



17 June 2021

Judge Dikgang Moseneke
<mailto:freeandfair@elections.org.za>

Dear Sir

Report on Ensuring Free and Fair Elections during COVID

Thank you for the invitation to make submissions to your report on free and fair elections during Covid.

We comment as follows:

Introductory Remarks:

- Our democracy, like all others, depends on regular elections and fixed terms of office.
- Extending the current term of office of local governments would be extreme and profoundly undemocratic.
- Voters are entitled to express their electoral will as defined in the constitution and other legislation.
- The current term of office of local governments in South Africa terminates on 1 November 2021.

Whether the current conditions under the COVID-19 pandemic are conducive or not to the holding of free and fair local government elections during October 2021:

- Free and fair elections are those where the outcomes reflect the will of the voters and where political participants have an equal opportunity to campaign.
- Although Covid-19 will impact on the ability of political parties and independent candidates to campaign the restrictions apply equally to all political parties and candidates. There will therefore be a level playing-field for political campaigning.
- The role of the Electoral Commission is to ensure that voters are able to express their electoral will without placing their lives and health at risk and without insurmountable barriers. The onus is therefore on the IEC to put in place an election process and programme that makes provisions the Covid-19 restrictions. This could include, for example, extended special votes days.
- It is possible to hold free and fair elections under the Covid-19 pandemic. The campaign methods of political parties and candidates will have to be adjusted, as we witnessed elsewhere in the world, but adjusting campaign methods to accommodate precautionary measures does not mean the elections cannot be free and fair.

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The constraints, if any, that the measures in place to prevent and combat the spread of COVID-19 have imposed or will likely impose on political activity and campaigning in the lead-up to the local government elections earmarked to be held in October 2021:

- The constraints are related to traditional campaign methods including large gatherings.
- Door-to-door campaigning is possible, adhering to strict protocols of social distance etc.

The constraints, if any, that the measures in place to prevent and combat the spread of COVID-19 are likely to impose on the proper and effective monitoring, by political party agents and independent electoral monitoring bodies, of the freeness and fairness of the local government elections earmarked to be held in October 2021:

- There is no obvious reason, nor any evidence, to conclude that proper and effective monitoring of the freeness and fairness of the local government elections is not possible by political parties and independent electoral monitoring bodies.
- The onus is on the Electoral Commission to make provisions for the effective monitoring of the elections.
- Clearly adjustments will have to be made and voting station monitoring will have to be able to accommodate monitors in a way that is safe from a health perspective.

Whether your party participated in by-elections that took place during the period of the COVID-19 pandemic and, if so, what was your party's experience of the by-election(s) and did you consider them to be free and fair?

- GOOD participated in ten by-elections under the Covid-19 pandemic and under various levels of restrictions.
- We have no reason to submit that these by-elections were not conducted freely and fairly.

Yours faithfully

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Secretary-General

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