, and in facilitating and strengthening democracy.”

The Declaration then sets out principles and directives dealing with key areas such as:

- Freedom of expression
- Diversity
- Freedom of information
- Private and public broadcasting
- Print media
- Promoting professionalism and protecting media practitioners
- Protecting sources and other journalistic material.

The Declaration highlights the importance of upholding the principle of self-regulation:

“Effective self-regulation is the best system for promoting high standards in the media.”

Commissioner Pansy Tlakula, in her capacity as the African Commission's Special Rapporteur on Freedom of Expression in Africa, commented:

“My role includes monitoring violations of the right to freedom of expression on the continent, recommending to the Commission measures to address the violations and assisting AU member states to review their national media laws and policies to comply with the principles set out in the Declaration... Civil society and the citizens of Africa can also help in collaborating with my mandate by, for instance, continuing to send in information on alleged violation of the rights.”

*Pambazuka News interview,  
13 November 2007*

# The IBA Act and the Independent Broadcasting Authority

The IBA Act set up the **Independent Broadcasting Authority (IBA)** as a **statutory body**.



## Note:

- In 2000, the IBA's work was taken over by the **Independent Communications Authority of South Africa (ICASA)**.
- The work of ICASA is set out in the IBA Act, IBA regulations and the new ICASA Act.



See *The Independent Communications Authority of South Africa and the ICASA Act* on page 117 for more details.

## The aims of ICASA include:

- **Regulating** the broadcasting environment to make sure the airwaves are used in ways that meet the needs of all of South Africa's people.
- Promoting TV and radio services on a national, regional and local level so that they serve all language and cultural groups, and provide entertainment, education and information.
- Promoting the development of public, private and community broadcasting services that serve the needs of the public.
- Encouraging ownership and control of broadcasting services by people from historically disadvantaged groups.
- Promoting the empowerment and advancement of women in broadcasting services.
- Ensuring **equitable** (fair and reasonable) treatment of political parties by all broadcasting licensees during any election period.
- Ensuring that broadcasting licensees follow the **ICASA Code of Conduct for Broadcasting Services**.

## The ICASA Council

- The ICASA Council, the highest body of ICASA, has 9 Councillors.
- There is chance for the public to participate in the nomination process.
- Nominees are interviewed by a parliamentary committee of the National Assembly that makes recommendations to the President.
- The President approves the recommendations and appoints the Councillors and Chairperson of the ICASA Council.
- The Chairperson serves for a period of 5 years and the Councillors for 4 years.
- They are accountable to Parliament as a whole, not to any government department or political party.

## The roles of ICASA include:

- Licensing of TV and radio stations.
- Research and developing broadcasting policy.
- Managing and administering the broadcasting frequency system.
- Running public enquiries into broadcasting issues.
- Monitoring if licensees follow their licence conditions and ICASA's Code of Conduct for Broadcasting Services.
- Receiving public complaints about broadcasters, and taking steps to deal with the complaints.



See C2 on page 123 for information on ICASA's monitoring role.

## Licensing of 3 kinds of broadcasters

ICASA licenses:

- Community broadcasters – non-profit radio and TV stations serving communities.
- Private broadcasters – commercial radio and TV stations, for example, Y-FM, M-Net.
- Public broadcasters – radio and TV stations run by a statutory body for the general public: the SABC is our public broadcaster.

## Definition of a community broadcasting service

The Electronic Communications Act says a community broadcasting service:

- Is fully controlled by a non-profit body and run for non-profit purposes.
- Serves a particular community.
- Encourages community participation in selecting and running programmes.
- Is funded by donations, grants, sponsorships, advertising or membership fees, or by a combination of these methods.

## Types of community radio stations

The law covers two types of stations:

- Stations serving a geographic community, for example, Radio Bushbuckridge.
- Stations serving a “community of interest”.



### Examples

- Institutional communities (universities, trade unions, clubs), for example, Radio Turf (University of the North).
- Religious communities, for example, Radio 786 (Muslim listeners in the Western Cape).
- Cultural communities, for example, Radio PanHellenic (Greek listeners in Johannesburg).

## Applying for a community radio licence

When you apply for a licence, ICASA will look at these factors:

- Ownership
- Funding
- Board membership: no office-bearer of a political party may be a member of a community radio station’s Board.
- Management
- Programming
- Identity with a political party or group: a licence will not be given “to any party, movement, organisation, body or alliance which is of a party political nature”.

# The Independent Media Commission Act

The 1993 Independent Media Commission Act was a special law that was used for the 1994 elections. The **Independent Media Commission (IMC)** was set up to ensure:

- Equitable treatment of all political parties by broadcasting licensees.
- That State publications and information services did not favour any political party.

The IMC developed guidelines for broadcasters to follow during the election period, called IMC Guidelines on Equity in Editorial Programming (IMC Guidelines).

# The Telecommunications Act

The 1996 **Telecommunications Act** aims:

- To regulate telecommunication activities that fall outside broadcasting.
- To control the radio frequency spectrum.

The **South African Telecommunications Regulating Authority (SATRA)** was set up as an independent statutory body to carry out these aims.

SATRA had a joint committee with the IBA:

- To co-ordinate the management of radio frequencies, including broadcasting frequencies.
- To work out which parts of the radio frequency spectrum should form part of broadcasting frequencies from time to time.

SATRA also has powers to make radio regulations on:

- Radio frequencies
- Radio apparatuses
- The control of radio activities.

# The White Paper on Broadcast Policy

In 1997, the Department of Communications developed a White Paper on Broadcast Policy that was published in 1998. The White Paper was aimed at further developing broadcasting policy to fit in with new political conditions and to pave the way for writing a new Broadcasting Bill.

The new policy aimed to set up a broadcasting system based on principles like:

- Access for all people
- Diversity in a framework of national unity
- Freedom of expression
- Democratising the airwaves
- Nation-building
- An emphasis on educational broadcasting.

The White Paper noted the rapid growth of community radio and said that a national strategy was needed to encourage community radio in rural and other needy areas.

The White Paper said that there has been difficulty in separating the radio frequency spectrum used for telecommunications and broadcasting. This and the need to cut down on costs led to a decision to merge the IBA and SATRA into one independent statutory body to jointly regulate broadcasting and telecommunications.



See *The Independent Communications Authority of South Africa and the ICASA Act* on page 117.

# The Broadcasting Act

The 1998 Broadcasting Bill became a new **Broadcasting Act** in May 1999, thus replacing the old 1976 Broadcasting Act.

The new Broadcasting Act introduced major changes in the way the SABC is set up and run.

The SABC has to follow a Charter (set of rules and guidelines) passed by Parliament, monitored by ICASA and designed to give the SABC:

- Freedom of expression, and
- Journalistic, creative and programming independence.

The SABC now has 2 parts that must be administered separately:

- A public broadcasting service, and
- A public commercial broadcasting service.

The SABC's public broadcasting service has to follow guidelines like:

- Reflecting the diverse cultural and multilingual nature of South Africa.
- Providing news and public affairs programmes that ensure fair coverage, impartiality, balance and independence from government, commercial and other interests.
- Offering a range of services especially aimed at children, women, the youth and people with disabilities.



**The Act also set guidelines for the broadcasting system as a whole, including community broadcasters:**

- Providing a balance of information, education and entertainment to meet the needs of all South Africans.
- Offering a range of South African content and analysis.
- Drawing from local, regional, national and international sources.
- Providing public access to a variety of points of view on public issues.
- Allowing a significant place for independently-produced programmes.
- Following the ICASA Code of Conduct.

# Community broadcasting

## Definition

The Broadcasting Act defines “community broadcasting service” in the same way as the IBA Act (now part of the Electronic Communications Act of 2005).



For details of this definition, see page 111.

The Broadcasting Act says:

- ICASA can give licences for free-to-air community radio or TV.
- The licensee must be controlled by a democratically-elected board that is representative of all sectors of communities in the licensed service area.
- Community radio programming must reflect the needs of all people in the communities served, including “cultural, religious and demographic needs”.
- Community radio programming must:
  - Emphasise community issues not normally dealt with by other broadcasting services.
  - Be informative, educative and entertaining.
  - Highlight “grassroots community issues”, for example, development issues, health care, environmental affairs.
  - Promote democratic values and improving the quality of peoples’ lives.
- Any surplus money from running the community station must be invested for the benefit of the community – ICASA has powers to monitor this and audit financial records.
- ICASA must make a public investigation “to determine priorities within the community radio sector”.
- ICASA must also investigate community television, including the definition of “community television”, and ownership and control issues.

## Changes to the SABC Board?

The focus of the debate around the Broadcasting Amendment Bill of 2008 has been on the role and independence of the SABC as our public broadcaster. The Broadcasting Amendment Bill aimed to fill a loophole in the Broadcasting Act – to enable Parliament to have a role in *dismissing* SABC Board members based on set criteria.

The Bill was opposed by opposition parties and civil society organisations for blurring the separation of powers between the legislature and executive because they claim it:

- Allows a majority party in Parliament to axe the SABC Board without a proper hearing.
- Requires the President to consult with the National Assembly Speaker over the SABC Board's appointment, meaning a likely consultation with the majority party only – this provision has now been scrapped.

Some civil society organisations have also pointed out that there is a need for a more comprehensive SABC Act, including the setting up of criteria and processes for *appointing* SABC Board members.

# The Independent Communications Authority of South Africa and the ICASA Act

The ICASA Act of 2000 sets up the legal framework for implementing the recommendation of the White Paper on Broadcast Policy that the IBA and SATRA should merge to form one body to regulate broadcasting and telecommunications: the new Independent Communications Authority of South Africa (ICASA).

The ICASA Act explains that technological and other overlapping developments in broadcasting and telecommunications mean that it makes sense to have one body regulating both fields.

## Aims of the Act

- To set up ICASA.
- To dissolve the IBA and SATRA.
- To transfer the functions, staff, assets and liabilities of the IBA and SATRA to the new merged ICASA.
- To make necessary changes to the IBA Act, the Telecommunications Act and the Broadcasting Act.

## Summary of ICASA's aims under the new Act

- To regulate broadcasting to serve the interests of the public.
- To ensure fairness and the reflection of diverse and representative views in broadcasting.
- To regulate telecommunications to serve the interests of the public.
- To achieve the aims set out in the IBA Act, the Telecommunications Act and the Broadcasting Act.

## The make-up of ICASA

- ICASA took over all the functions of the IBA.
- The ICASA Council and its term of office are very similar to the IBA – the 9 councillors are still nominated by the President after public participation

and recommendations from the National Assembly.

- All previous IBA departments and committees were transferred to ICASA, including the Broadcasting Technical Committee and the **Broadcasting Monitoring and Complaints Committee (BMCC)**, although some of these committees have changed. For example, the BMCC became the **Complaints and Compliance Committee (CCC)** after July 2006.



See C2 on pages 123-124 for more on the BMCC and CCC.

### **ICASA's current 9 councillors are:**

Dr Stephen Ncube (Chairperson)

Ms Nomvuyiso Batyi

Mr William Currie

Mr Joseph Leboo

Mr Thabo Makhakhe

Ms Miki Ndhlovu

Mr Fungai Sibanda


Ms Marcia Socikwa

Mr William Stucke.

ICASA's current Chief Executive Officer is Mr Themba Dlamini.

## **The ICASA Amendment Bill**

In June 2010, an ICASA Amendment Bill was gazetted, including provisions to:

- Improve turnaround times for ICASA's CCC, for example, to start a hearing within 45 days and make a finding 60 days after a complaint is lodged. ( see C2 on page 124 for current details of CCC procedures.).
- Instruct ICASA to implement policy and policy directives issued by the Minister of Communications.
- Empower the Minister to appoint CCC members in consultation with Parliament, to determine what roles ICASA councillors will play, and to direct the Chairperson of the ICASA Council to perform particular functions.

The SOS: Support Public Broadcasting Coalition (previously Save Our SABC Campaign) objected to the Bill on grounds such as:

- The Bill encourages ICASA to operate “as an extension” of the Department of Communications, and thus contravenes South Africa’s Constitution and our obligations under the 2001 African Charter on Broadcasting.
- The Bill is at odds with international best practice on broadcasting regulation: for example, the African Commission on Human and People’s Rights says that broadcasting and telecommunications must be regulated by a public authority “which is independent and protected against interference, particularly of a political or economic nature”.

The Coalition called for a wider policy review by the Department of Communications and for fuller consultation with all relevant stakeholders.

# The Electronic Communications Act

The Electronic Communications Act of 2005 further consolidated our media law by combining aspects of a number of previous laws and covering new developments.

The Act aimed to:

- Promote convergence and set up a legal framework for bringing together the broadcasting, broadcasting signal distribution and telecommunications sectors.
- Further regulate electronic communication services, electronic communications network services and broadcasting services.
- Provide for the granting of new licences and the control of the radio frequency spectrum.

In the broadcast sector, the Act covers factors to be considered by ICASA when considering whether to grant new licences for public, community or commercial broadcasting services.



Importantly for election media coverage, the Act incorporates sections of the previous IBA Act dealing with:

- Election broadcasts by political parties.
- Political advertising on broadcast services.
- Equitable treatment of political parties by broadcasting service licensees during the election period.



See C3 on page 146 for more details on these election broadcasting sections.

# The Public Service Broadcasting Bill

The Public Service Broadcasting Bill, which was published for comment in October 2009, again opened up public debate on the role and independence of the SABC.

Among other things, the Bill aimed to:

- Align the broadcasting system to South Africa's development objectives.
- Establish a public service broadcasting fund.
- Abolish television licence fees.
- Revise the setting up of the SABC Board.
- Create a competitive local content industry.
- Develop separate Charters as legal instruments to guide the SABC and community broadcasting services on issues such as governance and public accountability.

Many public submissions challenged several aspects of the Bill and a number of political parties claimed that the Bill would give the Minister of Communications unprecedented power over the public broadcaster.

After public hearings involving stakeholders in the communications sector, the Minister of Communications withdrew the Bill in November 2010 and said that a process will be put in place to:

- Review the 1998 White Paper on Broadcast Policy.
- Review research on funding options for the SABC and community media.
- Assess the projected costs of digital migration.



See C2 on page 125 for a case study of the SABC and how complaints relating to the SABC were dealt with by ICASA.

## The Protection of Information Bill

The Protection of Information Bill, published in March 2010, ushered in a chapter of intense debate and concerns about continued media freedom and access to information in our 16-year old democracy.

Key aims of the Bill were to:

- Create a statutory framework for the protection of State information.
- Set out procedures for protecting State information from destruction or unlawful disclosure, and for declassifying information.
- Create offences and penalties for unlawful disclosure of information and knowingly giving false information to national intelligence structures.
- Establish guidelines on how the courts should treat classified documents.

Many analysts are of the view that the Bill will not be able to withstand a potential challenge in the Constitutional Court. Concerns include:

- Overbroad definitions that are likely to result in the over-classification of information.
- Severe penalties of up to 5 to 25 years imprisonment, for example, for accessing, disclosing or possessing classified information; or for publishing a “state security matter” – any matter dealt with or relating to the functions of state security and intelligence agencies.
- The impact of the threat of severe penalties on the publication of matters of public interest, and the lack of a clear defence when the media publishes classified information when the public interest requires this.

Together with the proposed Bill, another perceived threat to media freedom has been the proposed government media appeals tribunal.

Talk of establishing a media appeals tribunal first surfaced in 2007 before the ANC’s Polokwane Conference. A conference resolution said that:

- The ANC was faced with a “major ideological offensive, largely driven by the opposition and fractions of the mainstream media”.
- The government would explore establishing a media appeals tribunal to “strengthen, complement and support the current self-regulatory institutions”.

Faced with consistent protest from the media and other sectors of civil society about possible attempts to particularly control content published by the print media, the media appeals tribunal plans appear to have been put on hold.

# C2. General broadcast and print monitoring

## The ICASA monitoring and complaints structures

### Dealing with monitoring and complaints

ICASA monitoring officers check if broadcasters follow the terms, conditions and duties of their licence conditions and the ICASA Code of Conduct.

Complaints officers receive complaints from the public about broadcasters and arrange hearings for ICASA's Complaints and Compliance Committee (CCC), set up by the ICASA Amendment Act of 2006. Before the Electronic Communications Act was implemented in July 2006, this was known as the Broadcasting Monitoring and Complaints Committee (BMCC).


### Complaints and Compliance Committee


The CCC is a 7-person committee, with a Chairperson, an ICASA Councillor and 5 other members.

Among the roles of the CCC are to:

- Decide on complaints from the public about broadcasters not following licence conditions or one of the codes.
- Hold hearings with complainants and broadcasters.
- Make recommendations to the ICASA Council on action to be taken against broadcasters.

## **The procedure for making broadcasting complaints**

1. First try to resolve your complaint with the broadcaster and note down who you spoke to and how they dealt with the complaint.
  2. You make a complaint to ICASA's Consumer Affairs Division in writing if you have not successfully resolved your complaint with the broadcaster. This must happen within 60 days of the complaint arising.
  3. ICASA will tell you if the complaint falls under ICASA or another independent body recognised by ICASA.
-  On other bodies, see pages 132 and 133.
4. ICASA will acknowledge receipt of your complaint within 2 working days, give you a reference number and contact the broadcaster.
  5. A copy of the complaint goes to the broadcaster, who must reply in writing within 14 days.
  6. ICASA will ask you if you are happy with the broadcaster's response.
  7. ICASA will decide if it is necessary to send the complaint to the Complaints and Compliance Committee (CCC) to make a final decision on the complaint.
  8. ICASA can appoint its own internal officer to make representations on behalf of the complainant, or complainants can make their own representations if they wish to the CCC.
  9. The CCC must keep full records of all complaints it deals with and must make a decision within 90 days after holding a formal hearing.
  10. If your complaint succeeds, the CCC recommends to the ICASA Council what steps should be taken against the broadcaster. ICASA must then decide within 60 days what steps to take against the broadcaster.

 See the *Contacts* on page 240-241 for details of how to contact ICASA.

## **Case study: ICASA ruling on FXI complaint against the SABC**

During 2007, the Freedom of Expression Institute (FXI) lodged a complaint against the SABC with the CCC. This was prompted by the SABC's failure to implement the recommendations of the Sisulu Commission of Enquiry into, among other things, the SABC blacklisting of certain political commentators from news and current affairs programmes.

As ICASA was tasked with regulating broadcasting in the public interest to ensure fairness and a variety of views broadly representing South African society, the FXI placed evidence before the CCC of:

- SABC contravention of its own licence conditions, the Broadcasting Act, ICASA's Code of Conduct for Broadcasting Service Licensees and the SABC's own Ethical Code.
- How the blacklisting of journalists and commentators was calculated to slant programmes and restrict the presentation of a variety of views on issues of public interest and concern.



See the ICASA Code on page 127 and the SABC Code on page 138.

ICASA's CCC decided:

- Since the Broadcasting Act guarantee's the journalistic independence of the SABC, the CCC had no authority to adjudicate breaches of the SABC's internal codes of practice.
- The SABC had no legal duty to provide the public with internal information of journalistic malpractice or to inform the public on how it deals with contraventions of its Ethical Code.
- ICASA only had jurisdiction over the end product disseminated to the public and not over the preparation of a programme.

