

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NUMBER: CCT245/21

In the application for intervention of:

THE AFRICAN NATIONAL CONGRESS

Applicant

and

ELECTORAL COMMISSION OF SOUTH AFRICA

First Respondent

MINISTER OF COOPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

Second Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

EASTERN CAPE

Third Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

FREE STATE

Third Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

GAUTENG

Fourth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

KWAZULU-NATAL

Fifth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

LIMPOPO

Sixth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

MPUMALANGA

Seventh Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
NORTHERN CAPE**

Eighth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
NORTH WEST**

Ninth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
WESTERN CAPE**

Tenth Respondent

**SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eleventh Respondent

In the matter between:

ELECTORAL COMMISSION OF SOUTH AFRICA

Applicant

and

MINISTER OF COOPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

First Respondent

MECs RESPONSIBLE FOR LOCAL GOVERNMENT

Second Respondent to

Tenth Respondents

**SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eleventh Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the applicant intends to apply, in terms of Rule 8 of this Court's Rules, for an order in the following terms:

- 1 Dispensing, to the extent necessary, with the rules of forms and service, in accordance with Rule 12 of the Constitutional Court Rules, 2003 and any directions that the Chief Justice may give; and granting leave for this application to be dealt with as one of urgency;
- 2 The African National Congress ("**ANC**") is granted leave to intervene in the main application under case number 245/12;
- 3 The affidavit of Yasmin Duarte, annexed hereto, shall stand as the affidavit of the ANC in the main application;
- 4 In the event that this Court declares that the Electoral Commission may hold the forthcoming local government elections outside the 90-day period required by section 159(2) of the Constitution and section 24(2) of the Local Government: Municipal Structures Act 117 of 1998,

(1) The Minister of Co-Operative Governance and Traditional Affairs ("**the Minister**") is authorised to call and set a date for the local government elections, after consulting the Electoral Commission, at the earliest possible date but no later than 1 April 2022;

(2) The Electoral Commission is directed to hold the forthcoming local government elections in accordance with the date determined by the Minister, but no later than 1 April 2022

5 Alternatively, in the event that this Court grants the prayer set out in paragraphs 8.1 and 8.2 in the notice of motion in the main application, that the declaration of invalidity is suspended in the following terms:

- “1 The duty of the Electoral Commission to hold the forthcoming local government elections within the 90-day period required by section 159(2) of the Constitution and section 24(2) of the Local Government: Municipal Structures Act 117 of 1998 is suspended until 28 February 2022;
- 2 The Minister is authorised to call and set a date at the earliest possible date but no later than 1 April 2022 for the forthcoming local government elections;
- 3 The Electoral Commission is directed to hold the forthcoming local government on the date determined by the Minister, after consulting the Electoral Commission, but no later than 1 April 2022.”

6 Further and/or alternative relief.

PLEASE TAKE NOTICE FURTHER that the affidavit of **YASMIN DUARTE**, annexed hereto, will be used in support of this application.

PLEASE TAKE NOTICE FURTHER that the applicant has appointed the address of its attorneys described below as the address at which he will accept notice and service of all process and documents in these proceedings.

PLEASE TAKE NOTICE FURTHER that in terms of Rule 8(2) of the Constitutional Court Rules, any party wishing to oppose the relief sought in this application, shall do so after directions have been issued by the Chief Justice as to the further disposal of the matter.

PLEASE TAKE NOTICE FURTHER that the applicant's attorneys are operating remotely due to lockdown occasioned by COVID-19, and will accept service of process in this matter electronically.

KINDLY SET THE MATTER DOWN ACCORDINGLY.

DATED AT JOHANNESBURG ON THIS 11th DAY OF AUGUST 2021.



GWALA LAMINI MSANE INC
Applicant's Attorneys

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JOHANNESBURG

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REF: CIV21004/ANC21/MV Gwala

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT

AND TO:

**MOETI KANYANE INC
ELECTORAL COMMISSION OF SOUTH AFRICA
1st Respondent's Attorneys**

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AND TO:

**THE MINISTER OF COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS**

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FOR EASTERN CAPE**

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FOR THE FREE STATE**

Fourth Respondent

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AND TO:

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FOR KWAZULU-NATAL**

Sixth Respondent

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AND TO:

**THE MEC FOR LOCAL GOVERNMENT
FOR LIMPOPO**

Seventh Respondent

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AND TO:

THE MEC FOR LOCAL GOVERNMENT FOR MPUMALANGA

Eight Respondent

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Skunene@mpg.gov.za; MkhwanaziZF@mpg.gov.za

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AND TO:

**THE MEC FOR LOCAL GOVERNMENT
FOR THE NORTHERN CAPE**

Ninth Respondent

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KIMBERLEY

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Skunene@mpg.gov.za; MkhwanaziZF@mpg.gov.za

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AND TO:

**THE MEC FOR LOCAL GOVERNMENT
FOR NORTH WEST**

Tenth Respondent

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AND TO:

**THE MEC FOR LOCAL GOVERNMENT
FOR THE WESTERN CAPE**

Eleventh Respondent

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AND TO:

THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION

Twelfth Respondent

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PRETORIA

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IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NUMBER: 245/12

In the application for intervention of:

THE AFRICAN NATIONAL CONGRESS

Applicant

and

ELECTORAL COMMISSION OF SOUTH AFRICA

First Respondent

MINISTER OF COOPERATIVE GOVERNANCE

AND TRADITIONAL AFFAIRS

Second Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

EASTERN CAPE

Third Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

FREE STATE

Third Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

GAUTENG

Fourth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

KWAZULU-NATAL

Fifth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

LIMPOPO

Sixth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT,

MPUMALANGA

Seventh Respondent

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**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
NORTHERN CAPE**

Eighth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
NORTH WEST**

Ninth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT,
WESTERN CAPE**

Tenth Respondent

**SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eleventh Respondent

In the matter between:

ELECTORAL COMMISSION OF SOUTH AFRICA

Applicant

and

**MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS**

First Respondent

MECs RESPONSIBLE FOR LOCAL GOVERNMENT

Second Respondent to

Tenth Respondents

**SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION**

Eleventh Respondent

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FOUNDING AFFIDAVIT

I, the undersigned,

YASMIN DUARTE

do hereby make oath and say that:

1. I am an adult female and the Deputy Secretary General of the African National Congress ("**ANC**").
2. The facts contained in this affidavit are both true and correct and are, unless the contrary is clearly indicated, within my own personal knowledge. Where I make submissions of law, I do so on the basis of advice received from my legal representatives.
3. I am duly authorised to bring this application and depose to this affidavit on behalf of the ANC in terms of a resolution of the National Executive Committee of the ANC dated 18 January 2018. A copy of the resolution is attached hereto and marked **ANC1**.

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PURPOSE OF THIS APPLICATION

4. The purpose of this application is two-fold:

4.1 First, to obtain leave to intervene as a party in terms of Rule 8 of this Court's Rules in the application brought by the Electoral Commission of South Africa ("**the Commission**") in the matter under case number 245/21;

4.2 Second, assuming that the ANC's intervention application is successful, to advance the contention that should this Court find in favour of the Commission either on its primary or alternative relief, then the ANC submits that the just and equitable remedy would be to postpone the elections to a date no later than April 2022—as opposed to 28 February 2022 as proposed by the Commission on the basis that:

4.2.1 First, the scientific data that is currently available demonstrates that South Africa is highly likely to experience a fourth wave of resurgency of high infections towards the end of 2021. This means that by February 2022, the conditions for a free and fair election would not have materialised.

4.2.2 Second, given the uncertainty of COVID-19 and the many assumptions made about its trajectory, any relief that this Court grants should be flexible enough to accommodate the prevailing

circumstances of that time—in the ANC's view, setting the date of 28 February 2022 is too inflexible.

4.2.3 Third, any relief that this Court grants should not unduly usurp the powers and functions of the Minister of Cooperative Governance and Traditional Affairs to declare elections dates after consultation with the IEC, as she is so empowered by section 24(2) of the Local Government: Municipal Structures Act 117 of 1998. The relief proposed by the Commission unduly limits this important power and function of the Minister. A more flexible remedy which gives effect to the Constitution's injunction that the elections must be free and fair, whilst at the same time not usurping the powers of the Minister is in our view more appropriate. To that end, the ANC proposes that the relief that must be granted by this Court should enable the Minister, in consultation with the Commission, to declare an election date no later than April 2022, informed by the situation the country may find itself in at the time.

5. Should the ANC be successful in its intervention application, this affidavit will serve as its answer to the main application. As the Court will note, given the position adopted by the ANC, I do not deal *ad seriatim* with the affidavit of the Commission.

6. To this end, this affidavit will address the following issues in turn:

6.1.1 The parties;

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- 6.1.2 Urgency of the ANC's application and intervention;
- 6.1.3 The ANC's direct and substantial interest in this matter;
- 6.1.4 The necessity of postponing the elections;
- 6.1.5 The just and equitable remedy proposed by the ANC.

PARTIES

- 7. The applicant is the **AFRICAN NATIONAL CONGRESS**, a registered political party in terms of the Electoral Commission Act 51 of 1996 and the ruling party represented in the national, provincial and local spheres of government. The ANC's headquarters are at Luthuli House, 54 Pixley Seme Street, Johannesburg.
- 8. The first respondent is **THE ELECTORAL COMMISSION OF SOUTH AFRICA**, a Chapter Nine institution established in terms of section 3 of the Electoral Commission Act 51 of 1996. The Commission has its head offices at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion.
- 9. The second respondent is **THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS** ("the Minister"). The Minister is charged with setting the date for an election of all municipal councils in terms of section 24(2) of the Local Government: Municipal Structures Act, 1998. She will be served c/o the State Attorney, SALU Building, 316 Thabo Sehume Street (Cnr. Francis Baard Street), Pretoria.

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10. The third respondent to is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, EASTERN CAPE.** The MEC will be served c/o mzwake.clay@eccogta.gov.za; noncedo.nothoko@eccogta.gov.za sivuyisiwe.mayoyo@eccogta.gov.za.
11. The fourth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, FREE STATE.** The MEC will be served c/o hod@fscogta.gov.za; Tembeni.lobe@fscogta.gov.za; lesleyk@fscogta.gov.za;
12. The fifth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, GAUTENG.** The MEC will be served c/o quinton.kuhn@gauteng.gov.za; Fred.Mokoko@gauteng.gov.za; Zukiswa.ncunyana@gauteng.gov.za; SIMON.MASISI-LETELE@gauteng.gov.za; anthony.moonsamy@gauteng.gov.za;
13. The sixth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, KWAZULU NATAL.** The MEC will be served c/o Lelani.Vandenberg@kzncogta.gov.za; Kerry.Turner@kzncogta.gov.za; Nokwanda.MCHUNU@kzncogta.gov.za; Sanele.ZONDI@kzncogta.gov.za;
14. The seventh respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, LIMPOPO.** The MEC will be served c/o NgobeniDD@coghsta.limpopo.gov.za; DumalisileN@coghsta.limpopo.gov.za; Mathyem@coghsta.limpopo.gov.za;

15. The eighth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, MPUMALANGA.** The MEC will be served c/o LVDWalt@mpg.gov.za; [.MvdMerwe@mpg.gov.za](mailto:MvdMerwe@mpg.gov.za); sam@mpg.gov.za; Skunene@mpg.gov.za; MkhwanaziZF@mpg.gov.za;
16. The ninth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, NORTHERN CAPE.** The MEC will be served c/o bvass@ncpg.gov.za; [.bslenkoe@ncpg.gov.za](mailto:bslenkoe@ncpg.gov.za); mmadyo@ncpg.gov.za; gbotha@ncpg.gov.za; mmanyeneng@ncpg.gov.za; pseane@ncpg.gov.za;
17. The tenth respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, NORTH WEST.** The MEC will be served c/o MMotlogelwa@nwpg.gov.za; [.tlerefolo@nwpg.gov.za](mailto:tlerefolo@nwpg.gov.za);
18. The eleventh respondent is **THE MEC RESPONSIBLE FOR LOCAL GOVERNMENT, WESTERN CAPE.** The MEC will be served c/o Graham.Paulse@wsterncape.gov.za.
19. The MECs are cited in light of their statutory obligations in respect of supporting local governments and the fact that they are parties to the main application.
20. The twelfth respondent is **SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA)**, an association of all 257 South African local governments. SALGA has its head offices at Block B, Menlyn Corporate

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Park, 175 Corobray Avenue, Waterkloof Glen, Pretoria. No relief is sought against SALGA, it is cited merely for any interested in may have in the matter.

21. Given the urgency of this application, and the fact that it has been set down for hearing on Friday, 20 August 2021, as well as the current circumstances of the COVID pandemic, this application will be served electronically on all the parties. I note from the Commission's founding affidavit that electronic service has been agreed to by all the parties in the main application.

URGENCY

22. Respectfully, the ANC's intervention application is self-evidently urgent.
23. On 4 August 2021, the Commission launched its urgent application for direct access to this Court for the relief it seeks as set out in its notice of motion.
24. Two days later, this Court issued directions setting the matter down for hearing on Friday, 20 August 2021 and inviting any of the respondents to file their answering affidavit, if any, by Wednesday, 11 August 2021.
25. The urgency of the ANC's intervention is contingent on the urgency in the main application.
 - 25.1 First, whether the local government elections scheduled for 27 October 2021 are going to be postponed is a matter of great urgency and

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constitutional significance, not only for the Commission, but for the entirety of the Republic, and the political parties represented at local government; and

25.2 Second, an intervention application in ordinary course would serve no purpose as this Court intends to reach a determination of this matter after the hearing on Friday, 20 August 2021;

25.3 Third, this Court cannot, respectfully, reach a determination on the issues raised by the Commission without hearing from parties such as the ANC and other political parties who have a vested interest in the outcome of the Commission's application.

26. For the reasons set out above, I respectfully pray that the ANC's application is dealt with as one of urgency in terms of Rule 12 of this Court's Rules.

27. This affidavit has also been filed in accordance with the directions issued by this Court regarding the filling of answering affidavits in the main application in order to ensure that the timetable in the main application is not disturbed.

THE ANC HAS A DIRECT AND SUBSTANTIAL INTEREST

28. The ANC has a direct and substantial interest in the outcome of the application brought by the Commission to postpone the elections for the following reasons:

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- 28.1 First, the ANC is the largest political party in the country. It is represented in all spheres of government at national, provincial and local levels. The outcome of this litigation will undoubtedly have an impact on its success at the polls.
- 28.2 Second, the ANC will be contesting seats in the upcoming elections. At present, the ANC holds a majority in 85% of the municipal councils in the country. Many of our members will be seeking re-election, and we will contest all list and ward seats in the forthcoming local election. Quite clearly, the fairness of the upcoming elections, including the date of the elections, and any restrictions on meeting voters, has a direct and substantial impact on our interests as a party.
- 28.3 Third, the ANC, as with any other party, will be nominating candidates for election in all wards we have support in. In total we need to select around 10 000 candidates. Should the Commission fail in its application to postpone the election, this has a direct impact on our internal party process in nominating candidates, and how speedily we are to submit these names to the Commission.
- 28.4 Fourth, a core purpose of the elections to hold those in public office accountable. In order to achieve this purpose the electoral process must ensure the participation of political parties in a fair and equitably balanced electoral process. The ANC as a political party has a vested interest in the fairness of the process, as a party seeking to contest for votes.



