

# "PSM17"



SOUTH AFRICA

## Special National Party Liaison Committee (NPLC) Meeting

### Final Minutes

**Date:** Thursday, 15 April 2021  
**Venue:** Zoom Online Meeting  
**Time:** 14H00

#### 1. Opening and Welcome

The chairperson opened the meeting and welcomed all members present. He indicated the purpose of the meeting as a platform to consider proposals on measures to be implemented to avoid the transmission of the Corona virus during the electoral events.

He further indicated the following as points agreed upon during the previous meeting:

- The NPLC will convene a special meeting with leaders on 22 April 2021
- The meeting will convene to reflect on possible measures to be implemented in order to avoid electoral events becoming points of contagion for covid 19.
- Each party will be given an opportunity to give its input of proposals to ameliorate the risk of virus transmission in electoral events.
- Confirmed receipt of correspondence from the EFF, with the concurrence of several other parties for a meeting

#### 2. Apologies

The following apologies were noted:

- T Nontenja (UDM)

## Electoral Commission

*Ensuring Free and Fair Elections*

Commissioners: Mr V.G. Mashinini (Chairperson) | Ms J.Y. Love (Vice-Chairperson) | Dr N.P. Masuku | Mr M. Moepya | Judge D. Pillay  
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3. The Electoral Commission is seized with preparations for general elections of municipal councils which must be administered later in the year as constitutionally prescribed.

1. The Constitution and the Local Government Municipal Structures Act limit a term of a municipal council to 5 (five) years. In addition, they make it peremptory for an election to be held within 90 days of the end of the 5 year term. This is so because of the regularity of elections requirement in the foundational principles in section 1(d) of the Constitution.

2. The Electoral Commission is thus required to be ready to administer elections within 90 days, whenever they are lawfully called. In this regard, the Electoral Commission commences preparations for general elections 24 months ahead of Election Day. In the context of Covid-19, preparations have out of necessity had to include measures to safeguard the public health of voters and stakeholders in order to avoid electoral events becoming platforms of contagion. The measures to combat Covid-19 were consequential to discussions in the National Party Liaison Committee (NPLC) and have been implemented in three by-election cycles since November 2020.

3. The matter of the feasibility of LGE2021 has been raised in the NPLC and also formally with the Commission by the EFF, UDM Al Jama-AH and PAC. The matter has been substantively considered by the NPLC and two diametrically opposed positions have emerged and crystallised.


3.1 The first position is that LGE2021 must be postponed to some later date beyond the constitutionally determined 90 days. This is so because of the uncertainty around Covid-19. Additionally that the regulations implemented in response to the Covid pandemic have hampered preparation by parties and militate against the traditional methods of campaign (door to door campaigns, rallies and mass meetings). Another reason advanced for the postponement of LGE2021 is the need to rationalise all elections of legislative bodies to take place at the same time. In this regard LGE2021 must be postponed to take place with National and Provincial Elections in 2024.

3.2 The Second position is that LGE2021 must proceed in compliance with the constitutional scheme and with adjustments to account for the Covid pandemic.

4. The submissions by the individual parties including additional practical measures to be considered as well as the response of the Electoral Commission are summarised in the table below:




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Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p data-bbox="376 655 472 687">ACDP</p> 	<p data-bbox="815 655 1487 746"><b>The party supports LGE2021 in terms of the extant constitutional provisions:</b></p> <ul data-bbox="775 826 1487 1193" style="list-style-type: none"><li>• Election must go ahead but if circumstances demand, the Electoral Commission may approach the courts requesting a postponement but only for a few months and not indefinitely.</li><li>• Safety measures were executed well during by-elections. The challenge therefore is to replicate these in all VDs on voting day.</li></ul>	<ul data-bbox="1509 655 2083 858" style="list-style-type: none"><li>• The party supports the introduction of additional special voting days as a way of reducing voter traffic on voting day.</li></ul>


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	<ul style="list-style-type: none"> <li>The party records its opposition to the merger of LGE and NPE elections.</li> </ul>	
Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p>AIC</p> 	<p><b>The party does not support LGE2021 within the constitutional scheme:</b></p> <ul style="list-style-type: none"> <li>The party confirms that it subscribes to the constitution. However, in the context of Covid-19 free and fair elections cannot be guaranteed.</li> <li>The party calls on the “authorities” to agree to an amendment to the Constitution to enable postponement of elections.</li> <li>The party supports postponement of elections by minimum 6 months and a maximum of 12 months. However, should this period be inadequate an approach must be made to court for a further extension.</li> </ul>	



