

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT245/21

In the application of

THE SOUTH AFRICAN INSTITUTE OF RACE RELATIONS Applicant

In re:

The matter between:

ELECTORAL COMMISSION OF SOUTH AFRICA Applicant

and

**MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS** First Respondent

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

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

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

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

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
LIMPOPO** Sixth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
MPUMALANGA**

Seventh Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE NORTHERN CAPE**

Eighth Respondent

**MEC RESPONSIBLE FOR LOCAL GOVERNMENT
IN THE PROVINCIAL GOVERNMENT OF
THE NORTH WEST**

Ninth Respondent

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IN THE PROVINCIAL GOVERNMENT OF
THE WESTERN CAPE**

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**SOUTH AFRICAN LOCAL GOVERNMENT
ASSOCIATION**

Eleventh Respondent

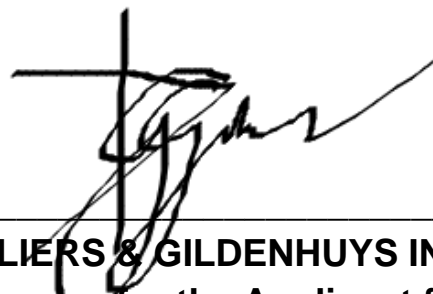
**APPLICATION TO THE CHIEF JUSTICE OF THE COURT IN TERMS
OF RULE 10(4) TO BE ADMITTED AS *AMICUS CURIAE***

PLEASE TAKE NOTICE THAT the applicant, **The South African Institute of Race Relations (“IRR”)** hereby applies to the Chief Justice of this Honourable Court, in terms of Rule 10(4) to be admitted as *amicus curiae* on such terms and conditions and with such rights and privileges as the Honourable Chief Justice may determine, for an order in the following terms:

1. Dispensing with the rules of forms and service, in accordance with Rule 12 of the Constitutional Court Rules, 2003 and any direction that the Honourable Chief Justice may give; and granting leave for this application to be dealt with as one of urgency.
2. Admitting the IRR as an *amicus curiae* in the matter of *Electoral Commission of South Africa v Minister of Cooperative Governance and Traditional Affairs and Others* (CCT 245/21).
3. THAT the **IRR** be permitted to file written heads of argument for purposes of the main application by such time as the Chief Justice directs;
4. THAT the **IRR** be afforded the right to appear through counsel at the hearing of the main application and to make oral submissions to the Court.

PLEASE TAKE FURTHER NOTICE THAT the affidavit of **JOHN PETER ENDRES** is attached hereto is used in support of the application.

SIGNED AND DATED AT JOHANNESBURG ON 11 AUGUST 2021



CILLIERS & GILDENHUYS INC
Attorneys for the Applicant for
admission as an *amicus curiae*

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C/O PETERS ATTORNEYS

PER TIM DU TOIT & CO ATTORNEYS

31 THE VALLEY ROAD

WESTCLIFF

2193

REF: H V WYK / CILLIERS & GILDENHUYS

TO: THE REGISTRAR
THE CONSTITUTIONAL COURT OF SOUTH AFRICA
Via email: generaloffice@concourt.org.za;
scindi@judiciary.org.za

AND TO: MOETI KANYANE ATTORNEYS
ATTORNEYS FOR THE APPLICANT
Via email: moeti@kanyane.co.za; mashudu@kanyane.co.za

AND TO: THE MINISTER OF COOPERATIVE GOVERNANCE AND
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THE FIRST RESPONDENT
Via email: ichowe@justice.gov.za;
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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR THE
EASTERN CAPE
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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR GAUTENG
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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR KWAZULU-
NATAL**

THE FIFTH RESPONDENT

Via email: lelani.vandenberg@kzncogta.gov.za;
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Nokwanda.mchunu@kzncogta.gov.za;
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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR
LIMPOPO**

THE SIXTH RESPONDENT

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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR
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THE SEVENTH RESPONDENT**

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NORTHERN CAPE
THE EIGHTH RESPONDENT**

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**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR
NORTH WEST
THE NINTH RESPONDENT**