28.5 Fifth, this Court in *Ramakatsa*¹ has recognised the indisputable role political parties play in securing the right to vote. Political parties are, in the words of this Court, the conduit through which the right to vote is exercised. Should the elections be postponed, the ANC, as the largest political party in the country, has a vested interest in that decision.

29. In bringing this application, the ANC is acting:

29.1 In its own interest in terms of section 38(a) of the Constitution;

29.2 In the interest of its members in terms of section 38(e); and

29.3 In the public interest in terms of section 38(d) of the Constitution.

30. The Commission in its founding affidavit has already anticipated that there may be wide public interest in the outcome of its litigation, particularly on the part of political parties. With respect, the Commission appropriately recognises that political parties, such as the ANC, have a direct and substantial interest in the outcome of its case.

31. I respectfully submit that the ANC meets that standard and request that this intervention application is granted.

THE NECESSITY OF POSTPONING THE ELECTIONS

¹ *Ramakatsa and Others v Magashule and Others* (CCT 109/12) [2012] ZACC 31; 2013 (2) BCLR 202 (CC) at para 68.

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32. On 27 May 2021, former Deputy Chief Justice Dikgang Moseneke met with political parties represented at the National Party Liaison Committee of the IEC and called for interested parties, including the ANC, to make submissions and representations on whether the upcoming local government elections could be held freely and fairly, in view of the global COVID-19 pandemic and the restrictions imposed by government (**“the Moseneke Inquiry”**).
33. On 8 June 2021, the ANC made its submissions to Judge Moseneke opposing the postponement of the elections. The basis of our opposition was that under Alert Levels 1 and 2, applicable then, it was still possible to hold elections as gatherings with limited numbers were still permitted.
34. When presenting its submissions to Judge Moseneke on 2 July 2021, all gatherings, including political ones, had been prohibited by the President. At the time, the country was under Alert Level 4. The ANC expressed its concerns that voter registration and a proper and thorough candidate selection—the two key preparatory activities for parties and the IEC before elections are proclaimed— could not be held because gatherings were severely restricted to less than 50 people from 16 June 2021, and were then completely prohibited from 27 June 2021.
35. The intensity of the third wave and the severe restrictions on gatherings changed the ANC’s initial opposition to postponing elections. Political and campaign activity in terms of volunteer meetings, branch meetings, and

meetings with voters and sectors, became impossible and severely impeded the ANC's ability to mobilise for voter registration and candidate selection.

36. Given the current prevailing circumstances, the ANC now supports a postponement of the elections. In our view, the following facts necessitate the postponement of the elections to a later date: These facts, which are expanded below, are that:

36.1 voter registration has not taken place;

36.2 candidate selection has to be rushed and squeezed into a matter of days;

36.3 the threat presented by the fact that voting may be a super spreader event;

36.4 normal campaigning consists of meeting and engaging voters, and all gatherings were prohibited during the Level 4 restrictions, and restricted to 50 people indoors during Level 3.

36.5 Political parties need to identify their unregistered voters and assist them to register. Due to the restrictions and bans on gatherings brought about by the COVID-19 Alert Level 3 and 4 restrictions, voter registration for these local elections could not be held before proclamation and none of our voters had the opportunity to make use of the public registration weekends; and

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36.6 the current internet and social media campaign information resources available to the electorate are limited to the privileged few—to the exclusion of a majority of this country's poor.

The necessity of voter registration

37. Voter registration is crucial to an election. It is an indispensable step in the compilation of a voters roll, and it is only after being registered on the roll that a voter can assert their right to vote. This is made clear by the laws that regulates elections, particularly at local government level, where a voter has to be registered in the ward where they live.
38. Section 7(1) of the Local Government: Municipal Electoral Act 27 of 2000 (**"Municipal Electoral Act"**) states that *"a person may vote in an election only if registered as a voter on the certified segment of the voters' roll for a voting district which falls within the municipality"*. A "voter" is defined by the Municipal Electoral Act as *"a person whose name appears on the voters' roll"*. So quite clearly, registration is a necessary conduit for the exercise of the right to vote.
39. The Commission's affidavit states that voter registration weekends were initially scheduled for 16 and 17 July 2021, but then postponed to 31 July 2021 and 1 August 2021. However, both registration weekends were cancelled due to the third wave of high infection rates and the prohibition of gatherings under Alert Level 4.

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40. As stated in the Commission's affidavit, at present, there are 25 741 615 registered voters on the national common voters' roll while 40 263 709 citizens are eligible to vote. This means that only 64% of eligible voters are registered and able to vote, and 36% of voters are not registered, and unable to vote.
41. In the ANC's experience, voter registration weekends have been the most successful method used by the IEC to enable the vast majority of citizens to register to vote.
- 41.1 Voter registration usually takes place over one or two weekends, a few weeks before proclamation, and it is done at voting stations to provide easy access for voters.
- 41.2 The Commission's own data demonstrates that typically voter registration weekends have enabled between 2 – 3 million voters to visit voting stations to either register for the first time, or to change their registration.
- 41.3 The ANC typically spends two months holding public meetings, campaigning among all sectoral organisations in communities, and visiting as many households as possible to identify unregistered voters, assist them to get identity documents if needed, and persuade them to register.
- 41.4 On voter registration weekends, these voters have to be mobilized to go to one of the over 20 000 voting stations to register. Campuses and

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schools are a special focus for voter registration for political parties and the Commission as many first-time voters who are un-registered can be found there. For half of June and most of July 2021, these educational institutions were all closed due to COVID-19. Where campuses were open, access was severely restricted to only those that strictly needed resources from campus. Most universities students are undertaking studies from their homes, and far away from campus.

- 41.5 Conventional methods of registering people to vote have stood the test of time and recent experience demonstrates that they are the most effective at encouraging people to register to vote. In mid-July, the Commission introduced a new online registration function during Alert level 4. In the first two weeks, the Commission only received 10 000 registrations nationwide—in spite the huge effort made by both the Commission and political parties to promote this new registration system. Despite our best hopes, this should have come as no surprise. Online registration requires access to a smartphone or another device that can connect to the internet together with the sufficient data capacity. Data remains hugely expensive in South Africa, and inaccessible to a large proportion of South Africans, including the unemployed and many in the working class. Added to that, the new online system was extremely complicated - its security features, the necessity of scanning of identity documents and the use of GPS systems to locate addresses added to the complexities that made the system inefficient.

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42. In short, registration, and registration weekends, remain crucial for the proper exercise and fulfilment of the right to vote. As stated above, registration drives have been postponed by the Commission as a result of COVID-19 and the restriction on movement and gatherings. However, the difficulties do not end there.
43. On 3 August 2021, by proclamation in the Government Gazette, the Minister set the date for the local government elections as 27 October 2021.
44. In terms of section 6(1A) of the Local Government: Municipal Electoral Act 27 of 2000, "*only a voter who applied for registration prior to the proclamation of an election date may vote in the election concerned*". This means that anyone not registered as of 3 August 2021 is unable to vote in the upcoming elections on 27 October 2021.
45. Effectively, this means more than 14 million South Africans, however desirous they may be to vote on 27 October 2021, are unable to do so. These citizens will be unable to cast a vote for their ward councillors and proportional representation councillors. They have effectively been disenfranchised.
46. There is an additional problem with the absence of a registration weekend. I am advised that this Court in *Kham and Others v Electoral Commission and Another* (CCT64/15) [2015] ZACC 37; 2016 (2) BCLR 157 (CC); 2016 (2) SA 338 (CC) held that the accuracy of voter registration information, particularly in respect of local government elections, is essential for a free and fair election.

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This is because, at local government level, a voter is only entitled to vote in the voting district that they belong to.

47. This Court explained in *Kham* that—

“61 Ensuring that voters are correctly registered in the voting district where they are ordinarily resident is of particular importance in the context of municipal elections because they are conducted in the first instance on a ward basis.

62 All metropolitan municipalities and local authorities are required to be delimited in wards. The reason for ward representation in municipalities is to bring the politicians dealing with the issues that most directly impact upon ordinary citizens closer to home. Instead of having to deal with an amorphous political party, citizens in a municipality have a local representative, who should be available to them, irrespective of political affiliation, to address their local problems.”

48. The Municipal Electoral Act is clear that only those who are ordinarily resident in a voting district may vote in that district. Voter registration weekends provide returning voters an opportunity to change their voting districts and to correct any defects in their address that appear against their name on the roll.

49. Without a voter registration weekend, a voter has to directly approach the Municipal Electoral Office at one venue per municipality and during office hours, before proclamation of the elections. This is simply not an adequate opportunity afforded to unemployed or working-class voters who often live many kilometers away from municipal head offices.

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50. The importance of voting in the correct district cannot be overemphasised. In fact, in the Commission's report to the National Party Liaison Committee (**NPLC**) on 27 May 2021 (attached as annexure **ANC2**), a body constituted in terms of the Electoral Commission Act, the Commission reported that 290 new voting districts had been created by a change in municipal boundaries by the Municipal Demarcation Board and a further 1274 voting districts had been impacted by this change and the change in ward boundaries.
51. This means that there are thousands of eligible voters who would have had the opportunity, through voter registration weekend, to register in the correct wards and voting districts in order for their votes to count. Those voters now stand the risk of being disenfranchised, as was the case in *Kham*, because they would seek to cast their vote in the incorrect voting district.
52. In sum:
- 52.1 Voter registration is prerequisite to the exercise of the right to vote—without registration, a person simply cannot vote.
- 52.2 Voter registration weekends have proven to be immensely successful in drawing new voters in. No registration weekends have taken place for the upcoming elections.
- 52.3 Any person desiring to vote is unable to because the Minister has already proclaimed the election date. This mean over 14 million South Africans have been disenfranchised.

52.4 Any voter whose place of ordinary residence has changed over the years may be denied the vote as they have been deprived of the opportunity to change their voting district.

53. In view of all of the above, the position of the ANC is that, should the Commission fail in its application, the upcoming elections would not be free and fair.

The process of nominating candidates

54. Section 13 of the Municipal Electoral Act provides that:

“(1) Only registered parties may contest an election, and may contest the election either by—

(a) submitting a party list containing the names of candidates to stand as its representatives for the election of members of council to proportionally represent parties in the council;

(b) nominating a ward candidate to stand as a representative of the party in a ward; or

(c) doing both.”

55. A necessary condition for the exercise of this right is that a party must submit its list in accordance with the election timetable published by the Commission.

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56. The Commission, in the timetable that was proposed to the parties at the NPLC on 2 August 2021 has given the parties less than three weeks to submit their lists. The proposed timetable was rejected by almost all the parties represented at the NPLC because no voter registration weekend was possible and party lists would have to be submitted within less than three weeks from the date of that meeting.
57. The nomination and submission of a party list is a mammoth and time consuming task. It requires the party to marshal all of its resources and time towards the selection and nomination of over 10 000 candidates in 257 municipalities and 4 468 wards, in a matter of weeks. These typically take place at branch or community meetings.
58. The ANC process to select the around 10 000 candidates came to complete standstill under Alert Level 4 due to the ban on gatherings. The ANC needs to submit 4 468 ward candidates, an equal number of local or metropolitan proportional representation candidates and around 1 000 district candidates. The ANC has had to repeatedly change the selection process and deadlines as the country moved from level 1 to level 2 at the end of May 2021, Level 3 on 16 June and Level 4 on 27 June, and back to Level 3 on 25 July.
59. The point is that COVID-19 and the restriction on movement and gatherings have made it impossible to comply effectively with the Commission's timetable. It is for that reason that an overwhelming number of political parties

represented in the National Party Liaison Committee rejected the timetable - for the first time in this country's democratic history.

60. The ANC was represented by Ms Beatie Hofmeyr and Mr Mandla Dlamini. They have represented the ANC at the NPLC since 1994 and 1999 respectively. Both of them inform me that all the major political parties expressed similar concerns at the NPLC meeting. Their confirmatory affidavits are attached to this application as **ANC3** and **ANC4**.

61. In addition, the ANC's process of selecting nominees is an arduous task. It is 5-part process regulated by the 2021 Local Government Elections Branch Nomination and Manual Rules. These are attached, in relevant parts, to this affidavit as annexure **ANC5**.

61.1 Each nomination process begins with a branch general meeting (BGM) where members of the ANC nominate 4 ward candidates and 6 PR candidates, where a quorum is 50% plus 1 member, and 100 being the minimum membership for a branch. Notably, the quorum already exceeds the Level 3 restriction of 50 people for venues indoors.

61.2 The second step is a community meeting, called by the ANC and attended by ANC supporters and voters, to question the candidates and their competence and ability to serve that community. If candidates are rejected by the community, then a new, alternative, candidate must be nominated by a simple majority of those in attendance. If the alternative candidate is not a member of the ANC, but prepared to join, they must do so immediately.

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- 61.3 The third step is a community wide vote that must take place within a week of step two. Here, the members of the community vote for their preferred candidate. The person with the most votes becomes the ANC's candidate.
- 61.4 In step four, the name of the successful candidate from the community wide vote will be sent to the Provincial List Committee (**PLC**) for screening and vetting. If there are no issues with a candidate, the names are forwarded to an extended Provincial Executive Committee (**PEC**) for ratification.
- 61.5 Step five involves ratification of the list by the extended PEC, which includes the ANC's alliance partners.
- 61.6 Lastly, in step six, the list is ratified by the National Executive Committee (NEC) of the ANC, together with alliance partners.
62. This is a process that must be done for all ward candidates that the ANC must nominate, vet, select and ratify. It is not a process that can be completed in less than three weeks. It is usually a process that takes, at a minimum, two months.
63. List candidates for the PR seats are also nominated by the branch and then interviewed, screened, and ordered by a Regional Interview and Vetting Panel, and sent to the extended PEC and NEC for ratification.

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64. Under Alert Level 3 and 4, the ANC could not continue with its process of selecting, vetting and screening around 10 000 candidates as all parts of the process involved meetings or gatherings.
65. Over the years it has become apparent that candidate selection for a party with majority support in an area is highly contested. As such, the integrity of processes is closely safeguarded by the ANC's own Electoral Committee to avoid a repeat of the conflict and deaths that resulted from the 2016 candidate selection process.
66. In terms of the current timetable, political parties are expected to register their candidates on 23 August 2021. It is extremely unlikely that the ANC will meet that deadline for all of the 10 000 candidates, unless it adopts a top-down process that would be in violation of the party's constitution and the Candidate Selection Rules adopted by the NEC. The ANC's constitution, attached in relevant parts as annexure **ANC6**, states that the ANC's most basic and democratic structure are its branches - and mandates of the party are received from branch-level up, and not top-down.
67. At the NPLC meeting held on Monday, 2 August 2021 to discuss the timetable with the IEC, the ANC representatives, Ms Hofmeyr and Mr Dlamini, pleaded for more time to complete its internal processes. This was refused by the Commission as it is constrained by the need to print and distribute over 4500 unique ballot papers.

