



THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

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African National Congress v Electoral Commission of South Africa and Another (007/26EC)
[2026] ZAEC 05 (23 September 2026)

Today, the Electoral Court handed down judgment in which it dismissed the African National Congress's (ANC) appeal over the validity of candidate nominations submitted through the Electoral Commission of South Africa's (IEC) Online Candidate Nomination System (OCNS) for the November 2026 local government elections.

The dispute concerned six municipalities in which the ANC had completed its electronic candidate nomination forms, uploaded the required supporting documents and paid the prescribed deposits before the 17h00 deadline on 28 August 2026. However, the ANC had not activated the Online Candidate Nomination System's (OCNS) 'submit as final' function before the deadline. The issue was whether the information uploaded before the deadline constituted a valid nomination, notwithstanding the failure to complete the final submission step.

The Court held that the 'submit as final' function formed part of the prescribed electronic nomination process under the Local Government: Municipal Electoral Act 27 of 2000 and the Municipal Electoral Regulations. The OCNS distinguished between information that had merely been captured or uploaded and a nomination that had been finally submitted. Until final submission, the information remained provisional and could be amended, replaced or withdrawn. Activation of the final submission function was therefore the step by which a political party communicated its definitive and authoritative candidate choices to the Electoral Commission of South Africa (IEC).

The ANC contended that it had complied with all substantive nomination requirements before the deadline and that the final submission function was merely a technical feature of the electronic system. The Court rejected this interpretation. It held that the statutory requirement to submit nominations in the prescribed manner incorporated the electronic procedure established through the Regulations and implemented by the OCNS. Compliance therefore required completion of the final submission process before the prescribed deadline.

The ANC initially attributed its failure to complete the process to technical difficulties, including being logged out of the system. The IEC disputed this and provided evidence that the OCNS remained operational and that political parties had received training, notifications and warnings regarding the requirement to complete final submission. The Court found no sufficient evidential basis for concluding that a system malfunction had prevented the ANC from completing the process. The ANC ultimately relied principally on its interpretation of what constituted submission rather than on the alleged technical failure.

The Court acknowledged that the exclusion of the affected candidates had a significant impact on political participation. However, it held that the constitutional importance of political participation did not permit the Court to disregard a mandatory electoral requirement. The final submission requirement served a legitimate purpose by establishing the point at which a party's candidate choices became final and authoritative. Treating uploaded information as automatically final would undermine the distinction between provisional and final nominations and could create uncertainty regarding the candidates ultimately nominated by a party.

The Court further considered the importance of certainty, fairness, equal treatment and the orderly administration of elections. The final submission requirement had been communicated to political parties through training and repeated notifications, and the ANC had successfully completed the final submission process in other municipalities. Permitting the affected nominations to be validated after the deadline would effectively relax the prescribed requirements retrospectively and could result in unequal treatment between political parties. Electoral deadlines, once validly prescribed, must generally be applied consistently, notwithstanding the consequences of non-compliance.

The ANC's reliance on the Electronic Communications and Transactions Act 25 of 2002 was also unsuccessful. The Court held that the legislation provides a general framework for electronic communications but does not determine the specific requirements applicable to municipal candidate nominations. Those requirements are governed by the Municipal Electoral Act and Regulations. The relevant question was therefore not merely whether the IEC had received or could retrieve the ANC's electronic information, but whether the prescribed nomination procedure had been completed. It had not.

The Court accordingly concluded that the ANC's failure to activate the 'submit as final' function before the statutory deadline constituted non-compliance with a mandatory electoral requirement. The affected party lists and ward candidate nominations were therefore not validly submitted and could not lawfully be included in the certified candidate lists for the November 2026 local government elections.

Each party was ordered to bear its own costs, as the Court considered the legal issue novel and of broader significance for the administration of electronic electoral nominations.

The decision confirms that, where a prescribed electronic nomination system requires a final submission step, completion of the forms, uploading of documents and payment of deposits do not, without more, constitute a valid nomination. Political parties must complete every mandatory stage of the prescribed electronic process within the statutory deadline.

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