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Final Report



National and Provincial Elections

29 May 2024



Republic of South Africa

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I. EXECUTIVE SUMMARY

The EU Election Expert Mission (EEM), present in South Africa from 29 April to 11 June 2024, concluded that the 2024 national and provincial elections were highly competitive and inclusive. However, they were marked by historically low participation and increased voter apathy, especially among the youth. The recently amended legal framework, despite some important legal gaps in campaign rules and financial accountability, offered a solid basis for democratic elections. The Independent Electoral Commission (IEC) delivered credible elections, and though it was under pressure to perform, it maintained its credibility and integrity as an independent body. Technical aspects of the elections were well-administered, but there were some gaps in the general planning. A level playing field was mostly ensured during a campaign that was largely non-violent. An overall strong media legal framework provided solid support for a free media environment. Political parties were the primary source of informational manipulation. Based on media reports election day across the country was generally calm and peaceful, with a few isolated security incidents reported.

The 29 May national and provincial elections were the seventh general elections since the end of apartheid in 1994. The elections took place against the backdrop of a sluggish economy, failing service delivery, power and water supply shortages, high youth unemployment, rampant crime and corruption, growing xenophobia and voter apathy. The elections were highly competitive, with new political parties emerging and, for the first time, independent candidates competing. The dominant role of the African National Congress (ANC) was challenged, and the emergence at the end of 2023 of the UMKhonto Wesizwe Party (MK) led by former ANC President Jacob Zuma changed the political dynamics ahead of elections. The disqualification of Mr Zuma as a candidate by the Constitutional Court increased further the level of confrontation and polarisation between MK Party supporters and the ANC.

A comprehensive and recently reformed legislative framework provided a solid basis for genuine democratic elections, substantially in line with South Africa's international and regional commitments. Overall, there are well-defined rules of engagement for all key stakeholders, clear and prompt mechanisms for dispute resolution, and solid sanctions for non-compliance. The Constitution positively articulates extensive fundamental rights guarantees, with robust protections against discrimination. The recently amended Electoral Act positively enabled independent candidates to stand for the national and provincial elections for the first time. Still, some legal and regulatory gaps arise regarding campaign rules, campaign finance, and guaranteeing inclusion, such as for persons with disabilities.

As the political environment changed and new dynamics emerged on the political scene, the IEC had to ensure and protect its independence, neutrality and integrity, which were being challenged more than ever before. The IEC was under pressure to perform, and its actions and decisions were being scrutinised by most political parties, creating a narrative that questioned its technical capacity to conduct credible elections and accused it of biased decisions.

The IEC administered the technical aspects of the elections in a transparent, professional, and timely manner, respecting the legal deadlines and in line with its operational timeline. However, on election day, cumulative delays in the delivery of electoral materials to some voting stations, the high number of registered voters per voting station, especially in urban areas, the additional time required for voters to cast their ballots due to the introduction of a

third ballot paper, and some technical malfunctions, led to long queues at several voting stations, particularly in major urban areas. Given the highly competitive and complex elections, some political parties criticised the IEC for inadequate planning and training of electoral staff. All international and national observers acknowledged some technical glitches and gaps in the planning of the elections but overall assessed the management of the elections as successful.

The certified voters' roll included 27,782,477 registered voters. Women represented 55.23 per cent of the voters, and men 44.77 per cent. Political and electoral interlocutors did not raise concerns about the accuracy, inclusivity, and integrity of the voters' roll, including the online voter registration. Despite IEC's constant efforts to increase voter registration rates, only 69.9 per cent of estimated eligible voters have been registered. Barely 27 per cent of eligible 18 to 19 years old voters and 48.6 per cent of 20 to 29 years old have been registered. Some 12 million estimated eligible voters remain unregistered. Voter apathy, particularly among young people, remains a long-standing and serious concern.

Candidacy requirements were in line with international standards, and the registration of political parties and candidates was inclusive. The elections were highly contested, with a record number of 70 parties, 11 independent candidates, and 31 parties contesting for the first time. In total there were 14,889 candidates, 42 per cent of them women.

The campaign was highly competitive. The political discourse was dominated by the failing economy and related issues, such as unemployment, load-shedding, poor public services, corruption and crime. Despite the charged political environment and, at times, heightened emotions and strong rhetoric, the campaign was largely tolerant and non-violent. The campaign rules established by the Code of Conduct were largely respected. However, the ANC benefited from the advantage of incumbency, often blurring the line between the state and the party.

Public funding is available only to the parties represented in the legislatures, and allocated proportionally based on the seats they hold. The parties can accept unlimited donations. The IEC prepares a quite comprehensive annual report on political party funding based on mandatory reporting by the parties, donors, and legislatures. Campaign financing is unregulated as there is no officially defined campaign period.

The media legal framework supports a free media environment with solid constitutional protection for freedom of expression, including freedom of the press and media. However, it could be further enhanced by offering targeted protection for media workers against gender-based harassment and violence, including online. The social media space falls within the ambit of different legal instruments, notably as regards proscribed content and illegal online activity.

Informational manipulation has been a serious concern for the IEC during the elections. The IEC has signed a "Voluntary Framework of Cooperation to Address Disinformation in the 2024 National and Provincial Elections in South Africa" with META, Google, and TikTok to mitigate the risks associated with elections.

Observers had unhindered access to all stages of election day proceedings. Despite a record of 170 organisations registered to observe the elections, only 5,000 observers applied for accreditation. A lack of funds and no will for meaningful cooperation significantly limited their activities. The African Union (AU), the Southern African Development Community (SADC), the Electoral Institute for Sustainable Democracy in Africa (EISA), and the Electoral

Commissions Forum (ECF) of SADC countries deployed election observation missions. In line with the EU EEM's methodology, the EU EEM did not carry out systematic or comprehensive observation of voting, counting, or tabulation proceedings.

Following a smoothly and timely tabulation of results, the final results were announced by the IEC on 2 June, within the seven-day legal deadline. The historically low turnout was reported at 58.61 per cent of the registered voters. There will be 18 political parties represented in the newly elected National Assembly. The ANC, with 40.18 per cent of the valid votes, won the largest number of seats – 159 (down from 230 in 2019), followed by the Democratic Alliance 21.81 per cent/87 seats (84 in 2019), the MK 14.58 per cent/58 seats and the Economic Freedom Fighters 9.52 per cent/39 seats (44 in 2019). The contestants largely accepted the election results except for the MK Party, which rejected the announced results and alleged vote-rigging without providing any credible evidence. The immediate post-election situation remained calm.

The 2024 EU EEM offers 16 recommendations for future electoral reforms, including five priority recommendations:

1. Ensure that any significant amendments to the electoral law are made well in advance of elections and with broad political consensus aimed to provide certainty of law, adequate opportunity for operational adjustments, and stakeholder awareness.
2. Ensure adequate funding for the IEC, especially in an election year to undertake its mandate.
3. Give up the practice of voting streams and upgrade them to voting stations to ensure a smoother and faster voting and counting process.
4. Establish a legally binding formula for calculation of annual amount of public funds allocated to political parties and independents, both through legislatures and the Represented Political Parties Fund. Such formula could be linked to one or more key economic performance indicators.
5. Adopt a Code of Conduct for social media platforms to address informational manipulation in social and digital media to protect the integrity of elections and the right to an informed choice. The Code of Conduct could require regular, timely and comprehensive reviews and disclosure of removed content and its sources.

II. MISSION BACKGROUND

Following an exchange of letters between the European Union (EU) and the Independent Electoral Commission (IEC) of the Republic of South Africa, the EU deployed an EU Election Expert Mission (EEM) in view of the 2024 national and provincial elections scheduled for 29 May. The EU EEM comprised three independent experts specialising in electoral, political, legal, and human rights issues. The mission, based in Pretoria, was present in South Africa from 29 April to 11 June 2024. The mission's mandate was to collect factual information on the electoral process and assess the national legal framework for elections and its implementation against international and regional commitments, standards and good practice for democratic elections. The EU EEM was independent in its findings and conclusions.

The EU EEM wishes to express its appreciation to the authorities of the Republic of South Africa, the IEC, other state institutions, representatives of political parties and independent candidates, civil society, media and the international community for their cooperation.

III. POLITICAL CONTEXT

Watershed elections in post-apartheid South Africa.

The 29 May national and provincial elections were the seventh general elections since the end of apartheid in 1994. The elections took place against the backdrop of a sluggish economy, failing service delivery, power and water supply shortages, high youth unemployment, rampant crime and corruption, growing xenophobia and voter apathy.

The dominant political party in South Africa – the African National Congress (ANC) – won an absolute majority in all previous six elections. However, its support level has been steadily declining from the peak of 69.7 per cent in 2004 to 57.5 per cent in 2019. According to several pre-election opinion polls, the ANC was, for the first time, facing a real possibility of winning less than 50 per cent of votes and being forced to seek one or more coalition partners at the national level as well in some critical provinces. South Africa has no previous experience with coalitions at the national and provincial levels and it has a rather negative experience of coalitions at the municipal level.

The emergence of the MK Party led by the former ANC President Jacob Zuma at the end of 2023 changed political dynamics ahead of elections and challenged the ANC dominance among the Zulus, the largest ethnic group in South Africa, making up around 20 per cent of the population. It was also a source of concern about a potential outbreak of violence after elections if the party did not achieve the expected results. These concerns were based on inciteful statements by some MK Party members, as well as the fact that the most significant recent outbreak of mass violence, which left more than 350 people dead, was triggered by Zuma's supporters in response to his July 2021 incarceration.¹ Concerns also stemmed from contentious pre-election litigation regarding Zuma's eligibility to stand as a candidate. Positively, the MK Party accepted the court's ruling to bar his candidacy and did not resort to any violent protests.

The frontrunners of these elections, as identified by credible pre-election opinion polls, were the ruling ANC, the liberal Democratic Alliance (DA), the newly established left-wing UMkhonto Wesizwe Party (MK), and the left-wing Economic Freedom Fighters (EFF). The other parties, which were expected to fare reasonably well, included the right-wing conservative Inkatha Freedom Party (IFP), Patriotic Alliance (PA), the right-wing Freedom Front Plus (FF PLUS) and the centre-right ActionSA.

In August 2023, the centrist, centre-right and right-wing opposition political parties signed a DA-initiated pre-election agreement called the Multi-Party Charter for South Africa (MPCSA).

¹ The riots initiated by angry supporters of the ex-president initially started in KwaZulu-Natal before spreading to Gauteng province. Overall economic damages were enormous. More than 200 shopping malls were looted, and more than 150,000 jobs were estimated to have been lost during the unrest, between 9 and 18 July 2021.

The MPCSA aimed to present ahead of elections a united front against the ANC and its potential post-election coalition with the EFF and/or the MK. The eleven members of the MPCSA, which together held 112 seats in the outgoing National Assembly (NA),² agreed key government priorities and principles, but they retained their individual identities and contested the elections independently. Cooperation between them, while competing for a broadly similar electorate, proved difficult and the MPCSA ultimately failed to achieve its stated objective.

Historical voting patterns in South Africa show that some 80 per cent of the black population traditionally vote for the ANC and its breakaway parties, such as the EFF or the MK, and the IFP. On the other hand, around 20 per cent of the voters, comprising many of the coloured, white and Indian voters, tend to support the DA or its breakaway parties. These patterns are unlikely to change soon, making voter turnout a critical variable, as it may vary across the different racial, ethnic and age groups and between rural and urban areas. Therefore, the ability of parties to mobilise the maximum number of their potential voters was the key to success in these elections.

IV. IMPLEMENTATION OF THE 2019 EEM RECOMMENDATIONS

One recommendation fully implemented, six partially while sixteen remained unaddressed.

Following the 2019 national and provincial elections, the 2019 EU EEM offered 23 recommendations, including six priority ones to the IEC. Positively, South Africa passed an amending law in 2023 enabling independent candidates to contest for the first time and fully implemented this 2019 EU EEM recommendation. Six recommendations were partially implemented, including enhanced compliance with international commitments, extended training for electoral staff, more voter education, and additional voter registration opportunities. Furthermore, the IEC proactively engaged with social media companies, obtaining their informal agreement to tackle prohibited online content and partially implementing one of the six priority recommendations. Sixteen recommendations have not been addressed; notably, among them a key recommendation urging greater legal certainty and others aimed at closing gaps in accountability and ensuring clarity on various aspects of campaigning and campaign finance as well as developing a legal framework for tackling disinformation, strengthening legal protection for citizen and international observation, and avoiding legal reforms close to elections. Some of these recommendations remains valid and are therefore included in this report.

V. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework offers a solid basis for democratic elections, underpinned by strong fundamental rights guarantees, yet important legal gaps remain for campaign rules and financial accountability, while belated legal reforms compounded uncertainty.

² The four parties represented in the NA were the DA, the IFP, the FF PLUS, and the African Christian Democratic Party. The ActionSA was the only noteworthy member from the group of unrepresented parties.

The 2024 elections took place under a comprehensive treaty, constitutional, institutional, and recently reformed legislative framework providing a solid basis for genuine democratic elections, substantially in line with South Africa's international and regional commitments. Overall, there are well-defined rules of engagement for all key stakeholders, clear and prompt mechanisms for dispute resolution, and solid sanctions for non-compliance. Challenges emerged because of some constitutional constraints, belated legal reforms, and gaps in the law and implementation, undermining the transparency and accountability of political parties.

a. International and Regional Principles and Commitments

South Africa is a party to key international, continental and regional treaties related to genuine, democratic, and inclusive elections. The principal UN instruments include the International Covenant on Civil and Political Rights (ICCPR), the Convention against Corruption, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on Elimination of all Forms of Discrimination against Women.³ The state also ratified the Optional Protocol to the ICCPR, granting citizens direct access to the UN's Human Rights Committee.

South Africa recently underwent its fourth Universal Periodic Review (UPR),⁴ despite being late with reporting obligations under some individual treaties. Concerns raised in the UPR included gender-based violence, discrimination and xenophobia, high numbers of detainees on remand, overcrowded detention centres, and inequalities affecting the LGBTQI+ community – all challenges for inclusive participation. The state recently enacted a new hate crimes law to enhance compliance with its treaty obligations.⁵ Some EU EEM stakeholders consider the new law could negatively impact freedom of expression. However, in line with international commitments, the law contains key safeguards, including for journalists. Also, activists view the law as enhancing legal protections for LGBTQI+ persons, among others.