The FXI took the CCC's 2009 decision to the Johannesburg High Court. In January 2011, Judge CJ Claasen overturned the CCC decision. The judgement:

- Ruled in favour of the FXI and ordered ICASA and the SABC to pay the FXI's legal costs.
- Ordered ICASA to consider the FXI complaint afresh, with a newly constituted complaints committee, excluding anyone involved in the original decision.

Among other things, the High Court said:

- The CCC had wrongly decided that it had no jurisdiction to decide on the FXI's complaint. The CCC's reasoning was "fundamentally flawed":  
"If correct it would mean that the SABC may with impunity manipulate and distort the preparation of its news and current affairs coverage and publicly lie about it when they are caught having done so."
- The SABC Board was guilty of dereliction of duty in failing to take any action  
"when the manipulation and dishonest cover-up was exposed by its own commission of enquiry".
- The conduct of the SABC's former news chief, Snuki Zikalala, "amounted to pre-censorship":  
"Dr Zikalala's blacklisting of commentators perceived to be critical of the government of the day was clearly designed to silence their voices by not allowing them on air. His purpose was obviously to manipulate the SABC's news and current affairs programmes by excluding these critical voices from them."

*Cape Times, 26 January 2011*

# The ICASA Code of Conduct for Broadcasting Service Licensees

Previously most broadcasting licensees followed the IBA Code of Conduct that was taken over by ICASA in 2000 as the ICASA Code of Conduct for Broadcasters.

On 22 December 2008, ICASA published a Draft Code of Conduct for Broadcasters under the Electronic Communications Act (ECA) of 2005 for public comment by 20 February 2009. The final new **ICASA Code of Conduct for Broadcasting Service Licensees** was gazetted on 6 July 2009 and came into force on 1 August 2009 ('ICASA Code' for short).

The new ICASA Code incorporates many aspects of the old Code and adds a number of new elements, especially on the handling of sensitive material.

## Note:

- Sections 4–6 and 14–18 of our summary of the ICASA Code below are particularly important for election coverage.
- If licensees fall under the **Broadcasting Complaints Commission of South Africa (BCCSA)**, they follow the **BCCSA Code** that is very similar to the ICASA Code.

 On the BCCSA Code, see page 132.

## A detailed summary of the new ICASA Code

### 1. Which broadcasters are covered?

This Code affects all broadcasters licensed under the ECA.

### 2. Duties of broadcasters

Affected broadcasters must:

- Ensure that all broadcasts follow the Code and set up procedures to make sure that this happens.
- Ensure that all your staff and programme-makers understand and follow the Code.

#### **4. Violence**

- Do not broadcast unnecessary violence unless it is central to the plot, character or theme of the material.
- Do not broadcast material that supports or promotes violence or unlawful behaviour.

#### **5. Violence and hate speech against specific groups**

- Do not broadcast material that supports or promotes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability.
- Do not broadcast material amounting to propaganda for war, inciting violence or advocating hatred based on race, ethnicity, religion or gender.

#### **6. Possible relaxing of strict rules against violence in points 4 and 5**

- With a genuine scientific, documentary, dramatic or religious broadcast.
- With a discussion or opinion on a topic to do with religion, belief or conscience.
- With genuine discussion or opinion on issues of public interest.

#### **7. Which children?**

As children are people under 18, broadcasters may distinguish between young people approaching adulthood compared to a much younger audience.

#### **8. Protecting children**

- Do not broadcast material that is unsuitable for children at times when large numbers of children are likely to be listening.
- Take special care when you show violence in children's programming:
  - Only use it when it is essential to character and plot.
  - Animation should not centre around violence and invite imitation.
  - Do not give the idea that violence is the chosen or only method of solving conflict.
  - Do not ignore the effects of violence on human beings.
  - Avoid frightening special effects not really essential to the story.
- Take special care in handling issues that can threaten a child's sense of security, for example, death, crime, drugs or alcohol.
- Take special care when you show things that children may copy like using plastic bags, using matches, or other dangerous objects as toys.

## **9. Rules about the “watershed period” for television between 21h00 and 05h00 (free-to-air TV) and 20h00 and 05h00 (subscription TV)**

- Do not broadcast material with lots of violence, sex or bad language before 21h00 – this includes promotional material and music videos.
- Advise your audience at the start about the kind of material in a programme, so parents can decide if it is suitable for older children after 21h00.
- Also warn about programmes outside the watershed period (before 21h00) that are not suitable for very young children.
- While more adult material can be introduced during the watershed period, be aware that children may see programmes that run on beyond 05h00.

## **10. Language**

- Do not use offensive and insensitive language in programmes specially designed for children.
- Do not use seriously offensive language before the watershed period for television or when large numbers of children are likely to be listening on radio.

## **11. Sex**

- Do not broadcast material with:
  - Young people under 18 as part of sex or nudity shown in a crude way.
  - Openly violent or explicit sex or domestic violence.
  - Openly degrading sexual behaviour that invites people to hurt others.
  - Sex between people and animals.
- These rules about broadcasting sexual material do not apply to genuine scientific, documentary or dramatic material broadcast during the watershed period with proper warning.

## **12. Visual warnings**

Besides warnings about programming, use ages and symbols:

- Show the ages of 8, 10 and 13 with a PG (parental guidance) if necessary.
- Show the ages of 16 and 18 with V (violence), L (language), N (nudity) and S (sex).

### **13. Classification by Films and Publications Board**

- Use the classification as a guide for advising about the broadcast.
- Do not broadcast a film with an XX classification.

### **14. Guidelines on news**

- Report the news truthfully, accurately and objectively.
- Present news in the correct context and in a balanced way, taking care not to change facts, for example, distorting them, leaving them out, summarising.
- Present things that are reasonably true as fact. Say clearly when a report is based on opinion, rumours or allegations.
- When not sure of the correctness of a report, check it out. If it is not possible to check, say this clearly in the report.
- Where you find that a report was incorrect on an important point, make a correction promptly and in a way that the correction gets the same attention from listeners.
- Warn in advance about showing extreme violence or sexual crimes.
- Do not broadcast the identity of victims of rape and other sexual violence without consent.
- Avoid explicit or graphic language that can disturb children or sensitive viewers unless it is in the public interest to show this.

### **15. Guidelines on comment**

- You are free to comment on and criticise any actions or events of public importance.
- Comment should be an honest expression of opinion and shown in a way that shows it is comment, based on facts truly stated or fairly referred to.
- Say when a person has said they are not available for comment or could not reasonably be reached.

### **16. Guidelines on controversial issues of public importance**

- Make reasonable efforts to present different points of view fairly in the same programme or in a follow-up programme as part of the same series, not too long after the original programme, and at about the same time-slot.
- When someone has been criticised, give them a reasonable chance to reply, in the same programme or in a 'right to reply' programme.

## **17. Elections**

During an election period, all broadcasting services must follow Sections 56, 57, 58 and 59 of the ECA Act.



For details, see C3 on pages 146-148.

## **18. Guidelines on privacy, dignity and reputation**

- Be extra careful to respect the privacy, dignity and reputation of all individuals, especially children, the aged and people living with physical or mental disability.
- These rights should only not be respected when it is reasonably necessary to report on something in the interests of the public.
- Always respect cultural customs around people in mourning.

## **19. Competitions and audience participation**

- Broadcasting service licensees must fully disclose the rules and costs of reacting to a programme by telephone call or SMS, including any proportion of costs that is meant for a specified charity.

# The Broadcasting Complaints Commission of South Africa and the BCCSA Code

The National Association of Broadcasters (NAB) set up the Broadcasting Complaints Commission of South Africa to receive and decide on complaints from the public about its members. This is an example of self-regulation (self-government), where the BCCSA ensures that its members follow its own Code of Conduct.

Members of the BCCSA include:

SABC Radio, SABC TV, M-Net, Radio 702, Radio Winterveldt, Voice of Soweto.

If you complain to ICASA and the complaint is about a broadcaster that falls under the BCCSA Code of Conduct (the BCCSA Code), ICASA will refer you to the BCCSA. A revised version of the BCCSA Code came into effect on 1 January 2011.



See the Contacts on page 238 for details of how to make a complaint directly to the BCCSA.

## **The BCCSA Code is almost identical to the ICASA Code. It includes:**

- The principle of the freedom of the electronic media, and the freedom of individuals to be informed and to receive and pass on opinions.
- Guidelines on the reporting of news to ensure that it is truthful, accurate and impartial.
- Guidelines on comment to ensure that it is fair and honest.
- Guidelines on elections and referenda to ensure an equal or reasonable opportunity to state policies and respond to criticisms.
- Guidelines on privacy to protect individual privacy and dignity.
- Guidelines on sensitive material to ensure that care is taken in broadcasting, for example, indecent, offensive or violent material.
- Guidelines on controversial issues of public importance to ensure the presentation of a range of views and the right of reply.

# The Advertising Standards Authority of South Africa and the ASA Code

Another example of self-regulation is the Advertising Standards Authority of South Africa – an independent body set up by the advertising industry. Members of the ASA must follow the ASA's Code of Advertising Practice (the ASA Code for short).

If you complain to ICASA and the complaint is about an advertisement of a member of the ASA, ICASA will refer you to the ASA. If the complaint is against a broadcasting licensee who is not a member of the ASA, the CCC of ICASA will decide on the complaint.



See the Contacts on page 237 for details of how to make a complaint directly to the ASA.

## The ASA Code

- The main focus of the Code is on commercial advertising.
- The Code sets 4 broad guidelines on advertising standards:
  - Advertisements should be “legal, decent, honest and truthful”.
  - Advertisements should be prepared “with a sense of responsibility to the consumer”.
  - Advertisements should follow the “principles of fair competition in business”.
  - Advertisements should not “bring advertising into disrepute” (lower the name of advertising) or “reduce confidence in advertising as a service to the industry and the public”.

# The ICASA Regulations on advertising, infomercials and programme sponsorship

## Background to Regulations

In late-1998, the IBA released a discussion paper to encourage public participation in:

- The development of a definition of advertising for all broadcasters
- The development of appropriate regulations on infomercials
- The development of appropriate regulations on programme sponsorships.

In 1999, the IBA drew up new Regulations to deal with these issues. The full name of these new Regulations is: Independent Broadcasting Authority (Advertising, Infomercials and Programme Sponsorship) Regulations, 1999.



### Note:

From 2000, ICASA took over the monitoring of these Regulations and in 2005 published further Regulations relating to Subscription Broadcasting, referring to the 1999 IBA Advertising Regulations. Since ICASA effectively took over the IBA Advertising Regulations, we call them ‘the **ICASA Advertising Regulations**’ for short.

## Summary: main points of the ICASA Advertising Regulations

### 1. Definition of “advertisement”

- Visual or audio broadcast material
- Paid for in cash or otherwise and
- Used to promote the interests of any person, product or service.

### What is an advert?

- Spot commercials
- Paid public service announcements
- Material of 2 minutes or less that would be an infomercial if it was longer than 2 minutes

- Spot commercials that are part of sponsorship packages
- Commercial features.

### **What is *not* an advert?**

- Free public service announcements
- Supply agreements
- Infomercials longer than 2 minutes
- Branded “filler material” which is a public service
- Sponsorship elements that are part of programme material
- Presenters’ credits
- Programme competitions, self-promotions and branded promotional spots (for competitions and self-promotions).

## **2. Duties of broadcasters**

- You must follow these ICASA Advertising Regulations as a television broadcaster and, as far as they are relevant, as a radio broadcaster.
- You must also follow the ASA Code:



See page 133.

- If the ICASA Advertising Regulations and the ASA Code do not agree on an issue that falls under ICASA, then you must follow the ICASA Advertising Regulations.

## **3. Rules on advertising**

- All broadcasters must use the definition of “advertising” in these Regulations.



See page 134.

- ICASA will use this definition of advertising to decide if broadcast material is:
  - An advert?
  - Programme material?
  - An infomercial?
  - A programme sponsorship?
- ICASA needs to decide this, for example:
  - To make sure broadcasters follow these Regulations.
  - To decide if a complaint must be decided by the CCC or the ASA.
- If you refer to a brand, product or name while broadcasting material such as programme competitions or a branded promotional spot, you must make sure:

- The main aim of the broadcast is to promote the broadcaster or the programme
- *And not* the commercial interests of the person, product or service.

#### **4. Definition of “infomercial”**

- Visual or audio broadcast material
- Of longer than 2 minutes
- Paid for in cash or otherwise
- Used to promote the interests of any person, product or service, including a direct offer of a product or service to the public in return for payment, and usually a demonstration of the use of the product or service.

#### **5. Rules on infomercials**

“Prime time”: 18h00-22h00 on TV

“Performance period”: 05h00-23h00 on radio or TV

- Do not broadcast an infomercial during “prime time” or during any children’s programme.
- Make sure that you present infomercials in a way that it is clear that the infomercial is *not* part of your programme material.
- Do not broadcast infomercials for longer than two hours a day during the “performance period”.

#### **6. Definition of programme sponsorship**

- Direct or indirect financing
- Of the full or part of the amount needed
- To produce or transmit broadcast material
- By an advertiser or person, with the aim of promoting its/their name, trade-mark, image, activities or product.

#### **7. Rules of programme sponsorship**

- Make sure that you keep editorial control over material in a sponsored programme.
- Have a written sponsorship contract which says that the sponsor is not allowed to influence the content or scheduling of the sponsored programme.
- ICASA can ask you to give it copies of your sponsorship contracts.

- Make sure that your reference to the name, logo, product or service of the sponsor, is not more prominent than the content of your programme material.
- Do not allow any “product placement” in your news or current affairs programmes (in other words, reference to a product or service in return for payment).
- Clearly announce the sponsor’s link to the programme before and after the broadcast
  - Recommended way: “sponsored by”; “in association with”
  - Not recommended: “brought to you by”; “with compliments of”.

# Ethical codes

Another kind of self-regulation is for professional organisations (for example, doctors) to have an **ethical code**. This is usually a set of moral values and principles that members agree to follow in their work.

Journalists have also developed ethical codes. We use the **SABC Ethical Code** and the **South African Press Code** as examples below.



See also the *Community Radio Election Guidelines* on page 160 that include some ethical issues.

ICASA also has its own Code of Conduct and Ethics that the ICASA Council and all employees must follow when interacting with the public and other employees.

## The SABC Ethical Code

### The introduction to the Code

- The SABC Board and management confirm their commitment to the principle of editorial independence.
- Authority for editorial decisions rests with the editorial staff.

### The content of the Code

“ We, the editorial staff of the SABC, commit ourselves to the upholding of the following principles:

1. We shall report, contextualise, and present news honestly by striving to disclose all essential facts and by not suppressing relevant, available facts, or distorting by wrong or improper emphasis.
2. We shall be aware of the danger of discrimination being furthered by the media and shall do our utmost to avoid promoting such discrimination based on gender, race, language, culture, political persuasion, class, sexual orientation, religious belief, marital status, physical or mental disability.

3. We shall evaluate information solely on merit, and shall not allow advertising, commercial, political or personal considerations to influence our editorial decisions.
4. We shall respect the legitimate rights to privacy of individuals and shall do nothing which entails intrusion into private grief and distress unless justified by overriding considerations of public interest.
5. We shall take due care and be sensitive in the presentation of brutality, violence, atrocities and personal grief.
6. We shall seek balance through the presentation as far as possible of relevant viewpoints on matters of importance. The requirement may not always be reached in a single programme or news bulletin but should be achieved within a reasonable period.
7. We shall prevail on news merit and judgement in reaching editorial decisions. Fairness does not require editorial staff to be unquestioning, or the SABC to give all sides of an issue the same amount of time.
8. We shall be enterprising in perceiving, pursuing and presenting issues which affect society and the individual, in serving the public's right to know.
9. We shall be free from obligation to any interest group and shall be committed to the public's right to know the truth.
10. We shall not accept gifts, favours, free travel, special treatment or privileges, which may compromise our integrity and any such offer shall be disclosed.
11. We shall identify ourselves and our employers before obtaining any information for broadcast.  
As a general rule, journalism should be conducted openly. Covert methods must be employed only with due regard to their legality and to considerations such as fairness and invasion of privacy, and whether the information to be obtained is of such significance as to warrant being made public but is unavailable by other means.


12. We shall not disclose confidential sources of information.
13. We shall do our utmost to correct timeously any information broadcast and found to be prejudicially inaccurate.
14. We shall foster open dialogue with our viewers and listeners, as we are accountable to the public for our reports.”

# The South African Press Code


Most commercial and community newspapers and magazines have adopted the South African Press Code as a form of voluntary self-regulation by the print media “to promote and develop excellence in journalistic practice and ethics”.

Many of these publications are members of the Newspaper Association of South Africa, the Magazine Publishers Association of South Africa, the Association of Independent Publishers, the Forum of Community Journalists and the South African National Editors' Forum.

The Press Council of South Africa settles complaints arising from the Code. The Code also guides the South African Press Ombudsman and the South African Press Appeals Panel to reach decisions on complaints from the public after publication.

 See [www.presscouncil.org.za/pages/press-code/complaints-procedures.php](http://www.presscouncil.org.za/pages/press-code/complaints-procedures.php) for details of how the Press Council processes complaints.

In September 2010, the Press Council started a public process to review its constitution and the Code.

The ICASA Code ( see page 127) echoes many of the themes and rules of the South African Press Code.

## Preamble to the Code

The Code includes Section 16 of our Constitution (the right to freedom of expression) and then explains:

“The basic principle to be upheld is that the freedom of the press is indivisible from and subject to the same rights and duties as that of the individual and rests on the public’s fundamental right to be informed and freely to receive and to disseminate opinions; and

The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the time; and  
The freedom of the press allows for an independent scrutiny on the forces that shape society.”

# Content of the Code

## “1. Reporting of News

- 1.1 The press shall be obliged to report news truthfully, accurately and fairly.
- 1.2 News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by:
  - 1.2.1 Distortion, exaggeration or misrepresentation;
  - 1.2.2 Material omissions; or
  - 1.2.3 Summarisation.
- 1.3 Only what may reasonably be true, having regard to the sources of the news, may be presented as fact, and such facts shall be published fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.
- 1.4 Where there is reason to doubt the accuracy of a report and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be mentioned in such report.
- 1.5 A publication should usually seek the views of the subject of serious critical reportage in advance of publication; provided that this need not be done where the publication has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or witnesses intimidated.
- 1.6 A publication should make amends for publishing information or comment that is found to be inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation.
- 1.7 Reports, photographs or sketches relative to matters involving indecency or obscenity shall be presented with due sensitivity towards the prevailing moral climate.
  - 1.7.1 A visual presentation of sexual conduct may not be published, unless a legitimate public interest dictates otherwise.
  - 1.7.2 Child pornography shall not be published.
- 1.8 The identity of rape victims and victims of sexual violence shall not be

published without the consent of the victim.

- 1.9 News obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless a legitimate public interest dictates otherwise.
- 1.10 In both news and comment the press shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that any right to privacy may be overridden only by a legitimate public interest.

## **2. Discrimination and Hate Speech**

- 2.1 The press should avoid discriminatory or denigratory references to people's race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental disability or illness, or age.
- 2.2 The press should not refer to a person's race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental illness in a prejudicial or pejorative context except where it is strictly relevant to the matter reported or adds significantly to readers' understanding of that matter.
- 2.3 The press has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material which amounts to hate speech.

