



THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

From: The Electoral Court

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United Democratic Front Party v Electoral Commission of South Africa (005/2026EC) [2026] ZAEC 04 (04 September 2026)

Today, the Electoral Court handed down judgment dismissing an urgent application by the United Democratic Front Party (the applicant), a recently registered political party, seeking permission to participate in the 2026 Local Government Elections despite having failed to comply with the prescribed deadline for the nomination of ward candidates.

The applicant was registered by the Electoral Commission (the Commission) on 24 August 2026. In terms of the 2026 Local Government Election Timetable, published on 7 August 2026, political parties and independent candidates intending to contest wards were required to submit their ward candidate nominations by 17h00 on 28 August 2026. After the Commission refused the applicant's request for an extension, the applicant approached the Electoral Court on an urgent basis. By the time the matter was heard, the applicant sought, in the alternative, permission to nominate 'placeholder' candidates in some or all of the wards it intended to contest, with the intention of replacing them before the next relevant date in the timetable.

The applicant contended that, because its registration had been finalised only four days before the nomination deadline, it had insufficient time to identify, recruit and obtain the consent of suitable ward candidates. It argued that the Commission should have exercised its power under s 11(2)(a) of the Local Government: Municipal Electoral Act 27 of 2000 (the Municipal Electoral Act) to amend the election timetable in the interests of a free and fair election.

The Electoral Court rejected this contention. It held that s 11(2)(a) of the Municipal Electoral Act permits the Commission, by notice in the Government Gazette, to amend the election

timetable where it considers an amendment necessary for a free and fair election. It does not, however, confer a power to exempt an individual political party from a deadline that remains binding on other participants. In terms of s 11(3) and 17 of the Municipal Electoral Act, acts relating to ward nominations must be performed by the date and time stipulated in the timetable. The Commission therefore has no statutory power to condone a late ward nomination.

The Electoral Court emphasised that strict adherence to electoral timetables is fundamental to the integrity of the electoral process. Uniform deadlines promote fairness among political parties and independent candidates, enable the Commission to administer elections efficiently and impartially, and ensure that elections are both free and fair and perceived to be so. Allowing an individual party to circumvent a prescribed deadline could prejudice parties and candidates who complied with the timetable and undermine the Commission's neutrality.

The Electoral Court also rejected the applicant's 'placeholder' proposal. Although framed as an alternative form of relief, the proposal would effectively permit new ward nominations after the prescribed deadline. The limited substitution mechanisms provided for in the Municipal Electoral Act do not create a general power to submit new nominations after the deadline. The proposal also contemplated nominating persons in wards which, on the applicant's own case, they did not intend to contest, raising a further difficulty under s 69(1) of the Municipal Electoral Act.

The Electoral Court further found that the applicant's predicament was, in material respects, self-created. The applicant had delayed in properly lodging its registration application and had not undertaken sufficient preparations for the nomination of ward candidates while its registration was pending. Nothing prevented it from identifying wards, recruiting prospective candidates, obtaining their consent and preparing the necessary documentation before its registration was finalised.

The Electoral Court accordingly concluded that the Commission had no statutory power to grant the relief sought and that its refusal to do so could not be unlawful, irrational or unreasonable. In any event, the Commission was correct in its assessment that an amendment to the timetable was not necessary to ensure a free and fair election.

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