South Africa is a party to the African Charter on Human and Peoples Rights, the African Charter on Democracy, Elections, and Good Governance, and the African Union's Convention on the Prevention and Combating of Corruption. The state is also a member of the Southern African Development Community and a party to its founding treaty and protocols on Corruption, Gender, Politics, Defense, and Security.⁶ Positively, the regional treaty obligations require member states to facilitate the respective institution's election observation missions.⁷

b. Constitutional rights

The 1996 Constitution (as amended) embodies a Bill of Rights that positively articulates extensive fundamental rights guarantees, including freedom of expression, association, and assembly, with robust protections against discrimination, such as on grounds of ethnicity,

³ Links to ratified UN Treaties: [ICCPR](#) (the ICCPR-OP), [ICERD](#), [CEDAW](#), and [UNCAC](#); [CRPD](#).

⁴ [Fourth Universal Periodic Review](#).

⁵ [Prevention and Combating of Hate Crimes and Hate Speech Act, No. 16 of 2023](#)

⁶ Links to continental and regional commitments: [ACHPR](#), [ACDEG](#), [AUCPCC](#), [SADC/PAC](#) and [SADC/PGD](#).

⁷ ACDEG, art. 19 1. Each State Party shall inform the Commission of scheduled elections and invite it to send an electoral observer mission. 2. Each State Party shall guarantee conditions of security, free access to information, non-interference, freedom of movement and full cooperation with the electoral observer mission.

gender, and sexual orientation. In a recent positive development, South African sign language was given official language status, enhancing legal rights for persons with hearing impairment and further cementing the Constitution's stature as a leading progressive basic law.⁸ Notably, the Constitution can be amended with a minimum vote of at least two-thirds of the NA members and the support of six of the nine National Council of Provinces (NCP) delegations.

The Constitution establishes a judicial hierarchy with the Constitutional Court (Concourt) at its apex. Courts are obliged to consider principles of international law when interpreting the Bill of Rights. Thus, the judiciary, and the Concourt in particular, has been a key protagonist in elaborating fundamental rights guarantees, notably striking down several discriminatory laws (including against LGBTQI+ persons) and unduly broad laws on hate speech.⁹ The Court affirmed prisoner voting rights, the confidentiality and protection of journalist communications and sources.¹⁰ In 2020, it declared unconstitutional the provisions of the Electoral Act barring candidates other than party members and mandated legal reforms within 24 months.¹¹

c. National legal framework for elections

The Constitution prescribes institutions for supporting democracy, including the IEC, the South African Human Rights Commission, the Commission on Gender Equality, and the office of the Public Protector.¹² The Constitution also prescribes the fundamentals of participation and representation, including the right to vote, eligibility to contest, mandated public funding for political parties, the composition of the NA and provincial legislatures, and elections by proportional representation (employing a closed party list system).¹³

The legislative framework comprises two core acts and their respective regulations: the Electoral Commission Act, 1996 and the Electoral Act, 1998, which includes an Electoral Code of Conduct (Code of Conduct).¹⁴ Regulations cover party registration, political liaison committees (PLCs), and election day permitted activities. Various ancillary laws are also pertinent to elections, notably those governing public funding of political parties.¹⁵ The Electoral Commission Act establishes an Electoral Court (ECrT) as a key pillar of the electoral dispute resolution framework.

Following the 2020 Concourt ruling, the Electoral Act was amended by the Electoral Amendment Act 2023 (EA 23),¹⁶ among other matters, positively enabling independent

⁸ The Constitution's [eighteenth amendment](#) was gazetted on 27 July 2023.

⁹ In [Qwelane v. SAHRC & Ors](#), various terms that define hate speech were deemed too broad.

¹⁰ [Amabhungane Centre For Investigative Journalism NPC and Another v. Minister of Justice and Correctional Services and Others Cct278/19 & Cct279/19](#)

¹¹ [New Nation Movement NPC and Ors. v. President of the Republic of South Africa and Ors. \[2020\] ZACC 11](#). Referring to the ruling at [the Parliamentary Committee on Home Affairs](#) meeting on 25 June 2020, the IEC was already flagging the urgency of early legal reform processes, noting that it took 24 months to prepare for general elections and thus almost no margin for delays. The reforms passed in April 2023.

¹² The [Chapter 9](#) institutions are the [South African Human Rights Commission](#), [The Commission on Gender Equality](#), [The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities](#), and the Office of the [Public Protector](#) and the [Auditor General](#). Under article 181 of the Constitution, these institutions are independent and subject only to the Constitution and the law.

¹³ Constitution articles 46(1)(d) and 105(1)(d) and section 57A of the EA 98.

¹⁴ Parties and candidates signed the [Code of Conduct](#) at a [public ceremony](#) in Pretoria on 2 April 2024.

¹⁵ [Political Party Funding Act, No.6 of 2018](#).

¹⁶ The [Electoral Amendment Act](#), No. 14 of 2024, was published in the Official Gazette on 17 April 2023.

candidates to stand for the national and provincial elections for the first time. However, the processes for participation favour parties over independents per design, reflecting the challenge of integrating conditions for independent candidates into a proportional representation system.¹⁷

During the campaign and just weeks prior to the 2024 elections, the Electoral Matters Amendment Act (EMA) changed aspects of political party funding.¹⁸ The EMA also introduced revised rules on voting procedures for persons who could not vote in their place of registration on election day. Shortly before election day, these late changes provoked uncertainty, raised awareness concerns, and presented a hurdle for election authorities to ensure timely communication and understanding.

Recommendation: Ensure that any significant amendments to the electoral law are made well in advance of elections and with broad political consensus aimed to provide certainty of law, adequate opportunity for operational adjustments, and stakeholder awareness.

EU EEM interlocutors generally considered that there is adequate regulation on Data Protection and Access to information, underpinned by constitutional guarantees, but pointed to shortcomings in oversight and implementation. The Protection of Personal Information Act 2013 allowed organisations a substantial lead-in time to achieve compliance, but there remain concerns about practices and awareness.¹⁹ The Information Regulator issued a guidance note for political parties in 2019, but it does not seem to have been reissued or updated ahead of the 2024 elections.²⁰ Anecdotally, political parties targeted voters with SMS campaign messaging without their consent or knowledge of how their data was accessed.

Other legal and regulatory gaps arise regarding aspects of campaign rules, campaign finance, and guaranteeing inclusion, such as for persons with disabilities. Some anomalous legal provisions exist, including one that permits candidates to stand in different contests simultaneously, thus undermining genuine representation.²¹

d. The electoral system

South Africa's parliament consists of a 90-member nominated NCP and the directly elected 400-member NA.²² Each province also has its own directly elected unicameral provincial legislature. Elections to the NA and provincial legislature take place every five years in a closed-list proportional representation system adapted to enable the participation of independent candidates.²³ The NA seats comprise two 'blocks' of 200 regional seats and 200

¹⁷ See below, Electoral System

¹⁸ [Electoral Matters Amendment Act, No. 14 of 2024](#)

¹⁹ [Protection of Personal Information Act, No.4 of 2013](#). Many provisions of the Act became legally operational only in the last three years.

²⁰ Information Regulator [Guidance Note](#) for political parties 2019

²¹ Two independents ran in two different regional contests and one independent ran on one regional and one provincial list.

²² The NCP comprises members nominated by the legislatures of the various provinces.

²³ The Constitution requires a system that results in general in proportional representation. Closed-list proportional representation is prescribed by the s.57A of the EA 98. In effect, every independent candidate competes as a de facto single candidate party in their name.

so-called 'compensatory' seats, but only political parties contest the compensatory block.²⁴ Both parties and independents contest the NA's 200 regional seats and the 487 provincial legislature seats. The contestable provincial legislature seats are ascertained and distributed among the nine provinces based on population data.²⁵ The 200 regional seats are allocated to provinces based on registered voter data.

The law establishes rules for a quota in each of the three contests based on seats and the total valid votes. The quota for each contest, as well as the compensatory seats, is the total number of valid votes divided by the number of seats for that contest. The seats for the contestants are then calculated using the relevant quota, first for the regional seats, then the compensatory seats, and finally, the provincial legislature seats.²⁶ The IEC maintains the candidate records for independent contestants. Otherwise, under the closed list system, parties submit to the IEC before elections their list of candidates indicating the order for seat allotment if the party wins any seats. In 2024, lists had to be submitted by 5 March and after the period for review, corrections, and substitutions the IEC certified the final candidates lists on 10 April.

No independent candidate won a seat in 2024. Still, the system is designed so that seats for successful independents are allotted before party seats. As an independent can only ever win one seat, any excess votes for an independent who reaches the quota to win a seat are disregarded, and the quota is then recalculated to enable the distribution of seats to parties. While acknowledging the state's right to determine its electoral system, the current arrangement challenges independent candidacies and could entail votes being wasted, thus distorting the outcome. The amended Electoral Act foresees an Electoral Reform Consultation Panel (ERCP)²⁷ to review and report within one year of the 2024 elections with proposals on possible options for electoral system reform and the advantages and disadvantages.²⁸

VI. ELECTION ADMINISTRATION

The IEC, though being under pressure to perform, maintained its credibility and integrity as an independent constitutional body.

a. Structure and Composition of the Independent Electoral Commission

The IEC is an independent permanent constitutional body responsible for administering national, provincial and local elections in South Africa. Its duties and functions include, among

²⁴ A 'Region', which is geographically the same as a province, is used to distinguish seats allotted based on the NA regional ballot from the provincial one.

²⁵ The Constitution provides the minimum and maximum seats in provincial legislatures between 30 and 80 seats. The IEC determines the seat allocation to each province prior to each election based on population data, except for the Western Cape, where, exceptionally, the provincial government decides the number of assembly seats. The last census was in 2022. The provincial legislature allocation of seats was finalised in December 2023.

²⁶ South Africa uses a version of the Droop Formula to calculate. The method of converting votes to seats is set out in the Electoral Act in Schedule 1A.

²⁷ The functions of the Panel are to independently investigate, consult on, report on and make recommendations in respect of potential reforms of the electoral system for the election of the National Assembly and the election of the provincial legislatures, in respect of the elections to be held after the 2024 elections.

²⁸ The Department of Home Affairs was required to set up the Panel within four months of passing the 2023 Act. Nine nominees to the Panel, including current and former IEC officers, have been identified.

others, compiling and maintaining the voters' rolls and a register of political parties, establishing liaison and cooperation with political parties and independent candidates, promoting voter education, declaring the results of the elections, and adjudicating disputes of an administrative nature.

The IEC consists of five members, one of whom is a judge appointed by the president on the recommendation of the National Assembly.²⁹ The commissioners are appointed for a seven-year term renewable only once.³⁰ The president designates the chairperson and the vice-chairperson among the commissioners. Only the president removes or suspends from office a commissioner. Three commissioners are women, including the vice-chairperson. The IEC administration is headed by a Chief Electoral Officer (CEO) appointed by the Commission. Three deputies oversee corporate services, outreach and electoral operations, supplemented by a political party funding officer and a financial officer. Nine permanent provincial electoral offices administer the 278 municipal electoral offices. The IEC annually reports to the NA on its activities, including audited financial statements.

The IEC has been a highly respected institution that enjoys trust and confidence among stakeholders and citizens. A comparative analysis of *Afrobarometer's* recent surveys showed a steady decline in public trust over the years, which could be interpreted as collateral damage in an overall declining confidence in all public institutions and the political system.³¹

As the political environment changed and new dynamics emerged on the political scene, the IEC had to ensure and protect its independence, neutrality and integrity, which were challenged more than ever before. The IEC was under pressure to perform, and its actions and decisions were being scrutinised by most political parties, including through court cases, creating a narrative that questioned its technical capacity to conduct credible elections and accused it of biased decisions. Some interlocutors considered that underfunding the IEC in an election year when new legislation was implemented requiring additional costs, was a deliberate decision to put further pressure on the IEC. Recent decisions of the Electoral Court, such as on operational aspects of overseas voting and eligibility to stand criteria, have challenged the IEC's interpretation of the law. However, the IEC showed a determination to defend its position in appeals to the Concourt.³² The decision of Concourt on former President Zuma eligibility case reinforced IEC's position.³³

In line with the legislation, there are permanent political liaison committees (PLCs) at the national, provincial and municipal levels established by the IEC to enhance consultation and cooperation between parties, independently elected deputies, and the IEC on all electoral

²⁹ The NA, by a resolution adopted by the majority of its members, recommends to the President persons to be members of the IEC nominated by a NA committee, which is proportionally composed of members of all parties represented in the NA, from a list of recommended candidates (no fewer than eight) prepared by a panel that consists of the President of the Concourt, a representative of the Human Rights Commission, a representative of the Commission on Gender Equality and the Public Protector.

³⁰ Four commissioners were appointed commissioners in 2018, and one commissioner, appointed in 2015, was reappointed in 2022. The current chairperson was designated as chairperson in October 2022. All commissioners have extensive experience in conducting elections.

³¹ According to [Afrobarometer surveys in 2018, 2022, and 2023](#), 31 per cent of participants in the 2018 survey did not trust the IEC at all, 30 per cent in 2022, and 39,3 per cent in 2023.

³² See Election dispute section.

³³ See Election disputes section.

matters. The law, as amended, provides that each party represented in the NA, provincial legislature and municipal council can appoint two representatives, while each independently elected deputy can nominate one representative to the relevant PLC.³⁴ From the certification of the candidates until the declaration of the election results, all parties and independent candidates contesting the elections can be represented at the PLCs at every level.

The PLCs were actively engaged in all aspects of the electoral preparations, such as the finalisation of voting station locations, the design and format of ballot papers, the quality check of ink, the identification equipment used on election day (Voter Management Devices- VMDs), and the setting up of the results operations' centres. Also, the PLCs acted as an internal conflict mitigation mechanism among political parties and independent candidates. A number of PLC representatives expressed to the EU EEM their satisfaction with the work of the committees and the role of the IEC. They asserted a good level of engagement and communication. However, on election day, some PLC representatives expressed dissatisfaction with IEC's electoral planning due to the failure of VMDs and the slow voting process that led to delayed closing in some voting stations. The EU EEM considers that the PLCs functioned in line with the legal provisions. The IEC proactively involved all representatives, and the committees played a significant role in mitigating potential conflict and violence, especially in hotspot areas such as in the KwaZulu-Natal province.