## **3. Advocacy**

A publication is justified in strongly advocating its own views on controversial topics provided that it treats its readers fairly by:

- 3.1 Making fact and opinion clearly distinguishable;
- 3.2 Not misrepresenting or suppressing relevant facts;
- 3.4 Not distorting the facts in text or headlines.

## **4. Comment**

- 4.1 The press shall be entitled to comment upon or criticise any actions or events of public importance provided such comments or criticisms are fairly and honestly made.

- 4.2 Comment by the press shall be presented in such manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.
- 4.3 Comment by the press shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair account of all available facts which are material to the matter commented upon.

## **5. Headlines, Posters, Pictures and Captions**

- 5.1 Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question.
- 5.2 Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question.
- 5.3 Pictures shall not misrepresent or mislead nor be manipulated to do so.

## **6. Confidential Sources**

The press has an obligation to protect confidential sources of information.

## **7. Payment for Articles**

No payment shall be made for feature articles to persons engaged in crime or other notorious misbehaviour, or to convicted persons or their associates, including family, friends, neighbours and colleagues, except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

## **8. Violence**

Due care and responsibility shall be exercised by the press with regard to the presentation of brutality, violence and atrocities.”

# C3. Election broadcast and print monitoring

Existing codes of conduct remain relevant during elections. So, for example, as a journalist in the print media, you will continue to follow the South African Press Code monitored by the Press Council of South Africa. As a community radio station, you must observe the ICASA Code of Conduct monitored by ICASA.

During the election period, you may broadcast:

- Political party election broadcasts.
- Political advertising.
- Your own coverage of political party and election issues.



**Note:**

**When you broadcast on the elections, you will also have to follow 2 more parts of the law:**

- Sections 56 to 59 of the Electronic Communications Act (ECA) Act



See page 146 onwards.

- ICASA Regulations on election broadcasting



See the **ICASA Municipal Elections Regulations** on page 149.

# The Electronic Communications Act: election broadcasting

ICASA's election responsibilities are now covered by the Electronic Communications Act (ECA) and the ICASA Act.

The 4 crucial sections below are part of the ECA.


## General ban on broadcasting party election broadcasts and political advertisements

### Section 56 of the ECA says:

- As a general rule, you are not allowed to broadcast **party election broadcasts** and **political advertisements** on any broadcast service.
- You can only broadcast party election broadcasts and political advertisements
  - During “an election period” *and*
  - If you follow Section 57 of the ECA (party election broadcasts) *and*
  - If you follow Section 58 of the ECA (political advertisements).

### Note:

#### The key point is the definition of the “election period”:

- The **election period** started when the election date was published in the Government Gazette – this was on Thursday 10 March 2011.
- The election period will end at the end of the day after the election results are announced – this process must be completed within 7 days of election day when the final municipal seat allocations of councillors on Metro, Local and District Councils are announced. Since elections take place on Wednesday 18 May 2011, the election period may run until Thursday 26 May 2011.
- This election period is longer than the **election broadcast period** mentioned in the ICASA Municipal Elections Party Election Broadcasts and Political Advertisements Regulations (  see C3 on page 149).

## Broadcasting party election broadcasts during election period

### Section 57 of the ECA says:

- The public broadcaster (the SABC) must broadcast party election broadcasts (PEBs) during an election period.
- Commercial and community broadcasters do not have to do PEBs in the election period – but if you decide to do party broadcasts, then you must follow the rules in this section of the ECA.
- PEBs must be done by properly authorised representatives of political parties.
- ICASA will consult with licensees and all political parties, and then decide on:
  - The amount of time available for PEBs, and
  - The duration and scheduling of PEBs.
- ICASA can place conditions on PEBs, especially to make sure that all parties are treated equitably (fairly and reasonably).
- A party election broadcast:
  - Must not contain material which is likely to expose the licensee to legal liability (being sued).
  - Must be of a technical quality acceptable to ICASA.
  - Must not be broadcast later than 48 hours before voting starts (in other words, later than 07h00 2 days before the election day).

## Broadcasting political advertising during election period

### Section 58 of the ECA says:

- Broadcasting licensees do not have to broadcast party advertisements (PAs) in the election period – but if you decide to allow PAs, then you must allow all political parties the same opportunity, if they ask for it.
- PAs must be given to you by properly authorised representatives of political parties.

- In making advertising time available, you are not allowed to:
  - Discriminate against or prejudice any political party, or
  - Give preference to any party.
- A party advertisement:
  - Must not contain material which is likely to expose the licensee to legal liability.
  - Must be of a technical quality acceptable to ICASA.
  - Must not be broadcast later than 48 hours before voting starts (in other words, later than 07h00 2 days before the election day).

## Equitable treatment of political parties by broadcasting licensees during election period

### Section 59 of the ECA says:

- If you decide to cover political parties and election issues, you must allow:
  - Reasonable opportunities for the discussion of opposing views, and
  - Treat all political parties equitably.
- If a party is criticised in a programme and they did not have a chance to reply in that programme, then you must give the criticised party a reasonable opportunity to reply.
- If you broadcast a programme criticising one party within 48 hours of voting starting, or even on election day, you must give the criticised party a reasonable chance to reply in the same programme or as soon as is reasonably possible after the programme.

### Note:

The principle of equitable treatment of political parties poses particular challenges in municipal elections where there are many smaller parties and independent ward candidates standing at local level.



See D1 from page 172 onwards for ideas to help you develop your own approach to respond to this challenge.

# The ICASA Municipal Elections Regulations on party election broadcasts and political advertisements


In November 2010, ICASA published Draft Regulations on Party Election Broadcasts, Political Advertisements, the Equitable Treatment of Political Parties by Broadcasting Licensees and Related Matters during Municipal Elections. These Draft Regulations were amended in December 2010 and comments were invited on the Draft Regulations by 10 January 2011. The finalised Regulations are expected to be published in early March 2011.

We call these the **ICASA Municipal Elections Regulations** for short. These are more detailed rules and guidelines to help you understand what the Electronic Communications Act says about election coverage.


 See *The ECA: election broadcasting* on page 146.

In carrying out these ICASA Election Regulations, broadcasters must also be aware of and follow:

- The **Constitution**

 See A1 on page 11.

- The **Electoral Code of Conduct**

 See B4 on page 82.

## A detailed summary of the ICASA Election Regulations

As these are Regulations, they are part of the law and thus must be followed in the same way as Acts like the ICASA Act and the Electronic Communications Act.


These Regulations are relevant for the election broadcast period and apply to broadcasting service licensees and parties contesting the municipal elections. So, for example, political parties boycotting the elections have no right to party election broadcasts, although a community radio station can interview any party or candidate it wishes.



### Note: Important definition

The Regulations define the “election broadcast period” as:

- Starting 120 hours after the allotment of broadcasting time-slots by ICASA.
- Ending 48 hours (2 days) before election day voting starts at 07h00 on Wednesday 18 May 2011.

This election broadcast period is shorter than the longer “election period” mentioned in the ECA (  see C3 on page 146).

## Important general questions on party election broadcasts (PEBs)

### Who must broadcast PEBs?

- The radio stations of the public broadcaster (the SABC) must broadcast PEBs, although for the 2011 municipal elections the SABC has been exempted from broadcasting PEBs on TV. This was decided due to a concern that financial constraints would prevent smaller political parties from producing PEBs.
- Other broadcasters can choose to broadcast PEBs.
- If as a private or community broadcaster, you choose to broadcast PEBs, then you have to follow the rules set by ICASA.
- Once you have told ICASA that you will broadcast PEBs, they will send your name on a list of stations to all political parties.

### What legal rules must you follow?

- When you broadcast PEBs, you must give all parties submitting PEBs a fair chance. You must follow:
  - Section 57 of the ECA and
  - These Regulations.



See Section 57 of the ECA on page 147.

## Important general questions on political adverts (PAs)

### Who can broadcast political adverts?

- Broadcasting service licensees – public, private or community – do not have to broadcast PAs.

- If you choose to broadcast PAs, then you have to follow the rules set by ICASA.

### **What are the legal rules on political adverts?**

- When you broadcast PAs, you must give all parties submitting PAs a fair chance. You must follow:
  - Section 58 of the ECA and
  - These Regulations.



See Section 58 of the ECA on pages 147-148.

## **General rules on party election broadcasts and political advertisements**

1. PEBs and PAs are only allowed during the election broadcast period.
2. If your private or community station wishes to broadcast PEBs, you should tell ICASA in writing 30 days before the election broadcast period.
3. Your station must nominate a contact person with ICASA on all issues related to these Regulations around PEBs and PAs, and give ICASA all the contact details of your representative within 30 days of the publishing of these finalised Regulations.
4. Parties wanting to broadcast a PEB must send this to your station at least 5 working days before the broadcast time.
5. Your station must not edit or change the content of a PEB or PA.
6. Your station can refuse to broadcast a PEB or PA – for example, if it does not meet your technical standards or goes against the Electoral Code of Conduct.
7. If you reject a PEB or PA, you must within 24 hours of receiving the PEB or PA:
  - Give the party written reasons for the rejection, and
  - A chance to make changes and return the PEB or PA to you at least 3 working days before the broadcast time.

8. If you reject a PEB or PA, and the party confirms in writing it will not be resubmitting the PEB or PA, you must within 24 hours inform ICASA and give them a copy of your written reasons for the rejection.
9. If a party is unhappy with your station's decision, and they do not wish to change the PEB or PA, they can refer this to ICASA within 24 hours of being informed in writing of the rejection.
10. Parties must make sure that PEBs or PAs do not:
  - Go against the Electoral Act, the Electoral Code of Conduct, the Constitution, the Electronic Communications Act and the Broadcasting Act, or
  - Have any material that provokes or supports any criminal actions.
11. No party will have any legal claim against your station because of the broadcast or non-broadcast of a PEB or PA given to you by that party for broadcast. This is known as a **waiver** of the right to claim.



See *Waiver* in D2 on page 193.

12. By giving a PEB or PA to your station for broadcast, a party automatically gives your station an **indemnity** against any legal costs or damage you may suffer because of a claim against you by another party.



See *Indemnity* in D2 on page 194.

13. Any other person who is unhappy with the content of any PEB or PA, can make a complaint to ICASA within 48 hours of the broadcast.



**Remember:**

You can continue with your general election coverage (for example, news, interviews, debates) during the 48 hours before election day, on election day, throughout the election period until results come out, and beyond this time.

## Special rules for PEBs

1. If you have chosen to broadcast PEBs, you must make available every day for the whole election broadcast period 4 time-slots of up to 2 minutes each – no single PEB can be longer than 2 minutes.
2. You must follow these Regulations and ICASA decisions on the order and timing of broadcasting PEBs.
3. Your station must ensure that all PEBs are clearly identified as PEBs.
4. You must announce all PEBs in the same way at the start and the end of the PEB.
5. You cannot broadcast a PEB 5 minutes before or after another PEB or PA.
6. Content broadcast as a PA cannot be broadcast as a PEB.
7. Any air-time allocated, but not used by a party, will be given up.
8. If a party does not want to use its air-time:
  - You cannot give this time to another party – you must rather replace it with your usual programming.
  - You cannot change the order or scheduling of PEBs decided by ICASA.
9. No station or party is allowed to interfere with or trade in the order and scheduling of PEBs decided by ICASA.

# Rules on allocating air-time for PEBs

**Basic allocation:**

2 minutes for one time-slot for all political parties contesting the municipal elections and fulfilling the requirements of these Regulations.

**Additional allocation:**

More minutes allocated proportionally, based on the number of municipal seats currently held by a political party

**Formula for additional allocation:**

$$Y = ((A/B)*100) C$$

Where Y = additional minutes

A = number of municipal seats currently held by a party

B = total number of municipal seats

C = time available after finalising the basic allocation

**Note:**

- The SABC will have to double airtime on radio broadcasts, resulting in 8 time-slots each day (16 minutes) throughout the election broadcast period (30 days). This means there will be a total of 480 minutes for PEBs.
- A number of stakeholders commented that the above formula is problematic because it is weighted in favour of parties currently holding municipal seats. The final ICASA Municipal Elections Regulations will reflect whether this concern has been addressed.
- Check if this formula changes in ICASA's final Municipal Elections Regulations.

# The SABC Guidelines for Election Reporting

The SABC developed its SABC Guidelines on Election Reporting for the 1999 elections (called SABC Guidelines for short) and these have been followed through in subsequent elections.

For the 2009 national and provincial elections:

- The SABC made an undertaking to all political parties to cover the elections in a fair, balanced and impartial way.
- The SABC news division appointed a Complaints Officer to deal with complaints about coverage and promised a turn-around time of 72 hours for dealing with complaints.

The SABC continues to use these guidelines for the 2011 municipal elections.

***We summarise the key points in the SABC Guidelines:***

## **Introduction**

- The SABC is conscious of its election challenge as a public broadcaster to reach millions of people in all official languages and in all regions.
- The SABC has a primary responsibility to ensure that the needs, questions and concerns of ordinary citizens are covered fully in its broadcasts.
- The SABC recognises and follows the legal framework governing the elections.
- In its treatment of politics, the SABC seeks to:
  - Follow the SABC's Ethical Code and accepted journalistic practice in reporting and analysing election developments, with the aim of giving voters an informed choice.
  - Allow reasonable opportunities for the discussion of conflicting views, including the right of reply.
  - Give fair and equitable treatment to all parties, but paying particular attention to major political parties and views.
- These guidelines govern all programming, including news and current affairs.

# Guidelines

## 1. Balance and fairness

- Ensure that all points of view are aired on an issue.
- Make active attempts to get views and responses as far as possible.
- Do not shy away from robust debate on controversial issues.
- Take care not to place events or statements in a particular ideological framework.
- Take note of the 'weight of opinion' and how a particular position can affect public opinion and actions.

## 2. The truth

- Make independent attempts to reach the truth.
- Make it clear when you haven't been able to give the full picture by your deadline.
- Follow up to ensure the full picture is given as soon as possible afterwards.

## 3. Equitable treatment

The SABC will treat all parties and all viewpoints equally.

### *4 Principles of equitability:*

#### *3.1. Equitable does not mean equal*

- You do not have to give the same weight to very small parties that you give to serious contenders for a place in provincial or national government.

#### *3.2. Equitable treatment is achieved over time*

- You cannot always achieve equitable treatment in a single programme.
- Not all parties have the right to appear in one programme – rather, be fair over a series of programmes.

#### *3.3. Consistency*

- Be consistent in the way you handle contesting parties and opposing views.

#### *3.4. Seeking out information*

- Don't only rely on parties to give you information – actively look for it yourself.
- If you don't do this, parties with more resources will get too much coverage.

#### **4. The right of reply**

- Allow reasonable opportunities to reply to criticism – but avoid allowing your programmes becoming a series of replies and replies-to-replies.
- Mild criticism is part of normal political contest – you can include a response from the criticised party in your next news.
- With very damaging criticism, you have a duty to allow the criticised party to reply as soon as possible.
- Take special care in the last 48 hours before voting to allow responses to damaging criticism.
- Don't allow parties to use their right of reply to distort the general rule about fair treatment of all parties.

#### **5. Recognising the nature of our society and the need for healing**

- Understand the make-up of our volatile society.
- Take special care to be sensitive around race, gender and other factors in the way you present issues and conflict through your words and visually.

#### **6. Ruling parties**

- Be aware of and recognise the tendency of ruling parties to use 'the levers of government' to advance the election cause of their party.
- Point out 'vote-catching' government decisions.
- Report on government officials misusing their positions for party political purposes.

#### **7. Affiliates of participating alliances**

- Include organisations affiliated to alliances in debates as part of the normal journalistic approach of involving people in topics where they have a direct interest.

#### **8. Traditional leaders**

- Treat the statements and actions of traditional leaders with special caution during the election period.

- Recognise statements and actions which benefit a political party as actions effectively on behalf of that party.

## **9. Civil servants**

- No action or statement by a civil servant should benefit any political party.

## **10. Journalists**

- Do not do anything which will create an impression that you are partisan, while you are on or off duty.
- The SABC will take tough action if this happens.

## **11. Mistakes**

- The SABC will correct any mistakes that arise as quickly as possible.

# **Formats**

## **Current affairs programmes**

- Try to get a balance of opinion as far as is possible in the same programme.
- Give everyone a fair opportunity to participate in the interests of robust and open debate.
- Do not hold back the airing of a programme because of the non-appearance of a person or party invited to participate.

## **The political documentary**

- Take care not to rely on a single source of information.
- Reflect attempts to provide all sides of the story in the same documentary.

## **The political interview**

- Give enough opportunity to respond to questions and comment without interruptions.
- Your interruptions should only be to keep the interview on track, not to argue.
- Make sure your questions are accurate and fair.

### **The political debate**

- Make sure there is a fair opportunity for debate between political opponents in the time available.
- Remember you are a facilitator, not a participant, and you should never be seen to be siding with one party.
- Keep order, make sure points are answered and protect participants from being bullied.
- In choosing your panel, try to get a balanced representation of opinion.
- Keep the debate on issues and discourage personal attacks.

### **Townhall meetings**

- Use the townhall meeting as a chance of taking broadcasting to people and getting wider coverage of a range of opinions.
- Use townhall meetings for their information value and not just for entertainment.
- Follow the same guidelines as for political debates.
- Take care to be as fair as possible with things like:
  - Choice of panellists
  - Choice, seating and involvement of supporting audience groups
  - The role of the facilitator.

# **The Community Radio Election Guidelines**

The National Community Radio Forum (NCRF) developed these Guidelines for the 1999 elections. These Guidelines were based on discussion during a 1998 Institute for the Advancement of Journalists (IAJ) workshop, attended by 10 community radio stations.

As a national body of community radio stations, the NCRF has been committed to the principles of editorial independence and fairness.

## **The aim of these Guidelines is:**

- To guide stations on the issues and challenges of covering elections, and
- To form the basis of an ethical code for community radio stations.

## **Note:**

- We have adapted these guidelines for the 2011 elections.
- We hope they will assist community radio stations to entrench the vital role they continue to play in reaching areas that continue to be neglected by the mainstream media.
- The NCRF estimates that 31 million South Africans listen to radio, with community radio accounting for around 20% of total radio listenership.

## ***These are the Community Radio Election Guidelines:***

### **Laws, codes and guidelines**

Community radio stations will follow all IEC and ICASA laws, codes and guidelines that affect elections.

### **Guiding principles**

Stations commit themselves to these guiding principles during election periods:

- To contextualise and present news honestly.
- To disclose all facts.

- Not to distort any information by wrong or improper emphasis.
- Not to discriminate against any person, group or sector, based on gender, race, colour, language, culture, class, political group, sexual orientation, religious affiliation, or any other reasons.
- Not to allow any advertising, commercial, political or personal factors to influence its editorial content.
- To respect the legitimate right to privacy of individuals.
- To seek balance through the presentation as far as possible of relevant viewpoints on important issues.
- To use news merit and balanced judgement in reaching editorial decisions.
- To be free from obligation to any interest group.
- To be committed to the community's right to know the truth.
- Not to accept any gifts, favours, special treatment or privileges, which may compromise the station's integrity.
- To disclose any offers which may compromise the station's integrity.
- To correct as soon as possible any information broadcast and found to be prejudicially inaccurate.
- To ensure open dialogue with listeners as part of accountability to the community.

