



THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Electoral Court

Date: 03 July 2026

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

Lephalale Residents Party and Another v Independent Electoral Commission of South Africa and Others (005/25EC) [2026] ZAEC 01 (03 July 2026)

Today, the Electoral Court dismissed an application brought by the Lephalale Residents Party (the party) and its deputy chairperson seeking to compel the Independent Electoral Commission (IEC) to remove Mr Mohau Ronald Mjakula (Mr Mjakula) as the registered leader of the party and to require the Lephalale Local Municipality (the Municipality) to remove him as the party's proportional representation (PR) councillor and replace him with another party member.

The applicants alleged that Mr Mjakula was lawfully dismissed from the party following disciplinary proceedings held in 2020 and 2021. They contended that the IEC should recognise the party's leader or representative councillor. Mr Mjakula opposed the application, disputing both the factual basis for his dismissal and the legality of the disciplinary process.

The court held that the dispute fell within the scope of s 20(2A) of the Electoral Commission Act 51 of 1996, which empowers the Electoral Court to determine disputes relating to the membership and leadership of registered political parties. It rejected the argument that the matter should instead have been pursued as a review of decisions taken by the IEC or the Municipality.

The court found, however, that the applicants had failed to establish that Mr Mjakula's dismissal from the party had been procedurally fair or lawfully effected. The evidence did not establish that he had been properly notified of the meetings, his suspension, or the disciplinary proceedings against him. The applicants also failed to produce proof that he had received the notice of dismissal.

The court held that the party's constitution contemplated that disciplinary action should be preceded by proper notice and an opportunity to be heard, consistent with the rules of natural justice. It further observed that the constitution vested significant responsibilities in the party chairperson regarding the convening of meetings and disciplinary processes, raising doubts as to whether the executive committee that purported to dismiss Mr Mjakula was authorised to do so.

The court also noted several unexplained inconsistencies in the applicants' case, including uncertainty regarding the composition of the executive committee, unexplained delays in notifying the IEC of the alleged change in leadership, and the absence of evidence explaining the replacement of the party's PR councillor. These deficiencies undermined the applicants' claim that Mr Mjakula had been lawfully removed from office.

As no proper basis had been established for compelling either the IEC or the Municipality to recognise a change in the party's leadership or representation, the application was dismissed. The court made no order as to costs.

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