



2020 -03- 19

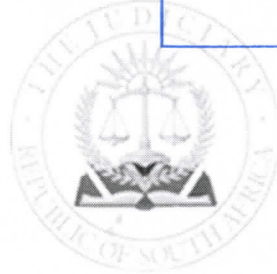


1  
IN THE ELECTORAL COURT OF SOUTH AFRICA,

HELD AT BLOEMFONTEIN

EC-002

GRIFFIER VAN DIE VERKIESINGSHOF  
SUID-AFRIKA,  
BLOEMFONTEIN



CASE NUMBER: 001/2020

In the matter between:

**ELECTORAL COMMISSION OF SOUTH AFRICA**

1<sup>st</sup> Applicant

**CHIEF ELECTORAL OFFICER**

2<sup>nd</sup> Applicant

And

**MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
EASTERN CAPE**

1<sup>st</sup> Respondent

**MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
FREE STATE**

2<sup>nd</sup> Respondent

**MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
GAUTENG**

3<sup>rd</sup> Respondent

**MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
KWAZULU-NATAL**

4<sup>th</sup> Respondent

**MEC RESPONSIBLE FOR COOPERATIVE**



2020 -03- 19



EC-002

GRIFFIER VAN DIE VERKEERDEKAMER  
SUID-AFRIKA,  
BLOEMFONTEIN

5<sup>th</sup> Respondent

GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
LIMPOPO

MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
MPUMALANGA

6<sup>th</sup> Respondent

MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
NORTHERN CAPE

7<sup>th</sup> Respondent

MEC RESPONSIBLE FOR COOPERATIVE  
GOVERNANCE AND TRADITIONAL AFFAIRS  
IN THE PROVINCIAL GOVERNMENT OF THE  
WESTERN CAPE

8<sup>th</sup> Respondent

THE SPEAKER OF CITY OF TSHWANE  
METROPOLITAN COUNCIL

9<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: CITY OF  
TSHWANE METROPOLITAN MUBICIPALITY

10<sup>th</sup> Respondent

THE SPEAKER OF CITY OF  
JOHANNESBURG METROPOLITAN  
COUNCIL

11<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: CITY OF  
JOHANNESBURG METROPOLITAN MUBICIPALITY

12<sup>th</sup> Respondent

THE SPEAKER OF EKURHULENI  
METROPOLITAN COUNCIL

13<sup>th</sup> Respondent

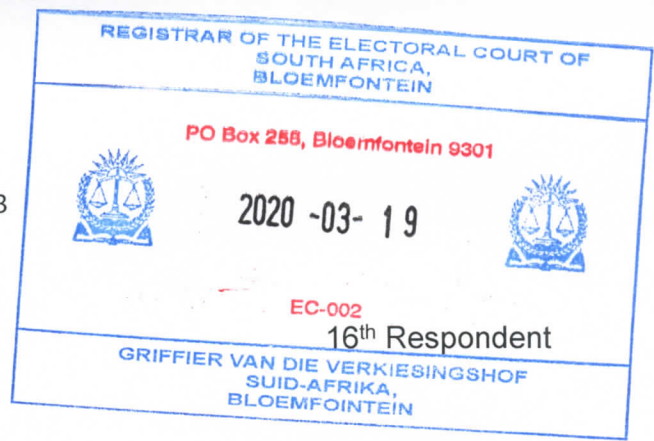
THE MUNICIPAL MANAGER: EKURHULENI  
METROPOLITAN MUNICIPALITY

14<sup>th</sup> Respondent

THE SPEAKER OF EMFULENI LOCAL  
COUNCIL

15<sup>th</sup> Respondent

3



THE MUNICIPAL MANAGER: EMFULENI  
LOCAL MUNICIPALITY

17<sup>th</sup> Respondent

THE SPEAKER OF MSUNDUZI LOCAL  
COUNCIL

THE MUNICIPAL MANAGER: MSUNDUZI  
LOCAL MUNICIPALITY

18<sup>th</sup> Respondent

THE SPEAKER OF MTUBATUBA LOCAL  
COUNCIL

19<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: MTUBATUBA  
LOCAL MUNICIPALITY

