



THE ELECTORAL COURT OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT OF SOUTH AFRICA

From: The Registrar, Electoral Court

Date: 06 March 2025

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 of South Africa

Umkhonto Wesizwe Party v Electoral Commission of South Africa and Others (0041/2024EC) [2024] ZAEC 02(6 March 2025)

Today the Electoral Court dismissed the application with no order as to costs. It further declared that the applicant's failure to comply with the forms and service provided for in the Rules of Court was condoned, and the application was dealt with as one of urgency in terms of Rule 11 of the Rules of this Court.

The applicant, the MK Party, sought to register its nominated ward candidate for by-elections that were held on 8 December 2024 in Msunduzi Municipality. In doing so, the MK Party's two officials submitted two names of a ward candidate instead of one. The Commission, having initially accepted the name of the second applicant, later decided to withdraw it and substituted it with that of the fourth respondent. The basis for this change was that the Commission had suddenly discovered that the name of the second applicant was submitted by a non-registered party contact person with the Commission. Aggrieved by the decision of the Commission, the applicant instituted an urgent application *inter alia* which sought the review of the decision of the Commission and the reversal of its decision to replace the name of the second applicant with that of the fourth applicant.

The main issue which was to be determined by this Court was whether certain members of the applicant hold the requisite authority to issue instructions or to correspond with the Commission in respect of and in relation to the submission of party candidate to the Commission who are eligible to stand for by-election. The court observed that it was undisputed that the registered contact person of the applicant to represent the MK Party to the Commission is the second respondent, and therefore the applicant had not made out a case for the relief sought. The court further cautioned the Commission and highlighted its constitutional duty to manage elections and assist prospective candidates. In the court's view, the Commission ought to have handled this matter better and should consider improving its internal systems to avoid a similar occurrence in future.

For all these reasons the applicant's application is dismissed