



**IN THE ELECTORAL COURT OF SOUTH AFRICA
(HELD AT BLOEMFONTEIN)**

Reportable

Case no: 003/26EC

In the matter between:

UNITED DEMOCRATIC FRONT PARTY

Applicant

and

ELECTORAL COMMISSION OF SOUTH AFRICA

First Respondent

THE CHIEF ELECTORAL OFFICER

Second Respondent

DEPUTY CHIEF ELECTORAL OFFICER

Third Respondent

UMNOTHO DEMOCRATIC FRONT

Fourth Respondent

Neutral citation: *United Democratic Front Party v Electoral Commission of South Africa* (003/26EC) [2026] ZAEC 02 (21 August 2026)

Coram: STEYN and MANGCU-LOCKWOOD AJJ, PROFESSOR
PHOOKO (ADDITIONAL MEMBER)

Heard: 31 July 2026

Delivered: This judgment was handed down electronically by circulation to the parties' representatives *via* email, by publication on the website of the Supreme Court of Appeal and by release to SAFLII. The date and time for hand-down is deemed to be 13:00 on 21 August 2026.

Summary: Registration of political parties; refusal by the Deputy Chief Electoral Officer to register the Applicant's proposed abbreviated name 'UDFP' on the ground of resemblance to the Fourth Respondent's registered abbreviated name 'UDF' in terms of s 16(1)(b) of the Electoral Commission Act 51 of 1996 (the Act); whether the Commission, in determining an appeal under s 16 against refusal of registration, is confined to a narrow appeal on the existing record under s 16(3), or possesses the wider powers conferred by s 16(4) to invite further evidence and consider proposed amendments to the registration application; the proper interpretation of subsections 16(3) and (4) read together, and their relationship to the political rights enshrined in s 19 of the Constitution of the Republic of South Africa, 1996. Applicant's appeal succeeds. Decision of the Commission reviewed and set aside, and matter remitted to the Commission for fresh determination within seven days. No order as to costs.

ORDER

1. The decision of the first respondent is reviewed and set aside.
2. The matter is remitted to the first respondent for fresh determination of the applicant's appeal, which-
 - a. must be determined within seven days of this order; and
 - b. must include consideration of the applicant's proposal to register without an abbreviated name.
3. If the first respondent requires the applicant to publish its notification of registration, it must notify the applicant thereof within three days of its consideration of the applicant's appeal.
4. There is no order as to costs.

JUDGMENT

Mangcu-Lockwood AJ (Steyn AJ, Professor Phooko concurring)

A. Introduction

[1] The applicant, the United Democratic Front Party has brought an application in terms of s 20 of the Electoral Commission Act 51 of 1996 (the Act), for review of the decision of the third respondent, the Deputy Chief Electoral Officer (DCEO) in which he rejected its application for registration as a political party, and alternatively, the decision of the first respondent, the Electoral Commission of South Africa (the Commission) which dismissed its appeal.

[2] The background is that the applicant applied for registration of its party. In addition to its full name, it nominated the abbreviated name ‘UDFP’ in its application form, together with a distinguishing mark and symbol. All of these were published as required under s 15(4A) of the Act, read with regulation 6 of the Regulations for the Registration of Political Parties, GNR 13 of 7 January 2004 (the regulations), and no objections were received.

[3] On 18 May 2026 the DCEO rejected the proposed abbreviated name on the basis that it is similar to that of an existing political party, the fourth respondent, whose registered abbreviated name is ‘UDF’, and that it accordingly did not comply with s15(2)(c) of the Act and the regulations.

[4] On 26 May 2026 the applicant noted an appeal in terms of s 16 of the Act, stating that the issue could be cured by simply approving its registration without an abbreviated name, as this was the most proportionate remedy compared to rejecting its entire application. In the alternative, the applicant proposed 5 other abbreviations, namely UnitedDF, United DF, UDFRONT, UNITEDFP, and UDFParty. In its appeal, the applicant also sought to distinguish its full name from those of other registered political parties. With specific reference to the fourth respondent, it pointed to notable distinguishing features, including differences in meaning, phonetic sound, language, appearance and connotation of the first word ‘Umnotho’ when compared to ‘United’. It also pointed to the differences in logos, symbols, colours, branding, political identity, leadership and geographic bases of the two parties, stating that the two were not comparable.