The IEC is funded through the National Treasury (through a parliamentary allocation) and receives monthly/ quarterly transfers from the Department of Home Affairs.³⁵ Since 2021, the National Treasury funds the IEC on a straight-line basis without considering the year that an election takes place. Based on the IEC's submissions to the National Treasury and available funds in the fiscus, the IEC is allocated a baseline budget. The IEC received an ZAR 2.3 billion (119,3 M EUR) allocation for 2024-2025.³⁶ Some ZAR 35 million (1.8 M EUR) was cut from the budget. According to the IEC, the electoral operations were not fully funded by the budget but through the retention of surpluses (from the 2023-2024 budget) that the IEC has accumulated. However, the National Treasury will consider the approval to retain those surpluses after finalising the annual financial statement after 31 July 2024. As a result, the IEC had to reprioritise its projects related to the elections.³⁷ The IEC said that they will need to continuously retain surplus funds to address deficits in future years.³⁸

Recommendation: Ensure adequate funding for the IEC, especially in an election year to undertake its mandate.

³⁴ The Electoral Amendment Act 2023

³⁵ The IEC has four budget programmes: administration, electoral operations, outreach and party funding.

³⁶ Of the allocated amount, ZAR 911.6 million (46 M EUR) would be spent on administration, ZAR 1.2 billion (60 M EUR) on electoral operations, ZAR 236.9 million (12 M EUR) on outreach and ZAR 25 million (1,3 M EUR) on party funding.

³⁷ The amendments to the Electoral Act had a significant financial impact on several key operation areas, such as procuring extra election materials, hiring additional staff, and preparing specific voter education campaigns to explain the legal changes to voters.

³⁸ The IEC generates additional revenue from short-term cash investments and sponsorships.

b. The administration of 2024 national and provincial elections

The IEC administered the technical aspects of the 2024 elections in a transparent, professional, and timely manner, respecting the legal deadlines and in line with its operational timeline. However, on election day, according to the IEC, observers, media reports and EU EEM direct observation and analysis, cumulative delays in the delivery of electoral materials to some voting stations, the high number of registered voters per voting station, especially in urban areas, the additional time required for voters to cast their ballots due to the introduction of a third ballot paper, and the widespread failure of the VMDs, led to long queues at several voting stations, particularly in major urban areas.³⁹ Given the highly competitive and complex elections, some political parties strongly criticised the IEC for inadequate planning and training of electoral staff. The MK party constantly targeted the credibility and effectiveness of the IEC, but did not provide sufficient evidence. All international and national observers acknowledged some technical glitches and gaps in the planning of the elections, but overall assessed the management of the elections as successful.

Voting took place on 29 May in 23,292 voting stations (polling station). Most voting stations were located in schools and public or rented buildings.⁴⁰ In collaboration with state entities, the IEC made sure that basic infrastructure such as water and electricity were available in each voting location.⁴¹ A special agreement was made with the main mobile network provider to ensure connectivity in most voting locations.⁴² By mid-April, the final list of voting stations was available at IEC's website.

As per IEC's guideline, each voting station may serve up to 3,000 voters in urban voting stations and 1,200 voters in rural ones. However, the IEC does not follow this guideline with voting stations, especially in metropolitan areas having to accommodate up to 20,000 voters. Instead, in those voting stations with high numbers of registered voters, the IEC has divided each voting station into several sub-stations (streams) to cope with such large numbers and long queues, especially in the early morning and just before closing. The voting streams were formally linked to their respective voting station. In those voting stations with streams the voting station became a voting centre.⁴³ Besides a high concentration of voters in one voting location, each voting station regardless the number of streams that were linked to it had only one presiding officer that supervised the staff in the streams. Some observers pointed out that the presiding officers had to move from one stream to another in order to perform their duties making more complex their work. Most importantly, as the streams did not exist independently, each counting officer had to prepare a “dummy results slip” for each stream and then those results were transferred in the official results slip of the voting centre. In a voting centre with several thousands of registered voters and several streams, it was required additional time to finalise the result slip, resulting in later tabulation of results.

³⁹ The IEC reassured that all voters in the queues by the time of closing (21:00) would be allowed to vote.

⁴⁰ The IEC categorised voting stations as follows: permanent (located in schools and public or rented buildings), temporal (tents), mobile (operating in areas not suited to a static venue due to low density and highly dispersed populations in some remote rural areas, e.g., national reserve parks), and satellite (operating in prisons but being part of the voting station in the voting district where the correctional facility is located).

⁴¹ Such as relevant ministries, local administration, and ESCOM (electricity provider).

⁴² According to the IEC, only one per cent of the voting stations did not have internet access.

⁴³ The term “voting centre,” to describe a voting station with streams, was used only in the IEC Observer Handbook and it was not used in any of IEC's power point presentations.

Recommendation: Give up the practice of voting streams and upgrade them to voting stations to ensure a smoother and faster voting and counting process.

The IEC printed 90 million ballot papers on time and approved the format and content of the ballot papers in consultation with the national and provincial PLC.⁴⁴ There were three types of ballot papers: one for the compensatory seats in the NA (blue), nine for the regional seats in the NA (orange) and nine for the provincial elections (pink). The increased numbers of political parties and, for the first time, independent candidates contesting the elections, as well as the addition of a third ballot paper, increased the size of the ballot papers and the printing and transportation costs. Non-sensitive materials such as ballot boxes and booths were promptly dispatched to voting stations. Stakeholders and voters did not question the quality of the ink.

Since the 2021 local elections, the IEC has introduced VMDs on which the nationwide voters' roll was loaded. The VMDs are online and linked live with the IEC system, preventing double voting attempts and collecting additional real-time information such as voter participation. The VMDs were used for election management (identifying voter data in the voters' roll). In poor connectivity, the device could work offline, and the information could be transmitted later. Since the start of the voting, as reported by the IEC, political parties, observers and the media, the VMDs did not operate appropriately, allegedly due to connectivity issues in most voting stations, including in urban centres. The use of VMDs, as explained by the IEC, was not a legal requirement but a tool to facilitate the identification of voters and accelerate the voting process, as every voting station also had a manual/paper voters' roll. The electoral staff used the paper voters' roll in most voting stations according to the IEC.

The IEC recruited and trained over 300,000 voting and counting staff to manage election day proceedings. Though detailed disaggregated data on the gender composition of electoral staff were unavailable, the IEC informed the EU EEM that women were well-represented, including in presiding and deputy presiding officer positions. The IEC organised cascade training for the electoral staff. The presiding officers were responsible for training their staff a few days before election day. Most national and international observers noted that on election day in several voting stations observed, the electoral staff was not especially knowledgeable about the procedures, contributing to the cumulative delays that led to long queues in some voting stations. Further, the procedures were not implemented in a consistent manner in many voting stations. For example, despite IEC's instruction to have one ballot box for all three ballot papers, in several voting stations there were three ballot boxes, one per ballot paper.

Recommendation: Improve training for the electoral staff, including for the presiding officers, to ensure consistent implementation of voting, closing and counting procedures.

The IEC made considerable efforts to ensure the participation of persons with disabilities in the elections by ensuring, to some extent, independent access to voting stations for persons with reduced mobility and making tailor-made voting booths available for persons using wheelchairs. The IEC, together with the South African National Council for the Blind, developed a voting aid called the Universal Ballot Template (UBT).⁴⁵ Blind and partially

⁴⁴ Ballots were printed before Mr Zuma was definitively disqualified. His face remained on the ballot accordingly, but only as the face of the MK Party.

⁴⁵ The UBT is a voting aid into which a ballot paper is inserted, and it is not a Braille ballot paper.

sighted people and people with conditions that would not allow a steady hand could use it. According to the IEC, the UBT was available in all voting stations. The law also provided for assistance to voters with disabilities if they requested such assistance. However, various voting stations, especially those in tents, were not independently accessible, notably for persons in wheelchairs. Also, according to international and national observers and EU EEM direct observation, the IEC staff did not always ensure the secrecy of the vote for voters that requested assistance. For example, the staff were not reading loudly all the names of the parties and candidates and instead stopping when the assisted voter had identified the contestant they wished to vote for, as a result compromising the secrecy of the vote as persons close to the voting booth could understand for which contestant the voter voted. The IEC also enabled home voting for people who could not visit voting stations.⁴⁶

The IEC participated in the regular security structures at the national, provincial and local levels. The South African Police Service (SAPS), under IEC's supervision, secured electoral materials, storage facilities, voting locations, electoral staff and voters. At least two SAPS personnel provided security in each voting stations (remaining outside), and they were under the supervision of the presiding officer. To mitigate conflicts, the IEC set up an internal conflict management mechanism at the provincial level, including provincial and municipal PLCs and multi-party intervention committees. Most conflicts were about damage to posters.

The IEC maintained a well-resourced website where voters, parties, and candidates could make inquiries easily. It also maintained active social media accounts. The IEC offered different tools to the voters and stakeholders to receive information related to the electoral process via SMS service, IEC electoral Apps and a call centre. The IEC regularly held media briefs (streamed also online) to inform the public about the progress of the electoral operations.

c. Special voting provisions

In line with the constitutional principles of providing the right and the opportunity to registered voters to cast their vote, the legal framework foresees special voting provisions for different categories of voters. According to the IEC, the special voting was conducted smoothly.

Voters who could not travel to their voting station on election day due to physical disability, infirmity, or pregnancy could apply to vote at their place of residence (homes and institutions of care) as indicated in their application. Voters who could not vote at the voting station where they were registered on election day could apply to vote earlier at the same voting station. These voters had to apply for a special vote and be approved by the IEC.⁴⁷ A total of 624,593 voters applied for home voting and 1,043,483 for early voting.

Voting for these two special vote types occurred on 27 and 28 May. They could vote in national and provincial elections. A double-envelope system was used to protect the secrecy of the vote and the integrity of the process.⁴⁸ Political agents and observers observed the process. Some 937,144 voters made use of these special votes. Voters who could not vote on 27 and 28 May

⁴⁶ See Special voting provisions

⁴⁷ Voters could apply for special voting from 15 April to 5 May 2024 in person or online.

⁴⁸ The voter inserts and seals the marked ballot paper into the unmarked envelope. The unmarked envelope is then inserted into an envelope where the voting station's number and voters' data are recorded. Then, the voter inserts the envelope into the ballot box.

could vote on election day at the voting station where they were registered. The ballot papers were counted at the respective voting stations upon completion of voting. The IEC mentioned that on several occasions, voters who applied for home voting, though they had received in advance an SMS informing them that the electoral staff will visit them on 27 or 28 May to cast their vote, were not at home when the electoral staff visited them. Some interlocutors from organisations for persons with disabilities pointed out that the home visits should be by appointment.

Out-of-country voting

Some 78.000 voters registered for out-of-country voting, which took place in 111 diplomatic missions.⁴⁹ Depending on the location of the out-of-country voting stations, voting took place on 17, 18, or 19 May. Overseas voters voted only for the NA elections. The IEC confirmed that special voting abroad proceeded smoothly overall with no major incidents. The ballot boxes were transported to South Africa, where they were counted at the IEC after closing on 29 May. Participation in out-of-country voting was 67 per cent.⁵⁰

Article 24A of the amended EA 23

Following the recent legal changes, voters could only vote in the voting station where they are registered. Article 24A foresees that voters who intend to vote at a different voting station than the one they are registered at can notify the IEC within the prescribed deadline, indicating in which voting station they intend to vote.⁵¹ Their names were introduced in a special voters list. If the voting station was within the same province as the one they were initially registered at, the voter could vote for the regional seats in the NA and the provincial elections. If it was in a different province, they could vote only for the regional seats in the NA. Some 400,000 voters applied to vote under section 24A. One of IEC's challenges was to properly inform voters about the legal changes to avoid significant numbers of disenfranchised voters.⁵²

d. Voter education

The IEC conducts continuous civic and democracy education through various outreach projects in collaboration with community-based civil society organisations and educational institutions. These projects focus on the broad concepts of a democratic society (constitution and human rights) and citizen participation, giving emphasis on actively promoting and fostering awareness and participation in electoral processes (register and vote). The civic and democracy education projects include community outreach and mobilisation, capacity building, and democracy programmes for schools and tertiary institutions. The projects target different groups of voters, such as the youth, women, persons with disabilities and prisoners, through

⁴⁹ In February 2024, the DA and a South African voter living overseas sought clarity on overseas voting opportunities and asked the ECrt to confirm that the legal definition of consulate included embassies but also the offices of South Africa's honorary consuls overseas. In a 9 April ruling, the ECrt set aside an IEC decision not to allow voting at places headed by honorary consuls. The decision had no impact on overseas voting as it came too late for the IEC to make additional arrangements and, in any case, the IEC is appealing to the Constitutional Court. The IEC position, among others, is that secure voting overseas, and the integrity of the process cannot be assured by honorary consuls at their private offices.

⁵⁰ The DA received 75,2 per cent of the votes, followed by EFF with 4.4 per cent, ANC with 3.9 per cent and MK with 1.2 per cent.

⁵¹ Voters could pre-notify the IEC from 15 March to 17 May 2024.

⁵² See Election day process section.

print, broadcast and online communication campaigns, as well as social media platforms and face-to-face events.

In preparation for the 2024 elections, the IEC organised extensive voter education activities with a focus on mobilising voters, especially the youth, to register and vote. They also informed voters about recent legal changes, such as the introduction of three ballot papers, special voting, and voting where registered. The IEC reported that throughout 2023 and until 9 April 2024, they conducted over 200,000 face-to-face voter education events, reaching out to over 5 million voters. According to the IEC, social media voter education initiatives were conducted reaching a high number of internet users. From April 2022 to March 2023, the IEC maintained a strong presence on key social media platforms (Facebook, X, Instagram and LinkedIn) reaching over 17 million users across all platforms liking or following online voter education posts or events.

The IEC officials acknowledged the need for additional financial resources for voter education. Some interlocutors believe that the underfunding of the IEC during an election year with new legislation requiring additional costs for voter education, was a deliberate decision to put pressure on the IEC.⁵³ Most interlocutors emphasised the necessity for more voter education activities targeting against voter apathy and promoting participation in the electoral process as well as educating marginalised citizens, such as prisoners and homeless about the constitution and protection of human rights. Organisations for persons with disabilities pointed out that voter education campaigns targeting persons with disabilities should be decided in consultation with the relevant organisations.

Recommendation: Increase the efficacy and reach of voter education projects by working together with locally-based civil society organisations strategically targeting women, youth and persons with disabilities (physical and intellectual).

