



**THE ELECTORAL COURT OF SOUTH AFRICA**  
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT OF  
SOUTH AFRICA

**From:** The Registrar, Electoral Court

**Date:** 19 September 2025

**Status:** Immediate

***The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Electoral Court of South Africa***

*Ndabene Elias Ntlebi v Electoral Commission of South Africa, Free State Provincial Office and Others* (Case no 004/2025 EC) [2025] ZASCA 04(19 September 2025)

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Today, the Electoral Court struck from the roll an urgent application by the applicant, a former ward councillor, Ndabene Elias Ntlebi (Mr Ntlebi) who sought to review the Electoral Commission of South Africa, Free State Office (the IEC Free State) decision to schedule a by-election (first respondent). This is after the second respondent, the African National Congress, Free State Provincial Office (ANC) declared his council seat vacant. The review was brought in terms of s 20 of the Electoral Commission Act 51 of 1996 read with rules 6 and 10 of the Electoral Court Rules.

Mr Ntlebi served as ward councillor at the sixth respondent, Nala Local Municipality in Bothaville (the municipality), having been deployed by the ANC to represent the party. On 9 June 2025, the ANC Free State Provincial Disciplinary Committee (ANC PDC) convened a disciplinary hearing against Mr Ntlebi for alleged contraventions of the ANC constitution. The ANC PDC found that Mr Ntlebi's party membership had expired in February 2025. Consequently, the ANC PDC ruled it lacked jurisdiction to proceed with the disciplinary matter in terms of rule 4.17 of the ANC constitution. Following the disciplinary proceedings, Mr Ntlebi paid his membership fees, but the ANC informed him on 17 June 2025 that he had ceased to be a member. The ANC subsequently advised the fourth respondent, the Municipal Manager of the municipality to request the first respondent to declare a vacancy and prepare for by-elections in Ward 7. Since the municipality was under administration, the third respondent, the Department of Co-operative Governance and Traditional Affairs (COGTA Free State) forwarded the request to the first respondent, which published a draft timetable for by-election in June 2025.

Mr Ntlebi launched an urgent application on 7 July 2025 seeking to review the IEC Free State's conduct. He sought interim relief interdicting the by-elections, as well as final relief reviewing and setting aside the declaration of the councillor vacancy and the decision to schedule the by-election. The Electoral Court issued an order on 5 September 2025 striking the application from the roll, with reasons to follow later.

The Court held that Mr Ntlebi failed to comply with the prescribed time limits in terms of rule 6(1) of the Electoral Court Rules, which requires written submissions within three days after a decision is made. The Court found that Mr Ntlebi was informed on 17 June 2025 that he had ceased to be an ANC member. The Court concluded that no explanation was provided for the delay between 17 June 2025 to 7 July 2025. The Court further held that Mr Ntlebi lacked locus standi to seek the relief claimed, given that he was no longer an ANC member. The Court found that any challenge regarding his membership status should have been directed against the ANC, which made the initial decision, rather than against the IEC Free State, which acted upon the party's request.

As a result, the Electoral Court struck the application from the roll. The Court concluded that no costs order was warranted.

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