



SOUTH AFRICA

Online Candidate Nomination System

Terms & Conditions



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1 Introduction

- 1.1 The Electoral Commission is responsible for the co-ordination and capturing of candidate lists for all parties intending to contest the Local Government Elections (LGE). The online Candidate Nomination System (OCNS) is the designated system that supports the processes mentioned above.
- 1.2 The platform will allow political parties and independent candidates (The user) to capture their own candidates and electronically submit supporting documents for the captured candidates. The user will also be able to monitor capturing progress and manage candidate exceptions such as (Voters Roll exceptions). The facility will also provide reports which will assist with facilitating the process of candidate nomination.
- 1.4 The platform will offer the user assurance of secure and safe information by means of a secure comprehensive access control module. This module will only allow a user who has been registered as an administrator (OPA independent candidate or authorised online party administrator) to give access to supporters/nominators and party sub users respectively for accessing the party or independent candidate profile.

2 Purpose

The purpose of this document is to provide the *Terms and Conditions, Infrastructure and Help/FAQ Page* for the proposed Online Candidate Nomination System OCNS, in view of the upcoming Local Government Elections in 2016.

3 Definitions, Acronyms and External Documents

Listed below is the glossary for this document, containing the definitions of the acronyms and terms used in the document.

| Term | Description |
|------|------------------------------------|
| CNS | Candidate Nomination System |
| ID | Identity Document |
| LGE | Local Government Election |
| OCNS | Online Candidate Nomination System |

4 Terms & Conditions for the Online Candidate Nomination System

- 4.1 These terms and conditions apply to the user of the OCNS and the terms and conditions shall constitute the entire agreement (“Agreement”) between the user and the Electoral Commission (Parties).

The parties agree that:

The use of the information on the website is at the user's sole risk. Neither the Electoral Commission nor any of its information providers, licensors, suppliers, employees, agents or Internet Service Providers:

- guarantee that the information on the website will be uninterrupted, error-free, accurate or correct;
- shall be liable for any direct, indirect, incidental, special or consequential damages arising out of the use of the information or inability to use the information or out of any breach of this agreement

4.2 The user shall not add, upload, post, publish any software files or any material that violates the intellectual property rights of any person or any other content which:

- violates or infringes upon the rights of any other;
- under the circumstances and in the Electoral Commission sole discretion, is, or is likely to be perceived by an intended recipient or target as defamatory, deceptive, misleading, abusive, profane, pornographic, offensive or inappropriate or contrary to any laws of the countries in which the information may be accessed;
- is unsuitable for children and minors;
- constitutes a threat to, harassment of, or invasion of privacy of any person or legal persons;
- could detrimentally affect the information of the Electoral Commission in any way whatsoever;
- contains any virus or any other attribute that may cause a corruption of data;
- contains any advertising; promotion or solicitation of goods or services for commercial purposes without the approval of the Electoral Commission.

4.3 The Electoral Commission website may produce automated search results or may otherwise link the user to other websites on the internet that may contain information or material that some viewers might find inappropriate or offensive. These websites are not under the control of the Electoral Commission and the user acknowledges that the Electoral Commission is not responsible for the accuracy, copyright compliance, legality or decency of any other aspect or the content of such sites. The inclusion of the link does not imply endorsement of the website by the Electoral Commission or any association with its operator contents thereof.

5 DISCLAIMER AND INDEMNITY

5.1 The information on the Electoral Commission website is distributed in good faith without any warranties, either express or implied, including any implied warranties of the merchantability, non-infringement of third party rights, freedom from viruses or other harmful code or fitness for a particular purpose.

- 5.2 Although the Electoral Commission seeks to ensure that the information of the website is up to date and accurate the user acknowledges that the Electoral Commission will not be required to edit or review for accuracy or appropriateness of the content on the website.
- 5.3 The user waives any claim which they may have against the Electoral Commission in respect of any selection of, or retention of, or the acts or omissions of third parties in connection with the information on the website.
- 5.4 The user acknowledges that the Electoral Commission relies solely on the information provided by the user, when receiving any Instructions from the user to process, and that the user is accountable and responsible for the correctness of every Instruction.
- 5.5 The Electoral Commission shall not incur any liability as a result of any mistake made by the user when submitting its Instructions to the Electoral Commission.
- 5.6 The user hereby indemnifies the Electoral Commission, its officers and its employees and holds them harmless against all or any claims or action whatsoever in nature which may be instituted against the Electoral Commission in respect of loss and/or damages which may be incurred by the user arising out of the user's utilisation of the website or any breach of these terms and conditions by the user.