## **Programming**

Stations will base their election programming on:

- Their station's ethics and ground rules.
- The ICASA Act, the Electronic Communications Act and all relevant Regulations.
- The Electoral Act and all Election Regulations and Codes of Conduct.
- These Community Radio Election Guidelines.
- An understanding of political parties and their histories.
- Focusing on their local community during the elections.
- Using languages preferred by their community.
- Ensuring the community is informed about local day-to-day election developments.
- Using talk shows and a variety of formats, for example, features.

## **Voter education**

The role of stations is to explain to listeners their rights as voters:

- The right to free and fair elections
- The right to vote
- The right not to vote
- The right to spoil your vote
- The right to vote once in each election
- The right to your own free choice
- The right to a secret vote
- The right to help
- The right to vote safely
- The right to make a complaint.

Stations will also play a vital role in educating political parties about all relevant election laws, regulations and codes.

## **Party election broadcasts (PEBs) and political advertisements (PAs)**

When stations decide to broadcast PEBs and PAs:

- They must follow the ICASA Municipal Elections Party Election Broadcasts and Political Advertisements Regulations and decisions, for example, on the order of PEBs.
- These should be included in the weekly flighting schedules of the station.
- PEBs should be aired at times aimed at achieving similar listenership.
- All parties should be allowed to advertise.
- Stations should strive to maintain independence in airing election period programmes.

Stations must have monitoring mechanisms to make sure that they are responsible and run the correct number of PEBs allocated for each party by ICASA.

## **Fairness and equitability**

Stations must always remember that fair and balanced reporting is not always about equal time. Each political party must be given reasonable opportunities to explain their positions and policies, and to answer to criticisms.

Stations should follow these principles of equitability:

- Equitability does not mean equal treatment.
- Equitable treatment is unlikely to be achieved in a single programme.
- Being consistent in the treatment given to all contesting parties and candidates.
- Looking for and broadcasting all important events and information.

## **Independence**

Community radio stations have a critical role to play in ensuring their independence. They need to be their community's critical voice during these elections.

Some ways of ensuring independence:

- Stations should not accept bribes.
- Editorial decisions should not be influenced by board members, station managers, news editors, programme producers, political parties and election candidates.
- Information from political parties and candidates should not be the only source of information for stations.
- Personal views of the station should not be imposed on listeners.
- Station research should be conducted openly.
- Stations should approach stories in a way that brings out different points of view.

## **Information**

Stations should first check the facts and get clarity on any election issues before a broadcast. This can be achieved by doing thorough research, and by encouraging a diversity of news and information.

## **Indemnity**

There are basic things that stations can do to legally protect themselves:

- Refer political parties to the ICASA Municipal Elections Party Election Broadcasts and Political Advertisements Regulations that protect stations when broadcasting PEBs and PAs.
- Get parties and candidates to sign an indemnity form to protect your station legally from being sued because of things the parties or candidates

do or say on air.

- Check tapes and any written material in the presence of party or candidate representatives – this is to make sure that the station cannot be held responsible for any loss or damage of material.
- Make it clear to parties that the station will not be responsible if parties or candidates being interviewed insult each other or go on a smear campaign against each other, or other parties or candidates.
- Make it clear that the station is not responsible for air-time allocation of PEBs and cannot change times to suite parties, for example, if they are late.

## **The rights of journalists**

Stations need to know and protect the rights of their journalists, including:

- Political parties and candidates must ensure that journalists are not harassed and intimidated by their party representatives and supporters.
- Political parties and candidates may not prevent journalists from attending their meetings and public events.
- Journalists should use their judgement and discretion in not being influenced or manipulated when covering stories.
- Journalists should refer parties and candidates to:
  - the IEC Code of Conduct
  - the ICASA Act, the Electronic Communications Act and all relevant Regulations, and
  - their station's policy and these Community Radio Election Guidelines.
- Journalists have the right to complain to the IEC and ICASA.

# Section D:

## Practical election guidelines for journalists, reporters and presenters

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## Ideas for using this section

This section is a more practical guide for you as a journalist, reporter or presenter wanting to cover the elections.

It helps to guide you in 4 areas:

- Ensuring fairness for all political parties and ward candidates
- Preparing for election coverage
- Election programming
- Interviewing on elections.



Read this section together with the various general and election laws, codes and guidelines in C2 and C3 of this file.

## Ways of using this section

- Read it to increase your own knowledge and understanding.
- All the pages in this section are marked *Photocopy me* – pass on a copy to colleagues.
- Discuss and workshop the issues with colleagues, for example, how will you deal with legal problems when they come up?
- Have a station or office workshop on election coverage:
  - Evaluate how well you covered the 2006 and 2009 elections.
  - Plan your coverage of the 2011 municipal election campaign, election day and the announcement of results.
- Use the information practically, for example, in preparing for coverage:
  - Share the research tasks with colleagues.
  - Practise writing and speaking in plain and understandable language by role playing with colleagues.
  - Practise running a tough interview by role playing and getting feedback from a colleague.
- Once you've started your election coverage, make a time to evaluate how it's going, for example, which of the new programming ideas have worked and which ones need improvement.

# A special note on elections

In Sections B and C of this file, we have seen that, as journalists, reporters or presenters you have to follow the election laws, codes and guidelines in preparing and presenting your election coverage.

In your community motivation and education role on voter registration, voters' rights, and the voting and counting process, you will be giving information in a non-party political way.

But when it comes to your role in presenting political party and candidate policies, and debating political issues, you have a much more difficult task – and this is where you need to clearly understand the practical meaning of election rules like fairness to all parties and candidates.

Reflect a little on what we said about the role of journalists in the *Introduction* to this file on pages 1 to 3. Covering the elections well is more than a technical job as a journalist, reporter or presenter: it's also your duty as a human being and as a citizen.

Above all, your coverage has to enable voters to make an informed choice on election day. It is your duty to provide fellow-citizens with that information. Through your election programming, you need to build a bridge between:

- The experiences, concerns, needs, demands and fears of voters *and*
- The promises and commitments of political parties and candidates.

The new age of increased social networking also challenges you to be seen as independent and neutral, especially during an election period, when it comes to expressing personal views on-line that may indicate your bias towards a particular party or that may clash with the views of your station or publication.



# D1. Ensuring fairness for all parties and candidates

## Core ethics for the media

As a journalist, reporter or presenter, you will have your own personal ethics and integrity that shape the way you work. Your newspaper or radio may have its own set of ethics.

### Here we summarise some of the generally accepted media ethics to guide your election coverage:

#### Accuracy

Try to make sure information is accurate and to get at least two sources for controversial information. Some people use the media for their own agendas and may give you sensational but untrue stories to discredit political opponents. If a story is untrue and you can't show it was in the public interest to publish, you may face a **defamation** claim.

#### Corrections

If you make a mistake as a reporter, a correction should be published or aired at a similar time or on a similar page. You should also apologise directly to the affected person or party.

#### Sources: identity

It is always better to identify sources unless there is an acceptable reason to protect identity, such as shielding a minor. Beware of making up stories and quoting anonymous sources. For example, if a party insider says there will be a split in the party and wishes to remain anonymous, get an analyst to comment.

#### Sources: leaks

Rather deal with official spokespeople for parties, who interact openly with the media. People leaking information may have another motive – carefully check the information and only use it if clearly in the public interest to reveal it.

## Openness

Work openly as a reporter and tell people what the information they give will be used for. If you have been secretive or used deception to get a story, inform your editor or manager, as this may affect the decision whether to use the story.

## Balance and right to reply

Try to get all sides of the story. Allow people to comment on accusations against them, for example, on the non-delivery of services. The right to reply should happen in the same report or interview, or within a reasonable space of time. This is linked to the principle of *fairness* – the idea that all get a fair chance to state their side or views.



See pages 172-175 for more detail about fairness.

## Context

Always place a story within a context and try to get relevant background information. For example, if you are covering a shortage of supplying antiretrovirals for HIV treatment at clinics, report on how it has affected people and on the possible reasons for the shortage.

## Privacy

You should respect the right to privacy of public figures – only if they commit crimes, abuse their positions or behave unethically, can it become in the public interest to reveal things about someone's private sex life, family affairs or other personal problems.

## Dignity

Our Constitution emphasises protecting the dignity of all people, including politicians! You should avoid disrespecting, discriminating against or unfairly commenting on anyone on grounds such as race, sex, age, disability, sexual orientation or HIV status. For example, use positive, empowering language when writing about people: say D is “living with HIV”, not “an HIV sufferer”.

## Mixing opinion and news

News should not be mixed with your opinions as a reporter. Report on the facts and let people express themselves in interviews. When you express opinions in columns, editorials or talk shows, make it clear it is the opinion of the reporter or commentator, and clearly set out your sources.

## Gifts and benefits

It is better never to accept personal gifts or benefits. If you have accepted things like a free trip, you should mention this in the coverage and let your editor or manager know about it.

## Social media

The growth of social networking on media such as Twitter and Facebook raises fresh ethical issues. Venezuelan writer, Estrella Gutiérrez expresses the dilemma:

- What are the rights and responsibilities of professional communicators on social media?
- Are journalists professionally barred from expressing views on networks like Twitter?
- Can media owners set limits on what reporters say as private individuals on-line?

Gutiérrez quotes two angles on these ethical questions:

“Ethics do not change with technological changes... I have an ethical commitment to truth as both a journalist and a twitterer.”

*Javier Restrepo, expert on journalistic ethics, Colombia*

“Journalists have the same rights as other citizens to use social networks. But at the same time reporters are ‘guardians’ of the much-trumpeted right to information... When journalists use networks like Twitter, they must remember that their followers want reliable information.”

*Margarita Torres, Mexican professor of communications*

(Source: *The Ethics of Social Networking for Journalists*, Estrella Gutiérrez, Inter Press Service, 28 January 2011)

The dilemmas of social media raise the need for relevant ethical codes and internal regulations impacting on the media to be updated and tailored to meet the new challenges posed by widely accessible on-line media.



For more on ethical codes, compare C2 on page 138 (SABC Ethical Code) and page 141 (South African Press Code).

# Fair coverage and discussion of all views

## Some practical guidelines on fair discussion and coverage

Election laws and codes say you must create reasonable opportunities for the discussion of conflicting or opposing views.

### Q1. Does this mean that all parties and candidates should have an equal amount of air-time?

No, for 3 reasons:

- You are allowed to differentiate between parties that are serious contenders and smaller parties with very little established support. So parties like the Kiss Party or Soccer Party do not have to be covered with the same depth as parties like the African National Congress (ANC) or Democratic Alliance (DA).
- Fair coverage is not measured only by the amount of air-time given to parties or candidates.

**X Example:** A highly critical, 10-minute interview with the leader of the Congress of the People (COPE) is not “equal” to an uncritical 10-minute documentary package on the record of the ANC since the 2006 municipal elections.

- You may find that in some areas, certain parties or candidates hardly have a presence. They have very few rallies, do little campaigning and little media work. Being fair means you still have to make listeners or readers aware of all party or candidate manifestos in a particular area. It will mean more work from your side and you may have to look for representatives or candidates for interviews. But this is no excuse to ignore them.

**X Example:** You can even turn their low profile into a story by asking the question: if Party X claims to be a non-racial party, why is it almost invisible in this city’s townships?

**Q2. You must provide a reasonable right of reply when a party or candidate is criticised on our station or in our paper. What is reasonable?**

- The word ‘reasonable’ is crucial. In an election campaign, parties and candidates fire accusations and criticisms backwards and forwards. Much of this is a normal part of the game, and does not need a right of reply – especially when the claims and counter-claims are very general.

**X Example**

Candidate X accused Party Z of “making empty promises, just as they’ve always done”. You do not have to allow Party Z to go on-air, saying “we don’t make empty promises: we promised to liberate our country and we did; we said we’d build clinics and we’ve built them”.

- But sometimes the facts make a right of reply necessary.

**X Example**

Candidate X claims Party Z has promised houses but hasn’t delivered these to the people. Party Z says it can prove how many houses were built. Party Z has a right to reply and you should allow them to go on air.

**Approach 1:**

Give Party Z a reasonable right of reply to set the factual record straight.

**Approach 2:**

You can allow Party Z to reply, but go further by asking an independent housing organisation to comment. Ask: who’s closest to the truth, Candidate X or Party Z? How many of these houses have, in fact, already been built? What’s the housing backlog in the area? What, if anything, has held up the process? Of what quality are the houses?

**Q3. Have you ever been ‘tricked’ into being unfair by giving ruling parties an unfair advantage in an election campaign? Try to avoid this.**

- Because ruling parties are also in government, they can disguise some of their campaigning as “government announcements” or “government initiatives” or “events”.

**X Example**

- An increase in projects being opened by Cabinet Ministers or MECs.
- Government departments (national and provincial) releasing information on houses being built, homes given electricity, crime-rates dropping etc.

- Even in non-election periods, you should question these announcements.

**X** **Examples of questions**

- How accurate are the official crime figures?
- Which specific crimes have increased or declined?
- Has the conviction rate improved?

- During an election campaign, you have to be even more vigilant.

**X** **Example**

2 months before the election, an ANC majority local municipality announces huge promises for the next year: a new sports complex will be built, 18 roads tarred and refuse collection upgraded. The announcement seems to be part of the ANC's election campaign.

**Ways you can deal with it in a fair and balanced way:**

- Get comment from other political parties and candidates campaigning in the area, especially those with a minority of seats on the local municipality.
- Ask the municipality how realistic the promises are: Do they have the money? Have the plans been finalised? Have they been formally approved and adopted by the municipality? By when will the roads be tarred?
- In reporting the announcement, tell listeners that it's also part of the campaign. In the report, refer to the timing of the announcement and say the municipality has been having a rough ride for the past two years, and is hard-pressed to win re-election.
- Ask residents in the area what they think of the announcement. Based on what they've seen in the past 3 years, can the municipality succeed in its plans?

## Equitable treatment

In summary, election laws and media ethics call on you to be fair and reasonable to all parties and individuals.

There are 4 principles or elements of being *equitable*:

**1. Equitable treatment does not mean equal treatment**

- You do not have to give the same weight to very small parties that you give to serious contenders for a place in local government.

**2. Equitable treatment means fair treatment**

- Treat parties fairly – you can't cover all parties and ward candidates in one programme, but you can be fair over a series of programmes.
- Whenever possible, try to match party representatives of equal weight against each other in a debate. For example, try to avoid a junior in one party debating with a senior of another party.

**3. Each broadcast service or publication should be consistent in its treatment of contesting parties**

- Be consistent in the way you handle contesting parties and candidates, and opposing views over the election period.

**4. Seek out information**

- Don't rely on parties and candidates to give you information – actively look for it yourself: if you don't do this, parties with more resources will get too much coverage.
- Try to get other information to balance the information you may be given by parties with lots of resources.
- Always carefully credit the sources of the information that you use.

# Defending accusations of unfairness

Political parties and candidates will accuse you of not being fair, no matter how well you do your job. How do you defend yourself against this?

- The best answer is to perform your journalistic duties well, for example, show that you don't spare one particular party or candidate criticism, or that you don't ignore the campaign of any political party or ward candidate. Above all, avoid being seen as supporting a particular party or the policies of a party – for example, be cautious when expressing your personal views on social networking sites, especially during an election period.
- You also need to take practical steps to defend yourself. You may need to add new steps to your newsroom or station systems.

## Examples of practical steps

- Keep all records of invitations to parties and ward candidates to participate in programmes. File this information away in a central, secure place.
  - If the request was made on the telephone, make notes of the conversation (including date, time, who we spoke to, their response).
  - Keep the faxes or emails you send to parties and candidates, as well as the confirmation slip the fax machine prints out.
  - Keep letters you send parties and candidates.
  - Keep invitations and notices faxed, posted or emailed to you by parties.
  - Keep notes and evidence of harassment by political parties or other people (such as: Who called? When? What did he/she say? What did you say in response?).
- If physical threats are made against you, document the incident and tell your superiors immediately.

## Examples of action

- You can cover the incident itself, publicise it and, hopefully, embarrass the party enough for it to stop these kinds of actions in future.
- Your editor, producer or station manager can contact the party about the threats.

- You can report the incident to the police.
  - You can report the incident to the **Independent Electoral Commission (IEC)**, the **Independent Communications Authority of South Africa (ICASA)** or to the South African National Editors' Forum (SANEF).
- Avoid getting into heated arguments with representatives of parties or candidates, especially if you're covering a story in-the-field. Passions run high, and if a mob situation develops you could be in danger.

#### **X** Examples of action

- Give the harasser your station's/paper's contact details and ask him/her to raise the issue with the station manager or editor.
  - If you have a tape recorder or a cell phone, try to quietly record the incident as a way of keeping a record of events.
  - Immediately report the incident to your station manager or editor.
- When covering stories in-the-field, avoid carrying anything that can link you personally to a particular party or candidate.

#### **X** Examples

- Never carry a party membership card.
- Don't wear shirts, caps or badges that might link you to a party.
- Be aware of the colour of your clothes, as these can also be linked to a particular party.
- Don't keep copies of pamphlets and other election media of one party or candidate only.
- Avoid stickers on your car or file with slogans that can be linked to particular parties or campaigns.

# Promoting and monitoring free and fair elections

“As Kenya’s tenth parliament met for the first time last week, the violence that rocked the country after the announcement of Mwai Kibaki as the presidential winner in the December 2007 elections had largely died down.... In Kenya, the media, together with a robust civil society, has been a key force for democratisation. But as things unravelled after the elections, one could not help but wonder whether the Kenyan media could have done better, whether media could have helped forestall the fallout....

The media could and should have provided credible and useful information regarding the issues and numbers in the disputed constituencies. The media also failed to appreciate the importance of the dispute, and reduced it to a two-man affair. The ‘it depends on Kibaki and Raila’ approach did not, and will not help.”

*(Kenya: Media’s Role in The Election Fallout, 24 January 2008, Analysis by Sisule Musungu, ipsnews.net, accessed on 22 January 2009)*

Party and independent ward candidate agents watch the voting and counting process to represent the interests of their own party or ward candidate. The IEC and its officials are in the heat of running the elections independently, yet all eyes are on them for any signs of irregularities or bias. The SABC faces allegations of favouring certain parties, ignoring some areas or downplaying various issues.

Together with independent local and international observers, it is you as a journalist, reporter or presenter, often with wider access to election processes and places as part of your work, who carries the heavy but historic burden of being a watchdog to ensure that the 2011 municipal elections take place as freely and fairly as possible.