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tlerefolo@nwpg.gov.za

**AND TO: THE MEC FOR LOCAL GOVERNMENT FOR THE
WESTERN CAPE
THE TENTH RESPONDENT**

Via email: graham.paulse@westerncape.gov.za

**AND TO: THE SOUTH AFRICAN LOCAL GOVERNMENT
ASSOCIATION
THE ELEVENTH RESPONDENT**

Via email: ugopichund@salga.org.za

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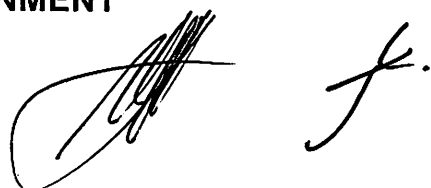
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Sixth Respondent

MEC RESPONSIBLE FOR LOCAL GOVERNMENT

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**IN THE PROVINCIAL GOVERNMENT OF
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Eleventh Respondent

**AFFIDAVIT IN SUPPORT OF APPLICATION
TO THE CHIEF JUSTICE OF THE COURT IN TERMS OF RULE
10(4) TO BE ADMITTED AS *AMICUS CURIAE***

I, the undersigned,

JOHN PETER ENDRES

do hereby make oath and state as follows:



1. I am an adult male, CEO-elect of the Institute of Race Relations ("IRR"), the applicant in the present application for leave to be admitted as *amicus curiae* in the main application. The IRR has its registered place of business at **2 Clamart Road, Richmond 2092**.
2. The facts set out in this affidavit fall within my personal knowledge. Where this affidavit contains statements that amount to legal submissions, such statements are made based upon the advice of the legal representatives of the IRR.
3. In order to prevent any confusion, I shall refer to the applicant in this application for leave to be admitted as *amicus curiae* as "the IRR", and to the parties in the main application before the court as the "applicants" and the "respondents" respectively.

THE APPLICANT IN THE *AMICUS* APPLICATION

4. The IRR is a non-profit organisation, that is committed to the preservation and promotion of liberal principles in South Africa, specifically the liberty to exercise rights and freedoms whose curtailment is legitimate only as a consequence of power that is

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exercised by a democratically elected and responsive government following fair and proper procedures.

5. Our Memorandum of Incorporation states that the main objectives of the Institute, which was founded in 1929, are: “to promote democracy, human rights, development, and reconciliation between the various peoples of South Africa through the conduct and publication of relevant political and socio-economic research and the provision of bursaries on the basis of merit and need.”

THE IRR’S INTEREST

6. The present application, to which the IRR seeks to be admitted as *amicus curiae*, is of significant public importance as it places at the forefront the central issues of Constitutional Supremacy; and free, fair and regular elections under conditions of universal suffrage.
7. As *amicus curiae*, the IRR shall provide valuable perspectives on the constitutional aspects of the case and in addition will show that an election could be held in a manner that drastically reduces Covid health risks, by running the election in a staggered manner in different provinces over a series of days.

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8. The IRR is of the opinion that its submissions will be unique and to the benefit of the Honourable Court.


**REQUEST FOR CONSENT TO BE ADMITTED AS *AMICUS CURIAE* IN
TERMS OF RULE 10(1):**

9. For purposes of admission of the IRR as *amicus curiae* in the main application, the IRR's attorneys sought in writing the consent of the main parties. I attach a copy of the joint letter addressed to the attorneys acting for the parties as annexure **JE1**.
10. As of date of this affidavit, the IRR has received consent from the Electoral Commission, attached as annexure **JE2**. Consent has not been received yet from the remaining parties.

ISSUES

The Law

11. The Founding Provisions of the Constitution recognise that South Africa is founded on the values of universal adult suffrage, a national common voters roll, regular elections, Constitutional Supremacy, and



the Rule of Law.¹ Law or conduct inconsistent with the Constitution is invalid, and the obligations imposed by it must be fulfilled.²

12. The Bill of Rights provides all citizens with the right to free, fair and regular elections.³

13. The Constitution creates an obligation on the Electoral Commission to ensure that elections are free and fair.⁴

14. The Constitution states that “if a Municipal Council is dissolved in terms of national legislation, or when its term expires, an election must be held within 90 days of the date that Council was dissolved or its term expired.”⁵

