THE ELECTORAL COURT OF SOUTH AFRICA

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

From: The Registrar, Electoral Court

Date: 02 November 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

Freedom Nkululeko Jojiyasi and Another v Eastern Cape PEC of the ANC and Others (0021/26EC) [2026] ZAEC 14 (02 November 2026)

Today the Electoral Court (the Court) handed down judgment in which it dismissed the applicants' application and made no order regarding costs.

The applicants are challenging the ANC's Eastern Cape party list and the ward candidate nominations for the 2026 Local Government Elections (the 2026 LGE) scheduled for 4 November 2026. The applicants allege that, in producing the said list, the ANC had disregarded its own constitution, internal policies and procedures, rules, guidelines and directives. As such the lists must be declared unlawful, should be reviewed, nullified and set aside. The applicants also apply to compel the ANC to have a revised list compiled and to interdict the sixth respondent (the Electoral Commission) from issuing registration certificates, which were due on 25 September 2026.

The applicants' contention is that the ANC, in contravention of the ANC Candidate Selection Rules, Guidelines and Procedures' (the Guidelines) failed to publish on the ANC website the party list and the list of all candidates nominated for wards, as required in terms of clause 9.5.3 of the Guidelines so as to enable members of the ANC to file their disputes timeously.

The issue to be decided by the Court is whether the applicants have made out a case – factually and legally – for the relief sought by them.

The Court established that the relief sought by the applicants is in effect an application for an amendment of the 2026 Local Government Election Timetable (timetable), published by the Electoral Commission on 7 August 2026. The relief sought by the applicants, would effectively be granting the applicants and the ANC leave to submit its party lists of nominated candidates and ward candidate nominations for the 2026 LGE after the deadline of 17h00 on 28 August 2026. By the time the Electoral Court heard this application on Wednesday, 21 October 2026, the deadline prescribed by the timetable had long come and gone.

The Court held that the relief sought by the applicants is incompetent. Section 11(2)*(a)* of the Municipal Electoral Act 27 of 2000 permits only a general amendment of the timetable, by notice in the Government Gazette, where that amendment is necessary for a free and fair election. The Municipal Electoral Act confers no power to exempt one party from a deadline that continues to bind all others. Therefore, the refusal of a request to extend the time period, which the Electoral Commission had no power to grant cannot be unlawful, irrational or unreasonable. In addition s 11(3) provides that any act required to be performed in terms of the Municipal Electoral Act must be performed by no later than the date and time stated in the timetable.

The Court further held that sections 14(1) and 17(1) of the Municipal Electoral Act preclude the submission of new party lists and ward candidate nominations after the deadline. The only substitution mechanisms after the deadline are those in s 14(4A) and s 17(2B), which are narrow and are themselves subject to dates in the timetable. The applicants had not made out a case for the relief sought in their notice of motion.

With reference to the relief sought by the applicants directed mainly against the ANC and its various structures and compliance with the Guidelines, the Electoral Court found that it cannot be said with any conviction that the version of the ANC is so far-fetched and untenable that it can be rejected on the papers out of hand and thus with application of *Plascon Evans*, the version of the ANC is to be accepted over that of the applicant.

As the Eastern Cape PEC, the ANC, the third and the fourth respondents, opposed the applicants' application, the Electoral Court considered the following factors: Mr Mbalula alleged that there had indeed been publication on the ANC's official website during the last week of August 2026, the full national list of ANC candidates who had completed its applicable internal candidate selection processes. Access to the personal information of candidates was restricted. The controlled access feature did not amount to a refusal to publish the candidate information in terms of clause 9.5.3 of the Candidate Selection Rules; disputes in relation to the Matthew Goniwe sub-region were adjudicated and resolved in terms of the guidelines; in Ward 8, Matatiele, in the Alfred Nzo region the nomination process was set aside and reconvened within 48 hours; in Ward/Branch 19 in the Intsika Yethu region, no dispute was ever lodged with the PLC; in the Chris Hani region the PEC unequivocally avers that verdicts were issued; as for Wards in the Alfred Nzo region which formed the bulk of the branches, there were no outstanding disputes.

The Court also found that the applicants failed to prove that the candidate nominations and selection processes followed by the ANC in the Eastern Cape Province were undermined in a manner that materially affected the candidate nomination process as a whole. As was pointed out by the PEC in its answering affidavit, the ANC has eight regions in the Eastern Cape, and of those, six are not alleged by the applicants to be affected by or implicated in any of the disputes complained of. This Court finding that the applicants have not made out a case for the setting aside of the lists and the nominations in those unaffected regions. No cause of action has been disclosed by the applicants that the submission to the Electoral Commission of those lists and nominations for those regions were unlawful and unconstitutional.

The Court, accordingly, dismissed the application.

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