## These newspaper headlines highlight some of the issues and ‘hotspots’ you should be on the lookout for:

- Irresponsible, inflammatory statements by some political party leaders.  
“Malema warns of civil war.” (The Times, 27 October 2008)  
“Stamp out hate speech, HRC warns parties.” (The Argus, 26 November 2008)
- Fears of retribution if people support a different political party.  
“Lekota slams climate of fear.” (Cape Times, 15 December 2008)  
“Warning of intolerance after COPE supporter’s arm broken.” (Cape Times, 7 January 2009)
- Perceptions of unfair coverage and ‘banning’ certain political commentators.  
“ANC lodges complaint over SABC ‘bias’ ” (The Argus, 4 November 2008)  
“ICASA hearing to clear the air on SABC ‘blacklisting’ claim” (Cape Times, 20 January 2009)
- Concerns, thoughts and patterns among voters – the ‘people’ factor.  
“The ‘silent revolution’ among South African voters” (Mail & Guardian, 14-20 November 2008)  
“It’s time for women’s rights to occupy political centre stage again” (Sunday Times, 23 November 2008)

These are sensitive issues and it would be useful to develop both an approach and a *system* at your station/publication for how to deal with them:

- A ‘policy’ to guide how reporters will be deployed to cover a range of diverse issues fairly in the heat of the elections and in a way that ensures your personal safety as a journalist.
- A consistent internal system for carefully documenting any electoral ‘foul play’, violence and irregularities in detail and in a way that information is quickly and safely stored, for example:
  - Developing a standard incident sheet.
  - Keeping back-ups of information in other places (hard copy and flash drive).

 See also *Burning issues for local government* on page 186.



## A checklist: some questions you can raise as the election period unfolds

1. Are political parties, party list candidates, ward candidates, party officials and supporters subscribing to the promise of parties to promote tolerance in the build-up to the elections?
2. Is the Electoral Code of Conduct being respected by all contesting parties and candidates throughout the campaigning, voting and counting process?
3. Are there any 'no-go' areas where some parties and candidates do not have free access to campaign and to transport supporters/voters without interference?
4. Are IEC officials conducting themselves in a strictly professional and non-partisan way?
5. Is the SABC fulfilling its promise of fair and equitable coverage for parties and candidates contesting municipal elections?
6. Are there rural areas or other areas not receiving sufficient election focus and coverage that you can visit?
7. Are there pressing community or 'people' issues not being addressed in the media, or not being responded to by some political parties or candidates?



### Note:

Add your own questions to this list.

# D2. Preparing for coverage

## Research and putting ‘people’ issues into elections

- Start now to build up your information and make it easily available to the news staff and reporters. Try to share information with other media and organisations.

### X Examples of information you may need

#### Political party and candidate information

- Which parties and candidates are campaigning in your broadcast or circulation area?
- Contact details for the parties and candidates, for example, media spokespeople, representatives responsible for particular sectors (such as education) or geographic areas.
- Get copies of party or candidate election manifestos and positions on key issues. The big parties will produce this material. With smaller parties and independent ward candidates, you may have to find the information (say in newspapers) or interview them.
- Develop records of party or ward candidate performance over the past 5 years. Link delivery on promises with previous manifestos and positions.
- Ask non-governmental organisations (NGOs) like IDASA for this kind of information.

#### Local information

- How local and specific you get depends on your broadcast area. As a community radio station, you will want to concentrate on particular communities, for example, look at things like the municipality's record of performance, school pass rates and the state of local health services.
- Local municipalities remain a mystery to most South Africans. What have they done for the community? Where have they failed? What has changed in the community – for better or worse? Remember what matters most to voters is what is likely to change where they live and work.

## Information on specific issues

- Collect basic information, depending on your broadcast range, like unemployment rates, status of health services, crime rates, status of women and housing figures.
- National statistics are available from Central Statistical Services.
- Regionally and locally, development and research organisations will be able to help. They can help you to refer to successes or problems in the sectors they concentrate on, for example, the Treatment Action Campaign on HIV/AIDS and health issues; various Education Policy Units (usually linked to universities) on education; National Labour, Economic and Development Institute (NALEDI) on economic and labour issues; SA National NGO Coalition (SANGOCO) on a wide range of development issues.

Use these independent organisations as a ‘reality check’. They help to add a critical edge to election coverage, and guide you in looking beyond the obvious and general information. Independent development and community organisations and activists are often alert to current issues or events. They are sometimes your ‘early-warning’ system.

Research independent source organisations on the Internet or through publications such the *Directory of Business and Politics and Business*, published by *Business Day*.

Your other key ‘reality check’ is listeners and the community you serve. Find out what matters to listeners. What cheers them up? What are they worried about? What do they want to see improved?

## **X** Examples of action

- Ask community organisations (for example, church, sports, civics) to develop their own ‘wish lists’ of things they want to see changed, kept the same, or improved.
- Ask listeners or readers the same. What worries them? What are they happy about?
- Ask listeners/readers to call in or write in with questions they’d like to put to parties, specific party representatives or ward candidates.
- Ask listeners for their suggestions about how a particular concern should be addressed or improved. Go beyond complaints. Get

practical and ask for suggestions and ideas. This works particularly well when focused on a specific area or community.

Use the information you have gathered in interviews with political parties – it's a way to give the listeners a real voice. It's wonderful when you can say to a politician: "Some of our listeners have made an interesting suggestion for improving sports facilities. They suggest you ...." It really helps to bring a generalised interview down to reality.



See pages 181 to 189 for more ideas on putting the 'people' and their issues into your coverage.

# Gender and the elections

Gender issues take us to the heart of what political parties and leaders really stand for. They take us beyond the paper that party and candidate manifestos are written on, and beyond the bluster of election rhetoric:

- Do parties and candidates actually implement what they promise on gender, women's rights and related issues?
- Do leaders live out the promise of our **Constitution** of equality, non-discrimination and dignity for all in their personal lives?
- How do we move the debate and practice around gender issues beyond '16 Days of Activism' campaigns to become part of everyday reality and change?

For both female and male journalists, reporters or presenters, it is your duty to tease out and probe these sensitive issues in a way that real concerns and values are addressed, instead of just focusing on the apparent contradictions in the lives of some public figures who should know better.

## **Some ideas for taking up gender issues in a non-partisan and people-centred way:**

- Ask political parties, leaders and candidates what commitment they are making to take up gender issues in policy and implementation if elected?
- Ask political parties and leaders how gender issues and the representation of women are being addressed within their party's structures, party lists and policies – for example, why is it that a party's "50% representation of women" appears mostly on the bottom half of their candidate list?
- Ask the women's structures within parties and community organisations how they feel gender issues are being and should be addressed in future – for example, how are they taking up these issues, or are they are focusing more on loyalty to their party and ensuring they get elected from their party list?
- Ask voters, especially women, what they feel are the key issues affecting them, and focus on the common issues raised by women in different areas and sectors?

- Take the initiative to ensure that gender and women's issues feature prominently in election debates, talk shows, columns and phone-ins of your station or publication.

## **Examples: questions to raise with voters, especially women**

- Do women feel they are equally valued as human beings – do they feel they are sometimes valued as “a taxi fare”, or as more than that?
- Do women feel they have an equal vote to the vote of men – how can their vote actually change things?
- Are women able to participate freely and fully in political activities and the elections?



See the *Role of women* section in the Electoral Code of Conduct in B4 on page 83.

- Are specific issues impacting more on women being addressed with sufficient urgency, such as:
  - The heavy burden of poverty and unemployment?
  - The incidence of domestic violence and rape?
  - Cases of violence and corrective rape against openly lesbian women?
  - The vulnerability of girls to teenage pregnancy and HIV infection?
  - The disproportionate burden women bear of living with HIV?
- What is their expectation of leadership and the values and morals that political leaders and candidates should display to set an example to others?
- How do the experiences of women link or overlap with the experiences of other marginalised or minority groups, for example, people living with HIV, refugees and displaced people, or people living with disability?

# Burning issues for local government

“Why should I vote? What difference will my vote make in changing things for my community?”

Voter turnouts are notoriously low in local government elections. Only an average of 48,40% of registered voters used their votes in the 2006 municipal elections. So, as journalists, reporters or presenters covering the 2011 municipal elections, you face the challenge of encouraging people to vote by making them feel that their vote is relevant in addressing local issues and concerns.

The IEC’s election campaign slogans say: “Love your hood.” “Ek smaak my dorp.” “Loxion is lekker.”

Are things really so “lekker” in all local areas?

- You need to find new angles and ways of interviewing people in diverse communities to find out what their burning issues are, and what has been done or not done to address these.
- You should challenge sitting councillors and new candidates on their track records and plans for practically doing something to change people’s lives in our townships, villages and suburbs.



Consult D3 from page 197 to 201, as well as D4 from page 205 to 218 for ideas and guidelines for building local issues into your programming.

Use your newspaper archives or the Internet to track some of the key issues that have affected communities you are covering, including specific campaigns and demands to address these concerns.



See D2 on page 181 for tips on researching ‘people’ issues.



Investigate if party campaigns are giving local content to the elections by focusing on past successes or failures in an area. Try to combine the issues that tend to hit the headlines with the ‘bread-and-butter’ day-to-day needs that people voice, and the links between issues, for example:

• **Service delivery**

What is being done to improve roads, street lights, refuse collection, toilets, sewerage, local amenities like parks and fields, and access to clean water and electricity in the area?

- **Housing, linked to service delivery and access to land**  
When will informal settlements be upgraded? When will land and housing be made available? Where will people live if they have to move during upgrading? How will upgrading and housing provision be linked to services?
- **Health and the environment**  
How do living conditions and nearby industry impact on the health and well being of residents? Do people have easy access to a nearby clinic? Are they able to get treatment for TB and HIV in time?
- **Poverty and unemployment**  
Are people able to get access to sufficient nutritious food and clean water to survive? Can people access existing social grants? Are there prospects of work locally or further afield for people who are unemployed? What are people doing to find and create work?
- **Crime and safety**  
How safe do people feel in their community? What is the incidence of violence and abuse against women and children, or against other people who may be vulnerable, such as lesbians, gay men, refugees or economic migrants from other African countries? How effective is policing? What are people doing to safeguard their own communities? Are they taking the law into their own hands, for example, lynching people who steal?
- **Corruption and patronage**  
Are local councillors serving the community or just lining their own pockets or giving jobs to pals? What is being done about suspected or proven cases of corruption?
- **Accountability and accessibility of councillors**  
Do you know who your local councillor is? Can you get hold of your ward councillor? Do councillors report back to the community regularly? Do you know your ward candidates for the 2011 elections?

Also focus on cross-cutting, deeper issues where socialisation and attitudes impact on the way people are treated on a personal level or in their access to opportunities, for example, young women as community members, voters and job-seekers.



See D2 on page 184 for some ideas on covering gender issues sensitively and openly in your election coverage.

## An idea for debating issues raised by candidates:

Track newspaper or radio interviews with party or independent ward candidates, or interview them afresh. Try to isolate burning local issues and contrast:

- What they say they have done or would like to do about the issue, *and*
- What residents say has happened or should be happening on the issue.

Here are a few examples of what councillors and residents say:

### Example 1:

**Councillor:**

“Housing is our most pressing problem. There are more than 1000 backyarders in my ward, but land to build shacks has not been forthcoming from the city. I have called at least one ward meeting every three months in different areas.”

**Resident:**

“He has not come down to the people in our area and told us what he plans to do about service delivery. I don’t see anything except empty promises. I’m not sure if I will vote this time.”

### Example 2:

**Councillor:**

“My phone is on 24/7. I attend 95% of community meetings. I’m also on board with the Community Policing Forum. The continuous dumping of solid waste in the area remains a big challenge.”

**Resident:**

“She is very accessible to everybody and not just the residents’ association. Drugs, crime and traffic are still a problem in the area.”

### Example 3:

**Councillor:**

“I have split the ward into three areas and in each a community meeting is held every quarter. Residents are consulted on how to spend the ward’s allocations. In my time, we have built a sports complex, a play park, a hall, a market and a transport interchange.”

**Resident:**

“I’ve never seen him. We only hear about a council when there are

elections. Most municipal services are delivered, but unemployment is huge and there are no recreational facilities for children.”

(Examples adapted from the Cape Times: 25, 27 and 28 January 2011)



For more ideas on election coverage as part of your programming, see page 197 onwards.

# Plain speaking and writing

Politicians like to speak very generally and to use difficult language. They usually prefer the grand statement to the practical example. Often very little of what they say actually informs voters. Sometimes you may do the same when you speak and often when you write about complex issues. Do voters out there understand what political parties or candidates say or what you write about?

## Sometimes listeners and readers understand even less when there is a double communication barrier:

- The language is English – often the listener’s/reader’s second or third language, *and*
- It is a high level of English, using difficult and technical words.

## Guideline examples: Using easier language

Type of problem	Difficult language	Plainer language
Difficult words	equitable distribution	fair distribution
Technical words	promulgate laws	publish laws
Political expressions	holistic approach	all-round approach
Abbreviations	the PR system	the proportional representation system of voting – and explain how it works
Overused expressions	leave no stone unturned at the end of the day	rather leave these out altogether
Foreign words	bona fide attempt vis-à-vis the community	an honest attempt to do with the community

So the next time a politician talks about “empowerment initiatives”, a broadcaster says “we need to regulate frequency allocation”, or a government official reminds you about “the need for fiscal discipline”, ask them exactly what they mean!

**X Example**

Politicians often talk about the “historically disadvantaged sections of our population”. Who exactly does this refer to? Is this always a useful expression? Almost half the population lives on or below the poverty line – more than a third are unemployed. What’s so “historical” about their situation that, after all, seems to be quite current?

This kind of language is meant to create the impression of knowledge, expertise and information. In reality, it does not inform. It does the opposite. In some cases, it even becomes a way of intimidating and silencing people who are made to feel like they don’t know anything.

**Part of your duty is to:**

- Make the general or grand statement real, practical and everyday.
- Bring the story or issue home – what does it mean to Umlazi or Manenberg?
- Cut through the difficult language and get to the point.

Sometimes you can make the same mistakes when you speak. Look at your own language as a journalist, reporter or presenter. Remember if you are not sure what something means, there is very little chance your listeners or readers will understand it.

**Remember:**

- Try to get politicians and candidates to speak in **plain language** – in other words, to speak clearly and to use words that most people will understand.
- Speak plainly yourself when talking to the community or interviewing politicians.
- Write clearly yourself when preparing a report or questions for an interview – get a colleague to check if it’s understandable from the point of view of a typical reader or listener.

## Some plain language guidelines

Plain language tip	Bad example	Good example
Use the active voice	It is proposed	We propose
Use the first person	If one is honest...	If we are honest...
Avoid unnecessary difficult words	Consequently	Then
Avoid unnecessary technical words	In terms of the Act Percentage poll	Under the Act Voter turnout
Explain necessary difficult/technical words	The ballot paper (and no explanation)	The ballot paper is the paper you vote on
Use practical examples	Spoilt ballot (and no explanation)	An example of a spoilt ballot is when you vote for more than one party on your voting paper – this vote will not be counted as a valid vote

# Legal protection, sources and confidentiality

Sometimes steps like giving a fair right of reply will not be enough – you may have to protect yourself legally.

## Example

In a broadcast on your station, Party O claims that a prominent member of Party M is guilty of using money from a community project for election campaigning for Party M. Party M is very unhappy with the broadcast and wants to sue (make a case against) Party O and your radio station.

## How can we prepare to protect ourselves when parties or candidates want to sue us because of a broadcast?

- Always keep a proper record of all the steps you take in preparing and running election broadcasts.

## Examples

- Notes of telephone conversations and interviews.
- Recordings of broadcasts.



See the other examples of practical steps on page 176.

- As part of your election coverage planning, have a meeting with the Board of your station or paper to discuss legal ways of protecting yourself. Your Board may want to get legal advice on this.

## Types of legal protection

### • Waiver

This is a legal document that a person or organisation signs to say that they will not make a claim against someone (even if they normally have a right to make a claim).

## Example

Your station can ask political parties to sign a **waiver** saying that they will not make a claim against you for broadcasting a party election broadcast or advert that they gave you.

## • Indemnity

This is a legal document that a person or organisation signs to protect you from being sued for something that they are responsible for.

### Example

Your station can ask Party O to sign an **indemnity** protecting your station from being sued by other political parties like Party M (after a party election broadcast on your station by Party O). Because of the indemnity, Party M will only be able to make a case against Party O (not against your station).

- If you are unsure on the legal position about something, refer to your Board, or the lawyer your Board has decided should handle these issues.

## Revealing of sources?

As a journalist or reporter, you are likely to face the tough situation of having to decide whether to reveal your source when you have been given information anonymously or confidentially.

Sometimes, you cannot reveal a source in order to protect the personal safety of our source. For example, someone fears retribution from members of a rival party or candidate in the heat of an election. Or you know you will ‘blow the cover’ of a valuable source of ongoing information if you reveal a source, especially when you have given the source an undertaking that you will keep their identity a secret.

In these situations, it is best to inform your editor or manager about the source and the issues involved. And to get legal advice, when necessary, before making a decision whether to use the information received and then to:

- Not use the information, *or*
- Use the information and reveal the source, *or*
- Use the information and keep the source anonymous.



See *Core ethics for reporters and the media* in D1 on pages 169-171 for more on sources.

# D3. Election programming

This part explores ways of planning around specific types of programming such as voter education, election advertisements and party broadcasts, and election results, as well as ways of integrating elections into your broader programming and special slots.

## Voter education

### Q1. Can you only do voter education broadcasts in the election broadcast period?

- **Party election broadcasts (PEBs)** and political advertisements (PAs) are restricted by the election laws, not voter education broadcasts. So you can do voter education broadcasts at any time, starting from now.


### Q2. What happens if you do not yet have a licence to broadcast using a transmitter, and you want to do voter education?


- You can apply to ICASA for a special events licence, for example, to do voter education – consider this for future elections if it is too late to arrange now.

#### Examples

- Apply now to run a 1-month voter education campaign on voter registration.
- In a couple of months, apply again to run a 1-month campaign on voting.

You can strengthen your application to ICASA by applying to the IEC for recognition as an **accredited voter education provider**.

 For information on accreditation, see *Accreditation for voter education* in B2 on page 56.

 For more ideas on voter education programming, see page 195.

# Election advertisements and broadcasts

## Q1. Can political parties buy whole programme-times from you?

- No, they cannot.

## Q2. Are you allowed to air political advertisements (PAs)?

- Yes, but only during the election broadcast period.

## Q3. Do you have to air party election broadcasts (PEBs)?

- PEBs are 2-minute announcements when political parties explain to listeners what they stand for.
- You are not paid to air PEBs.
- As a commercial or community radio station, you have to make a policy decision whether or not to air PEBs.
- If you do air PEBs, you cannot air the PEBs of only a few parties. You have to broadcast PEBs from all parties that give them to you.
- If you want to air PEBs, contact the ICASA – even if you may be too late already for the 2011 elections, consider this for future elections.



For more details, see C3 on page 145 and especially the ICASA Municipal Elections Regulations on page 149.

### Note:

Contact ICASA if you are unsure about PEBs or PAs.



See the ICASA contact details on pages 240-241.

# Building election coverage into programming

Exactly how you include regular election coverage in your programming will depend on your station, the flexibility of your programming and your resources.



## Remember:

Election or not, life goes on. Current affairs programmes and news broadcasts should not become election programmes and bulletins. Politicians might make the news, but what matters in the end are ordinary South Africans – in other words, your listeners and readers, and what they think, need, suggest and demand.

