



THE ELECTORAL COURT OF SOUTH AFRICA

From: The Registrar, Electoral Court

Date: 29 October 2024

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Electoral Court of South Africa

Ramotswabodi Johannes Sesing v Electoral Commission of South Africa and Others (0033/2024EC) [2024] ZAEC 28 (29 October 2024).

Today the Electoral Court (EC) dismissed an urgent application brought by an independent candidate, Mr Ramotswabodi Johannes Sesing, who sought wide-ranging relief including an order directing the Electoral Commission to allocate him a seat in the Free State Provincial Legislature following the 29 May 2024 provincial elections. The EC found that the matter lacked urgency and was excessively delayed.

The application was instituted on 14 June 2024, well after the election results were announced on 2 June 2024, and significantly beyond the three-day period prescribed by Rule 6(1) for review applications against the Electoral Commission's decisions. The EC reasoned that this constituted self-created urgency, as the election timetable had been proclaimed on 20 February 2024. The EC further held that several aspects of the relief sought had become moot, including matters relating to the election timetable and fair media access, as the elections had already taken place. Additionally, the non-joinder of the President, against whom certain relief was sought regarding the proclamation of the election date, rendered the application defective.

On the substantive issues, the EC found that complaints regarding the Independent Communications Authority of South Africa (ICASA) and the South African Broadcasting Corporation's (SABC) alleged failure to provide media platforms fell outside its jurisdiction as they did not constitute electoral disputes. The EC rejected the applicant's contention about the late confirmation of independent candidates, noting that eligibility had been established since June 2023 through the Electoral Amendment Act 1 of 2023.

Lastly, on the request to review the Electoral Commission's processes for future elections, the EC held that it does not adjudicate prospective or hypothetical cases, and the applicant had not demonstrated any violation of the relevant Electoral Act provisions by the current processes.

In the result, the EC dismissed the application with no order as to costs.

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