

IEC welcomes Constitutional Court judgment

The Electoral Commission has welcomed Monday's judgment by the Constitutional Court in relation to the challenges to the Electoral Amendment Act.



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According to the Commission, the judgment provides the necessary certainty in relation to the preparations of the 2024 National and Provincial Elections.

This as the court handed down judgment on whether the current split of seats in parliament should remain as is or be changed to make it possible for independent candidates a better chance of getting elected.

“The Electoral Commission will immediately put in place the regulations necessary to give practical effect to revisions of the electoral system in the light of the judgment handed down today by the apex court,” the Electoral Commission said in a statement on Monday.

The Electoral Commission has always been of the view that the distribution of seats of the National Assembly between the

compensatory tier and the regional tier was rational and satisfied the constitutional requirement for general proportionality.



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Tania Broughton 29 Nov 2023



“The important confirmation of the Constitutional Court is that the contestants in the regional tier of the elections are subject to the same number of votes per seat. Furthermore, that no votes of independents are to be transferred to political parties.

“Pertinently, the Electoral Commission will now finalise adjustments to the signature requirements portal, so that prospective independent candidates and unrepresented parties can start collecting and capturing. The signature portal, as well as the final regulations, will be launched soon.

“The Electoral Commission notes the three-way judgment on the One South Africa Movement twin challenges. This is indicative of the constitutional complexity related to the design of an electoral system,” the Commission said.

The elements of the findings in relation to the recalculation of formulae is a matter on which the soon to be established Electoral Reform Consultation Panel will have to be seized with going forward.

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