68. The concerns around the timetable are not a concern of the ANC alone. As the Commission states in its affidavit, this was a concern raised by all the parties present at the NPLC meeting on 2 August 2021.

THE THREAT OF COVID-19 TO THE FAIRNESS OF THE ELECTIONS – THE JUST AND EQUITABLE REMEDY

69. The Commission has made extensive submissions on the threat posed by COVID-19 on the fairness of the elections, the ANC supports the Commission's case in that regard.
70. However, where the ANC differs with the Commission is on the date of the election and the remedy proposed. The Commission seeks relief to the effect that the elections must take place by 28 February 2021. We disagree for the reasons that follow.
71. The Moseneke Inquiry considered submissions from a number of the most respected medical experts in virology and epidemiology. The Report of the Inquiry records that there was material convergence between the medical experts and that the areas of disagreement were limited, in the main, to the likely trajectory of the virus and the resultant infections, hospitalisations and deaths in October 2021 compared to February-March 2022.²

² Moseneke Report, p. 104, para 274.

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72. First, as a starting point, all of the medical experts that made submissions to the Moseneke Inquiry agreed that it is not possible to predict what the pandemic will look like in October in South Africa, let alone the provinces and districts. The waves of infections differ from one province to another. Within provinces and districts, the waves happen at different times.³
73. Second, the medical experts were agreed that if the third wave is likely to be over by the end of August or September 2021, there may be a period of about two to three months where there will be a low number of infections. On average, the first wave lasted 74 days and the second wave 75 days.⁴
74. Third, the medical experts agreed that by the time South Africa enters March 2022, the fourth wave may be over.⁵ However, they disagreed as to whether, in view of this, the elections should take place at the end of the third wave in October or the end of the fourth wave in March 2022.
- 74.1 Prof. Silal was of the view that the country may be in a better position in March 2022 as more people would be vaccinated;⁶
- 74.2 Whilst Prof. Abdool-Karim was cautious of the likelihood that there may be a new virus mutation that may even be immune to any vaccinations that are currently on the market in March 2022;⁷

³ Moseneke Report, p. 69, para 169.

⁴ Moseneke Report, p. 85, para 213.

⁵ Moseneke Report, p. 73, para 177 read together with p. 89, para 223.

⁶ Moseneke Report, p. 73, para 177.

⁷ Moseneke Report, p. 90, para 224.

- 74.3 Dr Miot submitted that in March 2022, the country will be better protected because more people would have been vaccinated and that even if there was another variant that potentially escapes from the vaccine, those vaccinated will still have some protection.⁸
75. Fourth, as with all the other medical experts, Prof. Silal and Dr Moultrie were unable to say whether we are likely to be in a fourth wave in October 2021. However, Prof. Silal was of the view that, on any scenario, the country will be better off, and there will be less infections, hospitalisations and lower mortality around March 2022 than in October 2021, because more people of voting age would have been vaccinated.⁹
76. Fifth, the medical experts all agreed that the virus is constantly evolving, its variants are unpredictable, and that they are not going away anytime soon.¹⁰
77. Sixth, whilst the rate of vaccination may reduce hospitalisation and death, all the medical experts agreed that it may not prevent a resurgence of infections.¹¹
78. Seventh, all the medical accepted that the virus is not well understood. It is novel and there is insufficient knowledge about transmission trends, the ability of the virus to cause infections and the changing nature of the virus.¹²

⁸ Moseneke Report, p. 73, para 179.

⁹ Moseneke Report, p. 76, para 186.

¹⁰ Moseneke Report, p. 104, para 275

¹¹ Id.

79. In view of the above, the Inquiry decided that the elections should be postponed. However, the postponement should not be later than 28 February 2022 because "postponements should be no longer than is strictly and reasonably necessary to save lives and limbs".¹³
80. The ANC agrees, wholeheartedly, that postponement of elections should be avoided at all costs, and that only where free and fair elections may not take place, that a postponement should be granted. However, where we disagree with the Commission is that the remedy must be fixed to 28 February 2022. In our view, the elections must be postponed, however, the remedy must be sufficiently flexible to accommodate the eventualities that may arise at the time that the election is to be held.
81. We take our cue from Justice Moseneke who said that "*our recommendation is that the elections be deferred only once, and to the earliest possible date, to be determined as the safest and shortest time within which local government elections may be held without the excessive loss of life*".¹⁴ We agree.
82. The ANC wants to avoid a situation where an urgent application has to be brought once more in the near future to postpone the election to a further date because of the ever-changing position of COVID-19 and the threat it poses.
83. In our view, this Court's order must provide that the elections are to be postponed, however, the Minister, in consultation with the Commission, must

¹² Moseneke Report, p. 103, para 275.

¹³ Moseneke Report, p. 113, para 299.

¹⁴ Moseneke Report, p. 111, para 295.

be left to determine the date of elections no later than April 2022. We say so for the following reasons:

- 83.1 First, scientists, government and research institutions point to the possibility that there will be a fourth wave between December 2021 and January 2022.
- 83.2 Second, the Report of the Moseneke Inquiry was written on the basis the predictions by the National Department of Health that by 6 August 2021, the country would be administering 400 000 vaccinations per day.¹⁵ This target has regrettably not been reached. At the time of deposing this affidavit, the country was administering just under 200 000 vaccinations on average per day (see annexure **ANC7**). Therefore, any estimates made by the Department and the impact vaccinations would have on the mitigation of COVID-19 have to be halved by 50%.
- 83.3 Third, based on the understanding that a significant part of the population will remain unvaccinated, this predicted scenario would again lead to Alert Level 3 restrictions or even an Alert Level 4, complete ban on gatherings, and make campaigning impossible during the run up to a February 2022 election. Should that happen the Commission will face the same challenges that led to the need for an application to postpone the 27 October elections. Political parties will be as impeded in free and fair campaigning as we are today, after

¹⁵ Dr Sandile Buthelezi's Confirmatory Affidavit, p. 317, para 6.5.

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almost 50 days of severe limits or a complete ban on political gatherings.

83.4 Fourth, at the meeting of the political parties at the NPLC convened on on 23 July 2021 and 2 August 2021, a majority of the parties present supported the view that a more flexible order by this Court is desirable so that elections may be proclaimed when the facts about the anticipated wave are clearer, to avoid a further postponement if the fourth wave impedes political activities. The Commission advanced the argument that it would be better to stick to the Moseneke Inquiry recommendations. The ANC strongly rejected the notion of rigidly sticking to February as an ideal time and was supported in this position by among others the Economic Freedom Fighters, the United Democratic Front, the African Independent Congress, and African Christian Democratic Party. Whilst the Democratic Alliance preferred continuing with an October election, they agreed that if elections were postponed, February would not be a suitable time due to holidays and the expected fourth wave. The affidavits by Ms Hofmeyr and Mr Dlamini, both present at the meetings, confirms this to be the case.

83.5 Fifth, on the Commission's own version before this Court, and the expert medical evidence, it is impossible to measure what the situation will look like in February 2022 or in the lead up to February 2022. A more flexible order, that would consider the prevailing circumstances of that time, would therefore be necessary.

83.6 Sixth, there are no reasons advanced by the Commission why the ordinary powers to declare elections by the Minister, in terms of section 24(2) of the Structures Act, should be overridden and usurped. Parliament, in its wisdom, saw it fit to leave the exercise of this power to the Minister. Importantly, the Structures Act requires the Minister to consult the Commission before declaring an election date - such an approach leaves room for any concerns about future dates and allows the Minister and the Commission to declare a date more suited to the prevailing circumstances of that time. The remedy proposed by the Commission unnecessarily invites the Court to entertain the terrain of the Minister and to intervene in issues of elections which are not necessary.

84. All of the scientists agreed that the rate of infection is unpredicable as new mutations or variants of the virus could befall the country, as was the case with the Second Wave and the Third Wave of infections. All agree that a Fourth Wave will come even if the exact timing is unpredictable

85. Therefore, in the view of the ANC, a just and equitable order would state that the elections may not be postponed by more than 180 days from the 1st November 2021 - this being the deadline for the newly elected local government to take its place. This would make an election possible any time from 2 November 2021 to an outer limit of 29 April 2022, and allow more flexibility to the Minister, after consultation with the Commission, to proclaim an election for the date within the 180-day period that is least affected by preceding months with severe restrictions on gatherings.

COSTS

86. The ANC is acting in its own interest, in the interest of its members, and in the interest of the public. I am advised and contend that the kind of litigant protected by the principles laid down in *Biowatch*. Accordingly it should not be burdened by an adverse costs order.
87. The Commission is not seeking costs against any party, and it is respectfully contended that the ANC should not be made to bear any costs even in the event that it should be unsuccessful in its intervention application.

Deante

DEPONENT

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at Braytonville on this the 11 day of August 2021, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

I certify that the above statement was taken by me and that the deponent has acknowledged that he / she knows and understands the contents of this statement. This statement was sworn to / affirmed before me and the deponent's signature mark was placed thereon in my presence.

Khawula 2021-08-11

(SIGNATURE) COMMISSIONER OF OATHS

Lesiba Ndlovu

FULL FIRST NAMES AND SURNAME IN BLOCK LETTERS

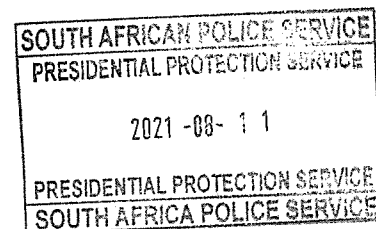
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BUSINESS ADDRESS (STREET ADDRESS)

SA

RANK

SA POLICE SERVICE



COMMISSIONER OF OATHS

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Full names:

Address:

Capacity:

AFRICAN NATIONAL CONGRESS

SECRETARY GENERAL'S OFFICE

Chief Albert Luthuli House 54 Sauer Street Johannesburg 2001 PO Box 61884 Marshalltown 2107 RSA
Tel: 27.11.376.1000 Website: www.anc.org.za



**EXTRACT OF MINUTES OF NATIONAL EXECUTIVE COMMITTEE (NEC)
MEETING HELD BETWEEN 18 and 19 JANUARY 2018 AT ST. GEORGES HOTEL,
IRENE, PRETORIA**

DELEGATION OF AUTHORITY

NOTING:

THAT Rule 12.2.13 of the ANC Constitution confers upon the NEC the power to institute and defend legal proceedings;

THAT it is impractical for the NEC to exercise this power as a structure which meets periodically;

THAT the NEC is desirous of delegating this responsibility to the Secretary General and the Deputy Secretary General as full-time administrative officers of the organisation;

THAT the NEC is desirous of delegating to the Secretary General and the National Office Bearers its power to take all steps necessary or warranted for the due fulfilment of the aims and objectives of the ANC and the due performance of the NEC's duties;

THAT this delegation of authority does not include the power to bind the ANC or create any legal relationship envisaged in Rule 30 of the ANC Constitution which is the exclusive prerogative of the National Officials.

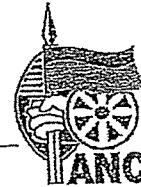
RESOLVED:

1. THAT the NEC delegates to **ELIAS SEKGOBELO MAGASHULE** also known as **ACE MAGASHULE**, in his capacity as Secretary General, and **YASMIN DUARTE**, also known as **JESSIE DUARTE**, in her capacity as Deputy Secretary General, of the ANC the authority to institute and defend legal proceedings on behalf of the ANC, to sign all documents necessary in that regard and to instruct attorneys and advocates to act on behalf of the ANC;
2. THAT the NEC delegates to the Secretary General and the National Officials the power to take all steps necessary or warranted for the due fulfilment of the aims and objectives of the ANC and the due performance of the NEC's duties and to provide reports to the NEC from time to time in this regard.

President: C Ramaphosa Deputy President: D.D. Mabuza National Chairperson: G Mantashe Secretary General: E. Magashule
Deputy Secretary General: J Duarte, Treasurer-General: P. Mashatile

AFRICAN NATIONAL CONGRESS

SECRETARY GENERAL'S OFFICE



Chief Albert Luthuli House 54 Sauer Street Johannesburg 2001 PO Box 61884 Marshalltown 2107 RSA
Tel: 27.11.376.1000 Website: www.anc.org.za

Certified a true copy

GWEDDE MANTASHE
NATIONAL CHAIRPERSON
AFRICAN NATIONAL CONGRESS
18 JANUARY 2018

President: C Ramaphosa Deputy President: D.D. Mabuza National Chairperson: G Mantashe Secretary General: E. Magashule
Deputy Secretary General: J Duarle, Treasurer-General: P. Mashatile

TCR Project Plan – 2021

LGE



Objectives

- Targeting, Communicating and Registration of the **youth** with a view to increasing their numbers on the voters' roll;
- Targeting, Communicating and Registration of **voters affected by VD and ward boundary changes** this is with a view to registering them in the correct VD where they are ordinarily resident;
- **Section 12 moves of voters** who are incorrectly registered in the wrong VD and/or ward in the correct VD where they are ordinarily resident.

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Approach - Youth

- Three sub-categories
 - Youth in Schools;
 - Youth out of school;
 - Youth in Tertiary Institutions;
- Collaborations with DHA, DBE and Tertiary Institutions;
- Obtain Database of IDs and Contact details from DHA and DBE
- Analysis of gaps between VR and Database
- Smart Targeting through various measures, e.g. SMS, Social Media
- Registration through various platforms either traditional platforms or online incl. online self registration.