6 PRIVACY POLICY AND CONFIDENTIALITY

- 6.1 The Electoral Commission recognises the obligation to preserve the confidentiality of any information regarding users of the OCNS, staff, and the practice business and this obligation shall be in line with the applicable legislation.
- 6.2 While the Electoral Commission's website strives to protect its user's personal information and privacy, The Electoral Commission cannot guarantee the security of any information disclosed by the user online and such disclosure is done at the users own risk. By using this website, the user signifies an assent to the Electoral Commission's online Confidentiality.
- 6.3 The Electoral Commission reserves the right to amend the terms and conditions at anytime. The user's continued use of the Electoral Commission's website following an amendment to the terms and conditions will be deemed to mean that the user accepts and is bound by the terms and conditions as amended.
- 6.4 The Electoral Commission may only disclose information in special cases in terms of applicable law where there is a reason to believe that disclosing such information is necessary to identify, contact or bring legal action against a user who has violated the Electoral Commission's online privacy policy, the terms and conditions or a user who may be intentionally or unintentionally interfering with the mandate of the Electoral Commission and consequently posing danger to other users.
- 6.6 Electoral Commission may electronically collect, collate, store and use the following personal information of users:

- Name and surname;
- contact numbers and physical and postal addresses;
- e-mail address;
- banking details;
- IP address;
- User name and selected password.

7 PAYMENTS

All deposits will be handled in terms of the applicable legislation.

8 PAYMENT METHODS

The Electoral Commission accepts the following types of payments on its website:

8.1 Visa or Master Card payments

Only South African issued (Visa and Master) cards will be accepted for online payments. On completing the payment transaction the details are sent to the bank, if payment is unsuccessful or authorization is not issued by the bank the user's payment transaction will not be completed.

8.2 Bank Deposits and Electronic Funds Transfer (EFT)

Should a user select to pay via a direct bank deposit or EFT the user will be subject to the following terms and conditions:

- 8.2.1 The full amount must be paid as per the generated payment reference before candidate nomination cut-off date and time;
- 8.2.2 Candidates will be disqualified should a payment fail to be deposited / transferred into the Electoral Commission's account before cut-off date and time.;
- 8.2.3 For a direct deposit at the bank, the deposit must be in cash and in South African Rand only, (no other currency will be accepted);
- 8.2.4 Cheque deposits at the bank are accepted, the payment will need to clear before candidate nomination cut-off date and time;
- 8.2.5 The generated payment reference number should be used in the reference section of the deposit slip or the electronic transfer, the Electoral Commission will not be held liable for any delays should the user fail to include the reference number on the deposit slip;
- 8.2.6 A copy of the user's deposit slip/transfer must be submitted to Electoral Commission local office or upload it on the online candidate nomination system before candidate nomination cut-off date and time;

- 8.2.7 The user's outstanding payment exception will be updated based on the time and date of the funds reflecting in Electoral Commission's account and on condition that the users deposit slips has been submitted to the Electoral Commission local office or uploaded to online candidate nomination system;
- 8.2.8 Depending on the bank, some payments may take up to three business days to reflect in the Electoral Commission's account. Therefore payment will have to be made on time to avoid disqualification due to late payment.

9 LOGIN DETAILS

- 9.1 The online candidate nomination user shall ensure that their Login Details are kept confidential at all times, which means that only the user must be privy to it. Storing the Password on a computer or network will be regarded as prima facie negligent behaviour on the part of the user and can lead to the user's logins being permanently terminated.
- 9.2 The user shall be obliged to lock or log-off from their computer when the system is not in use. Failure to lock or log-off could result in unauthorised transactions for which the Electoral Commission will not be held liable for, however, the user will be held liable in his/her personal capacity.
- 9.3 The Electoral Commission may, in its sole discretion and for whatever reason, require the user to change their login details from time to time and the user undertakes to comply with such requirement unconditionally.
- 9.4 The user acknowledges that the login details may enable the user to access some or all online services of the Electoral Commission, therefore an unauthorised use of login details could expose the user to fraudulent transactions on all other systems held with the Electoral Commission. Should this be the case the user can be held liable in his/her personal capacity.