<p>Al Jama-AH</p> 	<p><b>The party does not support LGE2021 within the extant constitutional scheme.</b></p> <ul style="list-style-type: none"> <li>• The party supports the postponement of elections on the basis that they will not be free and fair because parties will not be able to campaign and interact with voters</li> </ul>	<p>The party proposes:</p> <ul style="list-style-type: none"> <li>• A three day election day.</li> <li>• Introduction of postal voting.</li> </ul>
<p>Name of Party</p>	<p>Summary of Submission</p>	<p>Additional Practical Measures to be considered.</p>
<p>ANC</p> 	<p><b>The party supports LGE2021 in terms of the extant constitutional provisions:</b></p> <ul style="list-style-type: none"> <li>• The party submits that there is no constitutional provision that allows an election to be held beyond the expiry of the term and that a super majority support would be required to change the Constitution.</li> <li>• On this understanding, there is no basis for the IEC to lawfully contemplate an election beyond the constitutionally defined period.</li> </ul>	<ul style="list-style-type: none"> <li>• The party proposes an additional special vote day that must fall on a weekend as a way of decongesting voting stations on voting day.</li> <li>• The party proposes a “relaxation” of special vote criteria to extend special votes to include: <ul style="list-style-type: none"> <li>○ persons who are 50 years of age and above,</li> <li>○ all persons with comorbidities.</li> </ul> </li> </ul>


	<ul style="list-style-type: none"> <li>• The party further submits that in a case of uncontrollable spike in cases of Covid-19, the IEC may be able to approach the Constitutional Court to demonstrate that it would be impossible to hold elections in those circumstances.</li> <li>• The party further supports the measures implemented since the November by-elections to combat Covid-19 during electoral events.</li> </ul>	
Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p>COPE</p> 	<p><b>The party supports LGE2021 within the extant constitutional scheme.</b></p> <ul style="list-style-type: none"> <li>• The party does not support postponement and merging of elections.</li> <li>• The party supports the current use of the 2 special voting days and the election day with increased number of streams.</li> <li>• The actions of the Electoral Commission must be based on scientific data.</li> <li>• The party is not convinced about an additional special voting day/s as a measure to depopulate</li> </ul>	<p>The party proposes:</p> <ul style="list-style-type: none"> <li>• Better use of the 2 special voting days and additional streams on voting day to spread the flow of voters and avoid congestion.</li> </ul>


	<p>voting stations because hitherto, the rate of application has not been matched by turnout on special voting days.</p> <ul style="list-style-type: none"> <li>• In context of covid-19, reliance must be placed on electronic platforms of campaigning.</li> </ul>	
<p>DA</p> 	<p><b>The party supports LGE2021 in terms of the extant constitutional provisions:</b></p> <ul style="list-style-type: none"> <li>• The party reported that it had received an opinion from senior counsel to the effect that the only way elections may be postponed is with an amendment to the Constitution. Additionally that, that amendment would require a super majority support.</li> <li>• The party cautioned that the views and or preferences of parties may not override the obligation of the IEC to prepare for elections in a lawful manner.</li> <li>• The party maintains that inability to host mass events cannot be reason to postpone elections as these are not essential for the freeness and fairness of elections. The test is that a voter</li> </ul>	<ul style="list-style-type: none"> <li>• The party supports additional special vote day/s on condition that there are adequate measures to ensure the safety and secure storage (of increased) cast ballots until they are counted.</li> </ul> <p>The party asked the Electoral Commission to:</p> <ul style="list-style-type: none"> <li>• Approach ICASA on behalf of parties to enquire on the possibility of additional slots in view of restrictions placed by Covid on traditional campaign methods.</li> </ul>

	<p>must be able to make an informed choice on voting day.</p> <ul style="list-style-type: none"> <li>• The party further requested the Commission to share with parties any scientific information that it obtains as it relates to Covid-19 projections and or modelling and the impact on the election programme.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider additional platforms for the registration of voters.</li> </ul>
<p>EFF</p> 	<p><b>The party does not support LGE2021 within constitutional scheme</b></p> <ul style="list-style-type: none"> <li>• The position of the party is that the local government elections must be postponed until 2024. That way all elections can be rationalised to take place at the same time and on the same day.</li> <li>• The party submits further that political parties have lost time to adequately prepare for the elections and that in the context of Covid-19 they would be constrained from properly campaigning.</li> <li>• Further that the party may approach the Electoral Court to argue that parties have lost ground in preparing for the elections and that on</li> </ul>	



	those basis the date of the elections must be postponed.	
Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p>GOOD</p> 	<p><b>The party supports LGE2021 in terms of the extant constitutional provisions:</b></p> <ul style="list-style-type: none"> <li>• The party submits that it is unconstitutional to extend the term beyond the 90 day period following the end of term.</li> <li>• The Electoral Commission must adjust processes to take Covid-19 into account.</li> </ul>	<ul style="list-style-type: none"> <li>• The party requests the Electoral Commission to consider lessons from other jurisdictions and extend the number of special vote days.</li> </ul>
<p>IFP</p> 	<p><b>The party does not support LGE2021 within the extant constitutional scheme.</b></p> <ul style="list-style-type: none"> <li>• The party is of the view that free and fair elections are not possible under the current situation because parties have not had occasion to canvass.</li> </ul>	