Relevant Facts

15. The Moseneke Report states that “the forthcoming local government elections will, in effect, involve 4 725 separate elections; electing proportional representation members of 8 metropolitan councils, 205

¹ S1 of the Constitution

² S2 of the Constitution

³ S19 of the Constitution

⁴ S190(1)(b) of the Constitution

⁵ S159(b) of the Constitution

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local councils and 44 district councils as well as 4 468 ward councillors.”⁶

16. Furthermore that “the holding of a general election involves probably the single largest mobilisation of citizens in the Republic on a particular day. The Commission, ... is not able to predict with any certainty the trajectory of the virus and recognises that this uncertainty also poses challenges to the potential climate within which elections will take place.”⁷

17. Prof Abdool Karim stated that “the duration of the first wave was 74 days and the gap between the first and second waves was 94 days. The second wave lasted 75 days and the interval between the second and third wave was 99 days. If this pattern holds, October will be a period of low transmission.”⁸


18. Dr Abdullah’s report shows that the Covid waves run at different times and intensities in different provinces. “The country or parts of it will remain at different stages of a wave for the foreseeable future.”⁹

⁶ Para 25 of report, at page 134 of bundle

⁷ Para 52 of report, at page 144 of bundle

⁸ Para 213 of Moseneke Report, at 208-9 of bundle.

⁹ Para 226 of Moseneke Report, at 213 of bundle.

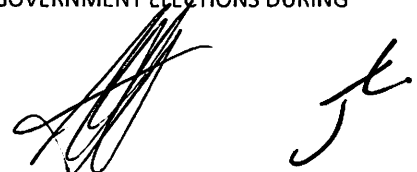
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INTERPROVINCIAL AND LOCAL VARIABILITY

“The national picture masks local variation in the trajectory of the first, second and third waves. A review of the provincial breakdown of the first, second and third waves will offer insights into the likely local scenarios for the pandemic during the expected fourth wave. From Figure 2 below, it is evident that there is substantial inter provincial variation in the trend lines for cases and excess deaths. The Northern Cape and Free State are interesting to observe. In the case of the Northern Cape the timing of the peaks and troughs are completely out of kilter with the national trend line and provinces such as Gauteng and the Western Cape. In the case of the Free State both the case rates and the excess death rates show an undulating pattern that does not have the distinct peaks and troughs of provinces such as the Eastern and Western Cape. The northern rural provinces of North West, Mpumalanga and Limpopo showed very small first waves, larger second waves and will perhaps see much larger third waves.”¹⁰

“Figures 2 and 3 below provide a graphic description of the inter provincial variability for both the case rate and the excess death rate.

¹⁰ SUBMISSION TO THE INQUIRY INTO ENSURING FREE AND FAIR LOCAL GOVERNMENT ELECTIONS DURING COVID-19 (INQUIRY), at page 366 of bundle



At no point does the trough of all provinces align with the national average and this is even more evident in the death rates.”