10 SOFTWARE AND EQUIPMENT

It is the responsibility of the user to acquire and maintain, at his/her own expense, the computer hardware, system and information security, software, telecommunications lines and access accounts to access the Internet and the Electoral Commission website and/or download content from the Electoral Commission website.

11 SECURITY

- 11.1 The Electoral Commission shall use all reasonable endeavours to secure the content of the Electoral Commission website and the information provided by and collected from users.
- 11.2 Users may not deliver or attempt to deliver, whether intentionally or negligently, any damaging code, such as computer viruses, to the Electoral Commission website or the server and computer network that support the Electoral Commission website.

- 11.3 Users may not interfere with data or services in a manner which causes such data or services to be modified, destroyed or otherwise rendered ineffective.

12 RESTRICTIONS

- 12.1 The user may not:
- 12.1.1 Provide any untrue or incorrect information to the website or Electoral Commission;
 - 12.1.2 Modify, copy, decompile or reverse engineer the website or use the website to make derivative copies;
 - 12.1.3 Lease, sell, assign or in any other way distribute the information obtained from the OCNS for personal gain or profit;
 - 12.1.4 Use malicious search technology, including but not limited to spiders and crawlers;
 - 12.1.5 Frame any pages of the website;
 - 12.1.6 Deep link to any pages of the website in a way to suggest that the user is the owner or license of any intellectual property in the website;
 - 12.1.7 Use the interactive sections of the website, for instance forums, clubs, surveys and e-mailing, to post any material which in the Electoral Commission's sole discretion is false, defamatory, inaccurate, abusive, vulgar, hateful, harassing, obscene, profane, sexually oriented, threatening, invasive of a person's privacy, or otherwise violates any laws.
- 12.2 The Electoral Commission does not have editorial control over the submission of any content to interactive sections of the website. The user submits all information, including the publication of pictures and or articles, at your sole risk and responsibility. The Electoral Commission is not responsible or liable for damages or other adverse consequences caused by the use of the submissions.
- 12.2. In line with the Film and Publications Board Act 3 of 2009 (FPB) as amended; to intensify the efforts to protect children from harmful images within the media, including films, exhibitions, games, the internet and other publications, the website is not targeted at children under the age of thirteen (13), and Electoral Commission will not knowingly collect information from users in this age group.
- 12.3. Electoral Commission is to be exempted for any liability due to a user failing to provide accurate information on registration, or a user failing to view special warnings.

13 Infrastructure

13.1 The user can upload PDFs, Word documents, and any other documents in other file format on the Electoral Commission website. A user will need the following to be able to use the Electoral Commission website:

13.1.1 To gain Access to the Electoral Commission website

- 13.1.1.1 Dial-up with a computer modem via telephone circuits, broadband over coaxial cable, fibre optic or copper wires, Wi-Fi, satellite and cellular telephone technology (3G, 4G).
- 13.1.1.2 The Electoral Commission website may be accessed from computers in libraries and Internet cafes.
- 13.1.1.3 Internet access points exist in many public places such as airport halls and coffee shops where users can access the Electoral Commission website.
- 13.1.1.4 Hotspots providing internet access include Wi-Fi cafes, where users need to bring their own wireless devices such as a laptop or PDA.

13.1.2 Browser Compatibility

- 13.1.2.1 The Electoral Commission website is optimally viewed in Internet Explorer.
- 13.1.2.2 All Reports renders in PDF and Excel, therefore:
 - o **Chrome** users please note that the version of Chrome has come out with a built-in PDF viewer.
- 13.1.2.3 The latest version of Adobe Reader should be used. The latest version can be accessed on:
 - o Adobe Reader - <http://get.adobe.com/reader/>
- 13.1.2.4 Compatibility Guideline - http://www.adobe.com/devnet/reader/articles/reader_compatibility.html

13.1.3 Hardware

- 13.1.3.1 Users will need a computer, either a desktop with a screen or a laptop.
- 13.1.3.2 OCNS is not compatible for mobile device e.g. Smart Phone.
- 13.1.3.3 If the user is going to scan and upload a document, the user will need a scanner connected to the computer that is being used.