[5] On 22 June 2026 the Commission dismissed the appeal and upheld the decision of the DCEO to the effect that the applicant's abbreviation is confusingly similar to that of the fourth respondent and would lead to voter deception or confusion. It held that the proposals contained in applicant's appeal amounted to amendment of its registration application in circumstances where the registration application was no longer before the DCEO, and it was impermissible for it, as the appeal body, to effect such amendments. It also relied on the case of *Action SA*,¹ for its conclusion that it was not empowered to consider an altered record on appeal.

B. The issues

[6] The applicant challenges the Commission's decision on appeal to refuse its proposed registration with either no abbreviated name or with any of the suggested abbreviated names. It states that the decision is reviewable under various heads, including that it was overly technical, unreasonable, disproportionate and inconsistent with its duties as an appeal body. The main issue for determination resolved itself into the nature of the powers of the Commission on appeal.

[7] In Court, it was argued that the applicant did not particularly want an abbreviation. It had nominated one because the prescribed form required it. This is a misinterpretation of the form. In its invitation to insert an abbreviated name, the form adopts the language of s 15(2), which states that the form shall make provision for 'the abbreviation, if any, of the name of the party consisting of not more than 8 letters'. Adopting this language, item number 2 of the prescribed form simply states: '*Abbreviated name, if any, of the party...*'. (Own emphasis.) It is here that the applicant inserted 'UDFP'.

¹ *Action SA v The Electoral Commission of South Africa* [2022] ZAEC 2 (*Action SA*).

[8] It is clear from the language used in the form that a party is not obliged to insert an abbreviated name. The language allows for a party which does not have an abbreviated name to leave the space open, without inserting an abbreviation.² The applicant's subsequent conduct of requesting that the abbreviated name simply be deleted indicates that it understood this – that a party could exist with a full name and no abbreviated name. Thus, the belated argument advanced at the hearing that it was obliged by the form to allocate an abbreviated name is undermined by its own conduct. Even when it lodged its appeal, there was no indication that it did not understand the import of inserting an abbreviated name. In fact, the prescribed notice of publication (annexure 2 of the regulations) requires the following information: ‘The abbreviated name of the party is/ *There is no abbreviated name of the party (delete that which is not applicable)*’. (Own emphasis.). If there had been any misconception or misunderstanding or unhappiness regarding whether or not the applicant was required to nominate an abbreviated name, the indication provided in this form – that a political party may exist without an abbreviated name – was more than clear. But in response to that request, the applicant inserted ‘UDFP’ as its abbreviated name in the notice. There is accordingly no basis to conclude that the applicant did not voluntarily nominate its own abbreviated name.

[9] The import of an abbreviated name was highlighted by this court in *Action SA v Electoral Commission of South Africa (Action SA)*.³ There, the Commission had refused to include the name of a political party on a ward ballot paper on the basis that the specific ballot only allowed for registered abbreviated names of political parties, which the new party, ActionSA did not possess. It was common cause that

² *Action SA* above para 46.

³ *Ibid.*

upon its registration, ActionSA had not submitted an abbreviated name, and that even in its constitution, it did not possess one. Upon being informed of the Commission's decision to only include abbreviated names of political parties in the specific ballot paper, the applicant had proposed that its full name, ActionSA, should be inserted where abbreviated names were required in the ballot paper.

[10] The Court observed that what the applicant sought amounted to an indulgence. It agreed with the Commission that the situation in which the applicant found itself was of its own making, because it had failed to register an abbreviated name or acronym,⁴ or to amend its registered name to include an acronym.⁵ It declined the invitation to approve an abbreviated name for the applicant.

[11] The case underscores the fatal consequences of making an election when submitting a registration form, and that logic applies with equal force in these proceedings. Whether an abbreviated name is nominated in the form is the choice of the applying political party, and once that choice is made, it is one that the applicant will have to live with. That choice is furthermore one on whose terms the decision-maker, the DCEO in this case, was entitled to determine the application for registration. In that regard, s 16(1)(b) provides as follows:

‘The chief electoral officer may not register a party in terms of section 15 or 15A, if-

...

a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application resembles the name, abbreviated name, distinguishing mark or symbol, as the case may be, of any other registered party to such an extent that it may deceive or confuse voters.’