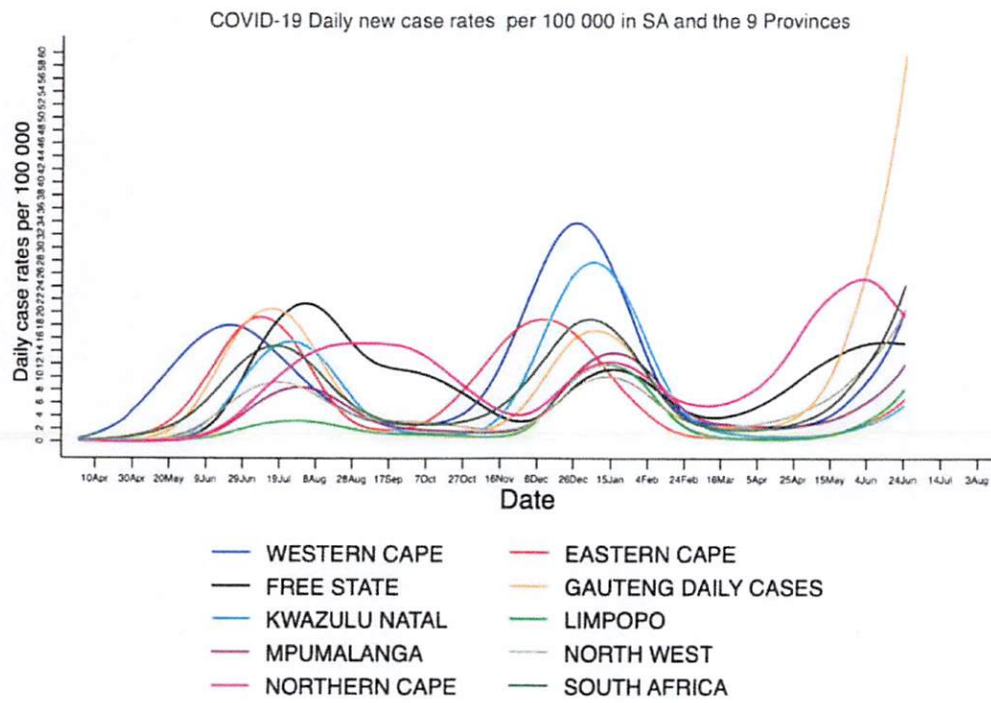


Figure 2. Case Rates per 100 000 population, South Africa and Provinces (JM)

