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COMMISSION UPHOLDS ONE, OVERTURNS 51 OBJECTIONS AGAINST CANDIDATES FOR NATIONAL AND PROVINCIAL ELECTIONS 2019

9 April 2019

Sandton – The Commission has adjudicated objections against candidates nominated to stand for the 2019 National and Provincial Elections, upholding one and overturning all others.

The Commission had received 52 written objections by the deadline on 2nd April 2019 and one which was received after the prescribed cut off time. The objections were directed at candidates representing the following 10 political parties:

- African Christian Democratic Party (ACDP)
- African Content Movement (ACM)
- African Independent Congress (AIC)
- Alliance for Transformation for All (ATA)
- African National Congress (ANC)
- Black First Land First Movement (BLF)
- Democratic Alliance (DA)
- Economic Freedom Fighters (EFF)
- Pan Africanist Congress of Azania (PAC)
- Land Party.

A number of objections were also directed at more than one party. 29 Objections were directed against candidates representing the ANC, 19 against candidates representing the BLF, 13 against candidates representing the EFF, 4 each against

candidates representing the DA and Land Party, and 1 each against candidates representing the ACDP, AIC, ACM and ATA.

Despite many of the objections not meeting the prescribed format for submission, the Commission decided in the interests of promoting fair elections to consider whether substantively these objections met the criteria in the constitution and section 30(1) of the Electoral Act.

Section 30 provides for three grounds to object to a candidate namely:

1. The candidate is not qualified to stand for elections;
2. There is no prescribed acceptance of nomination signed by the candidate; and/or
3. There is no prescribed undertaking signed by the candidate that they are bound by the Code of Conduct.

In terms of section 47 and 106 of the Constitution, every citizen who is qualified to vote for the national assembly and/or provincial legislature is eligible to stand for election except:

- Unrehabilitated insolvents
- Anyone declared to be of unsound mind by a court of the Republic
- Anyone who is convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine either in South Africa or outside the country if the offence would have been an offence if committed in South Africa. This disqualification ends five years after the sentence has been completed.

In line with the process requirements, the Electoral Commission last week advised each party in writing of the objections received relating to candidates of that party and allowed the implicated parties an opportunity to make representations if they elected to do so.

All the parties denied the allegations in the objections with the ANC, BLF, DA and EFF submitting written representations to the Commission.

After deliberating, the Commission resolved to uphold one objection by the PAC against its own candidate, Mr Seropane Alton Senyane Mphethi. This candidate was sentenced on 7 June 2016 to 18 months' imprisonment without the option of a fine. This disqualifies him from holding elected office to the National Assembly or a provincial legislature.

The Commission dismissed all other objections for failing to meet the constitutional and statutory criteria. The majority of these objections related to unproven allegations.

Chairperson Glen Mashinini said the Commission could only act within the prescripts of the law and the Constitution.

The Commission has written to the objectors and the political parties concerned to advise them of the outcome of the process. Any objector, party or candidate aggrieved by the decision of the Commission has until 11 April 2019 to appeal the decision to the Electoral Court.

ISSUED BY THE ELECTORAL COMMISSION

Ensuring free and fair elections

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