THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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 Supreme Court of Appeal

Sivuyile Jacquin Tshikila v Electoral Commission of SA and Others (0020/26EC) [2026] ZAEC 13 (30 October 2026)

Today, the Electoral Court granted an urgent application with no order to costs by Sivuyile Jacquin Tshikila (the applicant) concerning the removal of his name from the party candidate lists due to absence of consent.

The applicant is a former member and local leader of the Economic Freedom Fighters (EFF) in Amathole and KwaMaqoma districts. He ceased to be a member of the EFF post the 3rd National Assembly, which was held on 12-15 December 2024 in Nasrec, Johannesburg.

The crux of the applicant's case is that he was nominated without his consent by the EFF and included on the list of ward candidates to stand for election in Ward 03 EC 129. The list of certified candidates was published on 16 September 2026. The applicant's certificate was issued on 25 September 2026. The applicant states that he discovered on an undisclosed date in 'early' September 2026 that his name was on the candidate list. His complaints to the Commission reveal that he discovered his candidacy only on 16 September 2026. His attempts to have his name removed from the candidate list published by the Commission were unsuccessful. Aggrieved by the Commission's inability to remove his name without a court order, the applicant approached this Court seeking relief *inter alia* ordering the Commission to remove his name from the ward candidate list in Ward 03 EC 129.

The issue for determination is (a) whether the applicant's name was included without his consent in the list of ward candidate and therefore is entitled to have his name removed and (b) whether the applicant's rights to freedom of association, dignity and political rights have been violated. The applicant asks this Court to determine the application on an urgent basis, and the urgency is not opposed by the Commission.

On urgency or condonation, this Court held that, it is common cause that the election date is fast approaching. Consequently, this matter ought to be heard on urgent basis as electoral disputes are in their nature inherently urgent and demand speedy and expeditious resolution.

This Court held further that, it is prepared to give the candidate the benefit of the doubt in that he never consented to the inclusion of his name as a ward candidate for the EFF.

This Court also held that everyone has a right not to associate and to freely make their political choices. This is important especially in the context of our unpleasant past. Freedom of association as a political right entails 'that all persons should be entitled to associate or not with other persons of their choice in a totally non-coercive way'. Accordingly, the EFF cannot coerce the applicant without his consent to stand for office as ward candidate against his will. To do so, would go counter the spirt of our hard-earned constitutional democracy.

This Court further found that the aspect of ordering the Commission not to certify the applicant's name as a ward candidate has become moot. The lateness of the date means that it may not be practical to order the Commission to reprint the ballot paper. It then declared the applicant not a ward candidate for

the EFF and inter alia directed the Commission to ensure that the ballot paper for Ward 03, Raymond Mhlaba Local Municipality, EC129, does not reflect the applicant as a candidate. This is to be achieved by either reprinting the ballot paper if practicable or, if not possible by requiring a voting officer in each voting station to rule a line through the applicant's details in such a way as to obscure his name and prevent any vote being cast for him.

Accordingly, the application succeeded, with no order as to costs.

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