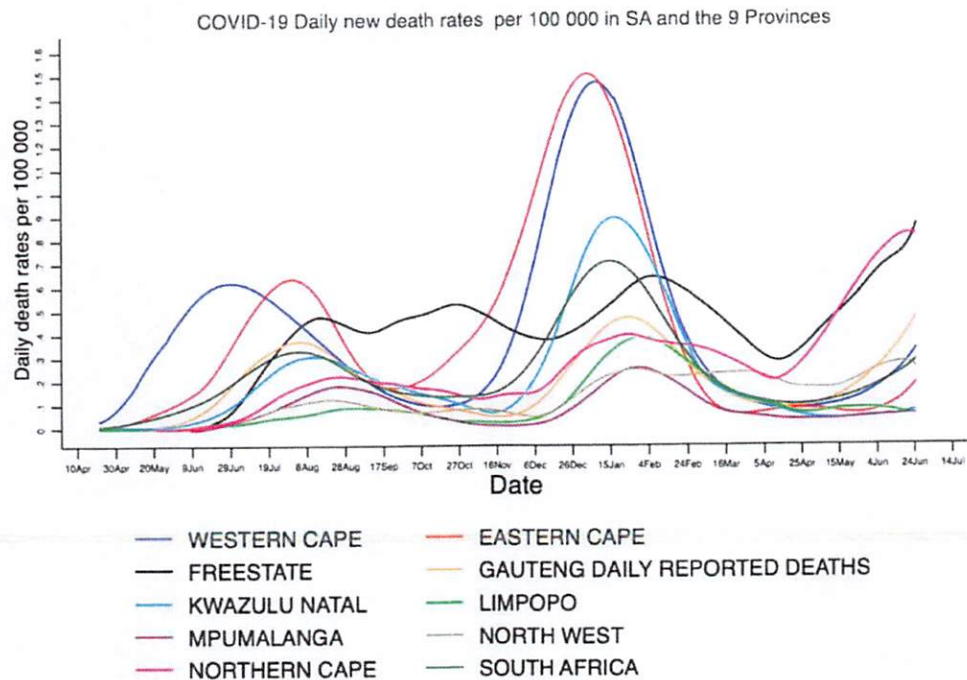


Figure 3. Excess Deaths per 100 000 population, South Africa and Provinces

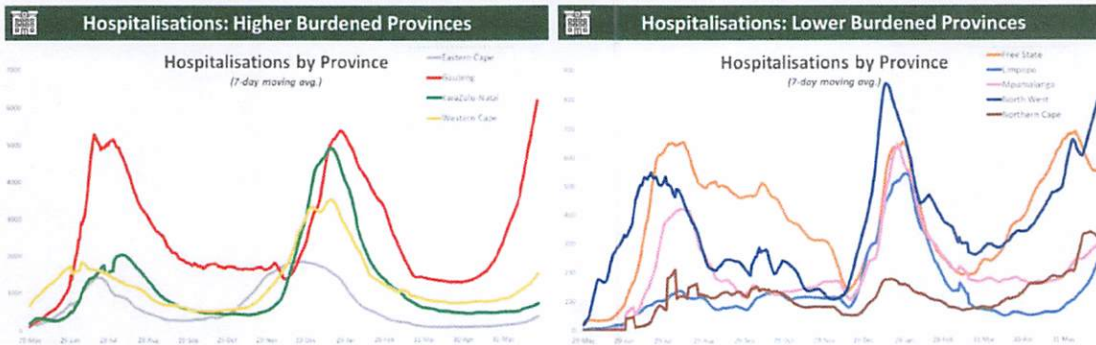
19. Dr Abdullah's states that "the conclusion that we draw from these data is that the inter provincial and local variation of transmission dynamics across the country will mean that there will always be some parts of the country which will be at a point in the trajectory of the fourth wave where it is experiencing an exponential rise."¹¹
20. The Department of Health's data also demonstrates that the impact of Covid differs across the provinces at varying times.¹²

¹¹ SUBMISSION TO THE INQUIRY INTO ENSURING FREE AND FAIR LOCAL GOVERNMENT ELECTIONS DURING COVID-19 (INQUIRY), at page 370 of bundle

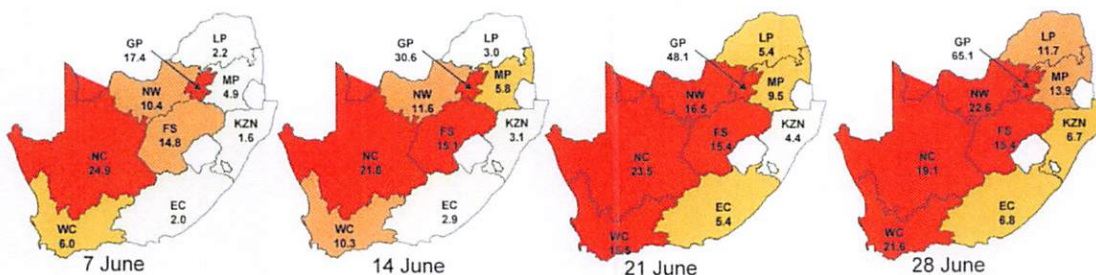
¹² IEC Health presentations, First Figure at page 331 of bundle. Second Figure at 332 of bundle.

COVID-19 Trends: Hospitalisations by Province

As of the 30th June 2021



- **Gauteng** currently reports the highest number of **hospitalized patients** per 100 000 population at 46,8; followed by the **Western Cape** at 26,4; **Northern Cape** at 23,7; **North West** at 20,8; and the **Free State** at 20,3 hospitalisations per 100 000 population.



Cases /100,000 /day

0-4.99 5 - 9.99 10 - 14.99 >15



Data source: SA DoH; Analysis: Cheryl Baxter



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21. The IEC's submissions about its preparations demonstrate that much of its work and planning is carried out on a provincial basis as is evident from the following graphs.¹³

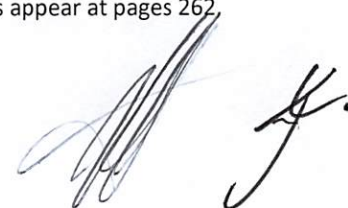
2021 Reg weekend and LGE Voting Stations Breakdown										
Province	Voting Station Types			TOTAL Stations	Leases Generated			Lease Captured		
	MOBILE (M)	PERMANENT (P)	TEMPORARY (T)		No	YES	Percentage Leases Generated	No	Yes	Percentage Leases Not Captured
Eastern Cape	8	4696	105	4809	17	4792	99,65%	3592	1217	74,69%
Free State		1407	157	1564	20	1544	98,72%	418	1146	26,73%
Gauteng		2551	265	2816	275	2541	90,23%	2538	278	90,13%
KwaZulu-Natal	7	4804	129	4940	837	4103	83,06%	3972	968	80,40%
Limpopo		3047	139	3186	30	3157	99,09%	1643	1544	51,57%
Mpumalanga	13	1709	66	1788	22	1766	98,77%	669	1119	37,42%
North West	1	1621	121	1743	2	1741	99,89%	16	1727	0,92%
Northern Cape	1	724	3	728	24	704	96,70%	209	519	28,71%
Western Cape		1547	30	1577	29	1548	98,16%	797	780	50,54%
Grand Total	30	22106	1015	23151	1256	21896	94,58%	13854	9298	59,84%

Thus far the Commission has arranged for 195 radio slots across all the provinces commencing on 1 May 2021. The table below illustrates the status as at 1 June 2021.

