

ActionSA Position on Postponement or Delay of the 2021 Local Government Election

ActionSA has considered and debated the proposals by certain political parties to delay or postpone the local government elections scheduled for 27 October 2021.

As an organisation premised on a Constitutional rule of law, any decision to postpone or delay elections would be an assault on Chapter 1 of the Constitution of the Republic of South Africa and generate an unprecedented Constitutional crisis. ActionSA would actively oppose any such move.

Of particular concern, are the proposals to consider the issue of delaying or postponing the local government elections presupposing levels of Covid-19 infections for which no scientific projections exist.

Having said the above, ActionSA acknowledges the level of human and economic suffering arising from the Covid-19 pandemic. We acknowledge that the IEC's mandate to hold free, fair and credible elections now includes a precondition for the elections to also be safe. This cannot be overstated because the credibility of the elections will depend, in part, on voter turnout arising from confidence in the IEC's measures to keep South Africans safe.

We therefore include the below as viable options to increase the probability of elections taking place safely:

1. Special voting days used to allow South Africans who are over the age of 60 or suffer from co-morbidities to cast their votes prior to the main election day.
2. Extending the main election day to take place over 2 days to reduce the number of people voting at any given point in time.
3. Increasing the allocation of public election broadcasts to contesting political parties, including unrepresented parties, to compensate for limitations on campaigns that will continue through the election campaign.

ActionSA would, however, wish to place on record our concern about the circumstances in which political parties appear to be leading the IEC in the consideration of options to hold elections that can be free, fair and credible as well as safe in the context of the Covid-19 pandemic.

In 2020, over 70 countries held general elections – many of them in countries whose infrastructure, sanitation and public health institutions resemble the challenges faced in South Africa. Case studies will exist about how elections can be run safely and how they can be run in a manner where they become super-spreader events.

We place on record a deeply held concern that the IEC is not taking active steps to lead a process to propose measures that would result in elections being held safely. Not only should this have been led by the IEC, but publicly in such a manner that South Africans have confidence in the idea that

they can vote. This is essential to ensure that no single South African voter is disenfranchised because of an avoidable lack of confidence in the IEC's ability to implement a clear plan for safe elections.

ActionSA places on record its concern that the IEC may, even without intention, play a role in producing a Constitutional crisis by virtue of failing to produce and communicate credible plans to run safe elections. Such a situation, arising late into the timeline leading to the elections, would foreseeably create the avoidable legal impossibility of elections being held.

We have recorded these concerns in the NPLC and place these matters on record in this documentation and the correspondence which it is appended.

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