Approach – Delim/Dermacation affected

- Changes in ward/VD boundaries;
- Traditional fieldwork;
- Communication of changes in boundaries and new VS details through pamphlets;
- Immediate Registration where available;
- Communication of various platforms for registration either traditional platforms or online incl. online self registration.
- Smart Targeting through various measures, e.g. SMS, Social Media



TCR VDs per Province

TCR VOTING DISTRICTS PER PROVINCE as at 12 May 2021

Province	New VD created	Gained a portion	Total
Eastern Cape	29	99	128
Free State	42	128	170
Gauteng	51	193	244
KwaZulu-Natal	56	161	217
Mpumalanga	18	260	278
Northern Cape	24	51	75
Limpopo	36	63	99
North West	17	131	148
Western Cape	17	188	205
TOTAL	290	1 274	1 564

Timelines

Task	Date(s)	Resource(s)
National TCR Briefing Workshop	25 May 2021	
Creation of ESS, LIS & VRS TCR Event	31 May – 01 June 2021	
Submission of provincial budgets	04 June 2021	
Recruit TCR Fieldworkers	02 June – 09 June 2021	
Capture TCR Fieldworkers on ESS	02 June – 11 June 2021	
Docking of Zip-Zips for TCR Activity	01 June – 11 June 2021	
Allocation of zip-zips to TCR VDs	01 June - 11 June 2021	
Conduct TCR Fieldwork	17 June – 30 June 2021	
Upload zip-zips post TCR activity	17 June – 02 July 2021	
Scanning and Address capture	17 June – 09 July 2021	

Thank you



IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case Number CCT 245/21

In the matter between:

ELECTORAL COMMISSION Applicant

And

THE MINISTER OF COOPERATIVE GOVERNMENT First Respondent
AND TRADITIONAL AFFAIRS

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Second Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
EASTERN CAPE

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Third Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
FREE STATE

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Fourth Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
GAUTENG

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Fifth Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
KWAZULU-NATAL

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Sixth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
LIMPOPO

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Seventh Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
MPUMALANGA

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Eighth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
NORTHERN CAPE

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Ninth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
NORTH WEST

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Tenth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
WESTERN CAPE

THE SOUTH AFRICAN LOCAL GOVERNMENT Eleventh Respondent
ASSOCIATION

SW/ GA

CONFIRMATORY AFFIDAVIT

I, the undersigned,

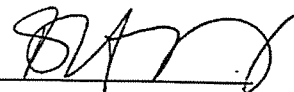
BEATRIX HENRIETTE HOFMEYR

do hereby make oath and say:-

1. I am an adult female of full legal capacity. The facts contained herein are within my personal knowledge and belief, both true and correct. I am also known as Beatie Hofmeyr.

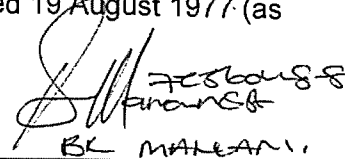
2. I represent the ANC with my colleague, Mandla Dlamini, in the National Party Liaison Committee which advises and engages with the Independent Electoral Commission and other represented political Parties around electoral matters.

3. I have read the affidavit of the Deputy Secretary General of the ANC, Ms Jessie Duarte, and confirm the contents thereof insofar as it relates to me.,



DEPONENT

THUS DONE AND SWORN TO before me at CLAREMONT on this 11th day of August 2021, the Deponent having acknowledged that she knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on her conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.


BL. MAREANI

COMMISSIONER OF OATHS

SUID-AFRIKAANSE POLISIEDIENS GEWELDSLOPELIENGBESONTROM
11 AUG 2021
CONSOLE SERVICE CENTRE CLAREMONT K.P. / C.P.
SOUTH AFRICAN POLICE SERVICE

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case Number CCT 245/21

In the matter between:

ELECTORAL COMMISSION Applicant

And

THE MINISTER OF COOPERATIVE GOVERNMENT First Respondent
AND TRADITIONAL AFFAIRS

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Second Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
EASTERN CAPE

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FREE STATE

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Fourth Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
GAUTENG

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Fifth Respondent
IN THE PROVINCIAL GOVERNMENT OF THE
KWAZULU-NATAL

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Sixth Respondent

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BP

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IN THE PROVINCIAL GOVERNMENT OF THE
LIMPOPO

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Seventh Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
MPUMALANGA

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Eighth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
NORTHERN CAPE

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Ninth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
NORTH WEST

MEC RESPONSIBLE FOR LOCAL GOVERNMENT Tenth Respondent

IN THE PROVINCIAL GOVERNMENT OF THE
WESTERN CAPE

THE SOUTH AFRICAN LOCAL GOVERNMENT Eleventh Respondent
ASSOCIATION

med

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CONFIRMATORY AFFIDAVIT

I, the undersigned,

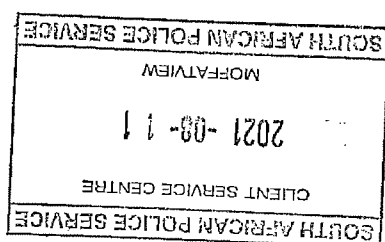
MANDLA EMMANUEL DLAMINI

do hereby make oath and say:-

1. I am an adult male of full legal capacity. The facts contained herein are within my personal knowledge and belief, both true and correct.
2. I represent the ANC with my colleague, Beatie Hofmeyr, in the National Party Liaison Committee which advises and engages with the Independent Electoral Commission and other represented political Parties around electoral matters.
3. I have read the affidavit of the Deputy Secretary General of the ANC, Ms Jessie Duarte, and confirm the contents thereof insofar as it relates to me.


DEPONENT

THUS DONE AND SWORN TO before me at _____ on this 11th day of August 2021, the Deponent having acknowledged that she knows and understands the contents of this affidavit; has no objection to taking the prescribed oath and considers the said oath to be binding on her conscience, the regulations contained in Government Notice No. 1648 dated 19 August 1977 (as amended) having been complied with.




COMMISSIONER OF OATHS

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2021

LOCAL GOVERNMENT ELECTIONS
BRANCH NOMINATION
MANUAL AND FORMS



4. CANDIDATE NOMINATION AND SELECTION STRUCTURES

4.1 Structures to administer the process

Electoral Committee

Set up the permanent Electoral Committee (EC) as decided by 54th conference for managing the selection of both candidates for national, provincial and local government, and leaders in the ANC

Role:

Make rules and oversee the nomination and selection process, deal with appeals, set up administrators, teams and panels to assist them. (The EC does not select candidates but acts as the ANC's *internal IEC*).

The EC accounts to the NEC for Candidate selection processes.

Composition:

Established by the NEC with members appointed by the NEC after nomination:

- Three will be nominated by the officials of the ANC (two women, one man).
- To ensure gender parity the Youth League and Veteran's League, SACP and COSATU, and Sanco, must each nominate one woman and one man
- The NEC will choose one per partner and League, and ensure that at least half of the EC are women.

None of the members may be sitting members of the national or provincial executive of any of the structures involved.

They have to be members with a track record of working for unity and renewal, of not supporting factions and with a track record of integrity and service, and a good understanding of what is required of public representatives and leaders of the ANC.

The EC will be convened by the Secretary General (SG) for its first meeting where it will choose a chairperson from among its members.

The SG will provide administrative support for the EC and will ensure that all organisational structures implement the processes and abide by the rules determined by the EC.

Provincial List Committee

Powers and Role:

Report and account to the Electoral Committee. Oversee the nomination process in the province, administer, hear appeals, vet candidates, present ward candidates to the extended PEC for approval, work with the Interview Panel to finalise the proposed PR list for each municipal Council and District Council, and present draft lists to extended PEC.

Composition:

The PLC should be approved by the PEC and be made up of:

- 3 senior ANC members who no longer occupy elected positions in the NEC or PEC or REC, with no direct personal interest in the outcome of the candidate selection process. At least 2 must be women.
- Each of the Leagues' provincial executives may also nominate one list committee member who meets the above criteria. They must be encouraged to nominate women.
- Each of the Alliance partners plus Sanco may nominate one list committee member who meets the above criteria. They must be encouraged to nominate women.

The Provincial Secretary will provide administrative support for the PLC and will ensure that all organisational structures implement the processes and abide by the rules determined by the EC.

A Regional Interview and Vetting Panel (RIVP)

Role:

They will analyse challenges and weaknesses in each municipality and be responsible for ensuring that the ANC has the capacity to run an effective and clean municipality. They will interview all PR nominees that meet the cut off number of nominations for each municipal council in their region, order and balance lists

according to the rules, and present and motivate these to the extended PEC.

Composition

The RIVP is set up by the Electoral Committee after consultation with the PLC and the REC, and should be made up of:

- The regional secretary, plus
- Four other impartial ANC supporters or members with significant and successful local government experience or expertise – as former, mayors, councillors, MECs, ministers, MPs, MPLs in local government committees, senior municipal managers, or academics.

Decisions:

- All other decision-making functions are performed by the BGM, extended PEC and extended NEC.
- Where extended structures take decisions, they have to be formally ratified by the NEC or relevant PEC.

4.2 Ward candidate nomination and selection process:

There are five key processes in selecting ward candidates

1. Nomination by the branch
2. Community meeting where the shortlisted candidates answer questions.
3. Community vote
4. Screening by the PLC
5. Ratification by the PEC.

Step 1: Nomination by BGM

1. All members in good standing are eligible to vote for nomination of candidates. Branches not in good standing may still nominate as long as 50% of the members who are in good standing, are present.
2. Nomination may only be made by a quorated BGM or virtual BGM.
3. The BGM must be chaired by the chair or deputy chair, or secretary (if others are candidates).
4. The REC must deploy an observer to monitor that the proper process is followed.

5. If a BGM fails to quorate three times, a nomination may be made by the third meeting, with a note attached that the meeting failed to quorate.
6. BGM participants may nominate as many candidates as they wish.
7. Candidates must live in the ward.
8. A vote must be held by secret ballot to determine support for candidates.
9. The top two women and the top two men become the short-listed candidates, provided that at least one candidate is under 35, and at least one has previous government experience. If three or four of the top candidates are women, they may all go through, but there may be no more than 2 males. If none are under 35 or with previous government experience, the top candidate meeting those criteria must be included.
10. The BEC must appoint an electoral officer from among the BEC members, who must contact candidates and get them to fill in forms, and chair the community meeting, and organise the community vote.
11. The Electoral Officer must ensure that all nominees are prepared to stand immediately after the meeting. Should anyone decline, the person of the same gender with the next most votes will take their place. The Electoral Officer must keep records of all the processes and also keep the ballots for at least 3 months.

Step 2: Community meeting

1. The BEC organises a community meeting of ANC supporters and voters, or if social gatherings are not permitted, a virtual public meeting on community radio or other platforms.
2. The meeting must be advertised on community radio, on WhatsApp or SMS to all ANC voters captured on the cloud or house cards, to all ANC members in the ward, and through the display of posters or a large banner in a prominent place in the ward where most people pass.
3. A small pamphlet with the short CVs (200 words) written by each of the candidates

2021 Local Government Elections Candidate Selection Rules

- must be distributed to participants at the meeting, or must be read out at the meeting.
4. Each candidate has to respond to the same 4 questions in ten minutes, *(What do you see as the most pressing issues in the ward and municipality? What do you want to achieve as councilor in this ward? What is your track record in this community? Why should we vote for you?)*
 5. Each candidate should then answer three questions from the meeting participants.
 6. If the community expresses discontent with all candidates, they may nominate an alternative by simple majority (50%+1). Such a candidate will be added to the others on the ballot for the community vote. If this person is not an ANC member, but prepared to join, they must do so immediately and may be on the ballot for the community vote
 5. Use the Ward voters roll, set up a table and ballot boxes in a gazebo or inside a public venue. *(For Covid-19 – Keep 2m distance in queue and let only one person to each point in voting station at any one time. Sterilise voters hands before and after voting. Make sure only one voting officer touches the voters roll and marks off names).*
 6. Every candidate should have an agent who is allowed to observe every part of the process from drawing up the ballot paper, to advertising the vote, to marking the voters roll, the ballot issue and counting process. Agents may not observe actual voting by residents (same role as party agent in elections)
 7. A ballot should be printed with all candidates' names in alphabetical order. Each voter receives one ballot (Covid-19 – all voting officers and agents wear masks, ballot issuer sterilize hands regularly.
 8. A voter may vote only for one candidate. The vote must be secret and voting should not be visible to agents or organisers. Between every vote the pen should be wiped with disinfectant.
 9. Votes must be counted immediately in front of agents and announced to anyone present. (Covid-19 – Counters must wear gloves and masks while touching ballot papers.)
 10. The candidate with the most votes, will become the ANC Ward Councillor candidate.
 11. The one with the second most votes will be the alternate in case the first one is disbarred later or decides not to take up the candidacy.
 12. The full result slip must be sent to the PLC.
 13. All ballots must be kept safe in a sealed box for 3 months together with the marked voters roll, by the electoral officer.
 14. If Covid regulations at the time, make this public vote impossible, the Electoral Committee has to propose an alternative process that must be approved by the NWC

Step 3: The very next weekend organise an Open Community Vote

IMPORTANT: this approach should be followed where the ANC has majority support in a ward. In a non-ANC ward, the vote can happen by secret ballot at the community meeting.

A community vote should be held to involve more people within one week of the community meeting.

1. The public vote should be advertised at the community meeting, on community radio and WhatsApp or SMS, by banner or posters, and all ANC supporters should be invited to come and make their choice. They must bring their ID. (If Covid-19 is still an issue they should also wear a mask).
2. The vote should take place at a time convenient to the community: for example on a Sunday afternoon from 2pm to 6pm.
3. Candidates nominated by the branch and any additions from the community meeting should be on the ballot.
4. Any candidates who wishes to withdraw after the community meeting may do so before the ballot is printed.



Rules for campaigning for ward candidates

1. Candidates may campaign for support during the week before the community vote.
2. Candidates and their supporters may do door to door work and phone canvassing, also hold sectoral, and public or house meetings.
3. They may be interviewed on radio and use free social media.
4. To ensure that money plays no role, candidates and their supporters may not produce T-shirts, media, branding of any object, banners, pamphlets or posters. They may not engage in any campaigning that relies on donations or spending own money, with the exception of paying for meeting venues.
5. They may not pay any member or supporter to campaign for them. Anyone found using money or favours to buy votes will be expelled from the ANC

Step 4: Screening by the PLC

1. The name of the successful candidate will be sent to the PLC for screening and vetting to ensure the candidate will not bring the ANC into disrepute.
2. The candidate with the most community votes, will become the ANC Ward Councillor candidate, unless vetting and screening raise serious issues.
3. The one with the second most votes will be the alternate in case the first one is disbarred later or decides not to take up the candidacy.
4. If there is no problem raised by vetting and screening or appeals, the name is forwarded to the extended PEC for ratification
5. A short CV for the winning candidate must be filled in on the nomination form together with the details of all the processes. An acceptance of nomination form must also be signed by the candidate
6. The PLC will conduct vetting using a candidate declaration form, and hear appeals against or for any nominee. They may take further steps to investigate or interview a candidate if evidence is presented that justify it.

7. Should the vetting fail, the candidate must be informed in writing of the reasons by the PLC and the alternate candidate will be vetted and presented.

Step 5: Ratification by the extended PEC

1. The extended PEC (elected PEC members plus 2 per region and 2 per Alliance partner, Sanco and Leagues) must approve the ward candidate unless there are legitimate objections to their candidacy that is supported by 80% of the extended PEC. The reasons for the decisions must be recorded in full in case there is an appeal to the EC.
2. The PLC then sends the list of ward candidates to the EC who will process any further appeals after consultation with the PEC.

Step 6: Ratification by the extended NEC

1. As a final step the extended NEC (Elected NEC members plus 5 per province and 5 per League, and 5 per Alliance partner + Sanco) will approve the final list of ward candidates and it will be formally ratified by the NEC
2. Changes at this stage may only be made on very serious grounds and only if 80% of the extended NEC agree to a change.
3. The list of ward candidates is then signed off by the chair of the extended NEC and passed on to the NEC for ratification and to the list administrator in the SGO for registration with the IEC.
4. No changes may be made at this stage unless someone passes away or withdraws as a candidate. Should this happen the person who was the alternate ward candidate should automatically become the ward candidate.