Province	Status 1 June 2021	Number of Radio Stations
Eastern Cape	Complete starts 1 June	29
Free State	Incomplete expected to start 15 June	15
Gauteng	Complete; started 1 May	28
KwaZulu-Natal	Complete started 1 April 2021	32
Limpopo	Incomplete expected to start 7 June	34
Mpumalanga	Complete; started 1 May	15
Northern Cape	Incomplete expected to start 15 June	7
North-West	Incomplete expected to start 15 June	13
Western Cape	Incomplete expected to start 15 June	22
Total		195

The local representative is also known as the Municipal Electoral Officer ("MEO"). In this regard the Commission has already activated its MEO expansion model. The details are set out in the table below:

¹³ SUBMISSION BY THE CHIEF ELECTORAL OFFICER TO THE MOSENEKE INQUIRY, Graphs appear at pages 262, 266, 267 and 268 of the bundle.



Province	Current MEO Positions	Appointed MEO's	MEO Vacancies
Eastern Cape	33	29	4
Free State	19	12	7
Gauteng	9	8	1
KwaZulu-Natal	44	40	4
Limpopo	22	22	0
Mpumalanga	17	17	0
Northern Cape	26	22	4
North West	18	13	5
Western Cape	25	23	2
TOTAL	213	186	27

Province	Number of electoral officers
Eastern Cape	10, 820
Free State	3, 519
Gauteng	6, 336
KwaZulu-Natal	11,115
Limpopo	7, 169
Mpumalanga	4, 023
Northern Cape	1, 638
North West	3, 922
Western Cape	3, 548



Competing Concerns

22. The Moseneke Report sets out the following concerns:

“Political parties calling for a postponement raised varied concerns associated with proceeding with the elections in October. These concerns include the need to ensure free and fair elections, and the need to prevent further infections of Covid-19 and to protect lives and limbs. These proponents submit that the current circumstances are not conducive to having free and fair elections. This is so because the prevailing lockdown regulations restrict political parties from campaigning, and therefore deny the electorate the opportunity to make informed political choices. Furthermore, proceeding will prejudice relatively "smaller parties" as they do not have access to the media and other platforms through which they may relay their manifestos to the electorate. The fairness of the elections will thus be vitiated. Also, due to the fear of infection, there is a possibility of a low voter turnout which may, in turn, undermine the credibility and integrity of the electoral process. Because of this fear, there would also be voter apathy among the electorate. They submit that ensuring free and fair elections is more than "mere preparedness of [the Commission]", it

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also envisage voters being free – without fear of infection and possible loss of life – to cast their votes.”¹⁴

“Many stakeholders in their submissions drew attention to the governance devastation to be found within the ranks of most municipalities in our country. They rightly pressed that the current municipal councillors should be given not one day more in office if citizens are to be spared more bouts of unaccountable government, inept and dishonest financial accounting, and downright failure to observe the law that governs municipalities. The consequence of this has been repeated service delivery protests in the face of dysfunctional and totally inept municipal councils.”¹⁵

“Some have argued that deferment may encourage or initiate a slippery slope that might undermine the democratic project. We think that this argument has considerable force. Only the most compelling of reasons should justify the deferment of a term of elections set in the supreme and other law of the country. For that reason, 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 excessive loss of life.”¹⁶

¹⁴ Para 80 of Moseneke Report, at 157 of bundle.

¹⁵ Para 297 of Moseneke Report, at 235 of bundle.

¹⁶ Para 295 of Moseneke Report, at 234 of bundle.