⁴ Ibid para 37.

⁵ Ibid para 10.

[12] The inclusion or exclusion of an abbreviated name of a political party in the registration form is not merely an administrative issue as contended by the applicant. If that were correct, the statute would not have permitted the CEO, or DCEO in this case, to reject the full application for registration on the basis of a similarity in abbreviated names which meets the requirements of s 16(1)(b). That is what s 16(1)(b) contemplates. In terms of the provision, any resemblance – whether in the proposed name, abbreviated name, distinguishing mark or symbol – may result in a refusal to register the party if it is to such an extent that it may deceive or confuse voters.

[13] The applicant complains that it should have been granted an opportunity to effectively delete its abbreviated name before the DCEO made a final determination on its application, alternatively, that the deletion should have been made on appeal. In advancing that argument, it does not appear that the applicant denies that there is a resemblance between the abbreviated names of the two entities which meets the requirements of s 16(1)(b). A reading of its appeal before the Commission and the papers before this Court indicates that it seeks rather to distinguish the full name of the applicant from the full name of the fourth respondent. There is otherwise no basis advanced for challenging the DCEO's decision that the two abbreviated names resemble each other to such an extent that it may deceive or confuse voters.

[14] In advancing the submission that it should have been permitted to amend its registration application, the applicant relies on the case of *African National*

Congress,⁶ a case in which the African National Congress (ANC) sought to review the decision of the DCEO of the Commission to register uMkhonto Wesizwe Political Party (MK Party) as a political party on the basis that he acted unlawfully because there was no application before him for such registration.

[15] The MK Party had lodged an application to register its party, and the notice of application was published for comment in terms of s 15(4A). In a letter dated 4 August 2023 the DCEO stated as follows:

‘Please take note that the application for the registration of the abovementioned party has been rejected because the signatures of supporters on the deed of foundation showed patterns of discrepancies which indicate that the signatures were made by a person/s other than the voter.

...

The rejection of the application does not debar [MK] from submitting a fresh application, complying with all the requirements, to the Chief Electoral Officer.’⁷

[16] From the judgment, it appears that the MK Party responded to the invitation in the concluding paragraph by rectifying the noted discrepancies, resulting in what is referred to in the judgment as a supplemented application before the DCEO, and the MK Party was subsequently registered as a party. The ANC argued that there was no right to supplement a registration application that could be read into s 15. And since the letter of 4 August 2023 constituted a decision by the DCEO rejecting the MK Party’s application for registration, the MK Party was required to submit a fresh application for registration and to publish a fresh s 15(4A) notice in the *Government Gazette*.

⁶ *African National Congress v Electoral Commission of South Africa and Others* [2024] ZAEC 3 (African National Congress).

⁷ *African National Congress* above paras 50 and 51.

[17] This Court disagreed with the ANC. It held that s 15(1) requires the CEO to register a political party when an application is submitted in the prescribed manner and form. It matters not, said the Court:

‘...how the application came before [the DCEO] or whether it came before him in one go or in phases or, for that matter, in the proverbial “drips and drabs”... . [T]he absence of a reference in s 15(1) to “supplementing” of the application, does not, detract from the fact that, on a plain reading of the provision, the words, the grammar and the syntax of the section lend itself to an interpretation that, as long as the application, in the prescribed manner and form, is before the CEO, he should register the political party.’⁸

The court rejected as artificial the contention that an application in terms of s 15(1) cannot be supplemented, and held that this was, in effect elevating form over substance, stating as follows:

‘It implies that, contrary to the substantive approach to the consideration for an application for registration, as implied from the reasons for which the CEO may decline to register a political party, which are set out in s 16(1), the CEO should refuse to register a political party for elementary administrative details which the Act and the regulations did not deem necessary to prescribe. Nowhere in s 15 or the regulations is the way the application is to be submitted, prescribed. Importantly, the section does not require an applicant to comply fully at the first go.’⁹

[18] As regards the practical steps to be taken, the court stated that:

‘there was no need for an applicant, after an application for registration is rejected by the Electoral Commission, to commence the whole process afresh. 14 days had passed since the corrected s 15(4A) notice was published on 30 June 2023 and the ANC had not registered an objection. Therefore, the DCEO was not prohibited from registering MK in terms of s 16(1). Moreover, the Electoral Commission has demonstrated that there were other political parties, which also

⁸ Ibid para 58.

