THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Registrar, Electoral Court

Date: 03 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 Electoral Court

Rev Danzel P van Rensburg/Pose v Electoral Commission of South Africa (0023/26 EC) [2026] ZAEC 15 (03 November 2026)

Today, the Electoral Court of South Africa (the Electoral Court) dismissed an application brought by Rev Danzel P van Rensburg (Mr van Rensburg) concerning the candidacy of Marlon Calvine Oormeyer (Mr Oormeyer) in the forthcoming local government elections. No order as to costs was made.

Mr van Rensburg, who described himself as the founder or representative of Protect Organise and Support Empower (POSE), approached the Electoral Court in the public interest, raising concerns about the eligibility of Mr Oormeyer to stand as a ward candidate for the African National Congress (ANC) in Ward 7 of the Dr Beyers Naudé Local Municipality in the Eastern Cape. The applicant sought information and clarification concerning Mr Oormeyer's employment status and whether his candidacy might contravene statutory provisions or policies governing the political activities of employees of the South African Police Service (SAPS).

The application was opposed by the Electoral Commission of South Africa (the Commission). The Commission contended that it had neither a statutory duty nor the power to investigate a candidate's employment status or compliance with employment-related obligations before certifying that candidate for election. It submitted that responsibility for ensuring a candidate's eligibility rested with the nominating political party and the candidate, and that the prescribed statutory declaration did not require disclosure of employment status.

The Electoral Court considered s 158 of the Constitution, which regulates eligibility for membership of municipal councils, together with s 36 of the Public Service Act 103 of 1994 and s 21 of the Local Government: Municipal Structures Act 117 of 1998. The court held that public servants are not automatically disqualified from standing as candidates in municipal elections. Although restrictions may apply to their ability to assume office or serve as councillors once elected, those restrictions do not necessarily prevent their nomination as candidates.

The Electoral Court also considered s 46 of the South African Police Service Act 68 of 1995, which regulates the political activities of SAPS members. It held that the provision does not expressly prohibit a SAPS member from being nominated as a candidate in a municipal election. The court found it unnecessary to determine whether accepting such a nomination would constitute prohibited political activity under that section. Any alleged breach of the provision would primarily be a matter between the SAPS member and SAPS as the employer, rather than a matter for the Commission to determine when certifying candidates.

The Electoral Court further held that Schedule 3 to the Local Government: Municipal Electoral Act 27 of 2000 does not provide a procedure for lodging objections concerning the eligibility of ward candidates before their certification. Challenges to eligibility following certification must ordinarily be pursued through appropriate court proceedings.

The Electoral Court found that the applicant had neither sought the review of a decision taken by the Commission nor challenged Mr Oormeyer's nomination. Instead, the relief sought was directed at obtaining legal guidance concerning the relationship between employment law and electoral law. The court held that no electoral dispute had been raised for its determination and that it was not its function to provide legal advice on matters falling outside its jurisdiction.

The application was accordingly dismissed with no order as to costs.

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