THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Electoral Court

Date: 03 November 2026

Status: Immediate

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Bongani Wellington Cibi v Independent Electoral Commission of South Africa (0024/26EC) [2026] ZAEC 16 (03 November 2026)

Today, the Electoral Court handed down judgment dismissing an application by Mr Bongani Wellington Cibi (the applicant), concerning his unsuccessful attempts to participate in the November 2026 Municipal elections, either through the registration of a political party or as an independent candidate.

The applicant alleged that officials of the Electoral Commission (the Commission) had failed adequately to explain the statutory requirements and deadlines for electoral participation, provided him with confusing information and delayed the return of certain documents. He contended that these shortcomings had deprived him of the opportunity to contest the elections. The Commission opposed the application, arguing that it had taken no decision capable of review and that the applicant had failed to comply with the statutory requirements for both political-party registration and independent candidature.

The Court held that the applicant had failed to establish the existence of a reviewable decision. On his own version, he had been informed on 25 August 2026 that his political-party registration application had been lodged too late to enable registration before the close of nominations. Despite this, he requested the Commission's officials to accept his documentation, which they did. The advice given by officials concerning the consequences of the statutory requirements did not constitute a decision refusing his application.

The Court further found that the application had been instituted outside the prescribed three-day period for review proceedings, as required by s 20(1)(*b*) of the Electoral Commission Act 51 of 1996, read with rule 6(1) of the Electoral Court Rules. The alleged decision had been

communicated on 25 August 2026, but the application was instituted only on 12 September 2026. No application for condonation was brought, and no explanation for the delay was provided. The Court held that the delay was fatal, particularly given the need for expedition and finality in electoral disputes.

Although these findings were sufficient to dispose of the application, the Court also considered its merits. It found that the applicant had failed to comply with the statutory requirements for either form of electoral participation. The notice of his political-party registration application had been published on 21 August 2026. The applicable legislation requires a 14-day period for objections before a political party may be registered. Registration could therefore not lawfully have been completed before the nomination deadline of 28 August 2026.

The applicant had also failed to submit a valid independent-candidate nomination, accompanied by the prescribed supporting signatures and documentation, within the applicable deadline. His complaints about payment requirements, communications with officials and the delayed return of documents did not establish that he had complied with the statutory requirements or that the Commission had unlawfully prevented him from doing so.

The Court held that the alleged confusion and shortcomings in the assistance provided by officials could not override mandatory statutory requirements. It emphasised that neither the Commission nor the Court could disregard prescribed electoral deadlines to accommodate a candidate who had failed to comply with them. Such an approach would undermine the integrity, certainty and fairness of the electoral process. The applicant had also failed to establish any ground justifying judicial interference with the Commission's conduct. The application was accordingly dismissed. There was no order as to costs.

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