⁹ Ibid para 59.

supplemented their applications after initial rejections, where after, their applications for registration were approved. This translates into a contextual interpretation that favours the respondents' case'.

[19] The important distinguishing feature of the *African National Congress* case from the present is that the former was a challenge to the DCEO's decision. Here, that decision has already been overtaken by the appeal outcome. And, as I have already observed, there is no direct challenge to the DCEO's decision regarding the resemblance of the two entities' abbreviated names. Instead, the applicant's issue is that, given the DCEO's view, it should have been granted an opportunity to amend its registration application by either deleting the nominated abbreviated name or inserting any of the alternative ones proposed, similar to the opportunity that was granted to the MK Party in *African National Congress*. The question is whether it was open to the appeal body of the Commission to permit the applicant to amend its registration application as proposed.

[20] In this regard, the Commission distinguishes the facts of this case from those in *African National Congress* in that the amendment permitted there, being of a deed of foundation, was not the subject of publication in terms of s 15(4A). It states that unlike that case, the changes proposed by the applicant here would need to be published in terms of s 15(4A) of the Act because the public has never had opportunity to comment on the amendments proposed by the applicant. Indeed, annexure 2 of the regulations which is the prescribed form for publication, does not require publication of the founding deed, but requires publication of the full name, abbreviation, distinguishing mark or symbol of the party.

[21] While this argument may carry weight in respect of a newly substituted abbreviated name, it is not immediately apparent why a deleted abbreviated name would similarly need commentary from the public or have a similar impact upon the voters. It must be remembered that the guiding factor, as regards the refusal to register a similar abbreviated name, is resemblance to such an extent that it may deceive or confuse voters. How a deleted abbreviated name would have such an impact is not apparent and is not explained by the Commission. Regardless, the main issue for determination is the extent of the powers granted to the appeal body in terms of s 16 of the Act, an issue to which I now turn.

[22] The relevant provisions, subsections 16(2) to (4), provide as follows:

‘(2) (a) An applicant who is aggrieved by a decision of the chief electoral officer not to register that party may, within 30 days after the party has been notified of the decision, appeal against the decision to the Commission in the prescribed manner.

(b) Any person who objected to an application in terms of section 15 (4B) and who is aggrieved by a decision of the chief electoral officer to register that party may, within 30 days after publication of the notice referred to in section 15 (5), appeal against the decision to the Commission in the prescribed manner.

(3) The Commission shall in the case of such an appeal enquire into or consider the matter and may, subject to subsection (4), confirm or set aside the decision of the chief electoral officer.

(4) In considering such an appeal against the refusal to register a party in terms of subsection (1) (a) the Commission-

(a) shall take into account the fact that the party which is associated with the name, abbreviated name, distinguishing mark or symbol, as the case may be, for the longest period, should *prima facie* be entitled thereto;

(b) may, for the purposes of paragraph (a)-

- (i) afford the parties concerned an opportunity to offer such proof, including oral evidence or sworn or affirmed statements by any person which, in the opinion of the Commission, could be of assistance in the expeditious determination of the matter; and
- (ii) administer an oath or affirmation to any person appearing to testify orally before it.’

[23] In arguing that s 16 permits only a narrow appeal, the Commission points to the phrase ‘confirm or set aside the decision of the chief electoral officer’ in subsection (3), stating that this is the language of a narrow appeal within the meaning of *Tikly*.¹⁰ This is a reference to the various kinds of statutory appeals identified in that case, as follows:

- ‘(i) an appeal in a wide sense, that is, a complete re-hearing of, and fresh determination on the merits of the matter with or without additional evidence or information . . .
- (ii) an appeal in the ordinary strict sense, that is, a re-hearing on the merits but limited to the evidence or information on which the decision under appeal was given, and in which the only determination is whether that decision was right or wrong . . .
- (iii) a review, that is, a limited re-hearing with or without additional evidence or information to determine, not whether the decision under appeal was correct or not, but whether the arbiters had exercised their powers and discretion honestly and properly.’¹¹ (Citations omitted.)