4.3 Nomination and selection process for PR Councillors

Step 1: Branch nomination

1. Every branch may nominate a maximum of six candidates as PR councillors who will add to the capacity of the ANC to drive development and represent the people of the municipality.
 2. Each nominee must have the support of at least half the members present at the BGM constituted for ward and PR nomination – voting is done by show of hands for each candidate and members may vote as many times as they wish.
 3. Nominees for the PR list do not necessarily have to reside in the ward but must be ANC members who reside in the municipality/ sub-region or in the case for metropolitan councils, in the respective region.
 4. The top three males and top three females go through as the branch nominees, provided that they each received more than 50% of the branch vote. If a majority of the top 6 candidates are female they go through without change. If less than 6 received the required 50% of votes, only accept the ones that did, provided that at least half must be women. Ward candidate nominees may also be nominated as PR councillors, especially if they are standing in wards we are likely to lose.
 5. The chair of the meeting should complete the branch nomination form for PR and ward and ask the branch secretary, and any employees present to sign the nomination forms and register.
2. All branches may submit a maximum of six nominees for consideration on the municipal PR list and these are added together to make a first draft list according to number of nominations received.
 3. The first 10% of the required list should be kept as is in terms of the nominations received, unless a nominee is excluded for reasons of conduct or track record. It should be at least 50% female.
 4. The rest of the list can be used to balance representivity and capacity needs for the ANC in that council and this balance should be reflected in the electable portion of that list (use previous PR results to determine the likely number of councillors we will have).
 5. The following should be taken into account for each candidate and for the list as a whole:
 - Capacity to drive oversight and implementation of the ANC's programme in government, especially for positions of MMCs and Mayor;
 - Representation of sectors, areas, race and gender.
 - Every second name must be female unless the number of male ward candidates (in ANC wards) exceed the female ones in which case the PR list must be used to achieve 50/50 in the overall balance of candidates for ward and PR positions.
 - Track record in the community and movement.
 - Experience and expertise and performance in local government.
 - CVs and motivations from branches should be considered when making decisions. If needed an interview process can also be used by the screening committee.

Step 2: Interviewing, vetting, ordering

1. A Regional Interview and Vetting Panel (RIVP), made up of comrades who have local government experience and expertise, and including the Regional Secretary, will do interviews, ordering and balancing of lists. The panel is appointed by ANC Electoral Committee after consultation with the PLC and the REC. The mandate of this committee is to ensure that we select councillors with the necessary capacity to run a representative, effective and clean local municipality.
6. Once the municipal draft lists are drawn up, the district list for directly elected councillors should be drawn up from good candidates who could not be accommodated in the local council list.
7. The draft list is shared with the REC so that they can prepare comments and positions for their representatives at the extended

PEC. They have no powers to intervene before the extended PEC.

Step 3: The RIVP sends a draft list to the Provincial List Committee

1. The RIVP submits its lists for every municipality in its region, as well as for the district or metro municipality, to the PLC in a formal meeting
2. The PLC may not change any names but may carry out any further vetting necessary.

Step 4: Extended PEC ratifies or amends lists

1. The relevant RIVP together with the PLC then present and motivates the lists and ward candidates for each council to the extended PEC.
2. If any changes are decided, they must be motivated on the basis of legitimate reasons, the RIVP for that list must be given a chance to counter-motivate, and the change must be approved by 80% of the members present. All discussion and the vote count must be recorded in the minutes of the meeting.
3. The extended PEC may not remove and replace anyone but may insert someone higher up in the list if 80% support the move.
4. Reasons for changes must be given in writing to the EC and may be provided to the extended NEC or any appeals process.
5. The PEC must ratify the list agreed on and send it to the Electoral Committee.

Step 5: Extended NEC meeting approves or amends all PR and ward candidate names

1. PLC submits PEC approved lists to the EC.
2. EC hears any appeals and objections and meets with provincial delegation to extended NEC before the meeting sits to resolve any outstanding issues.
3. Draft lists are then presented by the EC to the extended NEC. Changes may only be made if 80% of delegates agree, by inserting a candidate. No one may be taken off the

lists unless they are disqualified by the vetting process or voted out by 90% of the extended NEC.

4. The extended NEC adopts and approves the final lists and it must be ratified by the NEC.
5. Any last-minute changes due to drop out or objections must be processed by the Electoral Committee who will insert the next candidate who meets the criteria, and must then be approved by the officials of the ANC.

4.4 Selection of Mayoral Candidates

1. In the past few elections the ANC has only announced its mayoral candidates after elections. This has been decided by the NEC for Metros after considering 3 names for each metro and by the PEC after considering three names from the REC for each local council.
2. For the coming election the NEC should adopt clear criteria for mayoral candidates and the selection and approval should happen at the extended NEC well before elections so that mayoral candidates can be profiled and made known to voters to build confidence and trust.
3. The extended PEC should recommend two mayoral candidates from ward or PR candidates. Before they decide, the PLC and RIVP should be asked to comment on good potential candidates for mayor on the basis of the interview and vetting process and the REC representatives may add their view. The extended PEC must decide on two names, at least one of whom must be a woman.
4. The extended PEC should make the final recommendation to send to the extended NEC. One male and one female candidate for mayor should be forwarded. Should the NEC find neither candidate acceptable, the extended PEC will have to meet again and nominate two new candidates.



5. APPEALS AND OBJECTIONS

1. Appeals and objections to the EC will only be entertained if they have been first referred to the Provincial List Committee, or if it relates to a decision or action taken by the PLC.
2. Objections and appeals may be made at any time up to one week before the extended NEC.
3. Any member or structure of the ANC may appeal or object to a decision or action of any of the structures involved, as long as they can prove that the selection process was undermined or affected by that action or decision.
4. All parties involved must be duly notified of an objection or appeal and must be afforded an opportunity to provide evidence for the NLC or PLC to consider.
5. Appellants and objectors must be notified of the outcome of the case and must be given reasons for the outcome in writing.

6. TIMEFRAMES

May	<i>Branch nominations</i> <i>Community meetings</i> <i>Community votes in ANC wards</i>
June	<i>PR interviews by RIVP and ward candidate processing by PLC</i>
July	<i>Extended PEC to approve ward and list candidates</i>
Early August	<i>Extended NEC to ratify and finalise list and ward candidates</i>
Mid August	<i>Register candidates with IEC</i>

AFRICAN NATIONAL CONGRESS
Constitution



**As amended and adopted
by the 54th National Conference
Nasrec, Johannesburg 2017**

PREAMBLE

WHEREAS the African National Congress was founded in 1912 to defend and advance the rights of the African people after the violent destruction of their independence and the creation of a white supremacist Union of South Africa;

AND WHEREAS in the course of fulfilling this historic aim, the African National Congress has emerged to lead the struggle of all democratic and patriotic forces to destroy the apartheid state and replace it with a united, non-racial, non-sexist and democratic South Africa in which the people as a whole shall govern and all shall enjoy equal rights;

AND WHEREAS through the struggles and sacrifices of its members over the generations, the African National Congress has come to be recognised as the central organiser and inspirer of a vast popular upsurge against apartheid, involving a great array of social, cultural, religious, trade union, professional and political organisations;

AND WHEREAS the fundamental goal of the African National Congress remains to construct a united, non-racial, non-sexist, democratic and prosperous society in South Africa;

AND WHEREAS the historic April 1994 election has placed the African National Congress in a position of responsibility for leading the process of reconstruction and development aimed at eradicating the problems of poverty and inequality created by apartheid and creating a just and equitable economic and social order;

NOW THEREFORE the National Conference of the African National Congress, duly constituted and assembled, cognisant of the historic mission of the African National Congress and of the need to build a mass based democratic structure to enable it to fulfil its historic mission, hereby adopts this amended Constitution, as follows:

DEFINITIONS

The words, terms and acronyms used in the Constitution and the Appendices bear the following meanings, unless the context indicates otherwise:

“**accountable**” means to answer for, or explain, one’s conduct, decisions or acts;

“**ANC**” means the African National Congress;

“**appeal**” means to resort to or apply to a higher authority in the ANC structures for a decision;

“**appellant**” means a member, office bearer or public representative who appeals against a decision of a Disciplinary Committee;

“**Appendix**” means an attachment or annexure to this Constitution;

“**assembly or gathering**” means a grouping of ANC members who come together for a specific purpose;

“**autonomous**” means that the Leagues function independently, next to and in addition to ANC structures and within the framework of the Constitution and policies of the ANC;

“**BDC**” means a Branch Disciplinary Committee;

“**BEC**” means the Executive Committee of a Branch of the ANC;

“**biennial**” means once every two years;

“**Branch in good standing**” means a Branch that is recognised by the ANC to be fully compliant with its obligations in terms of this Constitution and whose members are paid-up members;

“**bribe**” means any promise or offer to give something, usually money, to procure services or gain influence in an improper manner;

“**candidate duly endorsed**” means a candidate nominated and elected democratically by the constitutional structures of the ANC at the appropriate levels, and endorsed by the NEC, the PEC or the Branch;

“**caucus**” means an organised group of public representatives of the same political party which exists as a structure or institution at each respective sphere of governance and which meets privately to discuss policy, issues pertaining to voting and strategies in preparation for open meetings with other political parties where such policies are discussed and voting takes place;

“**chaplain**” means a priest, religious or spiritual leader;

“**Chief National Presenter**” means a person appointed in terms of this Constitution to present the case of the PDC, NDC and NDCA, as the case may be, in disciplinary and appeal proceedings and “**Chief Provincial Presenter**” and “**Chief Regional Presenter**” have the same meaning, in respect of the relevant organisational level and “**Presenter**”, where used, refers to all of the persons included in the definition of “**Chief National Presenter**”;

“**complainant**” means, in the context of disciplinary proceedings, the ANC;

“**consistent with**” means agreeing, compatible, not contradictory;

“**Constitution**” means the ANC Constitution;

“**contractual liability**” means the debt or risk a party takes on or assumes when it enters into an agreement with another party or parties, usually expressed in a written and binding contract;

“**co-opt**” means to add to a structure by a vote or decision of those already members of that structure;

“**days**” means calendar days and include Saturdays, Sundays and public holidays;



“deemed” means a state of affairs which does not necessarily or in fact exist, but is taken for granted to exist;

“Department” means any operational division of the ANC at national, provincial, regional and local level and excludes structures and committees established in terms of this Constitution;

“deployed member or deployee” means a member who accepts to perform certain duties and functions on behalf of the ANC in a representative capacity, in addition to his or her duties and obligations as a member;

“designated to administer oaths” means the person or persons designated within the ANC to administer the oath;

“direct” means to conduct the affairs of, manage, or regulate;

“directive” means an order or instruction, especially one issued by a central authority;

“disciplinary committee” means a disciplinary committee of the ANC constituted in terms of this Constitution;

“disrepute” means the absence or loss of reputation, discredit or disgrace;

“election agent” means a representative of a candidate contesting an election who represents the interests of that candidate;

“elective office” refers to an office held as Councillor, Member of the Provincial Legislature or Member of Parliament;

“Electoral Commission” refers to a body appointed by the ANC from amongst its members to constitute an Electoral Commission;

“eligible/ineligible [for membership]” refers to the rules that determine which persons are eligible for (qualified for or worthy of) membership of the organisation. (A person qualified for membership is not necessarily entitled to membership);

“endorsed” means approved or supported;

“ethnic chauvinism” means a prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry or physical traits);

“ex officio” means by virtue of his or her position or office;

“Freedom Charter” means the document containing the essential philosophy of the ANC, adopted by the (then) alliance in 1955 and ratified by the ANC in April 1956 and which is annexed to this Constitution as Appendix 2;

“full-time functionaries” means members of the National Officials Committee and Provincial Secretaries who are engaged full-time by the ANC on a salaried basis;

“good cause shown” means sufficient reason for any fact or circumstance that would make it just and fair between the parties;

“honorary membership” refers to membership given as a mark of honour without the usual requirements or privileges of membership;

“impede” means to obstruct the way of, or hinder the progress of;

“invitee” means a person who has been invited to a gathering of the ANC or a structure of the ANC who enjoys no rights or privileges in the Organisation;

“jurisdiction” means the range of authority one has over individuals and events;

“Leagues” means the ANC Womens’ League, the ANC Youth League and the ANC Veterans’ League;

“legal relationship” means a relationship, like a contract, from which legal rights, obligations and duties flow;

“logo and colours” means that the ANC is the sole copyright holder of its logo and colours;

“member” means a member of the ANC;

“member not in good standing” means a member who fails to pay his or her subscriptions for three months and whose membership has lapsed;

“misappropriation” means to use money or funds wrongly or dishonestly, especially for one’s own use;

“money-laundering” means a criminal offence as defined by statute and means the process of concealing the source of money obtained by illicit means;

“mutatis mutandis” means that the body of information remains essentially the same but only minor details will change to fit the circumstances;

“National Chairperson” means the National Chairperson of the ANC;

“National Democratic Revolution” means the process of transforming the country from an apartheid state to a non-racial, non-sexist, united democratic society in which all people enjoy equal rights;

“National List Committee” means a committee appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for Parliament;

“NDC” means the National Disciplinary Committee;

“NDCA” means the National Disciplinary Committee of Appeal;

“NEC” means the National Executive Committee of the ANC;

“NGC” means the National General Council of the ANC;

“natural justice rules” means the rules that no one can be a judge in his/her own cause and one should be given the opportunity to be heard;

“nominate” means to propose by name as a candidate;

“non-earning members” means members who are not in gainful employment;

“NWC” means the National Working Committee of the ANC;

“**office bearer**” means any member who has been elected and holds an office or position of authority in a structure of the ANC;

“**officials**” means the National Officials referred to in Rules 16.1 to 16.8;

“**Organisation**” means the African National Congress;

“**Party in alliance**” means the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU) and the South African National Civic Organisation (SANCO);

“**PDC**” means a Provincial Disciplinary Committee;

“**PEC**” means a Provincial Executive Committee of the ANC;

“**periodic**” means from time to time;

“**perpetual succession and power**” means the rights that vest indefinitely in the Organisation as a legal person as distinct from its individual members;

“**PGC**” means the Provincial General Council of a Province, of the ANC;

“**President**” means the President of the ANC and “**Deputy President**” means the Deputy President of the ANC;

“**presumption**” means a fact or state of existence that is taken for granted unless the contrary is proved;

“**properly constituted Branch General Meeting**” means a Branch meeting that complies with all aspects or requirements of the Constitution, including any quorum requirements;

“**Provincial List and Candidates’ Committee**” means the Committee in each Province responsible for the compilation of elections lists and ward candidates;

“**provisional membership**” means the membership of a member whose application for membership has not yet been confirmed, but who may participate in the activities of the Organisation except being elected to any committee, structure, commission or delegation of the ANC;

“**public representative**” means a member who represents the ANC in national, provincial or local government in terms of a contract of deployment entered into with the ANC;

“**Provincial Secretary**” means the secretary of a Province of the ANC;

“**PWC**” means the Provincial Working Committee of a Province of the ANC;

“**quorum**” means the minimum number of officials or members of a structure, committee, assembly or gathering, usually a majority, who must be present for the valid transaction of the business of the meeting;

“**ratify**” means to approve or give formal sanction to;

“**RDC**” means a Regional Disciplinary Committee;

“**rebuttable**” in relation to a presumption means that which can be challenged by evidence to the contrary;

“**REC**” means the Regional Executive Committee of a Region of the ANC;

“**recall**” means to order to return;

“**Region**” means the geographical area of the Province, and not the “*region*” as defined in Rule 21;

“**registered political party**” refers to registration in terms of the Electoral Act, 1998 (Act No. 73 of 1998);

“**representative**” means a member of the ANC in good standing who acts on behalf of a charged member in disciplinary proceedings;

“**rescind**” means to void or repeal;

“**review**” means to reconsider the acceptance or refusal of;

“**RWC**” means a Regional Working Committee of the ANC;

“**Secretary General**” means the Secretary General of the ANC and “**Deputy Secretary General**” means the Deputy Secretary General of the ANC;

“**Standing Order**” means a directive or instruction made by a structure in authority;

“**supervise**” means to direct and inspect the performance of work or to oversee;

“**suspend**” means to bar for a period of time access to a privilege, office or position;

“**tied vote**” means a state of equality of votes, a draw;

“**Treasurer General**” means the Treasurer General of the ANC;

“**tribalistic exclusivism**” means to prevent persons from certain tribes to play a role in the Organisation, or to admit only persons from certain tribal backgrounds to membership or participation;

“**undermines**” means to weaken, injure or ruin insidiously or secretly;

“**Whip**” means an officer, usually a Member of Parliament, of a political party in Parliament who exercises some authority over other members of the same party;

“**universal suffrage**” means the right of all persons to vote;

“**voting district**” refers to a geographical area demarcated or defined by the Electoral Commission referred to in the Electoral Act, 1998, for the purpose of voting in elections in the country; and

“**zone**” means a (geographical) area distinguished from adjacent parts by some distinctive feature or character.