VII. VOTER REGISTRATION

Voter apathy remains a long-standing issue with some 12 million eligible voters not being registered despite coordinated efforts made by the IEC and stakeholders.

a. The right to vote

Every South African citizen who is at least 16 years old (but can vote from the age of 18) and has a valid official identification document can register in the voters' roll. However, persons declared "of unsound mind or mentally disordered" by the High Court can be lawfully denied the right to be registered to vote.⁵⁴

The right to vote for prisoners

The law provides all registered prisoners with the right to vote.⁵⁵ The IEC conducted biometric voter registration in the 250 correctional facilities in the country from 30 January to 1 February 2024, aiming to register 100,000 prisoners out of 157,000. Of 32,000 registered prisoners, 14,753 were registered in the correctional facilities, while the rest were registered before

⁵³ See Election administration (a)

⁵⁴ Electoral Act, s. 8(2)c

⁵⁵ Electoral Act, s. 24B. Prisoners can vote for the national and provincial elections but not for the municipal.

admission. The IEC conducted voter education campaigns informing the prisoners about their rights and the voting process. The law does not allow campaigning in correctional facilities but allows observers and political agents to observe the voting process. Prisoners' voting took place in the correctional facilities.⁵⁶ There were several media reports questioning or even being against to the right to vote for prisoners. Some interlocutors shared the same opinion although such views do not align with South Africa's international commitments.⁵⁷

b. Voter registration procedures

South Africa has an active and continuous voter registration system compiled and maintained by the IEC. Voters do not have to re-register or change registration details every time there is an election.⁵⁸ Eligible voters register or update their data in person (physical registration) in the area where they ordinarily reside in their municipal electoral office after making an appointment. Since 2021, eligible voters can also register, check, and amend their details online. According to the IEC, the online registration system has several security checks to ensure the integrity of the voters' roll. In addition, the IEC successfully organised two "voter registration weekends" from 18 to 19 November 2023 and 3 to 4 February 2024, encouraging eligible voters to register or check their details. Since 2021, the IEC has removed 800,000 deceased persons from the voters' roll.⁵⁹ Political and electoral interlocutors highlighted the accuracy, inclusivity, and integrity of the voters' roll, including the online voter registration. However, most interlocutors pointed out the need for more and targeted "voter registration weekends" or other similar activities.

Following the proclamation of the election date on 23 February 2024, voter registration closed the same day. The provisional voters' roll was available for inspection and submission of objections from 26 February to 11 March 2024. Sixty-two objections were submitted, mainly from political parties. In most cases, the voters registered in a different voting district from the one in which they reside. The majority of the objections were rejected.

The certified voters' roll (12 March 2024) included 27,782,477 voters. Women represented 55.23 per cent of the voters, and men 44.77 per cent of the registered voters. The PLCs at all levels were strongly engaged in the planning of the "voter registration weekends". Voter education campaigns on media and social media and in person were tailored to sensitise voters

⁵⁶ The IEC established satellite voting stations in the correctional facilities. Each satellite voting station was connected to the voting station in the voting district where the correctional facility was located. Voting in those stations took place for a few hours on the morning of election day. The ballot box was transferred to the voting station, where ballot papers were mixed and counted with the ballot papers of the voting station.

⁵⁷ "[E]xcept for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants", UN General Assembly, Basic Principles for the Treatment of Prisoners: resolution / adopted by the General Assembly, 28 March 1991, A/RES/45/111, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/BasicPrinciplesTreatmentOfPrisoners.aspx> [accessed 10 March 2016].

⁵⁸ A voter must re-register if their home address or the boundaries of their voting district have changed. In addition, voters must update their registration details if there is no address, or it is incomplete and the voter has been issued with a new ID number.

⁵⁹ Diseased persons are removed after their ID numbers are checked against the national population register, which is considered very accurate.

to register physically or online. Despite IEC's constant efforts to increase voter registration rates, only 69.9 per cent of estimated eligible voters have been registered. Some 12 million estimated eligible voters remain unregistered.⁶⁰ Barely 27 per cent of eligible 18 to 19 years old voters and 48,6 per cent of 20 to 29 years old have been registered.

Recommendation: Enhance the opportunities for voter registration by more frequent dedicated voter registration events, well-communicated in advance and by engaging political parties, civil society, educational institutions and other key stakeholders.

Voter apathy, particularly among young people, remains a long-standing issue and a serious concern. Some EU EEM interlocutors interpreted youth's voter apathy as a political choice against a system that does not fulfil their basic needs for employment and decent life, while others underlined that youth are disinterested in being engaged in political participation in an environment dominated by an older generation of politicians that have constantly failed their promises. Also, some interlocutors noted that the new generation is far from apathetic, explaining that whenever there is a cause, South African youth are always there, united, protesting and demanding solutions, as in the case of March 2023 youth protests for free education⁶¹ and demonstrations in favour of the Palestinian people. Some said the youth do not support or identify with the current political system. However, they would like to have the formal opportunity to vote against all of them in elections.⁶² Whether it is choice, dissatisfaction, protest or disinterest, this generation, born after the end of apartheid in 1994, appears to be sending a strong message of discontent without yet offering a formulated alternative proposal.

VIII. REGISTRATION OF CONTESTANTS

Registration of political parties and candidates is overall inclusive, though prescribed signature requirements to contest elections lack adequate oversight.

The 2024 elections were highly contested, with a record number of 70 political parties, 11 independent candidates and, among these 31 parties contesting for the first time, accounting for a total of 14,889 candidates, 42 per cent of them women.⁶³ Only 15 parties contested all tiers of elections: the 200 compensatory and 200 regional seats and the 487 provincial legislature seats across the nine provinces. The ballot for the compensatory seats included 52 parties. The number of contestants on the nine ballots for regional seats varied from 30 to 44, and there were between 24 to 45 contestants on the nine provincial legislature ballots.

Positively, the Constitution assures the right to freedom of association and opinion, for every citizen, the right to make political choices, including forming, participating in, and

⁶⁰ Based on the 2022 census, the voting-age population (VAP) is estimated to be 39,753,087 M. In 2019, 74.6 per cent of the estimated eligible voters were registered, while in 2014, 80.8 per cent.

⁶¹ [Student protests in March 2023](#)

⁶² There is no option for a blank vote using blank ballot paper. Unmarked used ballot papers are treated as invalid. According to the IEC, the percentage of invalid NA votes in 2019 was 1.33 per cent and invalid PL votes 1.20 per cent.

⁶³ The IEC published the final candidate lists on 10 April 2024 in line with the electoral timetable.

campaigning for political parties.⁶⁴ Until the 2020 Concourt ruling and subsequent legal reforms, these rights were narrowly construed, limiting membership of the NA and provincial legislatures to members of political parties.⁶⁵ The 2023 legal changes also revised conditions for contesting by new and unrepresented political parties.

a. Registration of political parties

Political parties may be registered with relative ease and established at national, provincial, and municipal levels.⁶⁶ Straightforward conditions of registration involve a prescribed application form to the IEC CEO evidencing at least 14 days of prior public notice by the applicant, a copy of the party's signed Deed of foundation,⁶⁷ a copy of its Constitution, and the prescribed registration fee.⁶⁸ The CEO issues and publishes the registration certificates for successful applicants. Unrepresented registered parties must renew their application annually by way of written declaration. Presently, South Africa has 1,743 registered political parties (of which 381 at national level).

Positively, the CEO cannot register a party if there is anything about its identity, membership policy or principles indicating incitement to violence, hatred or discriminatory policies on several grounds, including gender, sexual orientation, or disability. The decision of the CEO to register or not may be appealed to the IEC within 30 days.⁶⁹ On 16 January 2024, the ECrt found that the CEO correctly rejected a registration as the applicant party name was unduly similar to an existing party and likely to confuse voters.⁷⁰

b. The right to stand and registration of contestants

Every citizen qualified to vote may contest elections with a few exceptions, in-service public servants and permanent delegates of the NCP. Prospective candidates can also be excluded if, following an objection, it is shown that the candidate did not sign the required consent forms or the Code of Conduct or is proved not to satisfy the constitutional eligibility requirements. Persons who, based on court orders, are insolvent, of unsound mind, or convicted of certain offences are ineligible, provided that in the latter case, a person may contest if the sentence imposed involves a term of imprisonment less than 12 months or if five years have elapsed since the completion of an imposed sentence, or if a conviction is being appealed.

The candidate nomination process ran from 23 February to 10 April, including the period for objections and appeals. The IEC operated an Online Candidate Nomination System, through which 79 parties submitted nominations and only seven parties submitted manually. The IEC compiled the list of independent candidates with 12 valid nominations, six for each national and provincial contest. The IEC reviewed 82 objections against candidates nominated by 21 political parties, with 74 objections submitted within the legal deadline and eight after the cut-

⁶⁴ [Constitution, Articles 15, 18 & 19](#). Freedoms of opinion and association apply to 'everyone'.

⁶⁵ Independent candidacy was possible in municipal elections.

⁶⁶ Political parties registered at the municipal level are entitled to contest only in municipal elections.

⁶⁷ The Deed must be signed respectively by 1000 (national), 500 (provincial), or 200 (municipal) registered voters.

⁶⁸ ZAR 5000(EUR250) (national level); ZAR 3000(EUR150) (provincial level); ZAR 2000(EUR100) (municipal).

⁶⁹ The appeal may involve written and oral evidence. Decisions of the IEC may be appealed to the ECrt.

⁷⁰ [Arise Afrika Arise \(AAAR\) v Electoral Commission of South Africa \(008/2023 EC\) \[2024\] ZAEC 1](#)

off date. There were 31 objections alleging eight candidates were ineligible due to criminal records, but objections against only one were upheld.⁷¹

Following the 2023 legal reforms, newly contesting parties and independent candidates had to submit endorsements in the form of registered voters' signatures to contest the 2024 elections, in addition to nomination acceptance forms and recently revised deposits.⁷² The signature requirements were set at a minimum of 15 per cent of the quota established for the 2019 elections (i.e., over 10,000 signatures for national elections and, depending on the province between approximately 2,000 and 9,000 signatures for provincial contests). After a legal challenge to the 2023 amendments to the Electoral Act, the Concourt reduced the signatures requirement for independent candidates from 15,000 to 1,000.⁷³ Still, the IEC did not possess the capacity to verify signature lists. Disclosure of alleged irregularities with the MK signature list, under investigation, only surfaced after reported admissions by a whistle blower.⁷⁴ Some stakeholders alleged that lists might not always have been genuine or reliable.⁷⁵

Recommendation: Ensure the collection of signatures and the lists of signatures submitted by parties and independent candidates are independently verified. Allegations of non-compliance to be expeditiously investigated and adjudicated prior to elections.

IX. FUNDING OF PARTIES AND CAMPAIGN FINANCE

Transparent income, but lack of information on expenditure with legal lacunae allowing unlimited anonymous donations shortly before elections.

The funding of political parties, independent candidates and independent members of the NA and the provincial legislatures is primarily regulated by the Financial Management of Parliament and Provincial Legislatures Act, 2009 and the Political Party Funding Act, 2018.⁷⁶ Political parties' income can originate from public funding, private donations, membership fees, loans, and other income outside the ambit of the above acts.

The Constitution underpins public funding of political parties by legislatures. To give effect to further constitutional provisions, this was supplemented in 1998 by the establishment of the Represented Political Party Fund (RPPF) and in 2019 by the Multi-Party Democracy Fund (MPDF), which distributes non-party specific private donations to political parties. The IEC administers both funds.

⁷¹ See below section, Election Disputes.

⁷² The deposits ([revised in 2023](#)) payments are refundable only on success in the elections. Amounts varied based on the contest and contestant. Independent candidates paid between ZAR15,000 and 20,000 (EUR 750 – 1,000), and party lists paid between ZAR300,000 (EUR15,000) for all lists and a minimum of ZAR50,000 (EUR2,500) for a single provincial contest.

⁷³ [One Movement South Africa NPC v President of the Republic of South Africa and Others \(CCT 158/23\) \[2023\] ZACC 42](#)

⁷⁴ [News Report on forged signatures investigation](#)

⁷⁵ See below section, Electoral Offences.

⁷⁶ The date of commencement of the Political Party Funding Act 2018 is 1 April 2021.

Public funding is available only to the parties represented in the legislatures, with the vast majority allocated proportionally based on the seats they hold. Until May 2024, one-third of the two funds was allocated equally to all represented parties. However, despite strong opposition protests, the EMA, effective as of 8 May, reduced it to only 10 per cent. The existing system favours large well-represented parties and does not promote a level playing field. This is somehow mitigated by the very low threshold to enter the NA, around 0.25 per cent needed to win one seat.⁷⁷

In the financial year 2023, the total public funding reached 1.66 billion ZAR (82.9 M EUR), with legislatures and RPPF providing 80 and 20 per cent of resources, respectively.⁷⁸ The ANC received 55 per cent of this amount followed by the DA with 20 per cent. Currently, there is no mechanism in place for calculating the annual amount of public funding for political parties, and it is left to the discretion of the represented parties in parliament to decide how much funds they will allocate to themselves.

Recommendation: Establish a legally binding formula for calculation of annual amount of public funds allocated to political parties and independents, both through legislatures and the Represented Political Parties Fund. Such formula could be linked to one or more key economic performance indicators.

The parties can accept unlimited donations. A single donor can donate up to 15 M ZAR (750 K EUR) per financial year. However, this can be bypassed by donating through two or more entities within the same ownership. Both parties and donors must disclose all donations above 100 K ZAR (5 K EUR). These limits ceased to apply under the EMA, and they need to be set anew by the president acting on a resolution of the NA.⁷⁹ Thus, unprecedentedly, from 8 May 2024 until the new limits were set, parties in the campaign's final phase and during the immediate post-election period could receive unlimited donations without disclosing the donor's identity. The opposition parties and civil society strongly opposed this arrangement and the civil society organisation *My Vote Counts* launched an urgent application in the court in this regard.

In the financial year 2023, five parties received donations totalling 133 M ZAR (6.7 M EUR), with the DA, the ANC, and ActionSA receiving 41, 38, and 20 per cent, respectively.⁸⁰ *My Vote Counts*, expressed concerns about the increasing amount of private donations to political parties after the IEC informed that in the first quarter of 2024, donations reached a record 172 M ZAR (8.7 M EUR).

The IEC prepares a quite comprehensive annual report on political party funding based on mandatory reporting by the parties, donors, and legislatures. The report includes information

⁷⁷ There is no threshold stipulated in the law. However, given the seat allocation formula, a party needs to obtain at least around 0.25 per cent of the total valid national and regional votes combined to secure one compensatory seat. In the 2024 NA elections, GOOD party won one seat with only 0.18 per cent of the national votes and 0.23 per cent of the regional votes.