## Some suggestions on the kinds of angles you can take to liven up your coverage

- Find out if the messages and campaigns of parties and candidates are getting through:
  - Ask listeners what they know about ward candidate X's manifesto. What do they think about it?
  - Have they attended rallies or meetings? Did they come away wiser, with their questions answered?
- Ask listeners if they will be voting:
  - No? Why not? That's a story to be told.
  - If someone didn't register, why not?
- Pay special attention to first-time voters in these municipal elections. Remember many voters were under 18 in the 2009 national and provincial elections. Or maybe they were not registered then.
  - What are the things that worry them?
  - Are they going to vote? Why? Why not?
  - What do they expect from parties and ward candidates once elected?



## Examples of ways of doing this

- You can rent a phone line from specialist companies (called a designated phone line). Pose a question every day or week and ask listeners or readers to call that number with their comments. Calls

to that line are recorded and you can use them to create comment packages. PM Live on Safm has used this method.

- Go to local venues and events and talk to people. Don't just go to places like shopping malls and taxi ranks. Try local sports fields. Attend local community and civic meetings. When you're attending a rally or meeting, hang around and talk to people who attended (such as supporters, neutral people and opponents).
- Start an ideas box at the station or paper. This works well for local or community stations and publications. People can write, fax or drop-in their thoughts.

## Some ideas on programming methods

- **Interview:** A well-researched and focused interview will usually be more informative than a debate. It also takes fewer resources, and less co-ordination and programming time.
- **Discussions and debates:** These can be much more exciting and entertaining. But they take more time, even if it's only a debate between two people. A strong facilitator is essential to steer and discipline the debate, and to introduce questions the party representatives may prefer to stay away from.

Try not to just put political parties or candidates against each another. Focus the discussion on a particular topic. You can also include a representative of an NGO that works in that sector and use this person to raise issues and make suggestions.

- **Opening the lines** when you have a party representative or party list candidate in the studio is exciting radio, especially around election time. It's especially powerful with local or community radio stations. Make a special effort to promote or advertise the phone-in programme.
- **Radio drama** is a great way of doing voter education or raising issues affecting the community like housing shortages or the impact of HIV/AIDS through the story of a child-headed household after the loss of the parents.

Drama usually tries to shift attitudes and communicate specific messages. These messages must be well researched. Information must be built into the plot in a way that comes across as real, believable and natural.



### **Why is radio drama an effective method?**

- Radio drama invites people to use their imagination.
- Radio drama allows listeners to identify with characters in the drama as “people I know”.
- Radio drama can educate, inform, motivate *and* entertain.
- Radio drama can raise important social development issues that focus attention on real life *after* the elections.



See *Gender and the elections* on page 184 and *Burning issues for local government* on page 186 for ideas on issues to build radio drama around.

# Programming and special slot ideas

- **Survey your listeners:**

Ask local organisations what local issues concern them, what they expect parties/candidates to do, and what they think of a party's/candidate's performance over the past 5 years.

These kinds of surveys can also protect you against criticism from parties or candidates that you're being unfair or too negative. You can answer: "No, these are the kinds of concerns in our communities and we have proof."

**X** **Examples**

- Draft a short questionnaire for listeners.
- Create a special slot to feature the responses of community organisations.
- Combine this with an interview with a member from the organisation who can explain and expand the answers.
- Then open the phone lines for listeners' reactions, suggestions and criticisms.

- **Comment slots:**

Create a regular listeners' or readers' comment slot. The easiest way is to use the designated phone line idea. Hearing "ordinary people" on the radio is a method that's used far too little. With publications, you can get people to SMS or email in their thoughts, or use social networking sites to capture public views.

- **Current affairs feature:**

Regularly feature a different political representative in current affairs programmes. This is an in-depth interview of 15 to 20 minutes – well-researched and focused. Then open the phone lines for listeners. Altogether this could go on for at least an hour. Again, with publications, creatively use email or SMS to get reactions to a feature article.

- **Weekly themes: Pick a particular theme or topic a week.**

**X** **Examples of ways of doing this**

- Produce a package on that theme, surveying the main issues.
- Air or publish the package first. Then interview a local councillor and a provincial or national minister responsible for the sector.

- Create a package of short clips from that interview, linked by a script. The next day, play or print the package first and then interview opposition party representatives on the topic or publish their responses.
  - Play/print the package and interview an NGO or independent representative on the topic.
  - Depending on the programme format, you can also open the phone lines for listeners (if the interviewee agrees), or engage with readers on the phone or by SMS.
- **Party or ward candidate issues slot:**  
Create a regular slot for different parties or candidates to raise the issues of central concern to them. The best format is a package but if resources are thin, a short interview can work.
  - **Party or ward candidate sector slot:**  
You can create a similar slot for different parties or candidates to focus on a particular sector, such as gender or labour. Structure it around solutions. Let's hear what they are going to do practically to change the situation.
  - **Politician or candidate profiles:**  
Produce 'A day in the life of ...' profiles. This is quite labour-intensive but can give great insight into the lives of politicians or candidates. For example, spend a couple of days with a politician on the campaign trail – follow the meetings, speeches and the human side, for example, kissing babies. Listeners love this approach and will usually remember what was said.
  - **Ordinary people profiles:**  
Try the profile approach with people in the community. Try to cover the less visible sections of the community, like the elderly, youth, women and people informal settlements. A way to do this is to link up with a person at a political meeting and do 'A day in the life of ...' profile with him/her.
  - **Local achievement feature:**  
Government is not everything. People organise and do things for themselves. Feature some of the achievements or efforts of local community organisations or individuals to address their issues of concern.

# Reporting election results

A lot of election coverage tends to focus on campaign issues, promises, debates and incidents. As journalists, reporters or presenters, you also have a duty to report on the election results, highlighting the significance of overall and particular local results from both a 'numbers' and a human interest point of view.

**Remember:**

While PEBs and PAs can only be broadcast during the **election broadcast period** that runs until 2 days before the elections, your general coverage can continue over the full election period up until results are announced and beyond.

## Angles for reporting municipal election results

- **National and provincial angles**

Present and analyse overall results to indicate the balance of power between parties. The provincial and national election results centres should provide you with daily reports on election results.

**X** **Examples of angles to explore:**

- What patterns are emerging in different parts of the country?
- How do the results compare with the results of and trends in the 2009 national and provincial elections?
- How do the results tally with opinion polls you may have published before the elections?

- **Percentage turnout**

What average percentages of registered voters have voted in the 2011 municipal elections at national, provincial and local level compared to the 2006 municipal elections, and the 2009 national and provincial elections?

- **Swings within a province or municipality**

Assess what significant shifts have taken place compared to the last municipal or provincial elections. Ask what this means for:

- The previous ruling party?

- Growing or new parties?
- Alliances between parties and independents?

For example, are parties returned to power or rejected in municipalities where there have been public protests about service delivery? If parties have been returned, examine why protesting communities have voted for them.

- **Significant swings or changes at ward level**

Run a series of interviews or case studies to zoom in on significant losses, gains or the holding of a seat in particular wards.

Link these to the burning issues residents may have raised during the election campaign and try to analyse how the shift came about. For example:

- Is it disillusionment with a particular councillor?
- Is it loss of faith in a party?
- Is it because of a shining 'new kid on the block' who surprisingly got elected, or who won by a bigger margin than expected?

- **Reporting beyond the initial results**

When you publish and report on verified results from Metro and Local Councils, explain that the make-up of District Councils will only be finalised with 7 days of election day.



See Question 6 in B5 from pages 90-93 for details of how different kinds of votes translate into councils being directly or indirectly elected.

And of course your reporting doesn't end with the completion of the 2011 municipal election results for all councils:

- Try to plan a way of picking up on the elections in future coverage by reflecting on councillor performance and service delivery at local level.
- Report on ward by-elections when a ward councillor resigns or passes away.



# D4. Interviewing

A very important part of your work as journalists, reporters or presenters, especially around elections, is interviewing. A good interview doesn't just happen. It takes careful planning and an understanding of the basic Do's and Don'ts of interviewing.

This section is a guide to improve your interviewing skills. Remember, practice and experience makes perfect, or at least nearly perfect!

## **We will cover 5 areas:**

- How to prepare for interviews
- How not to ask questions
- How to pose tough questions
- How to listen effectively
- How to handle difficult interviewees.

# How to prepare for interviews

## • Editorial steps

Once you've selected the story and the 'angle' you're going to take, you can then decide who you will interview. Then you track down your interviewee.

### Examples of guide planning questions

- What's the angle?
- Who do you interview? Why? What does he/she bring to the story?
- How do you find your interviewee?

## • Setting up the interview

Have a series of basic steps to follow in setting up interviews.

### Examples: guide questions

- Who are you? (to introduce yourself to the person)
- What station or paper do you represent?
- Which programme is the interview for? When will it be aired or published?
- What is the interview about? What kinds of questions will you be asking? Sometimes at this point you discover that the person is not appropriate. Ask him/her to suggest someone else for the interview.
- How long will the interview take?
- When will you do the interview?
- Will it be live on-air? On the phone? In person?
- Will it be pre-recorded?
- Make sure we have the person's name spelt and pronounced correctly, his/her official position and the correct name of the party or organisation.
- How can you contact each other in case plans change?

## • Research

Thorough research beforehand is the backbone of a good interview. You will not immediately become an expert on the issue, but your research helps you to understand the basics of the issue you'll be discussing. This is important because:

- Some of the background information can be very interesting and useful to listeners.

- It can help you put the interviewee on the spot. By doing your research, you can keep the interview focused and prevent the person from avoiding our questions or speaking very generally.
- One of your duties is to promote debates. You cannot debate without facts. Without facts, you're not debating or discussing, but just exchanging opinions.

### Example

You interview a local councillor or police station commander on crime prevention. You may have your own opinions and assumptions about crime. What you may not have are facts to back up those opinions. If this interview is going to work – particularly if you're trying to put the commander on the spot – you'll need facts like: what is the crime rate in your area? How many police officers are on duty? How many vehicles work? Why hasn't the commander attended any community policing forum meetings this year?

## • Focusing the interview

It's often only once you've done your research, that you can focus the interview and decide what aspects you're going to concentrate on in the 5 or 10 minutes you have. Most importantly, decide on the aim of the interview. What do you want to get out of it?

### Examples of approaches

- **The target interview:** is the aim to challenge the interviewee and put him/her on the spot?
- **The public education interview:** is the aim to inform listeners or readers about an issue?
- **The get-the-facts-straight interview:** is the aim to find out what really happened at an event or what exactly the person is going to do about a situation?

## • Guidelines for preparing your notes

- **Use point-form notes:** Don't write questions out in full. If you've prepared properly and know what you want to ask, a few key words will be enough to refresh your memory. You will have better eye-contact with the interviewee if you avoid reading out long sentences.
- **Type up the questions:** Write the questions clearly or even better: type them up. The worst time to discover we can't read our handwriting is in

the middle of an interview!

- **Have a few settle-in-questions:** These are short questions that are useful at the beginning to help the interviewee (and you) feel relaxed.
- **Have a few 'stock' or reserve questions:** These are useful if you lose your direction or want to change the direction of the interview.

## • Role playing before the interview

If you are interviewing a difficult person or doing an interview on a topic for the first time, it can help a lot to practise or role play the interview with a colleague first. This helps you sharpen up on your skills and to focus the questions for the interview.

### Examples of what a colleague can give you feedback on

- Are you speaking slowly and using plain language?
- Are you keeping eye-contact?
- Are you listening properly?
- How is your personal interaction? Do you come across as friendly? Nervous? Aggressive?

## • Getting the interviewee to feel relaxed

These are some ways of getting the interviewee to settle down and feel comfortable:

- Chatting informally before the interview.
- Be friendly and smile!
- If you're sitting, try and sit close together (touching chairs).
- Keep eye-contact as much as possible.
- Use your settle-in-questions if necessary.
- Always make the person feel that you are listening.

## • Checking on the interview

Make sure the fish is in the net. Call the interviewee an hour before the interview just to confirm that the arrangements are still okay.

# How not to ask questions

These are the big ‘No-No’s’ of interviewing – in other words, the kinds of questions you must try to avoid:

- **The “so” question.**

This is when you repeat what the person says, starting with: “So, are you saying ....” Repeating an answer back to the interviewee is not the way to get additional information out of the person.

If you want to find out what the person really means, rather throw back a question that forces him/her to answer and make a commitment.



### Example

Answer (A): “Our budgetary problems are creating enormous problems for us.”

Question (Q): “Are you saying that our clinic will remain without medicines for the foreseeable future?”

A: “No, I’m saying we’re working under very difficult circumstances and ....”

Q: “When can we expect to have proper medicines in our clinic?”

- **The two-in-one question**

Avoid asking two questions at the same time, for example, “Can we expect to see policing improve in our area and what are you doing to make this a reality?”

Here you allow the interviewee to select the easiest question (the second one) and answer that. You confuse listeners when you disrupt their thought-process.

- **The either/or question**

This is usually asked when the interviewer is not sure of what to ask, for example, “Should we be spending the money on health or education?”

The question gives only two options and often can be answered with

“yes” or “no” which throws us further off track. The question often prevents more interesting and relevant information from coming out.

- **The non-question**

These are questions that are actually only a statement, such as: “The markets took a steep drop again today ...”

Avoid a non-question because it gets a non-answer!

- **The unfocused question**

These are ‘shooting in the dark’ and very open-ended questions, for example: “Tell us about your plans after the election?”

These questions get you nowhere. They often allow the interviewee to set the agenda for the interview. They make you look unprepared and unprofessional.

- **The long-winded question**

This is a long introduction followed by a question or it starts with a question followed with an explanation for asking the question, for example:

“What are you going to do about the ambulance service, because, as you know, we now have only two ambulances working and often there’s no staff to drive them, even on weekends when they’re needed most – so what are you going to do?”

Your interviewee loses interest in the question, and so does your audience. The longer the question, the more likely it will be misunderstood or misinterpreted.

- **The obvious question**

This is the “empty” or “nothing” question, for example, “How did it feel being elected to the council?” Sometimes this can work for a human interest interview, but there’s always a better and more-focused question you could have asked:

**X Example**

“If you’re elected, what exactly will be your priorities?”

**• The leading question**

These are questions that show your own bias, and could get you into trouble with the interviewee and listeners, for example: “Why did you decide to undermine your party leader?”

This kind of question may seem courageous, but usually gets a sharp denial from the interviewee that can throw you off track and change the whole tone of the interview.

Rather ask the question in a more open way:

**X Example**

“The party leader has accused you of disloyalty - which incident could she be referring to?”

**• The yes-or-no question**

Try to ask these kinds of questions only when you really have to, for example: “Did you issue the press statement?”

When you use a “yes-or-no question”, be ready to follow up with another question.

**X Examples of follow-up questions**

- “But the press statement was on your letterhead, who else did it then?”
- “Could you explain why you did that?”

# How to pose tough questions

## Guidelines on how to handle yourself

- Decide beforehand how you're going to pose the tough questions that might get the interviewee's back up.
- Half the battle is won before the interview even starts:
  - Don't provoke the interviewee or indicate that you're going to try to catch them out.
  - No matter what you personally think of the person, be friendly and polite. Chat, crack jokes and set the interviewee at ease.
- Research shows that listeners and readers want firm, probing interviews. But the moment you sound rude or arrogant, they will turn against you and side with the interviewee. If that happens, you've lost.
- Don't argue. If you have to interrupt to bring the interviewee back to your question, do this politely.
- Always focus on the issue, not the person.
- Don't start the interview with your toughest question (your 'trump-card'). Rather build up to it with questions that set him/her at ease.
- With all tough questions, make sure you have evidence or at least credible allegations to follow through with. You don't want to be caught flat-footed by a sharp denial.



### Remember:

- You're after the truth, you're not a wrestling opponent.
- No matter how hard you've prepared, your interviewee will know more about the subject than you. So don't think you're guaranteed to 'win' the interview because you've spent a few hours researching the topic.

## Some tips for posing the tough questions

### • The 'here-it-comes' approach

Before the tough question, have a 'softener' question that shows the interviewee what's coming.



### Examples

- "I wonder if you could help us set the record straight here ... ?"

- “This is an unpleasant issue, but I have to ask you about it: Did you ... ?”

- **The ‘other-people-are-saying’ approach**

Say you’re just a servant of the public and they want to know this.

- ☒ **Examples**

- “Councillor, your opponents accuse you of X, Y and Z. You’ve probably heard these allegations. Now’s your chance to put the record straight.”
- “As you might be aware, newspaper reports have accused you of X, Y and Z. Is it true?”

- **The ‘I-like-you-but ...’ approach**

Praise the person before asking the question.

- ☒ **Example**

- “You’re one of the more popular politicians in the area, but there are some, like Mr X, who disagree. He says he has evidence that you ....”

- **The ‘other-people-do-it’ approach**

A variation of the “here-it-comes” approach, but with a sting in the tail.

- ☒ **Example**

- “Several departments have uncovered mismanagement, even corruption, in their ranks. What about yours?”

- **The ‘I’ve-got-a-job-to-do’ approach**

This helps to remove a tone of hostility.

- ☒ **Example**

- “There’s so much confusion going on about this issue that I have to ask you ....”

# How to listen effectively

Solid preparation before an interview should allow you to feel more relaxed and to focus on the vital skills of listening carefully to your interviewee. The key to good listening is concentrating and actually hearing what is being said to you. When the politician or party representative speaks to you, you may think you are *listening*. But are you actually *hearing* what he/she is saying?

If you are not really hearing, why not? Is it because you are a bit nervous about the interview or you are actually planning what you want to say or ask next, instead of listening attentively?

A good listener is an active listener. Here are some Do's and Don'ts of listening in the context of interviewing around elections or other issues:

## When you listen, do...

- Prepare well so you are clear on what you are listening for.
- Keep eye-contact as much as possible.
- Concentrate and focus on how you think the interviewee is actually answering the question.
- Think how you would feel if you were in the interviewee's shoes.
- Acknowledge what the person is saying, when appropriate, with a nod or a "yes" or "I know".
- Ask follow-up questions to clarify and keep the direction of the interview.
- Pause and decide on your next move.

## When you listen, do not...

- Interrupt the interviewee unless he/she speaks for ages without pausing – if you need to interrupt, be polite and ask a clarifying question.
- Get emotionally involved unless you are in a situation of giving an interviewee support around a difficult issue.
- Assume after the first words spoken by the interviewee that you know what they are going to say.
- Argue or allow yourself to be provoked into an argument.
- Judge an issue before you have heard the full story.

- Jump to conclusions before you have had a chance to think.
- Think about other things instead of the purpose of the interview.

## Some ideas on practising and preparing to listen

### Exercise 1: Role play listening to prepare for an interview

- Practise with a colleague as part of preparing for the interview. Use the actual interview topic and first ask your colleague to talk. You will be a passive or 'bad' listener, and will do some of the 'Do nots' in the list on page 214.
- After a few minutes of the 'bad listening' role play, stop and discuss how your colleague felt.
- Then try again, but this time try to follow the 'Do' listening list for a few minutes.
- Again get feedback from your colleague: hopefully he/she felt you were listening properly and can give you some tips on how to improve.

### Exercise 2: Role play summarising to improve your listening skills

- When you summarise, you say in a short way or express in another way what the interviewee has been saying. Summarising goes together with good listening, as it is hard to accurately sum up what someone has said unless you were listening properly.
- Now, with the same colleague, practise summarising the main points of what he/she has been saying before you ask any follow-up or clarifying questions.
- Get your colleague to give you feedback on whether he/she felt you were listening effectively and if you have accurately captured the content and tone of what was said in your summary.
- You can also swap roles and see if you feel 'heard' on the topic, while your colleague has a chance to listen and summarise.

