

**MEDIA BRIEFING FOLLOWING THE
CONSTITUTIONAL COURT ORDER
OF 3 SEPTEMBER 2021 ON THE 2021
LOCAL GOVERNMENT ELECTIONS**

6 SEPTEMBER 2021

**REMARKS BY THE
CHAIRPERSON OF THE ELECTORAL
COMMISSION**

MR GLEN MASHININI



SOUTH AFRICA

ACKNOWLEDGEMENTS

- Programme Director, Commissioner Dr Nomsa Masuku
- Vice Chairperson Ms Janet Love and fellow Commissioners;
 - Commissioner Mr Mosotho Moepya
 - Commissioner Judge Dhaya Pillay
- Chief Electoral Officer Mr Sy Mamabolo
- Members of the EXCO and other Senior Officials
- Other Members of staff of the Electoral Commission
- Members of the media present in person and online
- Ladies and gentlemen
- On behalf of the Commission let me welcome you here today and express our gratitude for your attendance today

CONSTITUTIONAL COURT ORDER

- On Friday, 3 September 2021 the Constitutional Court set aside the proclamation by the Minister of Cooperative Governance and Traditional Affairs (COGTA) By which she proclaimed 27 October 2021 as the date for LGE 2021.
- The Court further instructed the Commission to:
 - Within 3 days after the date of the order determine if its practical to hold a voter registration weekend.
 - Inform the Minister of COGTA of its determination and publicly make an announcement in this regard.
 - Should the Commission determine that it is feasible to hold a registration weekend, on the day following the registration weekend:
 - The Minister of COGTA must issue a proclamation for the date of local government elections in the period from 27 October and 1 November 2021.
 - The timetable published on 4 August 2021, shall notwithstanding the provisions of section 11 (1) of the Local Government: Municipal Electoral Act 27 of 2000, remain applicable, save that as soon as possible after the issuing of the proclamation envisaged, the Commission must, in terms of section 11 (2) of the Municipal Electoral Act publish such amendments to the current timetable as may be reasonably necessary.
- If the Commission determines that it is not practically possible to hold a voter registration weekend, the Minister of COGTA must:
 - Not earlier than 10 September 2021 issue a proclamation in terms of Section 24(2) of the Structures Act, determining a date for the local government elections in the period from 27 October and 1 November 2021.
 - Between 3 and 10 September 2021 eligible voters who wish to register may apply to do so at the relevant municipal office.

COMPLIANCE WITH THE CONSTITUTIONAL ORDERS

- The Commission has already taken measures to ensure that it complies with the orders of the Constitutional Court relating to the conduct of municipal elections by 1 November 2021.
- Commission is of the view that it must take all necessary measures to ensure an electoral process that is free and fair, striving for safety within the constraints occasioned by the prevailing COVID-19 pandemic. The Commission calls on all role-players, especially political parties, to cooperate to ensure that the election proceeds within a calm environment where voters can exercise their right to vote and make their choices without undue impediments.
- In order to give impetus to the preparations of the elections, the Commission met over the weekend to assess whether a registration weekend can be practical before the elections. Having considered and deliberated on the matter, the Commission has made a determination that a registration weekend is a necessity ahead of this general election. Therefore, a registration weekend is now scheduled for the weekend of 18 and 19 September 2021.

COMPLIANCE WITH THE CONSTITUTIONAL ORDERS

- This registration weekend will offer all eligible citizens an opportunity to register or update their registration details. All the 23 151 voting stations will open at 08h00 until 17h00 on both days. The Commission urges young people in particular to take advantage of this opportunity to register and eventually vote.
- The Commission also held a consultative meeting with the Minister of COGTA. In line with the orders of the Court, the Commission has advised the Minister that it will be proceeding with a registration weekend on 18 and 19 September 2021. This means that the Minister will on 20 September 2021 proclaim the date of the election. This proclamation of the election date will cause the voters' roll to be closed for purposes of the 2021 municipal elections.

COMPLIANCE WITH THE CONSTITUTIONAL ORDERS

- The Commission has indicated its preference of the election date to the Minister who is now considering the matter. It is the Commission's wish that the election date is announced sooner to allow electoral stakeholders to prepare within the short time to 1 November.
- In view of the fact that the voter registration process has been re-opened by the order of the Court, a number of amendments to the electoral timetable are necessary. This is permitted by the Constitutional Court's order, which make clear that the Commission is entitled to "publish such amendments to the current timetable as may be reasonably necessary".
- This includes the need to set a new deadline for candidate nominations. The scheme of the Municipal Electoral Act is that the voter registration deadline is intended to precede the candidate nomination deadline. For example, persons can only be nominated as candidates once registered on the voters' roll and provided they are registered in the relevant segment concerned. It is therefore necessary to allow political parties and independent candidates an opportunity to nominate candidates after the registration weekend of 18-19 September 2021 has occurred and after the voters' roll has closed.

COMPLIANCE WITH THE CONSTITUTIONAL ORDERS

- A meeting of the National Party Liaison Commission was held earlier today. It is clear and there are different interpretations amongst parties as to whether the order of the Constitutional Court permits the Commission to re-open nominations. The Commission has taken advice on the matter and is of the view that amending the timetable to re-open nominations is reasonably necessary in the circumstances.
- There are currently 77 970 candidates of which 911 are independent.
- Following the proclamation of the election date on 20 September 2021, the Commission will publish an amended election timetable which will provide truncated timelines. The truncated timeline is reasonably necessary to meet the outer deadline for the conduct of the 2021 municipal elections.
- Furthermore, the Commission has acquired 40 000 Voter Management Devices which will be used for the first time over the registration weekend. These devices will, in most registration stations, be functioning online. This will facilitate the process of voter verification almost instantaneously. The mapping functionality on the device will facilitate the correct registration of voters in relation to the ward of ordinary residence. The expectation is that the registration data will be consolidated sooner than has hitherto been the case. This will allow for the inspection voters' roll to be prepared and for objections to close on 23 September 2021.

COMPLIANCE WITH THE CONSTITUTIONAL ORDERS

- The applications for special votes will also open 20 September 2021 and close on 4 October 2021. The use of special votes will take on heightened importance in this election because of the need to de-congest voting stations on Election Day.
- The Commission assures the South African citizens that it will spare no effort to deliver a credible process guided prescripts and electoral jurisprudence arising from our courts.
- The Commission thanks you as always for your continued support.
- I thank you!