⁷⁸ 1 April 2022 – 31 March 2023

⁷⁹ Although the NA on 17 May gave the president a free hand to determine the new donation and disclosure limits, they were yet to be set at the time of writing.

⁸⁰ The United Manganese of Kalahari (UMK) is one of the largest ANC donors. Forty-nine per cent of UMK is owned by a Cyprus-registered company reportedly linked to Russian oligarch Viktor Vekselberg, whose name is on the EU and US sanction lists.

on all sources of parties' income, expenditures related to RPPF and MPDF allocations, and parties' transgressions and sanctions applied. However, the report is incomplete as it does not include information on expenditures related to the allocations by the legislatures, donations, membership fees, and other income, although this information is available to the IEC and legislatures.

Recommendation: Ensure, preferably by law, public disclosure of all expenditures incurred by the political parties represented in the National Assembly and provincial legislatures to enhance transparency of political funding.

The IEC does not conduct random or routine inspections of the audited annual financial statements submitted by the represented parties. An investigation is undertaken only if a complaint lodged relates to a political party's income or expenditures and there is *prima facie* substance to the complaint. Some parties met by the EU EEM alleged that their competitors received undisclosed donations; however, they did not have any evidence in this regard.

Campaign financing is unregulated. Without an officially defined campaign period, it is not feasible to introduce a campaign spending limit. As a result, the campaign expenditure is included in the total expenditure of the parties, which is not publicly disclosed. The funding by the legislatures is not intended to be used for campaigning; however, it is not explicitly prohibited. All other incomes, namely donations, membership fees, other income, loans, the RPPF and MPDF allocations, can be used for campaigning purposes.

X. CAMPAIGN ENVIRONMENT

Highly competitive, tolerant and largely non-violent campaign conducted within the rules.

a. Campaign rules and regulations

The campaign is regulated by the Electoral Act 1998 as amended and the binding Code of Conduct, which is an integral part of the act. The legislation provides for meaningful campaigning by contestants, although some critical aspects, such as the start and duration of the campaign, are unregulated, negatively affecting a level playing field. There is also a lack of clarity regarding permissible campaign activities on election day. The fundamental freedoms, namely freedoms of association, assembly, expression and movement, were respected, and contestants were free to present their political programmes and canvass for votes across the country.

Recommendation: Regulate the campaign period in a consistent manner to ensure a level playing field, certainty of law, and remove potential for undue influence. Prescribe a clear start and end date for all political campaign activities, including traditional political campaigning and campaigning in media, including online content.

b. Campaign environment

The campaign started already in 2023. The main parties launched their campaign manifestos mostly between mid-February and early March 2024, and since then, they have been on a campaign trail. Party leaders and heavyweights were touring the provinces to mobilise their

electorate and persuade a large group of undecided voters. The campaign was energetic, and the contestants employed various activities ranging from direct contact rallies, marches, community meetings and door-to-door visits to display of posters, media advertising and debates, social media messages and broadcasts.

The main opposition campaign narrative accused the ANC of 30 years of poor governance and mismanagement of the economy. While acknowledging some problems, the ruling party emphasised its achievements since 1994. The political discourse was dominated by the failing economy and related issues, such as unemployment, load-shedding, poor public services, corruption and crime. The only foreign policy topic resonating with the electorate was the Gaza conflict, which divided parties and the public into the pro-Palestinian and pro-Israeli camps. Earlier concerns that the anti-immigration narrative would feature prominently in the campaign of the major parties did not materialise.⁸¹

The ruling party asked people for another term, "to do more together." The centrist and right-wing opposition offered to "rescue," "fix," and "rebuild" South Africa, while the left-wing opposition promised "our land and jobs now," "stop load-shedding," and "reclaiming our birth right." All main parties presented plans to create millions of new jobs if elected.

The campaign was highly competitive, with the most close-fought contests taking place in Gauteng and KwaZulu-Natal provinces, which together account for 44 per cent of registered voters and 49 per cent of the country's GDP. All major parties dedicated significant resources to these two most populous provinces. The five NA and six provincial legislature independent candidates were hardly visible in the campaign, although some had name recognition among people in South Africa. They mostly could not compete with larger political parties in terms of human and financial resources available for campaigning.

Despite the high violent crime rate in the country, the charged political environment, and, at times, heightened emotions and strong rhetoric, the campaign was largely tolerant and non-violent. Only three isolated serious incidents of electoral violence were reported in the media during the deployment of the EU EEM.⁸² On 19 May, several people were injured, including a bystander child who sustained a gunshot wound, in a clash between the ANC and the EFF supporters in Limpopo province. On 26 May in Gauteng province, two MK Party members were killed during an altercation with the ANC supporters, and DA members were attacked by a group of ten unidentified men while setting up campaign posters.

The campaign rules established by the Code of Conduct were reported by the IEC and the EU EEM interlocutors to be largely respected. However, the ANC benefited from the advantage of incumbency, often blurring the line between the state and the party. Pre-election months saw increased number of government-sponsored and public-private partnership project launches and inaugurations, especially in the transport, health, education, labour and agriculture sectors. Within three weeks before the elections, the president signed into law four bills – the National Health Insurance Bill, the Preventing and Combating of Hate Crimes and Hate Speech Bill, the

⁸¹ The non-parliamentary Patriotic Alliance was the only party with strong anti-immigration rhetoric in its campaign.

⁸² Targeted political assassinations of elected municipal councillors, mostly over power, influence and public money, are commonplace in South Africa. According to the Global Initiative against Transnational Organised Crime report, 12 councillors were killed between January 2023 and February 2024.

National Council on Gender-Based Violence and Femicide Bill and the National Prosecuting Authority Amendment Bill – passed by the parliament several months ago. During its last session in May, the ANC-controlled parliament also passed the Basic Education Laws Amendment Bill. All five pieces of legislation were immediately extensively used in the ANC campaign messaging on the government's achievements.

A video advertisement of the opposition DA featuring the burning of the South African flag attracted significant media and public attention and provoked discussion about freedom of expression. The ANC condemned the advertisement, and South African Broadcasting Corporation (SABC), the public broadcaster in South Africa, seemingly arbitrarily refused to air it, although the content appeared not to breach any legal provisions.⁸³ The DA accused the ANC of exerting political pressure on the public broadcaster and lodged a complaint with the Complaints and Compliance Committee (CCC) of the communications regulator, the Independent Communications Authority of South Africa (ICASA). In a joint statement, three media watchdog organisations denounced the SABC ban as an explicit, unjustifiable limitation on freedom of expression.⁸⁴ On 22 May, the CCC fined the SABC 500 K ZAR (25 K EUR) holding that SABC had no legal basis to refuse to broadcast the advertisement.⁸⁵

In the absence of a campaign silence period other than in broadcast media, major parties continued campaigning and mobilising their prospective voters until the end of voting hours on election day, mainly through social media and by putting up gazebos near the voting stations. The televised president's address to the nation on the eve of the two special voting days sparked controversy, as most of his address highlighted the achievements of the outgoing ANC government. The DA and the MK filed a case at the EC claiming the president misused public resources for campaigning and abused his position to influence the election outcome.

XI. MEDIA AND SOCIAL MEDIA

Robust constitutional protections for freedom of expression and an overall strong media legal framework provides solid support for a free media environment.

a. Media and social media environment

South Africa has a robust and diverse media sector in terms of content, but the concentration of ownership in a few media companies creates the potential for suppression of information and may compromise media pluralism and freedom of expression. High operating costs hamper the development of small, independent media outlets. Although traditional media are still the

⁸³ The SABC must adhere to key principles in several instruments including a Charter embedded in the [Broadcasting Act](#), the [SABC Editorial Policies](#) mandated by law, and the latest [ICASA regulations](#), which also require parties to ensure that their advertisements do not incite violence or intimidation. However, none of these instruments are specific as regards, for example, the portrayal of key national symbols or provide a clear objective test for determining the grounds for refusal of a political advertisement.

⁸⁴ The Campaign for Free Expression, Media Monitoring Africa, and SOS Support Public Broadcasting Coalition.

⁸⁵ [CCC judgment](#). The fine was payable within seven days.

largest media segment, global trends and the steady increase of internet users indicate that traditional media starts to stagnate with a market shift to digital media.

Television is the most popular news source, followed by radio and social media. Print media are in decline as media companies have moved to online publications. Many news websites, such as the popular *News 24*, have added paywalls, resulting in limited access to online news articles for those who cannot afford to pay. The *Daily Maverick*, an independent online publication whose content is still free of charge, is also very popular. The *Sunday Times* is the best-selling newspaper. The SABC,⁸⁶ the public broadcaster in South Africa and one of the largest state-owned enterprises, has six television channels and 19 radio stations. For years, the SABC has faced severe financial difficulties, management issues, and concerns about its financial sustainability.⁸⁷ In the past, the SABC was heavily criticised for its lack of editorial independence, which favoured the ruling ANC. EU EEM interlocutors assessed as relatively balanced the coverage of elections in SABC compared to previous elections.

The digital landscape in South Africa is undergoing significant growth and transformation. At the start of 2024, South Africa had 45.34 million (74.5 per cent of total population) internet users, 26 million active social media users, and the highest internet usage rates in the world, over nine hours a day online. At the same time, South African users are most concerned and suspicious about disinformation and misinformation in social media. The most used social media platforms are WhatsApp (94 per cent of active social media users), Facebook (88 per cent), TikTok (74 per cent), and Instagram (72 per cent).⁸⁸

b. Legal framework for media and social media

Overall, the media legal framework provides solid support for a free media environment. At its core lies a strong constitutional protection for freedom of expression, including freedom of the press and media, with reasonable limitations confined to propaganda for war, incitement to imminent violence, and hatred inciting harm motivated by discrimination.⁸⁹ A Media Development and Diversity Agency (MDDA) oversees media plurality.⁹⁰ The Code of Conduct promotes conditions for open public debate and places a clear duty on parties and candidates to respect media and protect journalists from threats, harassment, and violence. However, it could be further enhanced in line with broader national policy by offering targeted protection for media workers against gender-based harassment and violence, including online.⁹¹

⁸⁶ The SABC has been established by the Broadcasting Act (BA).

⁸⁷ According to SABC's annual financial reports for the 2022/23 financial year in September 2023, the annual loss was R1.13 billion (62 M EUR). The SABC had received an additional funding of R3.2 billion (160 M EUR) by the National Treasury in 2021/2022, while its proposal for a bailout of R1.5 billion (75 M EUR) in 2023 was rejected. According to media reports, SABC staff payments have been delayed for the past six months. The main reasons for the financial collapse are accumulative financial mismanagement, declining advertising revenue and inability to collect TV licence fees.

⁸⁸ [2024 Global Digital Report, Summary of the report](#)

⁸⁹ The country ranks 38th in the 2024 World Press Freedom Index, while it ranked 25th in 2023.

⁹⁰ [Media Development and Diversity Agency Act, 14 of 2002](#), promotes small and community media development.

⁹¹ The Media Monitoring Africa (MMA) uses a tool, the Media Attack Reporting System (MARS) where online attacks against journalists can be tracked. Over the period of May 2024, 793 online attacks were recorded on MARS targeting mainly women journalists. Most of the attacks originated from X.

Recommendation: Strengthen the Electoral Code of Conduct to include among the prohibited offences for the protection of media practitioners, specific sanctions for gender-based acts of violence, harassment, threats and intimidation.

ICASA is the independent communications sector regulator for licences, scheduling and airing of political election broadcasts and advertisements in the public media. Various provisions of the ICASA Act, the Electronic Communications Act (ECA), and the Broadcasting Act apply to political election broadcasts and advertisements.⁹² The ECA defines an ‘election period’ as beginning at the calling of an election and ending on the day after the declaration of results. However, political election broadcasts and advertisements are not permitted within 48 hours prior to polling. If commercial and community radio chose to carry political election broadcasts and advertisements, then the 48-hour rule applies to them. The Electoral Act makes the media a key medium for communication and publication of IEC information at various stages of elections.

Recommendation: Ensure consistent rules and their application for political broadcast, advertising and propaganda across all media platforms, including online content.

ICASA Regulations aim to ensure accountable advertising and equitable coverage of political contestants, including through free airtime on the SABC.⁹³ They also address coverage of candidates' non-political engagements.⁹⁴ The CCC, supported by monitoring officers, is mandated to respond to public complaints about breaches of the law and regulations and recommend to ICASA's governing council any corrective measures or sanctions, which may include fines.⁹⁵ The National Broadcasting Association also has a Broadcasting Complaints Commission, but it cedes authority to handle complaints to the CCC during elections.

The Press Code of South Africa's Press Council and Interactive Advertising Bureau of South Africa aims to oversee issues of independence and conflict of interest among members of the traditional press, broadcast and online media, and media advertising agencies. Under its voluntary complaint procedure, the Press Ombudsman also may give directions regarding any matters deemed to breach the Press Code, including apologies and retractions.

Social Media Legal Framework

The social media space is not regulated under a single consolidated law. The 48-hour rule does not apply to political election broadcasts and advertisements online, and there is no legislation dealing with Artificial Intelligence content and its potential impacts on elections. However, the Electoral Court has jurisdiction over contraventions of the Code of Conduct, including, where relevant, online. Prohibitions under various laws, including, most recently, a new hate crimes law signed by the president on 9 May 2024, sanction the dissemination of hate speech, misleading or false information, acts of harassment and incitement to violence online and in

⁹² [Independent Communications Authority of South Africa Act, 13 of 2000](#). See also the [Electronic Communications Act 36, 2005](#), The Broadcasting Act, No. 4 of 1999 (as amended)

⁹³ [ICASA Regulations](#) cover, among others, political election broadcasts and advertisements, consumer protection and radio frequency spectrums. During elections, political advertisements must carry identifiers of the printers and publishers and, where relevant, clearly state 'advertisement' where published material is paid.

⁹⁴ [ICASA Regulations](#), Annex B (Guidelines), Section 4.1.

⁹⁵ Decisions made by ICASA can be appealed to the High Court on a substantive or procedural basis.

communication networks, such as WhatsApp.⁹⁶ However, many of these provisions have yet to be thoroughly tested, and some may not withstand constitutional scrutiny.⁹⁷ Meanwhile, there is no clear legal or regulatory framework to ensure social media companies mitigate the flow and impacts of informational manipulation on their networks, particularly during election periods, exposing stakeholders to inadequate protections.

c. Media coverage of the 2024 elections according to Media Monitoring Africa report

In partnership with the IEC, Media Monitoring Africa (MMA) monitored the media coverage of the 2024 elections focusing on the news coverage on broadcast media.⁹⁸ A Media Performance Review (MPR)⁹⁹ was released on 2 June and a final report is scheduled for publication by the end of June.