[24] The type of appeal permitted in terms of s 16 is a matter of statutory construction, and the law is now settled that the approach in that regard involves a unitary exercise which takes into account the text, context and purpose.¹² What is

¹⁰ *Tikly and Others v Johannes N.O and Others* 1963 (2) SA 588 (T) at 590G-591A.

¹¹ *Ibid* at 590G-H.

¹² *Cool Ideas 1186 CC v Hubbard* [2014] ZACC 16; 2014 (4) SA 474 (CC); 2014 (8) BCLR 869 (CC) at para 28; *Capitec Bank Holdings Ltd v Coral Lagoon Investments 194 (Pty) Ltd* [2021] ZASCA 99; [2021] 3 All SA 647 (SCA); 2022 (1) SA 100 (SCA).

clear is that the legislature has created a distinction between the type of appeal provided for in terms of subsections (3) and the one in ss (4). The former provision, which provides for the default position, is limited by the latter, hence the phrase ‘subject to subsection (4)’. While subsection (3) appears to provide for a narrow appeal, subject only to the record that was before the chief electoral officer, subsection (4) allows for wider powers. It permits the Commission to invite and consider new evidence on appeal. It may *mero motu* invite oral evidence or sworn or affirmed statements by any person. Those are wide powers which are expressly provided to the appeal body.

[25] The Commission argues that ss (4) provides for limited circumstances in which evidence may be received by the appeal body, namely to determine whether a party associated with the name, abbreviated name, distinguishing mark or symbol, as the case may be, has been so associated for the longest period, and should thus *prima facie* be entitled thereto. The appeal body otherwise has no wide powers, says the Commission.

[26] This argument is not supported by the clear wording of the text. The introductory sentence to both subsections (4)(a) and (b) states expressly that the subject-matter under consideration is an appeal against the refusal to register a party. Such an appeal is brought in terms of s 16(2)(a). In considering that appeal, the Commission is required, in terms of subsection (4)(a), to consider the fact that the party that has been associated with the specified identifying features for the longest period is *prima facie* entitled thereto. The injunction is given to take that consideration into account by the use of the word ‘shall’.

[27] In taking into account the fact that the pre-existing party is *prima facie* entitled to features it has been associated with for the longest period, the Commission may invite further evidence, including oral evidence or sworn or affirmed statements by any person which, in the opinion of the Commission, could be of assistance in the expeditious determination of the matter. The objective of the exercise is to determine the appeal against the refusal to register a party, as indicated by the introductory sentence to both subsections (a) and (b). It is not to determine whether the pre-existing party has been associated with the features for longer.

[28] While the two enquiries may converge, their objectives are not the same. There would be no need, at the point of determining an applicant party's appeal, to be solely concerned with whether the pre-existing party was entitled to its features. Such a determination would be out of kilter with the context and timing that is the subject of regulation in s 16, which involves the determination of an appeal against the refusal to register a party.

[29] There is no denying that the powers granted in s 16(4) are wide, and amount to a wide appeal as contemplated in *Tikly*. Such an appeal is characterised by the following features, which were summarised by the Constitutional Court in *Richards Bay Coal Terminal*:¹³

‘A wide appeal is described as a remedy afforded to an aggrieved party who seeks to challenge the correctness of a decision without being confined to the facts relied on by the first instance decision-maker and the reasons underlying the decision. In a wide appeal, the empowering statute grants a court, tribunal or forum the power to rehear the matter entirely. This means that the dispute is heard “afresh” or “from the beginning” or “anew” in the sense that the appellate body is not bound by the evidence, information or reasons which arose at the time the first instance decision was made.