Rule 1 NAME

- 1.1 The name of the organisation is the African National Congress, hereinafter referred to as the ANC.
- 1.2 The colours of the ANC are black, green, and gold and the logo is as described in Appendix 1.

Rule 2 AIMS AND OBJECTIVES

The aims and objectives of the ANC are:

- 2.1 To unite all the people of South Africa, Africans in particular, for the complete liberation of the country from all forms of discrimination and national oppression;
- 2.2 To end apartheid in all its forms and transform South Africa as rapidly as possible into a united, non-racial, non-sexist and democratic country based on the principles of the Freedom Charter (Appendix 2) and in pursuit of the National Democratic Revolution;
- 2.3 To defend the democratic gains of the people and to advance towards a society in which the government is freely chosen by the people according to the principles of universal suffrage on a common voters' roll;
- 2.4 To fight for social justice and to eliminate the vast inequalities created by apartheid and the system of national oppression;
- 2.5 To build a South African nation with a common patriotism and loyalty in which the cultural, linguistic and religious diversity of the people is recognised;
- 2.6 To promote economic development for the benefit of all;
- 2.7 To support and advance the cause of women's emancipation;
- 2.8 To support and advance the cause of national liberation, development, world peace, disarmament and environmentally sustainable development; and
- 2.9 To support and promote the struggle for the rights of children and the disabled.

Rule 3 THE CHARACTER OF THE ANC

- 3.1 The ANC is a non-racial and non-sexist and democratic liberation movement.
- 3.2 Its policies are determined by the membership and its leadership is accountable to the membership in terms of the procedures laid down in this Constitution.
- 3.3 The ANC also contests elections as a registered political party drawing its electoral support from all sections of South African society.
- 3.4 The ANC shall, in its composition and functioning, be democratic, non-racial and non-sexist and combat any form of racial, tribalistic or ethnic exclusivism or chauvinism.
- 3.5 While striving for the maximum unity of purpose and functioning, the ANC shall respect the linguistic, cultural and religious diversity of its members.
- 3.6 The ANC shall support the emancipation of women, combat sexism and ensure that the voice of women is fully heard in the Organisation and that women are properly represented at all levels.
- 3.7 The principles of freedom of speech and free circulation of ideas and information shall operate within the ANC.
- 3.8 Membership of all bodies of the ANC shall be open to all men and women in the Organisation without regard to race, colour or creed.
- 3.9 The ANC shall cooperate closely with religious bodies in the country and shall provide, on an interfaith basis, for the recognition of the spiritual needs of its many members who are believers.

Rule 4 MEMBERSHIP

- 4.1 Membership of the ANC shall be open to all South Africans above the age of 18 years, irrespective of race, colour and creed, who accept its principles, policies and programmes and who are prepared to abide by its Constitution and rules.
- 4.2 All persons not of South African origin who have manifested a clear identification with the South African people and their struggle and are resident in South Africa may apply for membership.



- 4.3 The National Executive Committee may, acting on its own or on the recommendation of Branch or Provincial Executives Committees, grant honorary membership to those men and women who do not qualify for membership under Rule 4.1 and 4.2, but who have demonstrated an unwavering commitment to the ANC and its policies.
- 4.4 Applications for membership shall be considered by the Branch Executive Committee (where such exists) in consultation with the Branch General Meeting, and by the Regional Executive Committee, if no Branch Executive Committee exists. The Branch Executive Committee, the Regional Executive Committee, or such interim structures as the Provincial Executive Committee or the NEC may create from time to time to decide on applications, may accept or refuse any application for membership provided such acceptance or refusal is subject to review by the next higher organ of the ANC.
- 4.5 Membership cards shall be issued to registered members of the ANC.
- 4.6 Persons whose applications for membership have been accepted, subject to review as provided for in Rule 4.11, shall be issued with:
 - 4.6.1 A temporary membership card; and
 - 4.6.2 An acknowledgement of provisional membership and the details of the Branch and constituency/area in which the applicant resides and any available information about the local Branch structures.
- 4.7 Membership and temporary membership cards referred to in Rule 4.6.1 and 4.6.2 above shall be issued, subject to payment of the prescribed subscription fee.
- 4.8 Provisional membership shall apply to persons who wish to join the Organisation for the first time or who wish to rejoin the Organisation after a considerable lapse of time or circumstances determined by the NEC.
- 4.9 Provisional membership rights commence from the date of production of acknowledgement following receipt of the application and the appropriate membership subscription. A provisional member may attend Branch meetings only in a non-voting capacity.
- 4.10 Any objection to any application for membership may be made by any member of the ANC to the Branch, Regional or Provincial Secretary within 6 (six) months of the notification.
- 4.11 At any time before the individual is accepted as a full member of the Organisation, or in exceptional circumstances even after the member has been admitted, the Secretary General may rule that the application or the membership be rejected if it was obtained invalidly.
- 4.12 In the absence of any objection from the structures and/or any ruling by the Secretary General, the applicant shall, on the expiry of 6 (six) months from the date of notification of provisional membership, become a full member. The provisional member shall then be transferred to the national membership list as a full member as soon as is practicable.
- 4.13 The reasons for the rejection of an application for membership by the Secretary General or the objection to the application for membership must be sent to the individual applicant in writing.
- 4.14 Members shall pay an annual subscription fee as determined by the National Executive Committee.
- 4.15 Non-earning members or those on reduced incomes shall pay such fees as determined by the NEC.
- 4.16 On being accepted in the ANC, a new member shall, in a language he or she knows well, make the following solemn declaration to the body or person designated to administer such oaths:

“I, [...], solemnly declare that I will abide by the aims and objectives of the African National Congress as set out in the Constitution, the Freedom Charter and other duly adopted policy positions, that I am joining the Organisation voluntarily and without motives of material advantage or personal gain, that I agree to respect the Constitution and the structures and to work as a loyal member of the Organisation, that I will place my energies and skills at the disposal of the Organisation and carry out tasks given to me, that I will work towards making the ANC an even more effective instrument of liberation in the hands of the people, and that I will defend the unity and integrity of the Organisation and its principles, and combat any tendency towards disruption and factionalism.”
- 4.17 Members who fail to pay their subscriptions for three months and having been reminded of their lapse by instant messaging service (SMS), will not be regarded as members in good standing until they pay their arrears.



Rule 5 RIGHTS AND DUTIES OF MEMBERS

5.1 Rights

- 5.1 A member shall be entitled to:
- 5.1.1 Take a full and active part in the discussion, formulation and implementation of the policies of the ANC;
 - 5.1.2 Receive and impart information on all aspects of ANC policy and activities;
 - 5.1.3 Offer constructive criticism of any member, official, policy programme or activity of the ANC within its structures;
 - 5.1.4 Take part in elections and be elected or appointed to any committee, structure, commission or delegation of the ANC; and
 - 5.1.5 Submit proposals or statements to the Branch, Province, Region or NEC, provided such proposals or statements are submitted through the appropriate structures.

5.2 Duties

- 5.2 A member of the ANC shall:
- 5.2.1 Belong to and take an active part in the life of his or her Branch;
 - 5.2.2 Take all necessary steps to understand and carry out the aims, policies and programmes of the ANC;
 - 5.2.3 Explain the aims, policies and programmes of the ANC to the people;
 - 5.2.4 Deepen his or her understanding of the social, cultural, political and economic problems of the country;
 - 5.2.5 Combat propaganda detrimental to the interests of the ANC and defend the policies, aims and programme of the ANC;
 - 5.2.6 Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination or chauvinism;
 - 5.2.7 Observe discipline, behave honestly and carry out loyally the decisions of the majority and decisions of higher bodies;
 - 5.2.8 Inform his or her Branch of movement of residence to any area outside his/her Branch and report to the Branch Secretary on arriving at the new area; and
 - 5.2.9 Challenge, within the branch, any decision taken by the branch in breach of fair and just administrative procedure. Should the BEC fail, refuse or neglect to rectify any decision so taken within 2 (two) months, a member shall be obliged to escalate his or her grievance to the REC and, failing resolution by that structure, to the PEC in an effort to resolve the dispute internally.
- 5.3 All members shall ensure that they are registered as voters in the constituency in which they live.
- 5.4 ANC members who hold elective office in any sphere of governance at national, provincial or local level are required to be members of the appropriate caucus, to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of the ANC.

Rule 6 GENDER AND AFFIRMATIVE ACTION

- 6.1 In the endeavour to reach the objective of full representation of women in all decision-making structures, the ANC shall implement a programme of affirmative action, including the provision of a quota of not less than 50% (fifty per cent) of women in all elected structures of the ANC to enable such effective participation.
- 6.2 The method of such implementation will be addressed in all ANC structures immediately and on a continuous basis.

Rule 7 ORGANISATIONAL STRUCTURE

- 7.1 The ANC consists of the following organs:
- 7.1.1 The National Conference which elects the National Executive Committee;
 - 7.1.2 The Provincial Conference which elects the Provincial Executive Committee;
 - 7.1.3 The Regional Conference which elects the Regional Executive Committee;

- 7.1.4 The Branch Biennial General Meeting which elects the Branch Executive Committee.
- 7.2 Branches may be grouped together in zones and may, for the purposes of coordination, be subdivided into smaller units such as street committees, voting districts and zones may be grouped into sub-regions. Any Sub-Branch so established shall have the same voting powers as a Branch.

ANC WOMEN'S LEAGUE

- 7.3 Membership of the ANC Women's League shall be open to women who are members of the ANC and it has the same basic structures, namely, national, provincial, regional and Branch structures. Its objectives are to defend and advance the rights of women, both inside and outside the ANC, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the Organisation, in the people's struggle and in national life. The ANC Women's League shall function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

ANC YOUTH LEAGUE

- 7.4 The ANC Youth League shall be open to all persons between the ages of 14 (fourteen) and 35 (thirty five) years. It operates on a national, provincial and branch basis. Its objectives are to unite and lead young men and women in confronting and dealing with the problems that face the youth and to ensure that the youth make a full and rich contribution to the work of the ANC and the life of the nation. The ANC Youth League shall function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.
- 7.5 Members of the ANC Youth League over the age of 18 (eighteen) shall play a full part in the general political life of the ANC.
- 7.6 A member of the ANC Youth League shall not be eligible for election to any position as office-bearer of the ANC or to attend ANC conferences, members' or executive meetings of the ANC (unless specially invited), unless he or she is a full member of the ANC.

ANC VETERANS' LEAGUE

- 7.7 The ANC Veterans' League shall be open to all ANC members 60 (sixty) years of age or older, who have served the ANC and the movement over an unbroken period of 40 (forty) years. It shall operate on a national and provincial basis. Its objectives are to ensure that veterans make a full and rich contribution to the work of the ANC, to the movement and to the life of the nation. The ANC Veterans' League will function as an autonomous body within the overall structure of the ANC, of which it shall be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the ANC.

Rule 8 THE HEADQUARTERS

- 8.1 The site of the National Headquarters of the ANC shall be determined by the NEC.

Rule 9 PROVINCES

- 9.1 For purposes of ANC structures, the country shall be divided into the following provinces, which shall be demarcated to correspond strictly to the provincial boundaries established in the South African Constitution:
- 9.1.1 Eastern Cape;
 - 9.1.2 Free State;
 - 9.1.3 Gauteng;
 - 9.1.4 KwaZulu/Natal;
 - 9.1.5 Limpopo;
 - 9.1.6 Mpumalanga;
 - 9.1.7 North West;
 - 9.1.8 Northern Cape; and
 - 9.1.9 Western Cape.
- 9.2 The provincial headquarters shall be determined by the Provincial Conference.



Rule 10 THE NATIONAL CONFERENCE

10.1 The National Conference is the supreme ruling and controlling body of the ANC. It shall be comprised of:

10.1.1 Voting delegates:

10.1.1.1 At least 90% (ninety per cent) of the delegates at Conference shall be from Branches, elected at properly constituted Branch General Meetings. The number of delegates per Branch shall be in proportion to their paid up membership, provided that each Branch in good standing shall be entitled to at least 1 (one) delegate;

10.1.1.2 The number of delegates to be allocated to each province to attend the National Conference shall be fixed by the NEC in proportion to the paid up membership of each Province;

10.1.1.3 All members of the National Executive Committee shall attend, ex officio, as full participants in, and as delegates to, the Conference; and

10.1.1.4 The remainder of the voting delegates at the Conference shall be allocated by the NEC from among members of the Provincial Executive Committees, the ANC Veterans' League, the ANC Youth League and the ANC Women's League.

10.1.2 Non-Voting Delegates:

10.1.2.1 The NEC may invite individuals, who have made a special contribution to the struggle or who have special skills or experience, to attend the Conference.

10.2 The NEC shall appoint a Conference Preparatory Committee which shall circulate Conference information in advance, determine the precise procedure for the selection of delegates and indicate how the membership can then ensure that their concerns are on the agenda.