14 HELP/FAQ Page

14.1 Frequently Asked Questions

If you need help on a topic, you may use the **FAQ About the Electoral Commission, FAQ : For Voters, FAQ : About the Voters' Roll, FAQ : About the Elections, FAQ : About the Parties & Candidates**, function on the www.elections.org.za homepage under the different menu items.

Here's a list of frequently asked questions:

- **Question: How do I create and activate my account?**

Answer: Online Party Administrator (OPA) user: for an OPA user account, you are required to complete and submit an OPA User Access Form. The form is available from the commission on request. Requests to be sent to heuvelb@elections.org.za. Complete the form and return to the commission with necessary documentation.

After an internal process, you will receive an email from the commission with directions on completing the creation of your online account.

Notes: In preparation for the 2016 Municipal election processes, the form has been forwarded to registered parties, however, the form is still available on request.

- **Question: What happens if I do not access and complete my email verification to complete my account set up?**

Answer: The verification email has an expiry of 24 hours. Should you miss the expiry cut-off, you are required to create an account again. Action by following the instructions on the email you receive thereafter.

Notes: Online Party Administrator (OPA) user: After receiving the email, be sure that you access and complete the sign-up process before expiry. Should you miss the expiry cut-off, contact the commission for a refreshed email to be sent to you again. Action by following the instructions on the email you receive thereafter.

- **Question: How do I Sign in?**

Answer: On the Electoral Commission website (www.elections.org.za), find the Parties and Candidates menu,

- select the Online candidate nomination menu item that will navigate you to your portal's Sign in page

- The page allows you to sign in by way of either:

- Username,
- Email Address or
- RSA ID Number

- **Question: I forgot my password?**

Answer: On the Electoral Commission website (www.elections.org.za), find the Parties and Candidates menu,

- select the Online candidate nomination menu item that will navigate you to your portal's Sign in page

- click on the Forgotten Password? Link, found below the Password field

- the page allows your to recover your account by way of correctly verified:

- eMail address
- alternate eMail address
- a mobile number, and
- a Security question

Notes: each method contains instructions to be followed on the recovery pages

- **Question: Can I change my password?**

Answer: Yes – once logged in, hover over and use the quick menu on the top-right of the portal page. Select Change password option and follow instructions to complete the process.

Notes: On the Manage profile menu, you can have option to change password under the Sign-in and Security area with the instructions on the page

- **Question: What is the Security question?**

Answer: The Security question is a feature that allows you to recover your password, in instances where it has been forgotten. During the process of setting up an account, you will create your own question, the answer thereto, as well as the answer hint.

- **Question: How do I disaffiliate my account from a party?**

Answer: Once logged in, navigate to the My Party tab. Select the Manage affiliation item, and click the Remove my affiliation button.

Notes: Party sub-user: By removing affiliation, you will be required to submit a new request for party/independent services to your Online party/independent administrator. Access is requested by contacting your Party's online administrator, who will then add you to the party/independent, following which you will receive notification of the successful access granted.

Online Party Administrator (OPA) user: should you wish to remove your account, as an OPA, you will need to contact Commission's support centre to revoke the OPA system rights on your account, prior to disaffiliating your account from a party.

- **Question: I'm experiencing browser compatibility issues on the IEC website?**

Answer: Please have a look at the infrastructure guidelines for browser compatibility

- **Question: How do I make a payment to Electoral Commission?**

Answer: If you want to make a payment to Electoral Commission, the user can either make the payment via the payment gateway functionality or at the bank or via EFT. Please use the reference number generated specifically for this purpose.

14.2 Need more help?

- IEC Contact Information is the following:
 - Call Centre number: 0800 11 8000
 - National Office number: 012 622 5700
 - eMail: info@elections.org.za

15 Process Definitions & Questions

15.1 SCANNING OF CANDIDATE DOCUMENTS

Here are some guidelines regarding the scanning to optimise results.

The average file size should be around 280KB per page.

ID Books

- Use dedicated scanner rather than Multi-Functional Printer if possible.
- Scan the original ID book rather than scanning a copy.
- Set resolution to 300dpi, greyscale.
- Scan one ID book at a time.
- Remove ID book from plastic sleeve before scanning.
- ID cards will not be read automatically.
- Convert to PDF or TIFF images.

