

# BY-ELECTION SEASON BEGINS

While national, provincial and local government elections command, and correctly so, the highest attention from the nation, by-elections are held throughout the year. These elections are a confirmation that the fundamental values of the South African Constitution continue to hold fast, and democracy continues to thrive and prosper, says the Electoral Commission.

The fifth term of local government has begun in earnest for the next five years, ending on 1 November 2026. The balanced election outcome on political office has mounted considerable pressure on the functioning of local government ensuring that citizens are receiving local services expected from government. The work of local government in the next few years will either further enhance or diminish the trust in state institutions and those elected into their offices.

While the constitutionally prescribed national, provincial and local government elections (which take place at intervals of two years) command, and correctly so, the highest attention from the nation, by-elections are held throughout the year. Added to this are political party's own internal elective processes which create an environment that in reality South Africa is perpetually in an election mode.

A by-election is an election that takes place in a ward in a municipality, between general municipal elections, because vacancies have occurred.

The vacancies occur on the death of a ward councillor; or the resignation of a ward councillor from a political party or municipal council; or the expulsion of a ward councillor from a party or the municipal council.

On average, the Electoral Commission of South Africa holds 150 by-elections each year. Since the 2021 Municipal Elections, held on November 1, 23 vacancies have occurred and by-elections have been called for wards in KwaZulu-Natal, the North-West, Mpumalanga and the Northern Cape. These by-elections are scheduled for February 2 and 23 respectively.

In terms of the law, once a vacancy occurs, the MEC for Local Government must, after consulting with the Commission, call and set a date for the by-election in a notice in the provincial Government Gazette.

While by-elections, by their very nature, are small, their importance, as an act of strengthening the South African democracy, cannot be reduced. Since 2000, when the first "wall to wall" municipal elections were held, the Commission has presided over approximately 4 000 by-elections. >

NOT TO BE FILLED IN BY POLLING OFFICER BEFORE VOTING STARTS									
ELECTION DATE	0	1	1	1	2	1			
ELECTION TYPE	N	P	X	B					
VD NUMBER	32890529								
WARD NUMBER	13								
BALLOT BOX SEQUENCE	1								
MUNICIPAL CODE									
PROVINCE	Gauteng								

IEC SOUTH AFRICA



Voters at the 2021 Municipal Elections



Electoral Commission Chief Electoral Officer: Sy Mamabolo

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According to Sy Mamabolo, the Electoral Commission's Chief Electoral Officer, municipal elections and by-elections are about consolidating local democracy. For the Commission, they are also about strengthening the process of modernising business processes and enhancing the institution's ability to deliver efficiently managed, free and fair elections.

Mamabolo said it was important for citizens to vote in every election and by-election.

“You may take your right to vote and all other rights in our constitution for granted, but 28 years ago most of the people in our country were not allowed to vote. Many of them were arrested and jailed for demanding this most basic human right. Others were tortured and killed. Because of their sacrifice, today you can vote simply by presenting yourself at a voting station with your identity document during a registration event that puts you on the voters' roll for life, and lets you vote in every future general and by-election in your area.

“You have the power to decide on the quality of life you want for yourself and your community, and even future generations. Voting is your chance to

stand up for the issues you care about. This is your life: take the time to help decide what's best. Voting – rather than just venting on social media or protesting – is the best way to make your voice heard and make a positive input on the issues that concern you.

“New technology and connectivity means that the current generation is probably the best informed and equipped to vote in South Africa's history. Social media and the internet are giving us access to information which previous generations of voters didn't have. You are becoming the experts ahead of your parents and grandparents. Use that expertise to make sure our country heads in the right direction.”

Glen Mashinini, Chairperson of the Electoral Commission, said each election is confirmation that South Africa is still flying high the banner of electoral integrity, excellence, as well as free and fair elections.

Mashinini said over the past 27 years, South Africa, a country grappling with social, economic and political challenges, has remained firmly rooted in constitutional democracy

He said the country has successfully held:

- Five national and provincial elections
- Six municipal elections
- Approximately 4 000 by-elections

“Our electoral democracy remains among the highest quality in the world and whose elections have been conducted in line with our Constitution and electoral laws. We also see a country that is proud to have upheld the highest standards of best international electoral practice in full conformity with the norms and standards set by the United Nations, African Union, Southern African Development Community and other world election bodies,” Mashinini said.

**BY-ELECTIONS UNDER COVID-19**

There can be no doubt that the deadly COVID-19 pandemic has had a devastating impact on lives and economies in South Africa. Millions of lives and livelihoods, globally, have been adversely affected by it. Electoral processes have not remained untouched.

South Africa, like many other countries, has taken serious measures to save lives and stop the spread of COVID-19. In implementing these tough measures, government has not only sought to protect and defend the way its citizens live, but to ensure that the pillars of the country's constitutional democracy remain unmoved by this dreaded disease.

Mashinini believes that it is a pleasing testament to the growing strength of the South African democracy that the country held successful municipal

elections in 2021 and will hold forthcoming by-elections.

“All of this is possible because we, as a nation, led by the government, have been united behind efforts to fight COVID-19. The pandemic has introduced much doubt in our lives. We doubted many things, including, in the main, whether or not we would be able to return to life as we know it.

“In times of crisis of the scale of the COVID-19 pandemic requires a nation to show resilience. And this South Africans have, and continue to show. These times also require bold and visionary leadership. And this is what the Commission has provided at a time when the country needed it.

“Our previous elections, by-elections and the registration processes were used to road test and implement COVID-19 safety measures. We are happy to report that these measures, informed and in line with national standards and protocols, will be in place for all future by-elections,” Mashinini said.

On by-election voting days, the following measures will continue to be in place.

- Masks must be worn by all at all times
- Social distancing of 1.5m will be enforced



- Voters must sanitise their hands on entry and exit of the station.

These measures have been developed in line with global and local health protocols as well as drawing on the experience of other countries around the world and the African continent which have successfully conducted elections under COVID-19 conditions.

Mashinini said: “We have had the opportunity to test these in municipal by-elections and the more than 150 by-elections over the past year and are confident that, when adhered to, they provide effective protection for voters, election officials, party agents, observers and security officials.” The Commission pleads with South

Africans to cooperate with election officials at the voting stations in this regard. New technology will ensure that voters will spend as little time as possible in the voting stations.

The 2021 municipal elections have provided a number of lessons for those in state institutions and, in particular, the Electoral Commission. Fresh recommendations are aplenty to explore in the next few months as preparations for the next general election get under way. The national and provincial elections, expected in June 2024, will be a further test of the proficiency of the Electoral Commission, and must show improvements from the last such elections in 2019, and the 2021 municipal elections. ■

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Electoral Commission Chairperson: Glen Mashinini