10.3 The Conference shall determine its own procedures in accordance with democratic principles.

10.4 Voting on key issues, as determined by Conference, shall be by secret ballot if at least one third of the delegates at the National Conference demand it.

10.5 The National Conference shall be convened at least once every five years.

National General Council

10.6 A National General Council may be convened by the NEC from time to time, provided that the NEC shall convene a National General Council not later than 30 (thirty) months after the National Conference.

10.7 The NEC shall, after consultation with Provinces, determine the composition of the National General Council.

10.8 The National General Council shall:

10.8.1 Subject to Rules 10.8.3 and 10.8.4 below, determine and review the policies and programmes of the ANC;

10.8.2 Receive and discuss reports of the NEC;

10.8.3 Have the right to ratify, alter or rescind any decision taken by any of the constituent bodies, units or officials of the ANC, except the National Conference, including the evaluation of the performance of members of the NEC;

10.8.4 Have the power to discuss any issue it deems necessary, taking into account policies and directives of the National Conference; and

10.8.5 Subject to Rule 13.13 below, fill vacancies that have arisen in the NEC provided that such vacancies do not exceed 50% (fifty per cent) of the NEC.

Rule 11 POWERS AND DUTIES OF THE NATIONAL CONFERENCE

The National Conference shall:

11.1 Decide on and determine the policy, programme and Constitution of the ANC;

11.2 Receive and discuss the reports of the NEC which shall include the Presidential Address, the Secretary General's Report, which shall include a report on the work and activities of the ANC Veterans' League, the ANC Women's League and the ANC Youth League, and the Treasurer General's Report;



- 11.3 Have the right and power to review, ratify, alter or rescind any decision taken by any of the constituent structures, committees or officials of the ANC;
- 11.4 Elect the President, the Deputy President, National Chairperson, the Secretary General, Deputy Secretary General, the Treasurer General and the remaining 80 (eighty) additional members of the NEC; and
- 11.5 Have the power to elect or appoint any commission or committee and assign specific tasks and duties to such commission or committee.

Rule 12 NATIONAL EXECUTIVE COMMITTEE

Powers of the NEC

- 12.1 The National Executive Committee is the highest organ of the ANC between National Conferences and has the authority to lead the organisation, subject to the provisions of this Constitution.
- 12.2 Without prejudice to the generality of its powers, the NEC shall:-
 - 12.2.1 Convene the National Conference and the National General Council and carry out the decisions and instructions of the National Conference and the National General Council;
 - 12.2.2 Issue and send directives and instructions to and receive reports from the Provinces;
 - 12.2.3 Supervise and direct the work of the ANC and all its organs, including national, provincial and local government caucuses;
 - 12.2.4 Ensure that the Provincial, Regional and Branch structures of the ANC and the Leagues function democratically and effectively. (The NEC may suspend or dissolve a PEC where necessary.) The suspension of a PEC shall not exceed a period of 3 (three) months. The election of a PEC, which has been dissolved, shall be called within 9 (nine months) from date of dissolution. The NEC must appoint an interim structure during the period of suspension or the dissolution of the PEC to fulfil the functions of the PEC);
 - 12.2.5 Oversee the work of the ANC Veterans' League, the ANC Women's League and the ANC Youth League;
 - 12.2.6 Establish Departments and set up committees, ad hoc or permanent, as it considers appropriate, and to delegate powers and functions to such Departments and committees;
 - 12.2.7 Manage and control all the national and international property and assets of the ANC;
 - 12.2.8 Receive reports, supervise the work of and delegate such functions to the NWC, as it considers necessary;
 - 12.2.9 Issue documents and other policy directives as and when it deems fit;
 - 12.2.10 Confer such honours as it may deem appropriate;
 - 12.2.11 Appoint annually a National List Committee of not fewer than 5 (five) and not more than 9 (nine) persons for the selection and adoption of candidates for Parliament. (The NEC shall draw up regulations for the procedures to be followed in such a selection. The National List Committee shall report to the NEC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the National List Committee);
 - 12.2.12 Institute disciplinary proceedings against any member and temporarily suspend the membership of any member;
 - 12.2.13 Have the power to institute and defend legal proceedings on behalf of the Organisation;
 - 12.2.14 Develop and adopt Rules and Regulations and Standing Orders for the due and efficient functioning of the Organisation and the achievement of its aims and objectives;
 - 12.2.15 Appoint at least 6 (six) but not more than 10 (ten) members from among its membership and/or from other structures of the ANC, one of whom shall be designated as Chairperson, to constitute the National Disciplinary Committee;
 - 12.2.16 Appoint at least 6 (six) but not more than 10 (ten) members from among its membership and/or from other structures of the ANC, one of whom shall be designated as Chairperson, to constitute the National Disciplinary Committee of Appeal;
 - 12.2.17 Appoint 4 (four) members as Presenters, one of whom shall be designated as Chief National Presenter, to investigate, represent and present the case of the ANC, from time to time, in any NDC and NDCA hearing;
 - 12.2.18 Have the power to appoint a National Chaplaincy on an interfaith basis to provide spiritual guidance;



21.14.2 The RWC shall:

- 21.14.2.1 Carry out decisions and instructions of the NEC, PEC, REC, the Regional Conference and the Regional General Council;
- 21.14.2.2 Conduct the current work of the ANC in the Region and ensure that Branches and all other ANC structures, such as municipal council caucuses, carry out the decisions of the ANC; and
- 21.14.2.3 Submit a report to each REC meeting.

Meetings and representation

21.15 The RWC shall meet as and when necessary but at least every two weeks.

21.16 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the members of the RWC shall be women.

Invitees

21.17 The RWC may invite any ANC member in good standing to attend its meetings. The number of invitees shall be limited by the RWC. An invitee may be given a specific assignment by the RWC but may not speak on behalf of the RWC. An invitee may speak and participate at such meeting for the purpose for which he or she was invited but may not vote.

Rule 22 PROVINCIAL CHAPLAINCIES

Provincial Chaplains may be appointed by the PEC on the same basis as the National Chaplaincy.

Rule 23 BRANCHES, ZONAL AND SUB-REGIONAL STRUCTURES

23.1 Every member of the ANC shall belong to a Branch, which is the basic structure of the Organisation.

23.2 The Branch shall:

- 23.2.1 Be registered with the PEC and have a minimum of 100 (one hundred) members, provided that the PEC may confer special recognition, where due to exceptional circumstances, the Branch has fewer than 100 (one hundred) members;
- 23.2.2 Meet as provided for in the rules and regulations, at least once every 2 (months) in a branch general meeting;
- 23.2.3 Be the place where members exercise their basic democratic rights to discuss and formulate policy;
- 23.2.4 Be the basic unit of activity for members.
- 23.2.5 Elect at a biennial general meeting a Branch Executive Committee consisting of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, and 10 (ten) additional members. A person must have been a member of the ANC for 2 (two) years before she or he can be nominated to a Branch Executive Committee of the ANC, provided that where a new Branch is being established, the PEC may waive this provision. The ANC Veterans' League, the ANC Women's League and ANC Youth League shall be represented on the BEC, by the chairperson and secretary of the ANC Veterans' League Branch, the ANC Women's League Branch and the ANC Youth League Branch within that Branch, with *ex-officio* status.

23.3 Branches covering an extensive geographical area, or in respect of which some special circumstance exists, may divide into smaller manageable sub-branches or units. Such sub-branches or units shall only be used as a co-coordinating and administrative tool by the Branch and shall not possess any decision-making powers. These units shall operate on the basis of acceptable democratic principles and practices.

23.4 In accordance with Rule 6 above, not less than 50% (fifty per cent) of the directly elected and co-opted members of the BEC shall be women.

23.5 The quorum for a Branch Meeting, including Annual Branch meetings or any other Branch meetings where the Branch makes nominations of candidates for elections within the ANC or for public representatives or takes decisions relating to policy matters, shall be 50% (fifty per cent) plus 1 (one) of the total paid-up members of the Branch.





COVID-19 Vaccination Summary as at 17:00 10 Aug 2021

ANC8

Total Number of Vaccines Administered in the Last 24 Hours

176,752

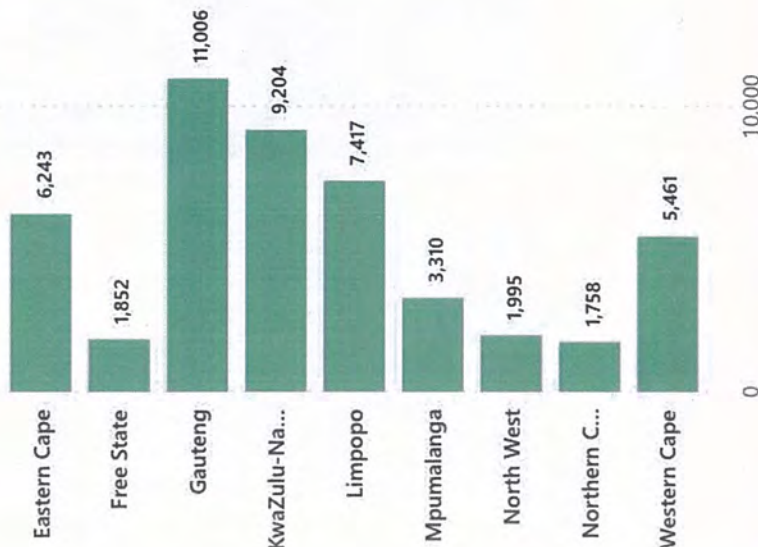
Total Number of Johnson & Johnson Vaccines Administered in the Last 24 Hours

48,246

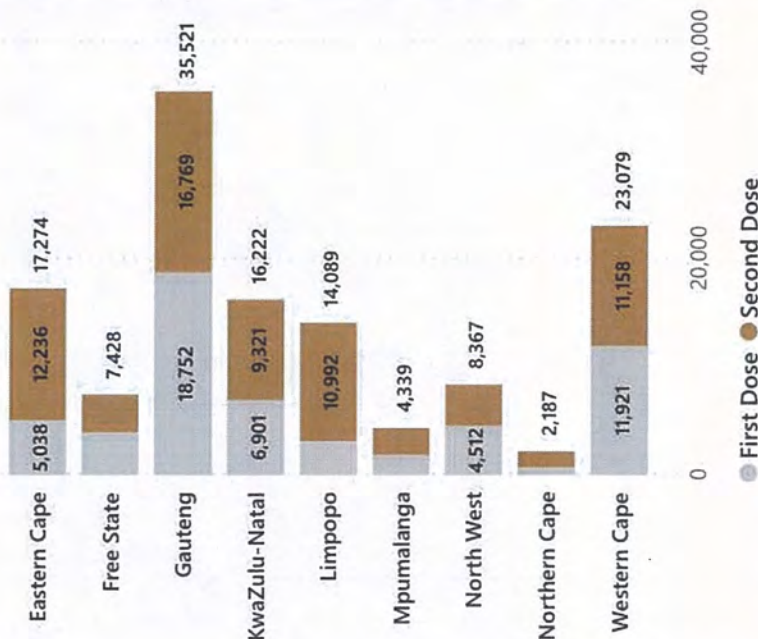
Total Number of Pfizer Vaccines Administered in the Last 24 Hours

128,506

Total Number of Johnson & Johnson Vaccines Administered in the Last 24 Hours



Total Number of Pfizer Vaccines Administered in the Last 24 Hours



Total Number of Individuals Fully Vaccinated in the Last 24 Hours

120,128

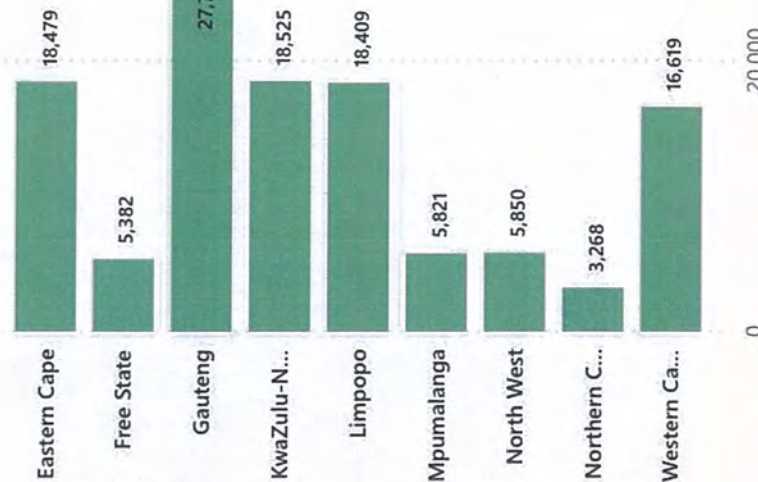
Johnson & Johnson

48,246

Pfizer

71,882

Total Number of Individuals Fully Vaccinated in the Last 24 Hours



Disclaimer:

Data displayed in this Dashboard only contains vaccination records captured on the live Electronic Vaccination Data System (EVDS) and excludes vaccination records captured on paper within the last 24 Hours. **Note:** Totals will be adjusted as back-capturing and data validation is done.