# How to handle difficult interviewees

You often have to cope with tough and experienced interviewees, who try to get away with flat denials, pulling rank, answering in generalities and avoiding questions.

## Tips for handling difficult people

- **Generalised answers**

Don't let them get away with foggy and vague answers. Have sharp follow-up questions ready.

**X** **Examples**

- "Better than what?"
- "Worse than what?"
- "Before November?"
- "After November?"
- "How much more?"

- **The question goes unanswered**

Find different ways of probing further when the person doesn't really answer the question.

**X** **Examples**

- "I'm not sure you've answered my question ...."
- "I'm not sure I follow your answer. Would you mind if I repeat it?"
- "Do you prefer not to answer that question?" Try to keep this one back as a last resort. Often it will draw the interviewee out of his/her shell.

- **Outright refusal to answer a question**

In these situations, there's no point simply repeating the question. It may not even help trying to put the question in a different way (unless, of course, your question was unclear). Rather, you can probe further.

**X** **Examples**

- "What stops you from answering the question?"
- "What will happen if you do answer that question?"
- "Who can answer that question?"
- "Who would you ask if you wanted an answer to that question?"

- **The question is thrown back at you**

“Well, what would you do?” the interviewee snaps back. It’s time to act humble and confused.

**X** **Examples**

- “I’m confused. I thought I was the journalist and you the politician. Can you answer that question for me?”
- “I’d imagine you’re in a better position to know the answer. Do you?”

- **The “that’s-a-silly-question” reply**

Sometimes you may need to use a bit of well-phrased humour or sarcasm.

**X** **Examples**

- “I can see how it would strike you as a silly question. But to many of our listeners/readers it’s not, and they’d like to know the answer ....”
- “Well, can you give me an answer to the silly question?”



# Abbreviations & acronyms

<b>AIDC</b>	Alternative Information and Development Centre
<b>ASA</b>	Advertising Standards Authority of South Africa
<b>BCCSA</b>	Broadcasting Complaints Commission of South Africa
<b>BMCC</b>	Broadcasting Monitoring and Complaints Committee (now the CCC of ICASA)
<b>CA</b>	Constitutional Assembly
<b>CCC</b>	Complaints and Compliance Committee (of ICASA)
<b>CEO</b>	Chief Electoral Officer
<b>CGE</b>	Commission for Gender Equality
<b>CLC</b>	Community Law Centre
<b>COPE</b>	Congress of the People
<b>DA</b>	Democratic Alliance
<b>DC</b>	District Council
<b>ECA</b>	Electronic Communications Act
<b>FXI</b>	Freedom of Expression Institute
<b>IBA</b>	Independent Broadcasting Authority
<b>ICASA</b>	Independent Communications Authority of South Africa
<b>ID</b>	Identity Document
<b>ID</b>	Independent Democrats
<b>IDASA</b>	Institute for Democracy in South Africa
<b>IEC</b>	Independent Electoral Commission
<b>IFP</b>	Inkatha Freedom Party
<b>IMC</b>	Independent Media Commission
<b>LC</b>	Local Council
<b>LPLC</b>	Local Party Liaison Committee
<b>MC</b>	Metropolitan Council
<b>MDB</b>	Municipal Demarcation Board
<b>MEC</b>	Member of the Executive Committee (of a province)
<b>MEO</b>	Municipal Electoral Officer

<b>MMP</b>	Media Monitoring Project
<b>MP</b>	Member of Parliament
<b>NA</b>	National Assembly
<b>NCOP</b>	National Council of Provinces
<b>NCRF</b>	National Community Radio Forum
<b>NGO</b>	Non-governmental organisation
<b>OSF-SA</b>	Open Society Foundation for South Africa
<b>PA</b>	Political advertisement
<b>PAC</b>	Pan Africanist Congress of Azania
<b>PAIA</b>	Promotion of Access to Information Act
<b>PEB</b>	Party election broadcast
<b>PEO</b>	Provincial Electoral Officer
<b>PLC</b>	Party Liaison Committee
<b>PR</b>	Proportional representation
<b>Q</b>	Question
<b>SABC</b>	South African Broadcasting Corporation
<b>SADC</b>	Southern African Development Community
<b>SAHRC</b>	South African Human Rights Commission
<b>SALGA</b>	South African Local Government Association
<b>SANEF</b>	South African National Editors' Forum
<b>SATRA</b>	South African Telecommunications Regulating Authority
<b>SMS</b>	Short message service
<b>TV</b>	Television

# Useful words



This is an A to Z list of important words that we put in **bold letters** the first time we use them in a section of this resource file.

## **Access to information**

The right of individuals and institutions to get information from records and other documents held by government departments and other state bodies.

## **Accreditation**

Official recognition to do something, for example, accreditation of journalists or election observers.

## **Accredited Observer**

An independent election observer officially recognised by the IEC to monitor and help promote free and fair elections.

## **Accredited Voter Education Provider**

A voter education structure officially recognised by the IEC.

## **Act**

When a Bill becomes a law and is published in the Government Gazette.

## **Administrative action**

Decisions taken, or not taken, which negatively and directly affect your legal rights, for example, administrative action by government departments and local authorities.

## **Advertising Standards Authority of South Africa (ASA)**

Independent body that monitors advertising standards.

## **African Charter on Broadcasting**

The 2001 Charter adopted by African media practitioners to extend the spirit and relevance of the Windhoek Declaration for the print media to address the need for independence and diversity in radio and television broadcasting.

## **African Charter on Democracy, Elections and Governance**

The 2007 Charter, adopted by the African Union, commits governments to entrench a political culture of change of power based on the holding of free and fair elections, together with transparency, accountability and participatory democracy, including freedom of the press.

## **ASA Code**

The ASA Code of Advertising Practice.

## **Ballot box**

The box that you put your ballot paper into.

## **Ballot paper**

The voting paper that you put your cross on.

## **Bar-code**

The little strip with lines on in your ID that can be checked on computer.

## **Bar-coded ID**

The ID with a bar-code that you need to be able to vote.

## **Bill**

A law when it is still under discussion and not yet passed as an Act.

## **Bill of Rights**

The part of our Constitution that lists and explains your social, political and economic rights as an individual.

## **Broadcasting Act**

The 1999 broadcasting law introducing changes into South Africa's broadcasting system.

## **Broadcasting Complaints Commission of South Africa (BCCSA)**

A body that is recognised by ICASA to monitor broadcasters that are members of the BCCSA, for example, the SABC, M-Net.

## **BCCSA Code**

The code of conduct for members of the BCCSA.

## **Broadcasting Monitoring and Complaints Committee (BMCC)**

The ICASA structure that monitored and decided on complaints against broadcasters that fall under ICASA (now replaced by the Complaints and Compliance Committee – CCC).

## **Chapter 9 institutions**

Bodies set up under Chapter 9 of our Constitution to protect democracy such as the SAHRC and the IEC.

## **Chief Electoral Officer**

The IEC's chief executive officer or administrative head of elections at national level.

## **Civil society**

People and organisations that are independent of government.

## **Code of Advertising Practice**

The code of conduct that members of the ASA must follow. Also called the ASA Code.

## **Code of Conduct for Accredited Observers**

IEC rules that accredited observers must follow in monitoring the elections.

## **Code of Conduct for Accredited Voter Education Providers**

IEC rules that accredited voter education providers must follow in carrying out voter education for the elections.

## **Common law**

Laws not made by Parliament or any other law-making body, but that became part of our legal system from Roman-Dutch or English law, for example, murder, robbery.

## **Community Radio Election Guidelines**

The guidelines to guide community radio stations in covering elections.

## **Complaints and Compliance Committee (CCC)**

ICASA Committee that decides on serious complaints by the public about broadcasting licensees – before July 2006, it was called the Broadcast Monitoring and Complaints Committee (BMCC).

**Constitution**

The 1996 Constitution – South Africa’s highest law that all other laws have to follow.

**Constitutional Assembly (CA)**

The body that consulted with the public and wrote our 1996 Constitution. The CA was made up of the National Assembly and the National Council of Provinces.

**Constitutional Court**

The highest court in the country, specialising in deciding on cases to do with the Constitution and the Bill of Rights.

**Counters**

People who will be employed to help count votes in the elections.

**Counting officers**

People who will be in charge of counting at a voting station in the elections.

**Defamation**

The kind of case you can make against someone if they insult your dignity and good name.

**Delimitation**

Breaking up municipalities into voting districts and wards.

**Demarcation**

Drawing boundaries, for example, of provinces and municipalities.

**District Council**

Councils for regional co-ordination made up of Local Councils.

**District Management Areas (DMAs)**

In previous elections, very low population rural areas and nature reserves – these have been phased out.

**Election broadcast period**

Shorter period in the ICASA Municipal Elections Regulations: starting from

120 hours after the allotment of broadcasting time-slots by ICASA and ending 48 hours (2 days) before election day voting starts at 07h00.

### **Election period**

Longer period in the Electronic Communications Act: starting when the election date is published in the Government Gazette and ending at the end of the day after the election results are announced – they must be announced within 7 days of election day.

### **Election Timetable**

Schedule of key election deadline dates drawn up and announced by the IEC once the election day date has been gazetted, for example, dates for objecting to candidate lists and the date for applying for special votes.

### **Electoral Act**

The main law governing elections.

### **Electoral Code of Conduct**

The rules in the Electoral Act that parties, party list candidates and all individuals must follow during the election campaign and until the election results come out. Also called ‘the Electoral Code’.

### **Electoral Commission Act**

The law that sets up the IEC and gives it powers.

### **Electoral Court**

The special court that handles cases where people are charged for breaking the election laws. People can also appeal to the Electoral Court against any decisions made by the IEC.

### **Electoral/Election Regulations**

Extra election rules that the IEC makes under the Electoral Act or the Electoral Commission Act.

### **Electronic Communications Act**

The 2005 law regulating and consolidating electronic communication services, electronic communications network services and broadcasting services, including party election broadcasts and political advertising during election periods.

**Equality Clause**

The part of the Bill of Rights in the Constitution that protects individuals from unfair discrimination.

**Equitable/Equitably/Equity or Equitability**

Fair and reasonable, for example, equitable treatment of all political parties and candidates. 'Equitable' does not mean 'equal' or exactly the same.

**Ethical codes**

A list of moral rules and principles that a group of people voluntarily agree to follow, for example, the South African Press Code for journalists.

**Executive**

The highest decision-making part of government.

**Exit poll**

A count of how many people voted at a voting station and which parties you think they supported.

**Floor-crossing legislation**

This was the controversial amendment under item 4(3)(a) of Schedule 6A to the Constitution that allowed MPs elected under the name of one political party to change to another party during a specified 'floor-crossing' period without voters having any say in this. This has since been repealed (withdrawn).

**Freedom of expression**

The right of people, the press and other media to speak, to write, and to receive and report on information.

**Government Gazette**

The official government paper that publishes notices and laws.

**Government Printer**

The official government printer that prints and distributes the Government Gazette.

**Hate speech**

Words that can incite violence or hatred based on race, ethnicity, gender,

religion or other grounds listed in our Constitution's Equality Clause.

### **IBA Act**

The law that set up the IBA and gave it powers.

### **ICASA Act**

The law that sets up ICASA and gives it powers.

### **ICASA Advertising Regulations**

IBA Regulations covering advertising, infomercials and programme sponsorship. These regulations are now monitored by ICASA.

### **ICASA Code**

The 2009 Code of Conduct for Broadcasting Service Licensees that broadcasters falling under ICASA must follow. This used to be the IBA Code of Conduct. We refer to this as 'the ICASA Code' for short.

### **ICASA Council**

The highest decision-making body of ICASA.

### **ICASA Municipal Elections Regulations**

More detailed rules and guidelines to help you understand what the Electronic Communications Act says about election coverage, including party election broadcasts, political advertisements and the equitable treatment of political parties.

### **Identity document (ID)**

Your ID book that you use to identify yourself, to vote and do things like claim pension and unemployment money.

### **IMC Guidelines**

The Independent Media Commission's Guidelines used to ensure fair election coverage for all parties in the 1994 elections.

### **Indemnity**

A legal document a person or political party signs to protect you from being sued for something that they are responsible for.

### **Independent Broadcasting Authority (IBA)**

The statutory body responsible for regulating broadcasting in South Africa before ICASA.

### **Independent Communications Authority of South Africa (ICASA)**

The statutory body responsible for regulating broadcasting and telecommunications in South Africa. ICASA was a merger between the IBA and SATRA.

### **Independent Electoral Commission (IEC)**

The statutory body responsible for managing and running all our elections.

### **Independent Media Commission (IMC)**

The statutory body set up to help ensure fair election coverage during the 1994 elections.

### **Independent ward candidates**

Independent candidates contesting a ward in a Metro Council or a Local Council. For example, in Metro Councils, 50% of councillors are elected directly from ward candidate votes. This includes ward candidates who are representing political parties and those who are independent.

### **Independent ward candidate agents**

People that independent ward candidates can appoint to monitor election voting, counting and the calculation of overall election results.

### **Infomercial**

Visual or audio broadcast material of longer than 2 minutes that is paid for and promotes the interests of a person, product or service.

### **Judiciary**

The system of courts responsible for interpreting the law and making decisions on cases.

### **Legislature**

The law-making part of government at national and provincial level.

### **Local Council**

Local council representing voters in towns and surrounding rural areas.

**Mediation**

When a third person helps two sides in a dispute to talk about and solve their problem.

**Metropolitan Council**

Council representing voters in big cities – also called ‘Metro Municipality’ or ‘Metro’.

**Municipal Demarcation Act**

The 1998 law setting up the Municipal Demarcation Board with the task of drawing up new municipal boundaries used in the 2000 local elections and future elections.

**Municipal Demarcation Board**

Independent statutory body responsible for deciding on municipal boundaries, voting districts and local election wards.

**Municipal Electoral Act/Municipal Electoral Amendment Act**

The laws that set out many of the rules for running the 2011 municipal elections.

**Municipal Electoral Officer (MEO)**

The IEC election official in charge of election organising and administration at municipal level.

**Municipal Electoral Regulations**

Regulations that add some more detailed rules to the Municipal Electoral Act.

**Municipal Structures Act**

The 1998 law setting up municipal structures, including dividing the country into Metropolitan Councils, Local Councils and District Councils.

**Municipal Systems Act**

The law setting out internal systems and principles for democratic local government.

**National Assembly**

The biggest part of Parliament – 400 members representing the whole country.

## **National Council of Provinces**

The second part of Parliament – 90 members representing the 9 provinces and a further 10 members representing SALGA.

## **Opinion poll**

A public survey of opinions or views, for example, how much support there is for each political party and their policies.

## **Parliament**

The law-making body of the country, made up by the National Assembly and the National Council of Provinces.

## **Party agents**

People that registered political parties can appoint to monitor election voting, counting and the calculation of overall election results.

## **Party election broadcasts (PEBs)**

Blocks of free airtime of 2 minutes each for political parties to speak to voters.

## **Party Liaison Committees**

Committees set up by the IEC to represent registered political parties, and help the IEC to make and agree on election arrangements.

## **Party list**

List of political party candidates standing for election by proportional representation at municipal level.

## **Party list candidates**

Party candidates on their party's list for each municipal council. For example, in Metro Councils, 50% of councillors are elected indirectly from party votes.

## **Party ward candidates**

Party candidates contesting a ward in a Metro Council or a Local Council. For example, in Metro Councils, 50% of councillors are elected directly from ward candidate votes – a combination of independent and party ward candidates.

## **Percentage poll**

Percentage of registered voters who actually vote on election day.

**Plain language**

When you speak and write in easy, everyday language that most listeners and readers will understand.

**Pluralism**

The idea of tolerating and respecting diversity and the right of others to freedom of association – for example, political pluralism allows opposition parties to operate freely.

**Political advertisements (PAs)**

Paid air-time or spots that political parties buy to speak to voters.

**Presiding Officers**

IEC-appointed officials in charge of voting stations.

**Press Council of South Africa**

Self-regulating body for the South African media that monitors observance of the South African Press Code.

**Proportionally**

Based on or in proportion to the percentage you have.

**Proportional representation**

The voting system where the number of votes parties get decides how many places they get. If Party X gets 5 seats with 10000 votes, Party Y will get 2 seats with 4000 votes.

**Provincial Electoral Officer (PEO)**

The IEC's administrative head of elections for each province.

**Provincial Legislature**

The law-making body of each province.

**Regulate**

To control, rule, monitor or supervise.

**Regulations**

More detailed rules made under laws, such as Electoral Regulations made under the Electoral Act, for example, setting out more detailed procedures for voting.

**Represented Political Parties' Fund**

Public funding that political parties get every financial year proportional to their representation in the National Assembly and provincial legislatures.

**Rule of law**

Principle that government power is limited, based on the Constitution and all other laws and regulations that restrict power and set out the rights and responsibilities of everyone, including individuals in positions of power and authority.

**SABC Ethical Code**

Internal rules made by the SABC to guide staff members in the way they do their work.

**SABC Guidelines for Election Reporting**

The SABC 1999 guidelines to encourage staff members to report fairly and responsibly on elections.

**SADC Principles**

The 2003 set of guidelines to help ensure the delivery of credible, free and legitimate elections, adopted by electoral management bodies and civil society organisations from all 14 Southern African Development Community countries.

**Self-regulation**

When an industry or association of professionals decide to voluntarily regulate their own affairs and follow a set of agreed ethical rules, for example, the South African Press Code.

**Separation of powers**

The splitting of government powers between the different arms of government: the Executive, the Legislature and the Judiciary.

**South African Press Code**

Set of ethical rules for the print media in South Africa.

## **South African Telecommunications Regulating Authority (SATRA)**

The statutory body responsible for managing radio frequencies, apparatuses and activities until ICASA took this over.

## **Special votes**

People with special votes have special arrangements to make it easier for them to vote, for example, because of age, illness or disability.

## **Spoilt votes**

Votes that cannot be counted because it is not clear which party the person was voting for – for example, a voter makes crosses next to 2 parties on the same ballot paper.

## **Statute law/Statutes**

Written laws made by Parliament or provincial legislatures.

## **Statutory body**

A structure set up, and given powers and funds, by a statute of Parliament.

## **Sue**

When you make a case against someone to pay you for the loss, damage or injuries that you suffered because of their actions.

## **Tagging**

When a Bill passed by a majority in the National Assembly is marked and sent to a National Council of Provinces (NCOP) committee for discussion and approval because it affects provincial or local government.

## **Telecommunications Act**

The Act that deals with telecommunications and set up SATRA. This law, together with the ICASA Act, now governs the work of ICASA.

## **Temporary identity certificate**

The certificate you get when you have an existing ID and you apply for a bar-coded ID, or you have lost your ID and you are waiting to get a new ID. Also called 'a temporary ID'.

**Temporary ID**

The same as a temporary identity certificate.

**Unconstitutional**

Unlawful because it goes against our Constitution.

**Voters' roll**

The official national list of voters with the names of everyone who registers to vote in elections. Each voting station will have a segment (section) of the full voters' roll.