¹³ *Commissioner for the South African Revenue Service and Another v Richards Bay Coal Terminal (Pty) Ltd* [2025] ZACC 3; 2025 (6) BCLR 639 (CC); 2025 (5) SA 617 (CC); 88 SATC 162 (*Richards Bay Coal Terminal*) para 104.

In doing so, it may receive fresh evidence but can also decide the matter without fresh evidence. The appellate body is, in effect, in the same position as the first instance decision maker. A record of the preceding decision is accordingly not required.’

[30] The text itself limits the applicability of the wide powers granted in s 16(4). They apply, first, to an appeal that is lodged against a refusal to register a party, not in every appeal. Second, they apply where the reason for refusing to register the applicant party is related to a pre-existing party’s associated features. Hence the opening sentence in subsection (4)(b) which states: ‘for the purpose of paragraph (a)’. In other words, when taking into account the considerations in subsection (a), the Commission may call for further evidence. Since the objective is the determination of an appeal by an applicant whose registration was refused, and there is a pre-existing party who might be *prima facie* entitled to its features, it is those parties that are referred to in s 16 (4)(b) as ‘the parties concerned’ and who may be afforded opportunity to offer proof, in addition to any other person that the Commission may deem helpful in the determination of the matter.

[31] It is only in one instance of refusing to register a party where the above-mentioned circumstances may arise, according to s 16(1), and it is highlighted below. Section 16(1) provides as follows:

‘(1) The chief electoral officer may not register a party in terms of section 15 or 15A, if-

(a) fourteen days have not elapsed since the applicant has submitted to the chief electoral officer proof of publication of the prescribed notice of application referred to in section 15 (4A);

(b) *a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application resembles the name, abbreviated name, distinguishing mark or symbol, as the case may be, of any other registered party to such an extent that it may deceive or confuse voters; or*

(c) a proposed name, abbreviated name, distinguishing mark or symbol mentioned in the application or the constitution of the party or the deed of foundation mentioned in section 15 contains anything-

(i) which portrays the propagation or incitement of violence or hatred or which causes serious offence to any section of the population on the grounds of race, gender, sex, ethnic origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language; or

(ii) which indicates that persons will not be admitted to membership of the party or welcomed as supporters of the party on the grounds of their race, ethnic origin or colour.’ (Own emphasis.)

[32] In enacting these provisions, the legislature has placed a premium on the need to retain and prefer the long-associated, identifying features of a pre-existing party. Hence the injunction for the Commission to place greater weight on them when deciding an appeal by a new entrant seeking registration. The legislature’s intention in this regard is undergirded by regulation 8(c) which provides that a registered party ‘shall be entitled to protection by the Commission of its name, abbreviation of its name and distinguishing mark of symbol’.

[33] Another objective for granting these wide powers to the Commission on appeal, which must not be overlooked, is expressed in subsection (4)(b), and it is the expeditious determination of the matter. That is a theme which runs through all the dispute-resolution mechanisms provided in the Act and its regulations. It is not difficult to imagine the potency of the powers of the Commission in the context of such an appeal, which enable it to correct and redetermine a matter through a rehearing, without the need to resort to this Court.¹⁴ After all, it is the Commission,

¹⁴ See *Richards Bay Coal Terminal* above para 91.

not this Court, which is entrusted with the register of registered parties containing the details of pre-existing parties' details in terms of regulation 7.

[34] Finally, it is axiomatic that the provisions that are at the heart of this matter, ss 15 and 16, concern the political rights enshrined in s 19 of the Constitution of the Republic of South Africa, which include the right – to form a political party.¹⁵ As was stated by the Constitutional Court in *African Christian Democratic Party*:¹⁶

‘These foundational values [including s 19 of the Constitution] require a court of law, and the Electoral Commission, when interpreting provisions in electoral statutes, to seek to promote enfranchisement rather than disenfranchisement and participation rather than exclusion. The exercise, however, remains one of interpretation.’

[35] The Constitutional Court continued¹⁷ that an interpretation which accepts that the Commission had the power to act in such a manner that facilitates the participation in elections is far more consistent with our constitutional values.

