THE ELECTORAL COURT OF SOUTH AFRICA

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

From: The Registrar, The Electoral Court of South Africa

Date: 30 October 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 of South Africa

Electoral Commission of SA and Another v The Good Party and Others (002/25EC) [2026] ZAEC 11 (30 October 2026)

Today the Electoral Court handed down judgment in which it has granted the Good Party, Mr Herron and Electrox leave to appeal to the Supreme Court of Appeal against a judgment and order handed down on 26 August 2026. The costs of the applications for leave to appeal will be costs in the appeal, while the Good Party and Mr Herron were ordered to pay the costs of their condonation application.

In the original judgment, the Electoral Court declared that the Good Party, Mr Herron and Electrox had contravened provisions of the Political Party Funding Act 6 of 2018 (the Funding Act) and the applicable regulations governing political party funding. Administrative penalties of R50 000, R40 000 and R40 000 respectively were imposed, with each party ordered to pay its own costs.

The Good Party and Mr Herron, as well as Electrox in a separate application, sought leave to appeal against the entire judgment and the orders affecting them. The Court also granted condonation for the late filing of the Good Party's heads of argument, finding that the delay was attributable to a miscommunication within its attorneys' offices, was brief in duration, and caused no prejudice to the other parties.

The applicants for leave to appeal raised several legal and factual challenges to the Court's judgment. The Good Party contended, among other things, that the Electoral Commission failed adequately to plead and establish the jurisdictional requirements for the relief granted, that procedural fairness requirements were not complied with, and that the evidence did not justify the rejection of its version on the papers.

Electrox similarly challenged the judgment on a number of grounds. It argued that the Electoral Commission's founding papers contained material contradictions concerning the identity of the donor, the nature and value of the alleged donation, and the factual basis for liability under the Funding Act. Electrox further contended that the Court misapplied the *Plascon-Evans* rule, incorrectly interpreted and applied the relevant statutory provisions, and erred in imposing an administrative penalty.

The Court observed that there is a real possibility that another court may reach conclusions different from those reached by it, particularly regarding the interpretation of the statutory scheme governing administrative penalties under the Funding Act and the jurisdictional requirements necessary for the granting of relief.

The Court held that the applications meet the requirements of s 17(1)*(a)*(i) of the Superior Courts Act 10 of 2013 (Superior Courts Act) because there are reasonable prospects that another court may come to different factual and legal conclusions. The Court further held that there are compelling reasons why the appeal should be heard in terms of s 17(1)*(a)*(ii) of the Superior Courts Act. These include the novel legal issues raised by the interpretation and application of relatively recent political funding legislation and the broader public importance of those issues.

The Court also corrected, in terms of rule 42(1)(b) of the Uniform Rules of Court, a patent error in its earlier order by replacing a reference to a contravention of s 12 of the Funding Act with a reference to s 9(2), which reflected the Court's true intention.

The result is that the Good Party, Mr Herron and Electrox have been granted leave to appeal to the Supreme Court of Appeal.

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