The report highlighted that the overall election coverage was fair and largely equitable. Generally, media covered parties in line with their representation in parliament, adhering to equitable coverage regulations. According to the MPR, the ANC received the most coverage at 34 per cent. However, the new parties, RiseMzansi, Build One SA, and the MK Party received significant coverage in relation to their representation, with the MK Party receiving the second highest coverage at over 20 per cent. This attention could be attributed to the controversy surrounding the MK Party and its legal challenges with the IEC. The report noted that the top three topics covered during elections included election logistics, political party campaigning and party politics and that the media did not scrutinise the statements made by parties and candidates. According to MMA media monitoring report, key issues such as gender, education, climate change, and development received minimal attention during the election period while women's voices were significantly underrepresented in the media.

d. Integrity of information

Informational manipulation has been a serious concern for the IEC in the run-up to the 2024 elections. They posed a potential threat to the integrity of the electoral process, undermining trust in institutions and deepening polarisation among citizens. South Africa provides a fertile

⁹⁶ The relevant laws include the [Electronic Communications and Transactions Act, No. 25 of 2002](#), which provides for online offences, including hacking, extortion, fraud and forgery. The [Films and Publications Act No. 65 of 1996](#) (amended in 2021) aims to regulate the creation, production, possession and distribution of certain publications, including social media content and audio-visual content by means of classification, the imposition of age restrictions and giving of consumer advice. The [Cybercrimes Act, No. 19 of 2021](#), obliges electronic communications service providers to relay cybercrimes to the police, including malicious communications online, such as threats of violence and damage to property. The [Prevention and Combating of Hate Crimes and Hate Speech Act, No. 16 of 2023](#), was signed into law to respond to recommendations under the Fourth UPR (see supra) and gazetted on 14 May 2024. Section 4 of the [Protection from Harassment Act, No. 17 of 2011](#), provides that in a case of alleged harassment over electronic communications or e-mail warranting protection, the court may issue a direction to an electronic communications service provider directing that it furnish the court with information regarding the alleged offender.

⁹⁷ For, broad powers given to the Film and Publication Board to determine permitted speech and also contradictions in the Act as regards enforcements against non-commercial distributors online seem excessive.

⁹⁸ Since 1994, [Media Monitoring Africa \(MMA\)](#) has been monitoring media election coverage in South Africa. The organisation is committed to promoting ethical and fair journalism that upholds human rights. Its goal is to develop a responsible and informed media culture in Africa and beyond, with a focus on media ethics, quality, and freedom.

⁹⁹ [Media Performance Review](#)

ground for disinformation and misinformation even outside of elections, mainly due to high internet penetration and accumulated public discontent.

The IEC is working with MMA to counter informational manipulation. In 2019, the IEC initiated a Digital Disinformation Complaints (DCC) process via the Real411 platform to deal with informational manipulation during the election period.¹⁰⁰ Administered and overseen by MMA, Real411 is based on a framework of cooperation with the IEC and social media platforms to respond to and mitigate the potential impacts these online harms can have on the credibility of the elections.

MMA and the IEC produced a report that presents the initial findings and trends tracked through the Real411 during the election period.¹⁰¹ According to the report, Real411 received some 200 complaints.¹⁰² A total of 47 per cent of the complaints were deemed informational manipulation. The trends showed that the types of false or misleading content spread during the election period could broadly be broken into four categories: false information regarding electoral processes, false information regarding parties and candidates, false information regarding election results, information intended to undermine the credibility of the IEC and its commissioners. Most content found to be disinformation was shared on X, followed by TikTok and WhatsApp. The IEC and the MMA informed the EU EEM that X was not part of the cooperation framework despite being invited to participate. Also, according to MMA, X does not have policies or standards for informational manipulation on its platform and any representative on the continent.

The IEC has signed a “Voluntary Framework of Cooperation to Address Disinformation in the 2024 National and Provincial Elections in South Africa” with META, Google, and TikTok to mitigate the risks associated with elections. Each party in the agreement applied its internal policies to counter informational manipulation.

According to Africa Check,¹⁰³ a reputable fact-checking organisation, the main source of informational manipulation in recent months has been the political parties. The most common themes have been the undermining of the independence and credibility of the IEC and the impact of the increased number of migrants on the lives of South Africans, fuelling xenophobic rhetoric and potential violence.

Although political parties publicly and also in the meetings with the EU EEM have stated that they acknowledge IEC’s independence and credibility, at the same time, they created a narrative of doubt about its work (e.g. not enough voter education, potential security and capacity issues with the ICT sector, court cases on candidate registration) in social media by disseminating informational manipulation to put pressure on the IEC and blame the Commission if they do not perform well in the elections. Similarly, though xenophobic rhetoric

¹⁰⁰ Anyone can report concerns about misinformation and disinformation. The complaints are then carefully considered by a team of at least three reviewers with expertise on legal, technical, and media-based matters, which a senior member of the secretariat team then finalises. Each reviewer provides evidence-based reasoning for the view formed.

¹⁰¹ [Tracking Trends from Real411: Impact of misinformation and disinformation in 2024 general elections.](#)

¹⁰² These elections saw an increased number of reports of misinformation and disinformation relating to the elections, while during the election period in 2019, around 80 complaints were submitted via the Real411.

¹⁰³ [Africa Check](#)

was not featured in the campaign as a prominent trend except for one political party, it has been a common theme of informational manipulation on different social media platforms.

Identifying informational manipulation in 11 official languages in South Africa remains a challenge for fact-checking organisations, along with their inability to disseminate corrections to false information in a wide range of media and social media platforms.

Recommendation: Adopt a Code of Conduct for social media platforms to address informational manipulation in social and digital media to protect the integrity of elections and the right to an informed choice. The Code of Conduct could require regular, timely and comprehensive reviews and disclosure of removed content and its sources.

XII. PARTICIPATION OF WOMEN

South Africa performs well in several women's participation indicators, but the state is still short of SADC commitments as number of elected women in 2024 down from previous years.

Positively, women make up 43.5 per cent of the new NA. Yet, this also marks a drop from 2019, when South Africa ranked 10th globally and women represented 46 per cent of NA membership.¹⁰⁴ Women were well represented in the outgoing national executive, occupying roughly 50 per cent of all ministerial and deputy ministerial positions. Still, only two of the nine provincial premiers were women. During the 2024 campaign, women made up 42 per cent of contesting candidates.¹⁰⁵ Overall, South Africa performs well in several women's participation indicators, but it continues to fall short of its SADC regional commitment to reach 50 per cent of women in public decision-making positions by 2015 and appears to be regressing.¹⁰⁶

Most political parties' executive committees have fewer women than men in top official posts. Of the two largest parties, the ANC appointed three women among its seven key party officials, while the DA has just three women in its 13-member national leadership. The Code of Conduct requires political parties to facilitate full and equal participation of women in political activities, but there is no minimum number of women on political parties' candidate lists. Fifteen political parties fielded 50 or more per cent women candidates, but only a few of the leading parties appeared to list alternating male/ female candidates. Only one political party returned to the 2024 NA has a woman leader.

¹⁰⁴ See [2024 Inter-Parliamentary Union](#) data. In 2019, it ranked 10th; in 2009, it ranked 3rd globally.

¹⁰⁵ The final figures for women taking seats in the various assemblies following the 2019 elections have not been finalised yet.

¹⁰⁶ There is no legal quota for women's representation in the NA.

[SADC Protocol on Gender and Development, 2008](#), article 12(1). [SADC Protocol on Gender and Development, 2008](#), article 12(1). South Africa belatedly submitted its [fifth periodic report](#) under article 18 CEDAW on 9 May 2019 (originally due in 2015).

XIII. PARTICIPATION OF PERSONS WITH DISABILITIES

IEC efforts to enhance access to voting, but the overall circumstances of persons with disability underline the need for comprehensive legislation to ensure equal participation.

Barely 25 per cent of persons with disabilities aged 25 years and over have completed some secondary education, suggesting serious shortcomings in inclusion and effective political participation. Recent data suggests an average prevalence of six per cent disability among the population, although over eight per cent in the eastern part of the country.¹⁰⁷ South Africa has yet to report under the CPRD reporting mechanism since 2014. The state has also yet to enact a comprehensive disabilities law to ensure greater legal protection of the political rights of citizens with disability reflecting its international commitments.¹⁰⁸ In its 2023 shadow report submission to the CPRD Committee, the South Africa Disability Alliance highlighted the urgent need to pass a Disability Act and noted that persons with psychiatric disorders, specifically those hospitalised with mental disorders, suffer disenfranchisement.

Recommendation: Adopt a comprehensive law on the rights of persons with disabilities, including the transposal into domestic law of CPRD article 29 to promote the inclusion, political participation, and advancement of persons with disabilities.

XIV. CITIZEN AND INTERNATIONAL OBSERVATION

Unhindered access to all stages of election day proceedings. Low numbers of national observers and no will for meaningful cooperation.

a. The legal framework for citizen and international observation

The Electoral Act regulates election observation and provides only for legal entities to apply for accreditation to observe an election. The law does not make any explicit reference to international observers. However, on 20 March 2024, the IEC extended invitations to different international and regional organisations and groups to observe the 2024 elections. The accreditation process for national observers was open from 22 August 2023 until 1 May 2024, and the accreditation is valid for one year. Accredited observers can access all stages of election day proceedings, including determining and declaring the results. All accredited observers must abide by the Code of Conduct for accredited observers. The IEC organised a one-day training session for national and international observers. It provided them with an observer handbook that included relevant information on the role and work of the IEC, electoral preparations, the recent legal changes and election day procedures.

¹⁰⁷ [Marginalised Groups Indicator Report, 2022](#). The 2022 census shows that the population over 65 has increased to over six per cent. Over 43 per cent of persons over seventy-five were assessed to be living with disability

¹⁰⁸ For example, such law could also remedy current limitation on the right to vote of persons with intellectual and mental disabilities and strengthen legal protections for participatory rights.

b. Citizen observation

A record 170 organisations, including 18 international ones, were registered to observe the 2024 general elections. Despite the large number of registered organisations, only some 5,000 observers applied for accreditation.¹⁰⁹ Overall, national election observation has not been particularly strong regarding the number of observers to cover voting stations and their election observation methodology mainly focuses on short-term observation. This is partly due to insufficient funding and a lack of willingness to cooperate and coordinate their activities.¹¹⁰ Most accredited organisations are small and operate in a few provinces.

The most vocal are the Ground Work Collective (#Xchange), the Defend our Democracy (#Election Watch), the African Centre for Governance and the Democracy Development Program (DDP) observer mission.¹¹¹ Some were established in 2022 or 2023 to observe the 2024 general elections, among other things.¹¹² They are founded mainly by young, well-educated people to attract the young generation of dissatisfied citizens, inviting them to register as observers under their platform. They interacted primarily on social media platforms and used apps to report election day findings. How some of them were funded (self-financing, sponsored by private companies or a political party) needs to be clarified. Most EU EEM interlocutors emphasised the need for independent observers, especially in rural areas where not all parties and independent candidates could deploy a significant number of political agents.

Recommendation: Strengthen the role of observer citizen groups in short and long-term election observation through targeted programmes aimed at capacity building and broader cooperation, and adequate funding that ensures their independence as observers.

c. International observation

The African Union (AU) deployed a 65-member short-term election observation mission countrywide led by former Kenyan President Uhuru Kenyatta from 21 May to 3 June. The Southern African Development Community (SADC) launched an election observation mission headed by the former vice-president of Zambia, Enoch Kavindele, on 22 May. The mission remained in the country until 5 June, deploying 84 observers from 11 SADC member-states in all provinces. Also, the Electoral Institute for Sustainable Democracy in Africa (EISA) deployed an election observation mission with 26 observers from 20 May to 2 June, led by the former president of Nigeria, Goodluck Jonathan. Further, the Electoral Commissions Forum (ECF) of SADC countries deployed 43 observers from 12 electoral commissions, led by Mrs Mwangala F. Zaloumis, Chairperson of the Electoral Commission of Zambia (ECZ), to observe election day proceedings.

¹⁰⁹ For the 2019 general elections, the IEC accredited 14,000 national observers from 55 organisations. Of those 14,000 accredited national observers, 1,000 were registered under the Red Cross, with the main task of providing first aid assistance in the voting stations. A prominent civil society organisation in 2019, VORIOSA, had accredited 1,600 observers but confirmed the participation of 134.

¹¹⁰ The 2024 EU EEM reaffirmed the assessment made by the 2019 EU EEM that civil society organisations communicate very little and do not support stronger and wider cooperation and coordination, particularly on election observation.

¹¹¹ The Defend our Democracy (#Election Watch) deployed 1,000 observers and observed in 500 voting stations, the DDP deployed some 350 observers and the African Centre for Governance around 60 observers.

¹¹² For example, the [Ground Work Collective \(#Xchange\)](#) and [the Defend our Democracy \(#ElectionWatch\)](#).

The AU, SADC, EISA and ECF presented their statements in a joint press conference on 31 May. They concluded that the elections were peaceful overall, with some isolated incidents of violence, and the IEC, despite some technical glitches, managed to deliver credible elections. They will publish their final reports with recommendations in the coming months.

The Department of International Relations and Cooperation (DIRCO) invited diplomatic missions in South Africa to deploy a diplomatic watch. Each embassy could contribute with at least one diplomat with the "invited guest" status.¹¹³

XV. ELECTORAL DISPUTES

A solid legal basis for electoral dispute resolution, and clear body of electoral offences, but some legal provisions could entail unfair impacts on votes cast.