20<sup>th</sup> Respondent

THE SPEAKER OF UMVOTI LOCAL COUNCIL

21<sup>st</sup> Respondent

THE MUNICIPAL MANAGER: UMVOTI LOCAL  
MUNICIPALITY

22<sup>nd</sup> Respondent

THE SPEAKER OF ETHEKWINI  
METROPOLITAN COUNCIL

23<sup>rd</sup> Respondent

THE MUNICIPAL MANAGER: ETHEKWINI  
METROPOLITAN MUNICIPALITY

24<sup>th</sup> Respondent

THE SPEAKER OF POLOKWANE LOCAL  
COUNCIL

25<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: POLOKWANE  
LOCAL MUNICIPALITY

26<sup>th</sup> Respondent

THE SPEAKER OF BA-PHALABORWA  
LOCAL COUNCIL

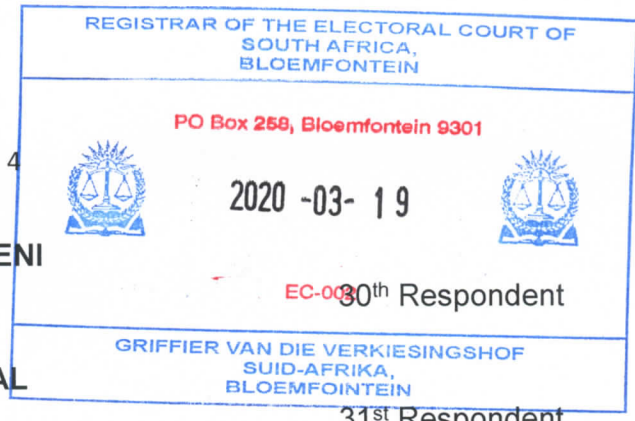
27<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: BA-  
PHALABORWA LOCAL MUNICIPALITY

28<sup>th</sup> Respondent

THE SPEAKER OF EMALAHLENI LOCAL  
COUNCIL

29<sup>th</sup> Respondent



THE MUNICIPAL MANAGER: EMALAHLENI  
LOCAL MUNICIPALITY

30<sup>th</sup> Respondent

THE SPEAKER OF GOVAN MBEKI LOCAL  
COUNCIL

31<sup>st</sup> Respondent

THE MUNICIPAL MANAGER: GOVAN MBEKI  
LOCAL MUNICIPALITY

32<sup>nd</sup> Respondent

THE SPEAKER OF BUSHBUCKRODGE  
LOCAL COUNCIL

33<sup>rd</sup> Respondent

THE MUNICIPAL MANAGER:  
BUSHBUCKRIDGE LOCAL MUNICIPALITY

34<sup>th</sup> Respondent

THE SPEAKER OF MAKANA LOCAL  
COUNCIL

35<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: MAKANA  
LOCAL MUNICIPALITY

36<sup>th</sup> Respondent

THE SPEAKER OF AMAHLATHI LOCAL  
COUNCIL

37<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: AMAHLATHI  
LOCAL MUNICIPALITY

38<sup>th</sup> Respondent

THE SPEAKER OF MBIZANA LOCAL  
COUNCIL

39<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: MBIZANA  
LOCAL MUNICIPALITY

40<sup>th</sup> Respondent

THE SPEAKER OF KAaI-MA LOCAL  
COUNCIL

41<sup>st</sup> Respondent

THE MUNICIPAL MANAGER: KHaI-MA  
LOCAL MUNICIPALITY

42<sup>nd</sup> Respondent

THE SPEAKER OF DAWID KRUIPER LOCAL  
COUNCIL

43<sup>th</sup> Respondent

THE MUNICIPAL MANAGER: DAWID  
KRUIPER LOCAL MUNICIPALITY

THE SPEAKER OF GEORGE LOCAL  
COUNCIL

THE MUNICIPAL MANAGER: GEORGE  
LOCAL MUNICIPALITY

THE SPEAKER OF MATJHABENG LOCAL  
COUNCIL

THE MUNICIPAL MANAGER: MATJHABENG  
LOCAL MUNICIPALITY

AFRICAN CHRISTIAN DEMOCRATIC PARTY  
(ACDP)

AFRICAN INDEOENDENT CONGRESS (AIC)

ALLIANCE FOR ONE NATION

AFRICAN NATIONAL CONGRESS (ANC)