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THE IRR POSITION AS *AMICUS CURIAE* ON THE ISSUES

23. The IRR shall make a unique and meaningful contribution to the issues before the Court, and intends to make submissions on the following core issues:

23.1. If this Court lacks the power to grant the relief sought by Electoral Commission, it is obliged to dismiss the case.

23.2. However, if it is within the Court's S172 remedial powers to grant the relief sought by the Applicant it should grant the following:

23.3. First, setting aside the First Respondent's Proclamation of an election date so that unregistered voters are provided with an opportunity to register to vote online and in person;

23.4. Second, the Electoral Commission should be authorised to conduct the upcoming elections on a staggered basis in different provinces at different times. The progress of these elections should be monitored by this Honourable Court and this should be reported back to the public. It is vital that the Electoral Commission is held to account.

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24. Given that Covid waves are unpredictable and occur in different intensities, in different parts of the country, at different times it would be much easier for the Electoral Commission to split up the work of running the elections by establishing timetables in respect of each province. This would allow it to run elections in provinces that have lower active cases while waiting for waves in other provinces to subside.
25. The nature of municipal elections differs from national elections in that election results in metropolitan councils, local councils and district councils are discrete and non-cumulative.
26. Furthermore, the Electoral Commission already appears to plan elections on a provincial basis.
27. It may be possible to start running the first set of elections before 1 **November 2021** which would mean that the electoral commission will either be in compliance or partial compliance with S159(2) of the Constitution.

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28. Starting elections would also send a signal to citizens that the elections will be completed and that they will not be faced with an indefinite series of election postponements.
29. Elections could once again be held on the same simultaneous day in the next municipal election cycle if the forthcoming elections are spread out over a period of 90 days, since S159(2) of the Constitution allows this window of time after the expiry of municipal terms of office.

REQUEST TO ADDRESS ARGUMENT

30. The application is of great public importance. The nature and complexity of the case is such that the court can only benefit from additional submissions by interested parties. Due to the potential impact that this case will have on the exercise of public executive powers and society in general, it is submitted that the IRR should be afforded an opportunity to submit oral argument at the hearing of the matter.
31. By virtue of the unique approach and arguments that the IRR intends to advance in this matter, I submit that the interests of justice support the position that counsel for the IRR be afforded the opportunity to advance argument in this matter.

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32. The arguments on behalf of the IRR are nuanced and require oral argument in order to be properly advanced. In addition, the IRR is of the view that the court may well wish to debate certain aspects with the *amicus*, and affording the IRR the opportunity to present oral argument at the hearing shall facilitate such discussion.

CONCLUSION

33. I respectfully submit that the IRR has made out a proper case for the relief that it seeks in the notice of motion prefixed hereto, and the IRR accordingly requests that such an order be granted.

WHEREFORE I respectfully request the honourable Chief Justice of this Court to grant the application on the terms as set out in the notice of motion prefixed hereto.



JOHN PETER ENDRES



THUS SWORN AND SIGNED AT Randburg ON THIS 11th DAY OF AUGUST 2021, BEFORE ME AS COMMISSIONER OF OATHS, THE DEPONENT HAVING ACKNOWLEDGED THAT HE UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT, HAS NO OBJECTION IN TAKING THE OATH AND REGARDS THE OATH AS BINDING ON HIS CONSCIENCE AFTER COMPLYING WITH THE REQUIREMENTS OF GOVERNMENT NOTICE R1258, DATED 21 JULY 1972, AS AMENDED.

BEFORE ME:

NAME:

CAPACITY:

ADDRESS:


COMMISSIONER OF OATHS

Gerard. P. Mosothoan
20 Shepherd ave
Kensington B
Randburg





"JE1"



**CILLIERS
& GILDENHUYS**

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W: www.c-law.co.za

Our ref: G Gildenhuys/GGI506

11 August 2021

THE APPLICANT

PER: MOETI KANYANE ATTORNEYS

VIA EMAIL: moeti@kanyane.co.za; mashudu@kanyane.co.za.

AND

THE RESPONDENTS

VIA EMAIL: ichowe@justice.gov.za; stateattorneypretoria@justice.gov.za;
mzwake.clay@eccogta.gov.za; nnothoko@gmail.com; noncedo.nothoko@eccogta.gov.za;
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tlerefolo@nwpg.gov.za; graham.paulse@westerncape.gov.za; ugopichund@salga.org.za

Dear Sir / Madam,

**ELECTORAL COMMISSION OF SOUTH AFRICA // MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS & OTHERS (CASE NUMBER CCT 245/21)**

We refer to the abovementioned matter.