Acceptance of Nomination Documents

- Ensure that printer has sufficient toner for optimal print quality.
- Scan original signed document.
- Set resolution to 300dpi, greyscale.
- Convert to PDF or TIFF images.

15.2 CANDIDATE LIST WITHDRAWAL

If the user chooses to use the **List Withdrawal** module which will allow political parties or independent candidates to withdraw candidate lists that are submitted as final, in order to edit or change the details, the Electoral Commission will not be held responsible for the list/data that is withdrawn. The list can be re-submitted, provided such submissions are done before cut-off date and time.

Here's a list of frequently asked questions:

- **Question: Who will be allowed to withdraw the captured candidate lists?**

Answer: Any users with the system administration rights will be allowed to withdraw candidate lists that are submitted as final.

- **Question: How many times can the candidate list submitted as final be withdrawn?**

Answer: Lists submitted as final will have no limit for withdrawals until nominations cut-off date and time.

- **Question: Can the user with the system administration rights withdraw a specific ward candidate from the submitted candidate list?**

Answer: Yes, the user will be allowed to withdraw a municipality or a specific ward.

- **Question: Can the user with the system administration rights withdraw a specific PR candidate from the submitted candidate list?**

Answer: No, the user will be required to withdraw the complete PR candidate list.

- **Question: If a list is withdrawn and not re-submitted, will the withdrawn list be considered valid?**

Answer: No, all the withdrawn candidate lists will be invalid; therefor the user needs to re-submit the list before cut-off date and time.

15.3 CANDIDATE LIST VOID

If the user chooses to use the **Void Captured Lists** module which will allow political parties or independent candidates to cancel captured candidate details and uploaded documentation, the Electoral Commission will not be held responsible for the list/data that is voided. If the captured list is not finalised before the cut-off date and time, the list will automatically be voided.

Here's a list of frequently asked questions:

- **Question: Who will be allowed to void the list?**

Answer: Any user with system administration rights will be allowed to void candidate lists that are not yet submitted final.

- **Question: When can a list be voided?**

Answer: If the list is not submitted as final, it can be voided.

- **Question: Can the user with the system administration rights void a specific ward candidate in a ward candidate list?**

Answer Yes, the user will be allowed to void the entire municipality or a specific ward.

- **Question: Can the user with the system administration rights void a specific PR candidate in a list?**

Answer: No, the user will be required to void the entire PR candidate list.

15.4 CANDIDATE DISQUALIFICATION

If the political party or independent candidate has been disqualified from contesting the election due to any number of reasons, the political party or independent candidate will not be part of the election.

15.5 CANDIDATE SUBMITTED AS FINAL

If the user submits the list as final, date and time when the list was submitted as final will be recorded. The Electoral Commission will not be held responsible for any lists/data that was not part of the submitted as final process.

Here's a list of frequently asked questions:

- **Question: Who will be allowed to submit the list as final?**

Answer: Any authorised user with the system administration rights.

- **Question: When should the list be submitted as final?**

Answer: Any day before cut-off date and time.

- **Question: Will a manual submitted list override the online submitted list?**

Answer: NO, the online submitted list will always override the manual submitted list.

- **Question: Is it possible to do partial online submission and partial manual submission for the same list?**

Answer: This will only be possible for the wards; PR list has to be submitted as a list either online or manual. The user must decide upfront whether online or manual submission process will be followed.

- **Question: Will the user be allowed to submit the captured candidate list as final without uploading candidate compliance documents?**

Answer: Yes, the user will be allowed to submit candidate details online and submit candidate compliance document at Electoral Commission local office where the candidate is contesting.

- **Question: How will the user know if the online submitted list has been received by Electoral Commission?**

Answer: Once the candidate list has been submitted as final, a confirmation email will be sent to the Online Party Administrator OPA. This email will contain

a copy of the final submitted candidate list. The reports will also indicate the candidate lists that are submitted as final.

16 CUT-OFF DATE AND TIME

It is the responsibility of the political party or independent candidate to make sure they have the information of the cut-off date and time for nomination lists, ID documents for final submission. No submissions after the cut-off date and time will be allowed.