AFRICAN PEOPLE'S CONVENTION (APC)

DEMOCRATIC ALLIANCE (DA)

ECONOMIC FREEDOM FIGHTERS (EFF)



FREEDOM FRONT PLUS (FF+)

INKATHA FREEDOM PARTY (IFP)

PATRIOTIC ALLIANCE

SAKHISIZWE CONVENTION

UNITED CHRISTIAN DEMOCRATIC PARTY  
(UCDP)

REGISTRAR OF THE ELECTORAL COURT OF SOUTH AFRICA, BLOEMFONTEIN		
5	PO Box 258, Bloemfontein 9301	
	2020 -03- 19	
EC-00244 <sup>th</sup> Respondent		
GRIFFIER VAN DIE VERKIESINGSHOF SUID-AFRIKA, BLOEMFONTEIN		45 <sup>th</sup> Respondent

46<sup>th</sup> Respondent

47<sup>th</sup> Respondent

48<sup>th</sup> Respondent

49<sup>th</sup> Respondent

50<sup>th</sup> Respondent

51<sup>st</sup> Respondent

52<sup>nd</sup> Respondent

53<sup>rd</sup> Respondent

54<sup>th</sup> Respondent

55<sup>th</sup> Respondent

56<sup>th</sup> Respondent

57<sup>th</sup> Respondent

58<sup>th</sup> Respondent

59<sup>th</sup> Respondent

60<sup>th</sup> Respondent

UNITED DEMOCRATIC MOVEMENT (UDM)

DANIEL PRETORIUS

WARDIEYA OTTO

SIBINGISENI VUSUMUZI NDLOVU

RALPH TIE MNISI

61<sup>st</sup> Respondent

62<sup>nd</sup> Respondent

63<sup>rd</sup> Respondent

64<sup>th</sup> Respondent

65<sup>th</sup> Respondent

Coram: MBHA JA, LAMONT J and SHONGWE J (with Ms PATHER – MEMBER)

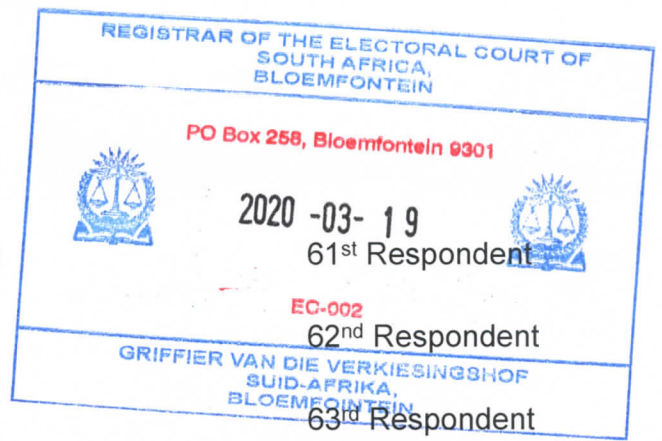
---

**ORDER**

---

Having read the papers and considered the matter, the following order is issued:

1. Noting that following the World Health Organisation's declaration of the recent COVID-19 outbreak as global pandemic, on 15 March 2020 the President of the Republic of South Africa declared a national state of disaster in terms of the Disaster Management Act, 2002 and issued a statement on measures to combat the COVID-19 pandemic, one of which is the prohibition of gatherings of more than 100 people.
  
2. Recognising that the first applicant will be severely hampered, for the period the declared national state of disaster is in place, from preparing for and conducting free and fair elections in areas where by-elections are due to be held.





2020 -03- 19

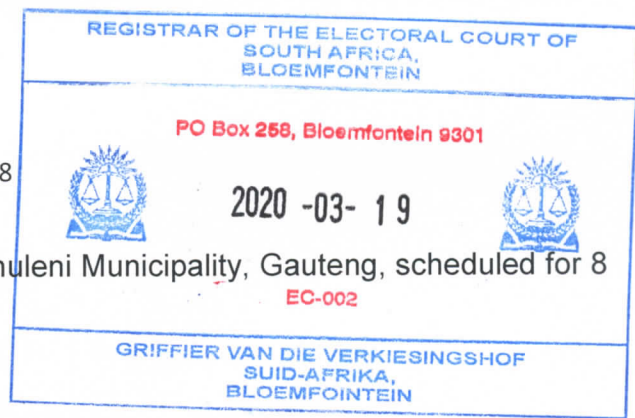


EC-002

REGISTRAR VAN DIE VERKIESINGSHOF  
SUID-AFRIKA,  
BLOEMFONTEIN

3. Declaring invalid the first applicant's inability to hold the following by-elections ("the affected by-elections") within the period of 90 days contemplated in section 25(3)(d) of the Local Government: Municipal Structures Act, 117 of 1999, from the date on which the relevant vacancies arose:

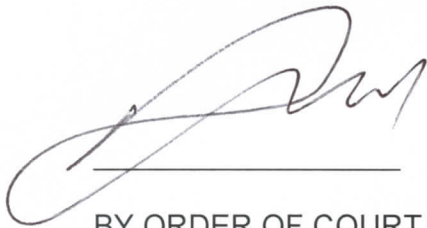
- 3.1. Ward 16 in the Emfuleni local Municipality, Gauteng, scheduled for 18 March 2020;
- 3.2. Wards 68, 120 and 130 in the City of Johannesburg Metropolitan Municipality, Gauteng, scheduled for 18 March 2020;
- 3.3. Ward 25 in Msunduzi Local Municipality ("Msunduzi"), KwaZulu-Natal, scheduled for 18 March 2020;
- 3.4. Ward 10 in the Mtubatuba Local Municipality ("Mtubatuba") KwaZulu-Natal, scheduled for 18 March 2020;
- 3.5. Ward 14 in the Polokwane Local Municipality ("Polokwane"), Limpopo, scheduled for 18 March 2020;
- 3.6. Ward 18 in the eMalahleni Local Municipality, Mpumalanga, scheduled for 18 March 2020, scheduled for 18 March 2020;
- 3.7. Ward 31 in the Bushbuckridge Local Municipality, scheduled for 18 March 2020; and
- 3.8. Ward 04 in the KHâI-MA Local Municipality, Northern cape, scheduled for 18 March 2020;
- 3.9. Ward 3 in the Matjhabeng Municipality, Free State, scheduled for 8 April 2020;



- 3.10. Wards 60 and 103 in the City of Ekurhuleni Municipality, Gauteng, scheduled for 8 April 2020;
- 3.11. Ward 3 in the City of Tshwane Metropolitan Municipality, Tshwane, scheduled for 8 April 2020;
- 3.12. Ward 32 in eThekweni Metropolitan Municipality, KwaZulu-Natal scheduled for 8 April 2020; and
- 3.13. Ward 7 in the uMvoti Local Municipality, KwaZulu-Natal scheduled for 8 April 2020;
- 3.14. Ward 89 in Ekurhuleni Municipality, Gauteng, scheduled for 29 April 2020;
- 3.15. Ward 19 in Ba-Phalaborwa Local Municipality, Limpopo scheduled for 29 April 2020;
- 3.16. Ward 30 in Govan Mbeki Municipality, scheduled for 29 April 2020;
- 3.17. Ward 14 in the Makana Local Municipality, scheduled for 13 May 2020;
- 3.18. Ward 1 in the Amahlathi Local Municipality, scheduled for 13 May 2020;
- 3.19. Ward 24 in the Mbizana Local Municipality, scheduled for 13 May 2020;
- 3.20. Ward 10 in the Dawid Kruiper Local municipality, scheduled for 13 May 2020; and
- 3.21. Ward 8, 14 and 27 in the George Local Municipality, also scheduled for 13 May 2020.
4. Authorising the holding of the by-elections in the affected wards beyond the 90 day period referred to in prayer 1, but not beyond 120 days of the date of this order.



- 5. Authorising the Commission to suspend such activities as are incompatible with the prohibition of gatherings, including voter registration activities, for the duration of the declared national state of disaster.
  
- 6. At the following intervals – 31 March 2020; 30 April 2020; 31 May 2020; and 30 June 2020 – the first applicant must file a report with this Court, setting out the steps taken to prepare for the affected by-elections.
  
- 7. No order as to costs.



BY ORDER OF COURT

**P S W Myburgh**

**Registrar**

**19 March 2020**

