



THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Electoral Court

Date: 21 October 2026

Status: Immediate

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*Dr Franck Naidoo v Nkomo and Electoral Commission of SA Others (0010/26EC) [2026]
ZAEC 09 (21 October 2026)*

Today the Electoral Court handed down judgment in which it dismissed the applicant's application and ordered each party to pay its own costs.

The dispute arose under the following circumstances. The applicant, Dr Franck Naidoo, sought to stand as an independent candidate in the local government elections scheduled for 4 November 2026. In terms of section 17(2)(a) of the Local Government: Municipal Electoral Act 27 of 2000 (the Act), an independent ward candidate's nomination had to be accompanied by a prescribed form bearing the signatures of at least 50 voters whose names appeared on the relevant segment of the voters' roll for any voting district in the ward. The Municipal Electoral Regulations, 2000 (the Regulations) further required the identity numbers of the supporting voters to be included on the prescribed form to enable the Commission to verify their registration. The nomination period closed on 28 August 2026 at 17h00. On that date, the applicant submitted a nomination form containing 58 signatures. However, during the verification process, the Commission discovered that some of the identity numbers were incorrect and that certain supporters were either not registered to vote or were registered outside Ward 26. Consequently, only 43 supporters could be verified as registered voters in the ward. On 31 August 2026, the Commission informed the applicant that his nomination was invalid because it did not satisfy the statutory requirement of at least 50 qualifying supporters.

Aggrieved by the Commission's decision, the applicant approached the Electoral Court seeking an order reviewing and setting aside the decision, declaring that he had complied with section 17(2)(a) of the Act, and directing the Commission to accept corrected identity numbers and include him as a candidate. The Commission opposed the relief sought by the applicant.

The central issue before this Court was whether the applicant had complied with the requirements of section 17(2)(a) of the Act and the Regulations and, if not, whether the Commission should enable him to amplify his nomination to allow him to stand for office as an independent candidate for Ward 26.

Before considering the merits, this Court addressed the issue of urgency and condonation. Rule 6(1) of the Electoral Court Rules requires a review application against a decision of the Commission to be brought within three days of the decision, while rule 10 provides that non-compliance with prescribed time limits may result in a party being barred unless the Court directs otherwise on good cause shown. The applicant had brought his application approximately seven days outside the permissible time, and this Court consequently found that the delay was relatively short and had not prejudiced the Commission. It also recognised that electoral disputes are inherently urgent and require expeditious resolution in the public interest. The matter was accordingly entertained on an urgent basis.

On the merits, this Court emphasised that section 17(1) of the Act requires a ward candidate to be nominated on the prescribed form and for that form to be submitted by the deadline stipulated in the election timetable. Section 17(2)(a) specifically requires an independent ward candidate to obtain the signatures of at least 50 voters registered within the relevant ward. The prescribed identity numbers enable the Commission to verify that the supporters satisfy this requirement. This Court held that these statutory provisions are peremptory and require compliance.

In reaching its conclusion, this Court relied on *Nyaku v The Electoral Commission of South Africa-Chief Electoral Officer (007/21) and Others [2021] ZAEC 2*, where the Electoral Court held that a nomination was invalid where the required supporting documents, including a form bearing the signatures of at least 50 qualifying voters, were not submitted in compliance with the statutory deadline. Furthermore, this Court held that section 17 of the Act does not permit a candidate to rectify, after the nomination deadline, a failure to lodge a form supported by at least 50 qualifying voters. The applicant's nomination was therefore invalid because only 43 supporters could be verified as registered voters in Ward 26. This Court consequently found that the applicant's disqualification cannot be faulted as it was the result of his own failure to comply with the Act and the Regulations.

The Electoral Court, per Professor Phooko, with Adams J and Yacoob AJ concurring, accordingly dismissed the application and ordered each party to pay its own costs.

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