The IEC fulfilled its objections adjudication mandate throughout various stages of the elections in line with legal timeframes. EU EEM interlocutors were largely positive about the IEC's role. The law provides clear rules, guidelines, and reasonable timelines for objections by relevant defined stakeholders regarding entry on or omission from the draft voter register, against party and candidate registration and nomination, at various stages of polling, and as regards results. The number of objections was relatively low, given the statistics for voters, parties, candidates, and voting stations. However, during the pre-election period, there were 17 cases in the ECrt and appeals to the Concourt, including appeals against IEC decisions, most prominent among them a battle between the IEC and former President Zuma over the latter's eligibility due to his 15-month conviction in 2021 for contempt of court.¹¹⁴

On 20 May, the Concourt ended public speculation and uncertainty for the IEC when it delivered a solid, concise, and definitive judgment disqualifying Zuma from contesting the 2024 elections.¹¹⁵ The apex court vindicated the IEC's interpretation of the disqualifying effect of Zuma's 2021 sentence for contempt.¹¹⁶ The outcome reinforced the IEC as it faced political pressure and highly competitive elections. Showing a strong hand, the unanimous Concourt emphasised "protecting the integrity of South Africa's democratic regime...[by]...ensuring that members of the NA possess the requisite respect for the rule of law". The decision came after a lengthy 10 May hearing of the IEC's appeal against a 26 April EC decision overruling the IEC and permitting Zuma to contest. The MK gave a muted response, acknowledging the finality of the decision, but alluded to an appeal to the UN Human Rights Committee (UNHRC).¹¹⁷

¹¹³ In the 2021 local elections, each diplomatic mission could contribute to the diplomatic watch with at least two diplomats.

¹¹⁴ The Concourt conviction came after Zuma refused to cooperate with a state inquiry into corruption.

¹¹⁵ The judgment did not change the ballot papers. The IEC removed Zuma from the MK candidate list, but he remained the party's leader and the face on the ballot.

¹¹⁶ The court also dismissed an MK allegation as unfounded, stating that statements by the IEC Vice-chairperson made in a January 2024 [Eye Witness News report](#) had shown bias and were prejudicial to Zuma's candidacy.

¹¹⁷ South Africa is a party to the optional protocol to the ICCPR, enabling citizens to have recourse to the UNHRC. UNHRC decisions, however, are non-binding in South Africa, even if MK follows that route.

Seven cases against the IEC raised issues about the procedures for aspiring contestant parties to submit voters' signatures to the IEC, but all applicants lost their cases on compliance grounds, including missing deadlines. The EC found in the IEC's favour in all but three cases, including the Zuma decision and a case enabling the MK party to register.¹¹⁸ The IEC is appealing a remaining ECrt decision extending the power to conduct overseas voting to Honorary Consuls of South Africa.

The IEC set up a dedicated legal unit with the National Results Operation Centre (NROC) to ensure polling and counting-related objections were processed expeditiously. Any interested party had until 9 pm on 31 May to raise objections to the determination of the final results. Positively and lawfully, the IEC extended that deadline to 6 pm on 1 June following requests from several parties. In all, 579 objections were raised, representing less than two per cent of voting stations. The issues concerned unsatisfactory results procedures at some voting stations, allegations of missing votes, and misconduct by parties, agents and supporters. All were responded to before the declaration of results on 2 June, as required by law.

Any interested party can appeal the decision of the Commission as regards the determining of the results of an election to the ECrt within three days,¹¹⁹ however, by law, appeals do not impede the declaration of results. The ECrt may order that, based on an irregularity, votes in a voting station are disregarded or direct that the relevant votes in the voting station are deducted in whole or in part from the disputed contestant's overall result. Almost isolated in their view, MK made protestations alleging serious election day irregularities and called for a re-run of the elections.¹²⁰ There is no legal provision for re-polling.

Electoral Offences

Despite some pre-election anxieties, the SAPS reported a largely peaceful election. Some 50 arrests were made nationwide. The IEC is prosecuting two MK members over allegations of incitement to violence and inflammatory speech that attracted wide media attention.¹²¹ The MK Party removed one of the accused from a youth leadership role due to his conduct. Possible sanctions include disqualification for a listed candidate, but the courts also may impose fines as an alternative. The IEC successfully prosecuted multiple political parties for non-compliance with financial reporting obligations and the EC imposed fines.¹²²

In early May, police launched a high-profile and ongoing investigation into the alleged falsification of signatures submitted on behalf of the MK Party to contest the elections. If the matter is prosecuted, the allegation proven, and the party implicated, sanctions, including disqualification, could apply to both individuals and to the party. A successful prosecution could entail political volatility, while the law is also unclear on the procedure to fill seats vacated after swearing-in if a party is disqualified for illegality committed prior to elections.

¹¹⁸ Three other cases related to intra-party disputes and all were dismissed.

¹¹⁹ Electoral Court Rules for Conduct of Proceedings (1998), s.5(1) – application for leave to appeal must be made with three days of the decision of the [IEC] Commission.

¹²⁰ At the time of writing, there was no indication that MK had formally appealed any results to the ECrt.

¹²¹ The allegations are against veteran politician Visvin Reddy, an MK National Assembly contestant, and the party's former interim youth leader, Bonginkosi Khanyile.

¹²² The court fined 492 parties: 486 unrepresented parties and six represented parties, including the ANC.

The IEC was active in sensitising on electoral offences and breaches of the Code of Conduct and warning against politically motivated ‘fake’ news, among other matters. It published an easy-to-digest summary of offences, enhancing opportunities for stakeholder awareness. The Electoral Act empowers a court to penalise a registered party based on a contravention of the Code of Conduct, including by reducing the number of votes cast in favour of that person or party. On 27 May, the DA initiated a court process seeking this sanction against the ANC based on abuse of incumbency by the president in a televised address to the nation.¹²³ However, such a sanction arbitrarily penalises a voter’s franchise for matters ostensibly outside the voter’s control, which is at odds with South Africa’s constitutional obligations on due process and embeds uncertainty in the law.

Recommendation: Remove from the law sanctions that deduct votes from parties for breaches of the law and Code of Conduct to protect the right to vote from arbitrary interference with voter choices.

XVI. ELECTION DAY PROCESS

A peaceful and orderly election day was marked by long queues and late closing mainly in urban voting stations.

Election day across the country was generally calm and peaceful, with only two serious security incidents reported.¹²⁴ The deployed personnel of the SAPS and the South African National Defence Force were reported to have discharged their duties professionally and unobtrusively, facilitating voters' free access to their respective voting stations.

In line with the EU EEM's methodology, the EU EEM did not carry out systematic or comprehensive observation of voting, counting, or tabulation proceedings. The team visited a small number of voting stations in Gauteng province to follow voting procedures. As reported by national, international observers and EU EEM direct observations, the environment outside the voting stations visited was calm. In some locations, voters were waiting patiently in lengthy but orderly queues. The layout of the visited voting stations was adequate to enable the proper conduct of voting operations. Voting stations in permanent buildings were accessible to persons with disabilities, but those in tents were less suitable. In a few cases electoral materials such ballot papers were missing but replenished by the IEC, and staff was present, with women predominating among them. Political agents and national observers were present in most voting stations visited. The voting process was generally well administered in visited polling stations, and procedures were largely followed. The electoral staff seemed mostly efficient and competent but, in some cases, they lacked knowledge and understanding of the procedures. The VMDs did not operate as planned and in most voting stations visited, staff used it only when possible or resorted fully to manually checking voters against the paper voter roll. The counting was smooth and fast despite the addition of a third ballot paper.

¹²³ [DA statement](#) on ANC campaign violation.

¹²⁴ Police shot dead a man who allegedly opened fire on them near a voting station in the Eastern Cape province. Three voters were killed and one wounded after casting their votes late at night in KwaZulu-Natal province when unknown gunmen ambushed their car.

According to the IEC, the voting process started smoothly, with 93 per cent of the voting stations being opened by 07:00 while the remaining stations opened within the hour. The delays in opening were due to the lack of sufficient police escorts to accompany the sensitive materials at some voting stations and community protests outside a few of them as IEC officials reported. The IEC reported that since the start of the voting, the VMDs were not operating well. However, they did not clarify if this was due to connectivity problems or other issues. According to the IEC, observers and media reports, in many voting stations, the staff focused on rebooting the VMDs, stopping or delaying the voting process, while in others, the use of only the paper voter's roll slowed down the process, resulting in growing queues. The IEC instructed all presiding officers to use the paper voters' roll, create additional voting streams by splitting the voters' roll, and add extra staff by bringing the counting officers earlier.

By 19:00, very long queues were reported in urban centres in Gauteng, Western Cape, KwaZulu-Natal and Eastern Cape. The IEC reassured that all voters in the queues by the time of closing (21:00) would be allowed to vote while security would be reinforced, and it ensured voters that there were enough ballot papers at the voting stations. Political parties encouraged voters to remain in the queues and vote despite the low temperatures. The IEC noted that they were working together with political parties and independent candidates through the PLCs at all levels. However, according to media reports, such as the SABC, political parties were not satisfied with the IEC's planning. By 23:00, some 60 per cent of the voting stations had closed. The counting at the last voting station was completed at 03:00 on 30 May.

The National Results Operation Centre (NROC)

After counting, the results slip in a tamper-evident envelope was transported from each voting station to the respective municipal electoral office. The envelope was checked and opened. A scanned image of each result slip was taken, and the results were entered manually twice into the system by one operator (double-entry). After the entered results were checked and cleared by external auditors, they were released at the provincial and national results operation centres (ROCs). The first results were announced at the NROC on 30 May at 00:15. The flow of results in the NROC was steady but slow, mainly due to the thorough checks performed before the release of results and accelerated towards the end of the process. On the morning of 31 May, for about two hours, the screen at the NROC and some provincial ROCs crashed (experienced interruption in the replication of data). The IEC apologised and informed the public that the data on the results in the data centre remained intact, the results were not compromised, and the process continued unaffected. Some political parties started speculating in the media that the results were compromised but no formal complaints were lodged. The tabulation of results was concluded on 1 June. Media, political parties and observers had full access, including designated areas to use as office space in the ROCs, enabling them to have easy and prompt access to information.

XVII. RESULTS AND POST-ELECTION ENVIRONMENT

The results showing historically lowest turnout were largely accepted, except for the MK Party, which made unfounded allegations about vote-rigging.

Following the completion of the results tabulation, recounts, and adjudication on all submitted objections and appeals, the IEC announced the NA and provincial legislatures' election results on 2 June, in keeping with the operational timeline.

According to the announced results, there will be 18 political parties represented in the newly elected NA, three more than previously. The ANC, with 40.18 per cent of the valid votes cast, won the largest number of seats – 159 (down from 230 in 2019), followed by the DA with 21.81 per cent/87 seats (84 in 2019), the MK with 14.58 per cent/58 seats and the EFF with 9.52 per cent/39 seats (44 in 2019). These four major parties received over 86 per cent of votes and secured 343 seats in the 400-member NA. Four parties gained between one to four per cent of votes: the IFP 3.85 per cent/17 seats, the PA 2.06 per cent/9 seats, the FF PLUS 1.36 per cent/6 seats and the ActionSA 1.2 per cent/6 seats. The remaining ten parties with less than one per cent of votes won between one and three seats. The detailed NA election results are provided in Annex 1.

In the nine provincial legislature elections, the ANC won a majority of votes in five provinces — Eastern Cape, Free State, Limpopo, Mpumalanga, and North West — and a plurality of votes in another two provinces, Gauteng and Northern Cape. The DA won a majority in Western Cape province, and the MK Party won a plurality of votes in KwaZulu-Natal province. The independent candidates failed to win a single seat in the NA or in any of the nine provincial legislatures.

The announced turnout in the NA elections was 58.61 per cent, with 16,237,716 votes cast. The turnout varied significantly among provinces. The highest turnout, 62 per cent, was recorded in KwaZulu-Natal and Gauteng, while the lowest was in North West, 51 per cent, and Limpopo, 52 per cent. This year's turnout is historically the lowest since 1994 in terms of the percentage of participating registered voters and the lowest since 2004 in terms of the absolute number of votes cast. If calculated from the total estimated voting age population of South Africa based on the 2022 census, the turnout would be only 40.85 per cent, clearly demonstrating widespread electoral apathy among the population.

The percentage of spoilt (invalid) votes in the general elections is traditionally low, and this time, voters once again showed a good knowledge of how to correctly mark their ballot papers, with only 1.31 per cent of the votes cast being invalid.

The contesting political parties and independent candidates largely accepted the announced election results. A notable exception was the MK Party, which, despite finishing third in the NA elections and winning the KwaZulu-Natal provincial legislature elections, rejected the results and alleged vote-rigging, however, without providing any reasonable evidence of significant irregularities in the process. Initially, the party called for a total manual recount and later for a full rerun of elections. Several smaller political parties which did not fare well in the elections joined the MK Party in its demands. Mr Zuma, the MK Party leader, warned the IEC against announcing the results on 2 June and indirectly threatened violence if their demands were unmet. Nevertheless, the immediate post-election situation remained calm,¹²⁵ and law enforcement agencies repeatedly declared their readiness to maintain law and order and deal with any potential unlawful protests.¹²⁶

¹²⁵ The cut-off date of this report is 7 June 2024.

¹²⁶ In an isolated violent incident, an MK Party member was shot dead on 5 June in KwaZulu-Natal province.