COVID-19 Daily & Cumulative Vaccination Summary as at 17:00 **ANC8** 10 Aug 2021

Total Number of Vaccines Administered

1,192,906

Select Province

All

Select Vaccination Period

8/1/2021

8/10/2021

Select Health Sector

☐ Private Health Sector

☐ Public Health Sector

VIEW Number of Daily
Vaccines Administered -
by Province

VIEW Cumulative Number
of Vaccines Administered -
by Province

Clear Filters

Total Number of Vaccines
Administered- by Province

Eastern Cape

145,172

Free State

63,512

Gauteng

311,231

KwaZulu-Natal

200,372

Limpopo

125,240

Mpumalanga

55,654

North West

67,322

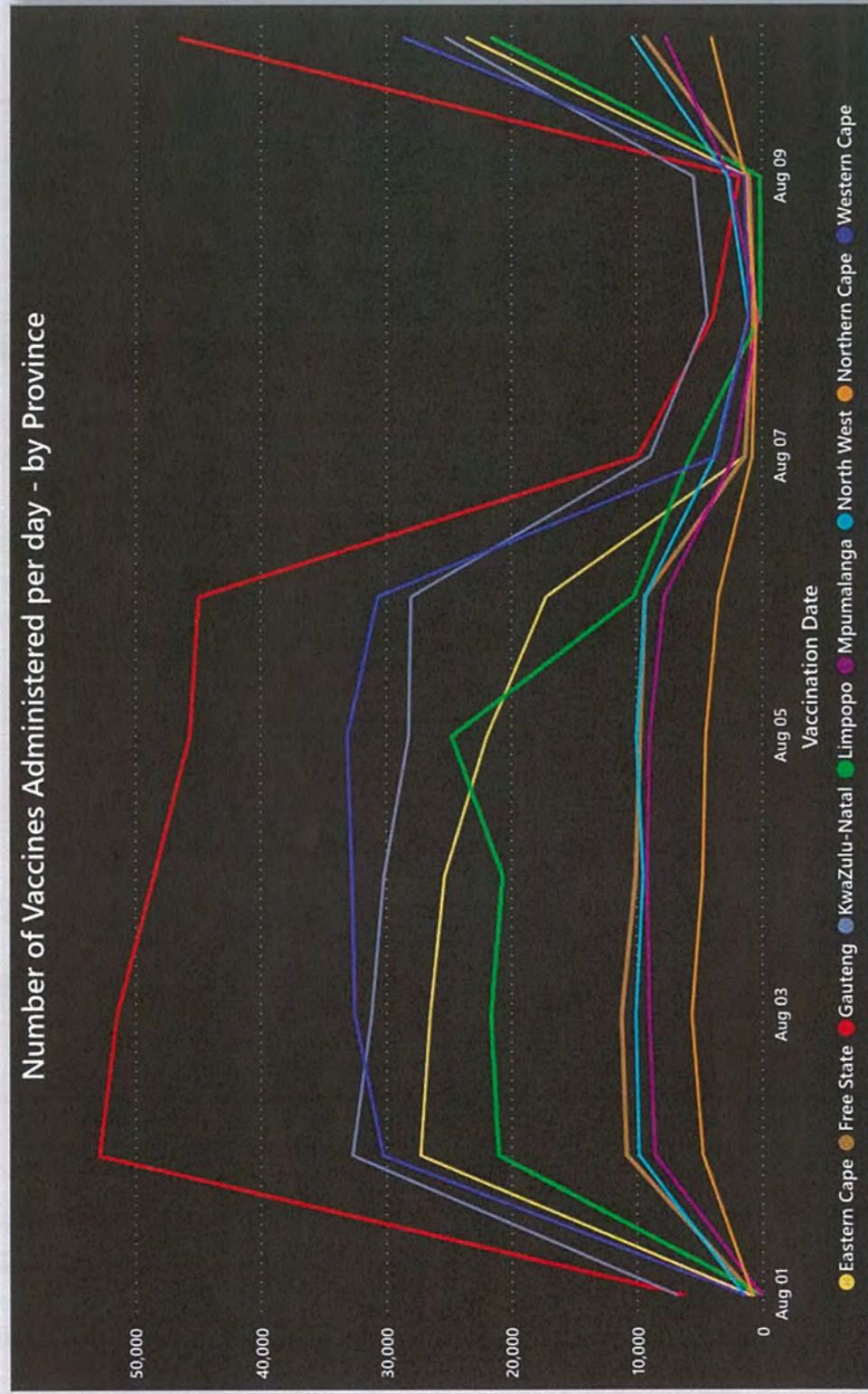
Northern Cape

29,723

Western Cape

194,680

Number of Vaccines Administered per day - by Province



Disclaimer:

Data displayed in this Dashboard only contains vaccination records captured on the live Electronic Vaccination Data System (EVDS) and excludes vaccination records captured on paper within the last 24 Hours. **Note:** Totals will be adjusted as back-capturing and data validation is done.



COVID-19 Total Vaccination Summary as at 17:00 10 Aug 2021

ANC8

Total Number of Vaccines Administered

1,192,906

Select Province

All

Select Vaccination Period

8/1/2021

8/10/2021

Percentage Individual Males Vaccinated

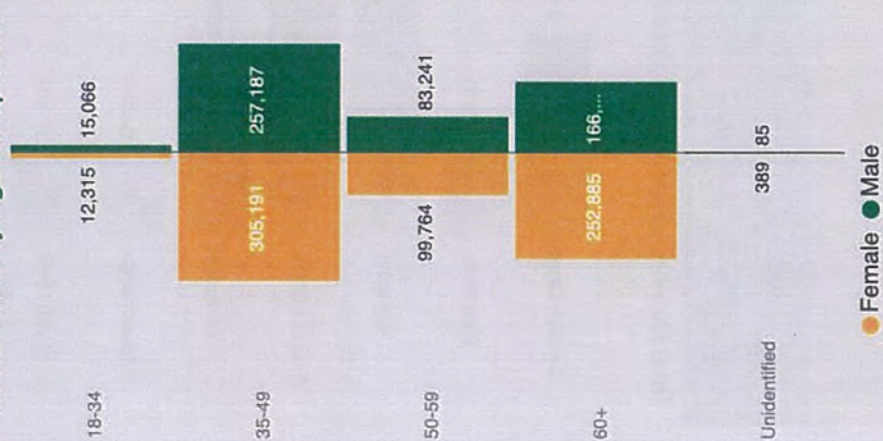
45.89%

Percentage Individual Females Vaccinated

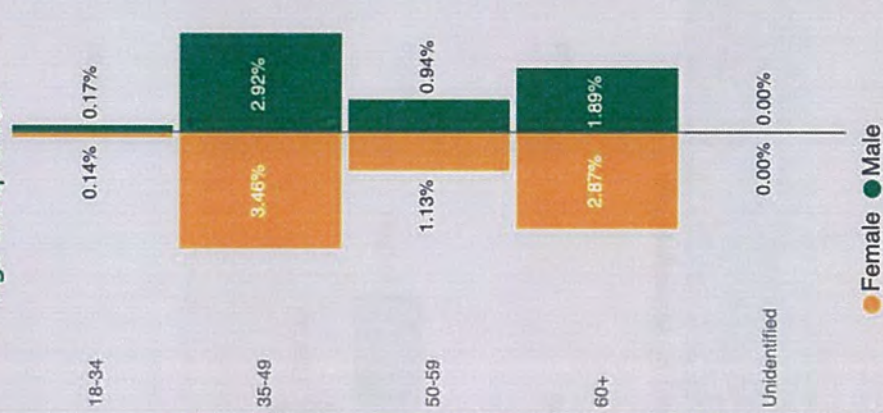
54.11%

Clear Filters

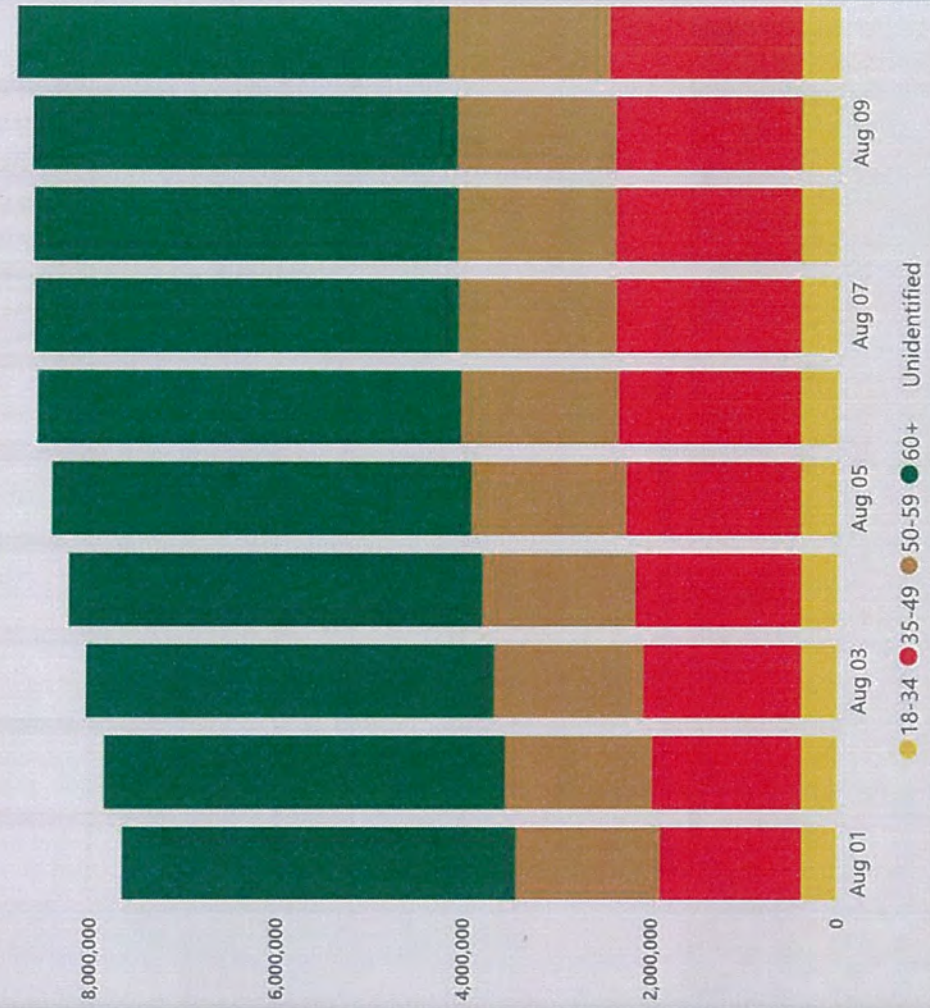
Total Number of Vaccines Administered by Age Group & Sex



% of Vaccines Administered by Age Group & Sex



Total Number of Vaccines Administered by Age Group



18-34 35-49 50-59 60+ Unidentified



Disclaimer:

Data displayed in this Dashboard only contains vaccination records captured on the live Electronic Vaccination Data System (EVDS) and excludes vaccination records captured on paper within the last 24 Hours. **Note:** Totals will be adjusted as back-capturing and data validation is done.



COVID-19 Total Vaccination Summary as at 17:00 10 Aug 2021

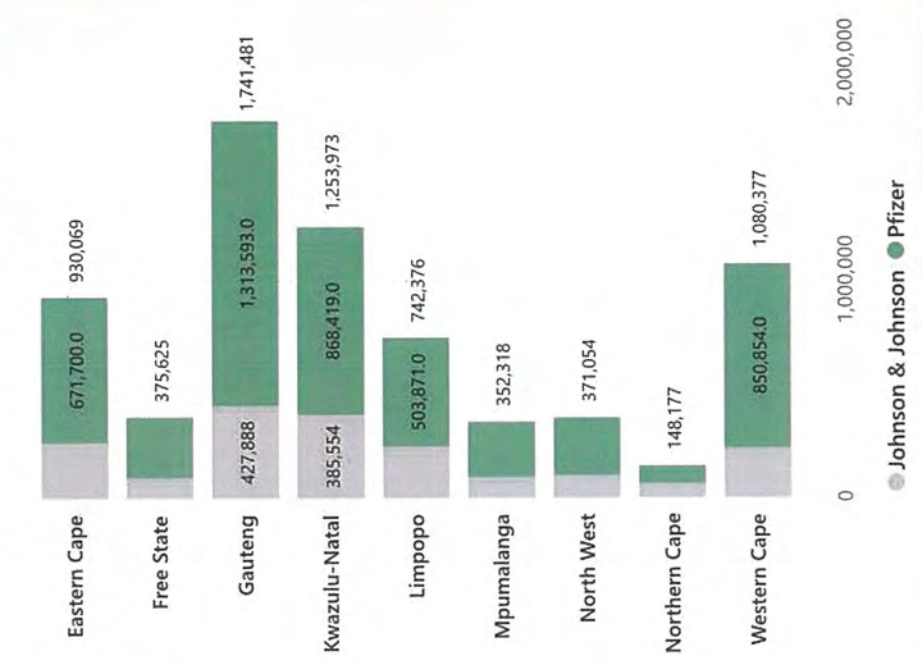
ANC8

Total Number of Individuals Vaccinated
6,995,450

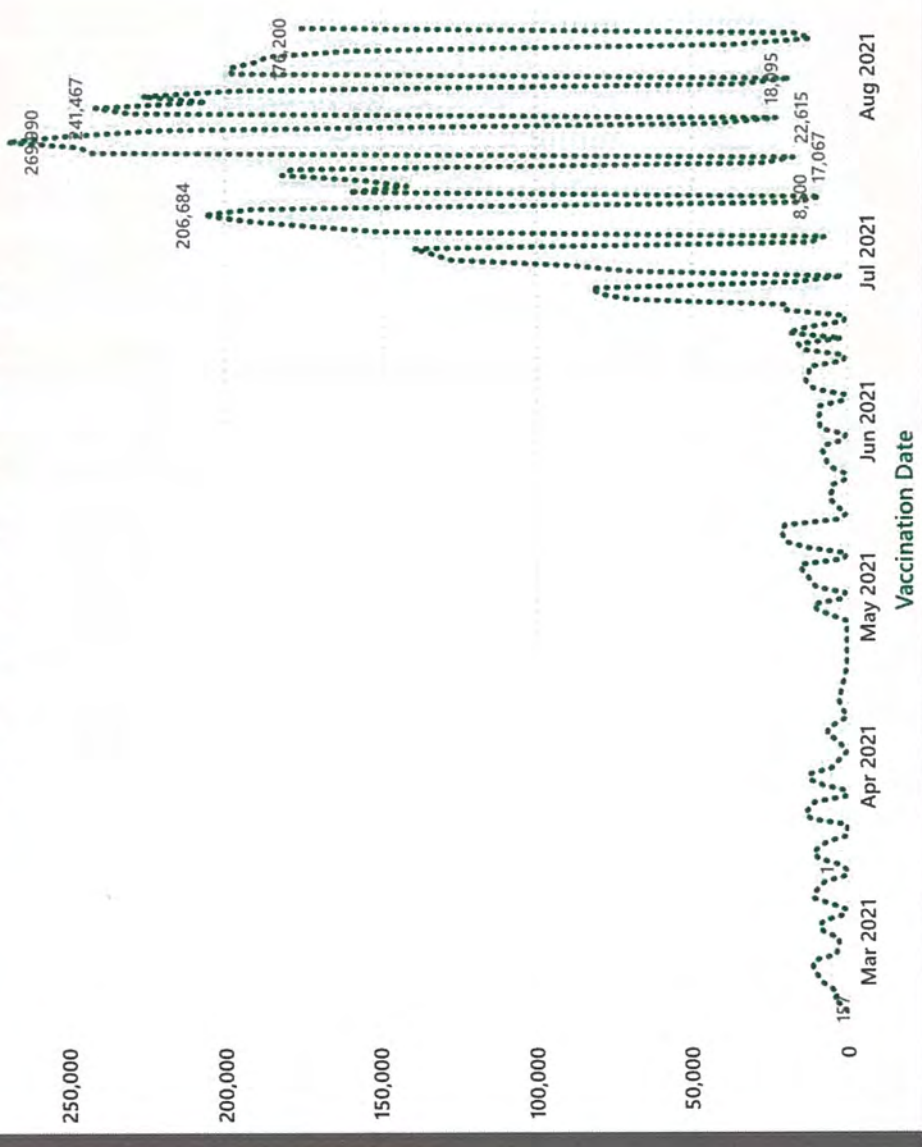
Total - Johnson & Johnson Administered	1,903,359	Total - Pfizer Administered	5,092,091
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Total Number of Individuals Vaccinated

Total Number of Individuals Vaccinated by Manufacturer



Total Number of Individuals Vaccinated per Day



Definition of a Vaccinated Individual:
One dose J&J (single dose regimen) or Pfizer (two dose regimen) first dose administered

ANC7