**Voting district**

The smaller administrative areas municipalities are divided into for elections.

**Voting officers**

IEC-appointed officials who assist the Presiding Officer in running a voting station.

**Voting station**

The place where you register on public voter registration days and where you will vote on election day. There may be some mobile voting stations.

**Waiver**

A legal document a person or organisation signs to say that they will not make a claim against someone (even if they normally could have a right to make a claim).

**Wards**

Areas that municipalities are divided into for elections, including one or more voting districts.

**Watershed period**

Free-to-air TV broadcasting between 21h00 and 05h00 or subscription TV broadcasting between 20h00 and 05h00 (mentioned in the ICASA Code).

**White Paper**

A government policy document published for public comment in the Government Gazette and used to write new laws.

**White Paper on Broadcast Policy**

Government broadcast policy that was used to write the Broadcasting Act, and guide other broadcasting laws and policies.

**Windhoek Declaration**

The 1991 Declaration by African media practitioners calling for an independent and pluralistic (diverse) press on the continent.



# Contacts



This is an A to Z list of some useful election and broader contacts for information, monitoring, advice, training or voter education needs.

## **Advertising Standards Authority of South Africa (ASA)**

[information & monitoring of advertising]

Tel: 011 781 2006

Fax: 011 781 1616

Email: [info@asasa.org.za](mailto:info@asasa.org.za)

Website: [www.asasa.org.za](http://www.asasa.org.za)

## **African Eye News Service**

[information]

Tel: 013 755 4118

Email: [justin@africanpress.com](mailto:justin@africanpress.com)

Cell: 084 505 8831

Contact person: Justin Arenstein

## **Alternative Information and Development Centre (AIDC)**

[resources for community and alternative media activists, including Amandla! published in partnership with the NCRF]

Tel: 021 447 5770

Fax: 021 447 5884

Email: [alt-media@aidc.org.za](mailto:alt-media@aidc.org.za)

Website: [www.communitymedia.org.za](http://www.communitymedia.org.za)

## **Avusa Limited**

[journalism training]

Tel: 011 280 3000/5055

Fax: 011 834 5063

Email: [clayp@avusa.co.za](mailto:clayp@avusa.co.za)

Website: [www.avusa.co.za](http://www.avusa.co.za)

### **Broadcasting Complaints Commission of South Africa (BCCSA)**

[monitoring of broadcasters & complaints]

Tel: 011 325 5755

Fax: 011 325 5736

Email: [bccsa@nabsa.co.za](mailto:bccsa@nabsa.co.za)

Website: [www.bccsa.co.za](http://www.bccsa.co.za)

### **Commission for Gender Equality (CGE)**

[monitoring & complaints]

Tel: 011 403 7182

Fax: 011 403 7188

Email: [complaints@cge.org.za](mailto:complaints@cge.org.za)

Website: [www.cge.org.za](http://www.cge.org.za)

### **Community Law Centre (CLC)**

[local government research & information]

Tel: 021 959 2950/1

Fax: 021 959 2411

Website: [www.communitylawcentre.org.za](http://www.communitylawcentre.org.za)

### **Disabled People South Africa (DPSA)**

[voter education]

Tel: 021 422 0357

Fax: 021 422 0389

Email: [info@dpsa.org.za](mailto:info@dpsa.org.za)

Website: [www.dpsa.org.za](http://www.dpsa.org.za)

### **Education & Training Unit (ETU)**

[training, voter education & resources]

Tel: 011 648 9430/1

Fax: 011 648 2054

Email: [edutrain@iafrica.com](mailto:edutrain@iafrica.com)

Website: [www.etu.org.za](http://www.etu.org.za)

### **Electoral Institute of South Africa (EISA)**

[research, information, advice, voter education & resources]

Tel: 011 381 6000

Fax: 011 482 6163

Email: [eisa@eisa.org.za](mailto:eisa@eisa.org.za)

Website: [www.eisa.org.za](http://www.eisa.org.za)

### **Freedom of Expression Institute (FXI)**

[media monitoring]

Tel: 011 482 1913

Fax: 011 482 1906

Email: [fxi@fxi.org.za](mailto:fxi@fxi.org.za)

Website: [www.fxi.org.za](http://www.fxi.org.za)

### **Government Printer**

[copies of Government Gazettes]

Tel: 012 323 9731 or 021 465 7531

Fax: 012 323 0009

### **Home Affairs**

[advice, information and help with IDs]

National toll-free number: 0800 601 190

### **National Department of Home Affairs**

Switchboard: 012 314 8911

Complaints: 0800 20 44 76

Fax: 012 323 2416

Email: [csc@dha.gov.za](mailto:csc@dha.gov.za)

### **Media liaison**

Tel: 012 810 7338

Contact person: Mr Ronnie Mamoepa

Email: [Ronnie.Mamoepa@dha.gov.za](mailto:Ronnie.Mamoepa@dha.gov.za)

### **Provincial Home Affairs Offices**

Eastern Cape: 043 642 2178  
Free State: 051 430 1130  
Gauteng: 011 242 9001  
KwaZulu-Natal: 031 583 8800  
Limpopo: 015 297 5803/4  
Mpumalanga: 013 753 9500  
North West: 018 397 9901/10  
Northern Cape: 053 807 6700/1  
Western Cape: 021 488 1400/15

### **Independent Communications Authority of South Africa (ICASA)**

[information, advice, monitoring & complaints]

#### **ICASA Head Office**

Tel: (011) 566 3000/1  
Toll-free: 0801 133 667  
Email: [info@icasa.org.za](mailto:info@icasa.org.za)  
Website: [www.icasa.org.za](http://www.icasa.org.za)

#### **ICASA Fraud Hotline**

Toll-free: 0800 205 095  
Email: [information@whistleblowing.co.za](mailto:information@whistleblowing.co.za)

#### **ICASA Provincial Offices**

##### *Eastern Cape*

Tel: 041 394 1600  
Fax: 041 365 3998

##### *Free State*

Tel: 051 411 5900  
Fax: 051 447 3099

*KwaZulu-Natal*

Tel: 031 334 9500

Fax: 031 334 9518

*Western Cape*

Tel: 021 431 9800

## **Independent Electoral Commission (IEC)**

[administration, coordination, advice, information, monitoring & voter education]

### **IEC Head Office**

Tel: 012 622 5700

Fax: 012 622 5784

Email: [iec@elections.co.za](mailto:iec@elections.co.za)

Website: [www.elections.org.za](http://www.elections.org.za)

### **IEC Help-desk**

Toll-free: 0800 11 8 000

## **MEDIA CONTACTS: NATIONAL**

### **Chief Communication Officer:**

Ms Kate Bapela

Tel: 012 622 5579

Fax: 012 622 5429

Cell: 082 600 6386

Email: [bapelak@elections.org.za](mailto:bapelak@elections.org.za)

Interview requests and media queries: [spokesperson@elections.org.za](mailto:spokesperson@elections.org.za)

### **Media facilitator:**

Ms Lydia Young

Tel: 012 622 5425

Fax: 012 622 5429

Cell: 082 650 8652

Email: [youngl@elections.org.za](mailto:youngl@elections.org.za)

## **GENERAL & MEDIA CONTACTS: PROVINCIAL**

The Provincial Electoral Officers act as the media spokespersons for the IEC in their province. Their Communication Officers act as facilitators for the media.

### ***Eastern Cape***

Tel: 043 709 4200/01/02

Fax: 043 742 0948

#### **Provincial Electoral Officer:**

Rev Bongani Finca

Cell: 082 650 5449

Email: [fincab@elections.org.za](mailto:fincab@elections.org.za)

#### **Communication Officer:**

Ms Pearl Ngoza

Cell: 083 950 9455

Email: [ngozap@elections.org.za](mailto:ngozap@elections.org.za)

### ***Free State***

Tel: 051 401 5000

Fax: 051 430 4845

#### **Provincial Electoral Officer:**

Mr Jabulani Mepha

Cell: 082 802 3153

Email: [mephaj@elections.org.za](mailto:mephaj@elections.org.za)

#### **Communication Officer:**

Ms Mathabo Mfete

Cell: 084 702 3888

Email: [mfetem@elections.org.za](mailto:mfetem@elections.org.za)

## ***Gauteng***

Tel: 011 644 7400

Fax: 011 644 7447

### **Provincial Electoral Officer:**

Mr Simon Mamabolo

Cell: 082 328 3768

Email: [mamabolos@elections.org.za](mailto:mamabolos@elections.org.za)

### **Communication Officer:**

Mr Solly Kganyago

Cell: 082 568 6122

Email: [kganyagos@elections.org.za](mailto:kganyagos@elections.org.za)

## ***KwaZulu-Natal***

Tel: 031 279 2200

Fax: 086 674 8829

### **Provincial Electoral Officer:**

Mr Mawethu Mosery

Cell: 082 821 9722

Email: [moserym@elections.org.za](mailto:moserym@elections.org.za)

### **Communication Officer:**

Mr Thabani Ngwira

Cell: 084 505 5117

Email: [ngwirat@elections.org.za](mailto:ngwirat@elections.org.za)

## ***Limpopo***

Tel: 015 291 0600

Fax: 086 674 8802

### **Provincial Electoral Officer:**

Ms Nkaro Mateta

Cell: 082 800 2261

Email: [matetan@elections.org.za](mailto:matetan@elections.org.za)

**Communication Officer:**

Mr Motsiri Ramafalo

Cell: 072 548 2134

Email: [ramafalom@elections.org.za](mailto:ramafalom@elections.org.za)

***Mpumalanga***

Tel: 013 754 0200

Fax: 086 544 2174

**Provincial Electoral Officer:**

Mr Steve Ngwenya

Cell: 082 331 3163

Email: [ngwenyas@elections.org.za](mailto:ngwenyas@elections.org.za)

**Communication Officer:**

Mr Sibusiso Nkosi

Cell: 072 919 0704

Email: [nkosisv@elections.org.za](mailto:nkosisv@elections.org.za)

***North West***

Tel: 018 391 0800

Fax: 018 391 0851

**Provincial Electoral Officer:**

Dr Tumelontle Thiba

Cell: 083 417 8762

Email: [thibat@elections.org.za](mailto:thibat@elections.org.za)

**Communication Officer:**

Mr Moss Makodi

Cell: 072 750 6035

Email: [makodim@elections.org.za](mailto:makodim@elections.org.za)

## ***Northern Cape***

Tel: 053 838 5000

Fax: 053 831 8285

### **Provincial Electoral Officer:**

Mr Justice Bekebeke

Cell: 082 650 8640

Email: [bekebekej@elections.org.za](mailto:bekebekej@elections.org.za)

### **Communication Officer:**

Mr Godfrey Mjezu

Cell: 073 646 7045

Email: [mjezug@elections.org.za](mailto:mjezug@elections.org.za)

## ***Western Cape***

Tel: 021 944-5300

Fax: 086 674 8816

### **Provincial Electoral Officer:**

Rev Courtney Sampson

Cell: 083 285 6924

Email: [sampsonc@elections.org.za](mailto:sampsonc@elections.org.za)

### **Communication Officer:**

Mr Chris Balie

Cell: 083 708 3245

Email: [baliec@elections.org.za](mailto:baliec@elections.org.za)

## **Institute for Democracy in South Africa (IDASA)**

[information, voter education, monitoring & resources]

Tel: 012 392 0500

Fax: 012 320 2414

Email: [info@idasa.org.za](mailto:info@idasa.org.za); [pgraham@idasa.org.za](mailto:pgraham@idasa.org.za); [jfebruary@idasa.org.za](mailto:jfebruary@idasa.org.za);  
[jsylvester@idasa.org.za](mailto:jsylvester@idasa.org.za); [ijenkins@idasa.org.za](mailto:ijenkins@idasa.org.za)

Website: [www.idasa.org.za](http://www.idasa.org.za)

Information on private political party funding: [www.whofundswho.org](http://www.whofundswho.org), a joint initiative of IDASA and the Institute for Security Studies (ISS)

### **Institute for the Advancement of Journalism (IAJ)**

[training]

Tel: 011 484 1765/6/7

Fax: 011 484 2282

Email: [info@iaj.org.za](mailto:info@iaj.org.za)

Website: [www.iaj.org.za](http://www.iaj.org.za)

### **Media Institute of Southern Africa (MISA)**

[co-ordinating media workers]

Tel: 011 339 6767 or 00264 61 232 975 (Namibia)

Fax: 00264 61 248 016 (Namibia)

Email: [director@misa-sa.org.za](mailto:director@misa-sa.org.za)

Website: [www.misa.org](http://www.misa.org)

### **Media Monitoring Africa (MMA)**

[information, monitoring & advocacy]

Tel: 011 788 1278

Fax: 011 788 1289

Email: [info@mma.org.za](mailto:info@mma.org.za)

Website: [www.mediamonitoringafrica.org](http://www.mediamonitoringafrica.org)

### **Municipal Demarcation Board (MDB)**

[drawing up municipal boundaries and wards]

Tel: 012 342 2481/2

Fax: 012 342 2480

Email: [info@demarcation.org.za](mailto:info@demarcation.org.za)

Website: [www.demarcation.org.za](http://www.demarcation.org.za)

### **National Community Radio Forum (NCRF)**

[information, training & co-ordination, including publishing Amandla! In partnership with the AIDC]

Tel: 011 403 4336

Fax: 011 403 4314

Communications Officer: Rachel Georgia

Email: [info@ncrf.org.za](mailto:info@ncrf.org.za)

Website: [www.ncrf.org.za](http://www.ncrf.org.za)

### **Open Democracy Advice Centre (ODAC)**

[training & advocacy around access to information]

Toll free: 0800 52 53 52

SMS: HELP to 073 786 0459

Email: [help@opendemocracy.org.za](mailto:help@opendemocracy.org.za)

Website: [www.opendemocracy.org.za](http://www.opendemocracy.org.za)

### **Open Society Foundation for South Africa (OSF-SA)**

[resources, information & monitoring]

Tel: 021 511 1679

Fax: 021 511 5058

Email: [admin@ct.osf.org.za](mailto:admin@ct.osf.org.za)

Website: [www.osf.org.za](http://www.osf.org.za)

### **Parliamentary Monitoring Group (PMG)**

[monitoring & information]

Tel: 021 465 8885

Fax: 021 465 8887

Email: [info@pmg.org.za](mailto:info@pmg.org.za)

Website: [www.pmg.org.za](http://www.pmg.org.za)

### **Press Council of South Africa**

[self-regulation of journalists & monitoring of Press Code]

Tel: 011 484 3618/2

Fax: 011 484 3619

Email: [khanyim@ombudsman.org.za](mailto:khanyim@ombudsman.org.za) or [johanr@ombudsman.org.za](mailto:johanr@ombudsman.org.za)

Website: [www.presscouncil.org.za](http://www.presscouncil.org.za)

### **Serongwanyane Technologies**

[community radio training & coordination]

Tel: 073 166 9376

Fax: 051 444 6049

Email: [mabalane@serongwanyane.co.za](mailto:mabalane@serongwanyane.co.za)

Website: [www.serongwanyane.co.za](http://www.serongwanyane.co.za)

Contact person: Mabalane Mfundisi – CEO

### **South African Broadcasting Corporation (SABC)**

[broadcasting & complaints]

Call Centre: 011 714 9797

Switchboard: 011 714 9111

Website: [www.sabc.org.za](http://www.sabc.org.za)

### **South African Human Rights Commission**

[monitoring & complaints]

Tel: 011 484 8300

Fax: 011 484 7149

Email: [info@sahrc.org.za](mailto:info@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Contact person: Wisani Baloyi: [wbaloyi@sahrc.org.za](mailto:wbaloyi@sahrc.org.za)

### **South African Local Government Association (SALGA)**

[transforming & representing local government interests nationally and provincially]

Tel: 012 369 8000 & 021 944 2120

Fax: 012 369 8001 & 021 944 2162

Email: [info@salga.org.za](mailto:info@salga.org.za)

Website: [www.salga.org.za](http://www.salga.org.za)

### **South African National Editors' Forum (SANEF)**

[media freedom information & advocacy]

Tel: 011 484 3630/3617

Fax: 011 484 3593

Email: [info@sanef.org.za](mailto:info@sanef.org.za)

Website: [www.sanef.org.za](http://www.sanef.org.za)

### **South African Press Ombudsman**

See *Press Council of South Africa* above.

### **Vuleka Productions**

[media production & training]

Tel: 031 261 9650

Fax: 031 261 9679

Email: [info@vulekaproductions.co.za](mailto:info@vulekaproductions.co.za)

Website: [www.vulekaproductions.co.za](http://www.vulekaproductions.co.za)

# Appendix: Election Timetable

This is a more detailed version of the Election Timetable for the 2011 municipal elections. See page 250 for the IEC's visual summary of this timetable.

All deadlines are 17h00 unless otherwise stated.

Date	Event
10 March	Gazetting of election date and closing of voters' roll
11 March	Approval and publishing of Election Timetable Release of proposed voting station addresses for inspection
12 to 17 March	Cleaning up of voters' roll, including removal of names of people who are deceased
18 March	Certifying and publishing of voters' roll
25 March	Party and candidate registration deadline, including party lists and deposits for all candidates
4 April	Notifying parties and candidates about any non-compliance around documents or deposits
8 April	Final compliance deadline for parties and candidates
12 April	Publishing of parties contesting elections, party lists and lists of ward candidates
15 April to 3 May	Applications for special votes to nearest MEO
21 April	Publishing of voting stations and mobile voting station routes
29 April	Issuing of participation certificates to parties and ward candidates
16 May	Special votes at voting stations from 08h00 to 17h00
16 and 17 May	Special votes visits to voters' homes
18 May	Election day: voting from 07h00 to 19h00
20 May	Registering of any objections by parties and candidates to the IEC
26 May	Deadlines for any appeals to the Electoral Court against objection decisions by the IEC
31 May	Deadline for re-runs of any election before 90 days after the end of the term of office of existing municipal councils

# Your vote counts



Voters	
10 March 2011	Voters' roll closes
15 April 2011	Opening of applications for Special Votes
3 May 2011 5pm	Deadline for applications for Special Votes
16 May 2011 8am to 5pm	Special Votes at voting stations
16 & 17 May 2011	Special Votes: Home visitations
<b>18 May 2011</b>	<b>Election Day</b>

Parties & Candidates	
25 March 2011 5pm	Deadline for parties and candidates to submit required documents and deposits
8 April 2011 5pm	Deadline for parties and candidates to submit outstanding documents

Electoral Commission Operations	
11 March 2011	Release voting station addresses for inspection
18 March 2011	Publish voters' roll
4 April 2011	Notify parties and candidates of outstanding documents
12 April 2011	Release lists of parties and independent candidates contesting the election
21 April 2011	Release voting station addresses and mobile voting station details
29 April 2011	Issue certificates to parties and ward candidates

Web: [www.elections.org.za](http://www.elections.org.za) | Email: [iec@elections.org.za](mailto:iec@elections.org.za) | Telephone: (012) 622 5700

# 2011 Municipal Elections Election timetable

## March

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## April

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## May

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- Voter activities
- Party & candidate activities
- IEC activities
- Weekends / Public holidays



**SOUTH AFRICA**