1. We appear on behalf of the South African Institute of Race Relations ("our client").
2. Our instruction is that our client wishes to seek to be admitted as *amicus curiae* in the above matter, as it believes it can offer valuable and unique submissions to the Honourable Court.
3. Importantly, our client is committed to the preservation and promotion of liberal principles in South Africa, specifically the liberty to exercise rights and freedoms

Directors: Johan Cilliers LLB (UP) and Douw Gerbrand Gildenhuys LLB (UP)
Reg No: 2019/285201/21

In association with Cilliers & Associates (Mossel Bay)

whose curtailment is legitimate only as a consequence of power that is exercised by a democratically elected and responsive government following fair and proper procedures.

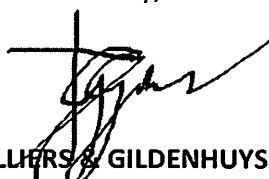
4. To be able to vote in a free and fair election is a central right of all South African citizens and our client has a direct and substantial interest therein.
5. Our client has considered the abovementioned application brought by the Electoral Commission of South Africa ("IEC"), as well as the directions issued by the Court in relation to the administrative periods relating to this application.
6. This letter serves to seek written consent from the parties to be admitted as an *amicus curiae* in the abovementioned application, with the opportunity to file an application and heads of argument, as well as to present oral argument should it be deemed necessary to do so.
7. Our client does not intend to repeat any matter set forth in the argument of the other parties and seeks only to raise new contentions and adduce evidence which may be useful to the Court. In doing so, our client intends to canvass the following issues, which it submits are relevant to the proceedings and different from those of the other parties to the litigation:
 - 7.1. The outline of the constitutional parameters relevant to the application;
 - 7.2. The proper manner of ensuring the IEC is held to account in doing all that is necessary and within their powers to comply with their constitutional mandate;
 - 7.3. Should the Constitutional Court authorise the postponement of the elections, our client will canvass and make submissions regarding the supervisory process that the Court could follow;



- 7.4. Holding of the elections over multiple days, including the possibility of splitting the election on a provincial basis. Our client is of the view that, as Covid-19 spikes and troughs are not necessarily consistent across the country as a whole, multiple election days split provincially will severely reduce the administrative burden;
- 7.5. Starting the elections by 1 November 2021, in time to be constitutionally compliant, but spread across multiple days going forward beyond such date.
8. In light of the urgency of the matter, our client requests that you indicate whether or not you consent to its intervention as *amicus* by close of business on **11 August 2021**.
9. Our client has asked the Constitutional Court for directions regarding the earliest possible date for filing our application and await to hear from the Registrar in this regard. However, in light of the urgency and should we not receive an alternative direction from the Court, our client will file its application on **11 August 2021** and heads of argument on **18 August 2021**.

Trusting you find same in order and kindly awaiting to hear from you in this regard.

Yours faithfully,



CILLIERS & GILDENHUYS INC
PER: GERBRAND GILDENHUYS

Our Ref: TM Kanyane/BC/M00232

Email: moeti@kanyane.co.za

Your Ref: Gildenhuys/GG1506

Date: 11 August 2021

CILLIERS & GILDENHUYS
65 GEORGE STORRAR DRIVE
GROENKLOOF
PRETORIA
0181

By Email : pta@c-law.co.za

Dear Mr Gildenhuys,

**CCT 245/21: ELECTORAL COMMISSION // MINISTER OF COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS & 10 OTHERS**

- 1 The above matter and your letter dated 11 August 2021.
- 2 We write to advise that our client consents to your client's request to intervene as *amicus curiae*.

Yours faithfully,

TM Kanyane
Director
Moeti Kanyane Inc.

(Transmitted electronically and thus not signed)



Moeti Kanyane Incorporated
Director: Tlouyatiba Moeti Kanyane B Proc., LLB (UNIN); Cert Competition Law (UP)
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