[36] The upshot of all this is that, when the Commission considered the appeal of the applicant, which was an appeal against the refusal to register its party in circumstances where there was a pre-existing party with *prima facie* entitlement to a registered abbreviated name, it had the power to consider the proposals made by the applicant of either deleting its abbreviated name or inserting one of the suggested abbreviated names, or even calling for more information or evidence if it wished to do so. Its powers were not limited to the record that was before the DCEO. My

¹⁵ See *African National Congress* fn 6 above para 4.

¹⁶ *African Christian Democratic Party v Electoral Commission and Others* [2006] ZACC 1; 2006 (3) SA 305 (CC) (*African Christian Democratic Party*) para 23. See also *Johnson and Others v Electoral Commission and Others* [2013] ZAEC 2; 2014 (1) SA 71 (EC) paras 40-42.

¹⁷ *African Christian Democratic Party* para 28.

observation from the papers is that the Commission does not appear to dispute the efficacy of the applicant's proposals. What it disputed was its statutory powers to consider and act upon those proposals.

C. Remedy

[37] What remains for consideration is the appropriate remedy. The applicant asks this Court to substitute the decisions already made with a decision permitting its registration without an abbreviated name. The main concern of the Commission is the fact that no publication has been undertaken with the proposed amended details of the applicant. In my view, to require a party to publish what amounts to a deletion seems unduly onerous. After all, the applicant's notification of registration has already been published, and it included a nominated abbreviated name, and no objections were received. Nevertheless, the Commission would be entitled to require such publication, since that is a requirement of the statute, however inconvenient it may seem.

[38] I am also concerned by the delays that have already been incurred in the registration of the applicant as a political party, given that its original application was first lodged on 20 February 2026, and that there is a looming deadline of local government elections that are to be held in November 2026. But even on that score, the applicant must shoulder some responsibility for its failure to satisfy itself of the requirement to lodge a hard copy of its registration application.

[39] While it may be that the Court has all the necessary information before it, what is important is to remind ourselves that the usual remedy is to remit a matter

for fresh determination by the appeal body.¹⁸ I do not consider the matter to raise such exceptional circumstances that it cannot be remitted to the Commission. That body has not been shown to exhibit bias or incompetence. Its concern, all along, has been compliance with the statutory obligations. To the extent that there are concerns about delay, including voters' interest in having the matter resolved as expeditiously as possible, they can be ameliorated by granting a structural remedy that is just and equitable. So too, the frustrations of inconvenience can be similarly remedied by a remedy with strict timeframes.

[40] As regards costs, the usual rule is that the successful party is awarded its legal costs. However, there is no indication that the applicant employed services of legal representatives. No legal representatives appeared on behalf of the applicant before us. All the applicant's papers cite its founding member, Mr Andhor Grey Marks as its representative, including its heads of argument. The same applies in respect of all correspondence between the applicant and the registrar of this Court. There is no indication that the applicant incurred legal costs.

[41] Furthermore, in any event, in its heads of argument the applicant seeks costs 'in the event of unreasonable opposition'. There is no reason to conclude that the Commission's opposition has been unreasonable. As I have already mentioned, its concern has been compliance with statutory obligations. And as it turns out from this judgment, the issues have resolved themselves into a question of law. I am accordingly of the view that there should be no order as to costs.

¹⁸ *Trencon Construction (Pty) Limited v Industrial Development Corporation of South Africa Limited and Another* [2015] ZACC 22; 2015 (5) SA 245 (CC); 2015 (10) BCLR 1199 (CC) para 42.

D. Order

[42] For all these reasons, the following order is made:

1. The decision of the first respondent is reviewed and set aside.
2. The matter is remitted to the first respondent for fresh determination of the applicant's appeal, which-
 - a. must be determined within seven days of this order; and
 - b. must include consideration of the applicant's proposal to register without an abbreviated name.
3. If the first respondent requires the applicant to publish its notification of registration, it must notify the applicant thereof within three days of its consideration of the applicant's appeal.
4. There is no order as to costs.

N MANGCU-LOCKWOOD
ACTING JUDGE OF THE ELECTORAL COURT

Appearances:

For the applicant: Andhor Grey Marks (in person)

For the first to third respondents: M de Beer

Instructed by: Motsoeneng Bill Incorporated, Johannesburg.