	<ul style="list-style-type: none"> <li>• The party proposes that elections be postponed until May 2022.</li> <li>• The party does not support the merger of NPE and LGE and thus does not support postponement until 2024.</li> </ul>	
Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p>VF+</p> 	<p><b>The party supports LGE2021 within the extant constitutional scheme.</b></p> <ul style="list-style-type: none"> <li>• The party submits that the risks of Covid-19 are known and that elections must proceed with health and mitigation measures implemented.</li> <li>• The party does not support postponing elections owing to Covid-19.</li> <li>• Further, the party opposes changes to the Constitution.</li> <li>• Elections must proceed because it cannot be guaranteed that there will not be an emergence of a more severe variant in 2022. Waiting for safer timeframes may result in elections not being held.</li> </ul>	<ul style="list-style-type: none"> <li>• The party requests that more than 1 voter registration weekend be considered.</li> <li>• The party supports additional special voting day/s as well as the relaxation of qualifying criteria for special votes.</li> <li>• The Electoral Commission must also look at additional measures to prevent queues on voting day.</li> <li>• The Electoral Commission must confirm the dates for the general registration of voters as well as Election Day in order to create certainty.</li> </ul>

Name of Party	Summary of Submission	Additional Practical Measures to be considered.
<p data-bbox="392 360 470 395">UDM</p> 	<p data-bbox="772 360 1487 448"><b>The party does not support LGE2021 within the extant constitutional scheme.</b></p> <ul data-bbox="772 475 1487 1013" style="list-style-type: none"> <li data-bbox="772 475 1487 619">• The party confirms that it subscribes to the Constitution and the regularity requirements for elections.</li> <li data-bbox="772 646 1487 790">• However, this time around the pandemic has rendered the environment not conducive to hold free and fair elections.</li> <li data-bbox="772 817 1487 1013">• The party proposes that elections must be postponed for a period of no more than 12 months to allow the pandemic to “calm” before elections may be held.</li> </ul>	



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Eight (8) thematic areas emerge from the submissions by political parties.

**Theme 1.**

Elections should be postponed to take place at a future date outside the 90 days from the end of term.

**Theme 2.**

The Electoral Commission should provide for more than 1 voting day.

**Theme 3.**

Additional special voting days should be implemented to decongest voting stations on voting day.

**Theme 4.**

Electoral Commission must relax the qualifying criteria for special votes to include persons who are 50 years and those with comorbidities.

**Theme 5.**

The Electoral Commission must use enforced additional streams as a way of spreading voters on voting day to avoid queues and congestion.

**Theme 6.**

The Electoral Commission should consider more opportunities for votes to register.

**Theme 7.**

The Electoral Commission must introduce postal voting.

**Theme 8.**

The Electoral Commission is requested to ask ICASA on behalf of parties to make additional slots available in view of restrictions placed by Covid on traditional campaign methods.

## **Electoral Commission**

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**4. Date of the Next Meeting**

The date of the next meeting is 22 April 2021.

**5. Closure**

The meeting concluded at 15:25

Signed on: \_\_\_\_\_

**(Mr. S. Mamabolo) (Chairperson)** \_\_\_\_\_

Chief Electoral Officer

<b>Name</b>	<b>Organization/ Political Party</b>
S Mamabolo	IEC
M Sheburi	IEC
A Henning	IEC
M Mosery	IEC
G Mahlangu	IEC
G Abrahams	IEC
L Maphanga	IEC
R Raath	IEC
B Heuvel	IEC
S Murphy	IEC
K Tshoke	IEC
K Molefe	IEC
A Mushwane	IEC
T Lubbe	IEC
D Kisoonduth	ACDP
G Haskin	ACDP
T Mhlongo	AIC
M Arnolds	AIC
B Hofmeyr	ANC
M Dlamini	ANC
G Hendricks	AL JAMA-AH
V Coetzee	COPE
T Abell	DA
W Horn	DA
M Tshwaku	EFF
A Ngobese	IFP
S Shabane	GOOD
C Sibisi	NFP
B Msomi	UDM

P De Necker	VF Plus
P Ackermann	VF Plus