XVIII. RECOMMENDATIONS

NO.	FR page #	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	RELEVANT INTERNATIONAL / REGIONAL PRINCIPLE / COMMITMENT
LEGAL FRAMEWORK						
1	10	During the campaign and just weeks prior to the 2024 elections, the Electoral Matters Amendment Act (EMA) changed aspects of political party funding. The EMA also introduced revised rules on voting procedures for persons who could not vote in their place of registration on election day. Shortly before election day, the changes provoked uncertainty, raised awareness concerns, and presented a hurdle for election authorities to ensure timely communication and understanding.	Ensure that any significant amendments to the electoral law are made well in advance of elections and with broad political consensus aimed to provide certainty of law, adequate opportunity for operational adjustments, and stakeholder awareness. (Priority recommendation)	None	National Assembly	Rule of Law/ Good Practice ACDEG, art. 32(8) “Entrenching [...] the principle of the rule of law.” ICCPR, art. 25, HRC GC 25, par. 9 “The rights and obligations provided for in [ICCPR article 25] paragraph (b) should be guaranteed by law.” The Venice Commission Code of Good Practice (Guidelines and Explanatory Report (2002), pg.11, art. 2(b) “...electoral law [...] should not be open to amendment less than one year

2	36	The Electoral Act empowers a court to penalise a registered party based on a contravention of the Code of Conduct, including by reducing the number of votes cast in favour of that person or party. On 27 May, the DA initiated a court process seeking this sanction against the ANC based on unlawful campaigning. However, such a sanction arbitrarily penalises a voter's franchise for matters ostensibly outside the voter's control, which is at odds with South Africa's constitutional obligations on due process and embeds uncertainty in the law.	Remove from the law sanctions that deduct votes from parties for breaches of the law and Code of Conduct to protect the right to vote from arbitrary interference with voter choices.	Electoral Act and Code of Conduct	National Assembly	Right and opportunity to vote ICCPR, art. 19, HRC GC 34, par. 25, "...a norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public." ACDEG, art 10 "Article 10 1. State Parties shall entrench the principle of the supremacy of the constitution in the political organisation of the State. 3. protect the right to equality before the law and equal protection by the law as a fundamental precondition for a just and democratic society. SADC Principle, art. 2.1.6 "...Equal opportunity to exercise the right to vote
ELECTION ADMINISTRATION						
3	13	Since 2021 the National Treasury funds the IEC on a straight-line basis without considering the year that an election takes place. The IEC received a ZAR 2.3 billion (115 M EUR) allocation for 2024-2025. Some ZAR 35 million (1.8	Ensure adequate funding for the IEC, especially in an election year to undertake its mandate. (Priority recommendation)	None	National Treasury	State must take the necessary steps to give effect to rights ACDEG, art. 2(13) " Promote best practices in the management of elections for purposes of political stability and good

		M EUR) was cut from the budget. According to the IEC, the electoral operations were not fully funded by the budget but through the retention of surpluses (from the 2023-2024 budget) that the IEC has accumulated. However, the National Treasury will consider the approval to retain those surpluses after finalising the annual financial statement after 31 July 2024. As a result, the IEC had to reprioritise its projects related to the elections. The IEC said that they will need to continuously retain surplus funds to address deficits in future years.				governance.” ACDEG, art. 17(1) “...strengthen independent and impartial national electoral bodies responsible for the management of elections.” UNGA Resolution A/RES/68/164 “The GA notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels and recommends that Member States provide adequate resources for those elections.”
4	18	The IEC reported that throughout 2023 and until 9 April 2024, they conducted over 200,000 face-to-face voter education events, reaching out to over 5 million voters. However, most interlocutors emphasised the necessity for more voter education activities targeting against voter apathy and promoting participation in the electoral process as well as educating marginalised citizens about the constitution and protection of human rights. Organisations for persons with disabilities pointed out that voter education campaigns	Increase the efficacy and reach of voter education projects by working together with locally-based civil society organisations strategically targeting women, youth and persons with disabilities (physical and intellectual).	None	IEC	Freedom of opinion and expression ACHPR, art. 9(1) “Each individual shall have the right to receive information.” ACDEG, art. 12(3): “Create conducive conditions for civil society organizations to exist and operate [...]” and art. 31(2) “[...] to encourage full participation of social groups with special needs in democracy and development processes.

		targeting persons with disabilities should be decided in consultation with the relevant organisations. The IEC officials acknowledged the need for additional financial resources for voter education.				SADC, Principles and Guidelines Governing Democratic Elections, Principles for Conducting Democratic Elections, art. 4.1.10 “Ensure that voter education capacitates and empowers all eligible citizens;” ICCPR, HRC GC 25, par. 12, “Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.”
5	15	The IEC organised cascade training for the electoral staff. The presiding officers were responsible for training their staff a few days before election day. Most national and international observers, including EU EEM’s direct observation, noted that on election day in several voting stations visited, the electoral staff was not especially knowledgeable about the procedures. Further the procedures were not implemented in a consistent manner in many voting stations. For example, despite IEC’s instruction to have one ballot box for all three ballot papers, in several voting stations there were three ballot boxes, one	Improve training for the electoral staff, including for the presiding officers, to ensure consistent implementation of voting, closing and counting procedures.	None	IEC	State must take the necessary steps to give effect to rights ICCPR, HRC GC 31, par. 7 – “it is important to raise levels of awareness about the Covenant [...] among public officials and State agents...” ACDEG, art. 17(1) “...strengthen independent and impartial national electoral bodies responsible for the management of elections.” OAU/AU Declaration on The Principles Governing Democratic Elections in Africa, art 4. “Democratic elections should be

		per ballot paper.				conducted: e) by [...] competent accountable electoral institutions staffed by well-trained personnel...”
VOTER REGISTRATION						
6	20	Voter registration in South Africa is continuous and active. Despite IEC’s constant efforts to increase voter registration rates, only 69.9 per cent of estimated eligible voters have been registered. Some 12 million estimated eligible voters remain unregistered. Barely 27 per cent of eligible 18 to 19 years old voters and 48,6 per cent of 20 to 29 years old have been registered. The IEC, as per standard practice, organised two “voter registration weekends” to attract the interest, especially of the youth, to register, as voter apathy remains a long-standing issue and a serious concern. However, most interlocutors pointed out the need for more and perhaps targeted “voter registration weekends” or other similar activities.	Enhance the opportunities for voter registration by more frequent dedicated voter registration events, well-communicated in advance and by engaging political parties, civil society, educational institutions and other key stakeholders.	None	IEC	Right and opportunity to vote ICCPR, art. 25, HRC GC 25, par. 12 “Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.” UDHR, art. 21(3) “The will of the people shall be the basis of the authority of government;” Declaration on Criteria for Free and Fair Elections (IPU), s.4, “Establish an effective...procedure for the registration of voters.”

REGISTRATION OF CANDIDATES AND POLITICAL PARTIES						
7	22	A pre-condition of contesting required parties and independent candidates to submit evidence of voter support in the form of lists of signatures. Signature requirements depending on the contest ranged from 10,000 for national elections and 2,000 for provincial contests. After a legal challenge to the 2023 amendments to the law, the Concourt reduced the signatures requirement for independent candidates from 15,000 to 1,000. Still, the IEC did not possess the capacity to verify all signature lists. Some stakeholders alleged that lists might not always have been genuine or reliable.	Ensure the collection of signatures and the lists of signatures submitted by parties and independent candidates are independently and independently verified. Allegations of non-compliance to be expeditiously investigated and adjudicated prior to elections.	Electoral Act, 1998 (as amended)	IEC National Assembly	Transparency and access to information /Rule of law ACDEG, art. 2(10) “Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information...” SADC Principles art. 7.5 “Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process...” UNCAC, art.7(4) “Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency...”
CAMPAIGN ENVIRONMENT						
8	24	The legislation provides for meaningful campaigning by contestants, although some critical aspects, such as the start and duration of the campaign, are	Regulate the campaign period in a consistent manner to ensure a level playing field, certainty of law, and remove potential for undue influence. Prescribe a clear start and	Electoral Act, 1998 (as amended) Code of Conduct	National Assembly IEC	Genuine elections that reflect the free expression of the will of voters/Prevention of corruption/Fairness in the election campaign

		unregulated, negatively affecting a level playing field. There is also a lack of clarity regarding permissible campaign activities on election day. The televised president's address to the nation on the eve of the two special voting days sparked controversy, as most of his address highlighted the achievements of the outgoing ANC government. The DA and the MK filed a case at the Electoral Court claiming the president misused public resources for campaigning and abused his position to influence the election outcome.	end date for all political campaign activities, including traditional political campaigning and campaigning in media, including online content.			SADC Principles, 7(4): “Safeguard the human and civil liberties of all citizens including [...] campaigning...” ICCPR, art. 25, HRC GC 25, par. 19 “Persons entitled to vote must be free to vote [...] without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently, free of... manipulative interference of any kind.” ICCPR, art. 25, HRC GC 25, par. 19 “voters should be protected from any form of coercion or compulsion to disclose how they intend to vote.”
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CAMPAIGN FINANCE

9	23	Currently, there is no mechanism in place for calculating the annual amount of public funding for political parties, and it is left to the discretion of the represented parties in parliament to decide how much funds they will allocate to themselves.	Establish a legally binding formula for calculation of annual amount of public funds allocated to political parties and independents, both through legislatures and the Represented Political Parties Fund. Such formula could be linked to one or more key economic performance indicators. (Priority recommendation)	Political Party Funding Act, 2018 (as amended) Financial Management of Parliament and Provincial Legislatures Act, 2009	National Assembly IEC	Transparency and access to information/ Prevention of corruption/Fairness in the election campaign AUCCC, art. 10 “Each State Party shall (b) Incorporate the principle of transparency into funding of political parties.” SADC Principles, 4(1)(6): “[...] funding of political parties must be transparent [...]” UNCAC, art. 7 (4) “[...] maintain and strengthen systems that promote transparency and prevent conflicts of interest.”
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10	24	The IEC prepares a quite comprehensive annual report on public political party funding. However, the report is incomplete as it does not include information on expenditures related to the allocations by the legislatures, donations, membership fees, and other income, although this information is available to the IEC and legislatures.	Ensure, preferably by law, public disclosure of all expenditures incurred by the political parties represented in the National Assembly and provincial legislatures to enhance transparency of political funding.	Political Party Funding Act, 2018 (as amended) Financial Management of Parliament and Provincial Legislatures Act, 2009	National Assembly/ Provincial Legislatures IEC Political parties and independent NA/PL members	Transparency and access to information/ Prevention of corruption/Fairness in the election campaign SADC Protocol against Corruption, Article 4. “[...] adopt measures, which will create, maintain and strengthen...d) mechanisms to promote access to information to facilitate eradication and elimination of opportunities for corruption;” ACHPR Guidelines On Access to Information and Elections in Africa, art. 21 “The legal framework of States Parties shall provide for the proactive disclosure by political parties of: (a) Receipt of campaign funding... (b) Campaign expenditure broken down...sources of funding and actual amounts; (c) Annual audited financial reports; and (d) All other information, proactively disclosed or available on request.” ICCPR HRC GC 25. Para. 19 “Reasonable limitations on campaign expenditure may be justified....”.
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MEDIA						
11	28	The Code of Conduct promotes conditions for open public debate and places a clear duty on parties and candidates to respect media and protect journalists from threats, harassment, and violence. However, it could be further enhanced in line with broader national policy by offering targeted protection for media workers against gender-based harassment and violence, including online. The Media Monitoring Africa (MMA) uses a tool, the Media Attack Reporting System (MARS) where online attacks against journalists can be tracked. Over the period of May 2024, 793 online attacks were recorded on MARS targeting mainly women journalists. According to MARS, most of the attacks originated from X.	Strengthen the Electoral Code of Conduct to include among the prohibited offences for the protection of media practitioners specific sanctions for gender-based acts of violence, harassment, threats and intimidation.	Code of Conduct	National Assembly IEC	Women’s participation in public affairs/ Equality between men and women/ Right to security of the person ACDEG, art. 8.1. “State Parties shall eliminate all forms of discrimination, especially those based on political opinion, gender.... as well as any other form of intolerance.” SADC Protocol on Gender and Development, art. 5, “[...] with particular reference to women [...] to eliminate all barriers [...] and create a conducive environment for such participation.” CEDAW, GR 3, (1987) “[...] adopt education and public information programmes, which will help eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women”
12	28	The law requires that political broadcasts and advertising are clearly identified as such in traditional broadcast media and in print media. Political parties however are also increasingly	Ensure consistent rules and their application for political broadcast, advertising and propaganda across all media platforms, including online content.	Media Law Electronic Communications Act, 2005 (as amended)	National Assembly	Rule of Law ACDEG art. 3(8) “Transparency and fairness in the management of public affairs.” ICCPR, Article 19, HRC GC

		actively engaged in political promotions through social media and digital media platforms. Specific timelines and cut off dates apply to political advertising in broadcast media, but are not applied to the social media space		ICASA Regulations Code of Conduct		No. 34 Par 7. “...ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression...” and pars. 39-42:.” Regulatory systems should take into account the differences between the print and broadcast sectors and the internet, while also noting the manner in which various media converge.” UNCAC, art. 7(4) “[...] endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.”
13	31	There is no clear legal or regulatory framework to ensure social media companies mitigate the flow and impacts of informational manipulation on their networks, particularly during election periods, exposing stakeholders to inadequate protections. The IEC has signed a “Voluntary Framework of Cooperation to Address Disinformation in the 2024 National and Provincial Elections in South Africa” with META, Google, and TikTok to mitigate the risks associated with	Adopt a Code of Conduct for social media platforms to address informational manipulation in social and digital media to protect the integrity of elections and the right to an informed choice. The Code of Conduct could require regular, timely and comprehensive reviews and disclosure of removed content and its sources. (Priority recommendation)	Code of Conduct	National Assembly IEC	Transparency and access to information / Genuine elections that reflect the free expression of the will of voters ICCPR, art. 25, HRC GC 25, par. 19; “voters should be able to form opinions independently, free of ... manipulative interference of any kind.” ICCPR article 25, HRC GC 25, par. 20. –“An independent electoral authority should [...] and to ensure that it is conducted fairly....”

		elections. Each party in the agreement would apply its internal policies to counter informational manipulation. The Electoral Code of Conduct is part of the electoral law and is binding on all parties and candidates, with significant sanctions for non-compliance. Laws, regulations and Voluntary Codes of Conduct apply to journalists, the press, radio and television institutions, though no Code of Conduct is specific to social media platforms.				UN Guiding Principles on Business and Human Rights (HRC, 2011), art. 13: “...to respect human rights requires that business enterprises [...] seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services [...] even if they have not contributed to those impacts.”
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PERSONS WITH DISABILITIES						
14	32	The state has also yet to enact a comprehensive disabilities law to ensure greater legal protection of the political rights of citizens with disability. In 2023, the South Africa Disability Alliance highlighted the urgent need to pass a Disability Act.	Adopt a comprehensive law on the rights of persons with disabilities, including the transposal into domestic law of CPRD article 29 to promote the inclusion, political participation, and advancement of persons with disabilities.	Enact legislation for persons with disabilities	National Assembly	Right and opportunity to participate in public affairs and hold office / Freedom from discrimination ACDEG, art. 2, “The objective of this charter are to 10. Promote the establishment of the necessary conditions to foster citizen participation...” SADC Protocol on Gender and Development, art. 9 – “State parties shall... adopt legislation and related measures to protect persons with disabilities...” CRPD, art. 29 “States Parties shall guarantee to persons with disabilities political rights [...]an equal basis with others....”

POLLING, COUNTING AND TABULATION AND DOMESTIC OBSERVERS						
15	15	The IEC has divided each voting station with high number of voters into several sub-stations (streams). The voting streams were formally linked to their respective voting station (which after the division was called voting centre) with one presiding officer that supervised the staff in all the streams. Several observers pointed out that the presiding officers had to move from one stream to another in order to perform their duties making more complex their work. Most importantly, as the streams did not exist independently, each counting officer had to prepare a “dummy results slip” for each stream and then those results were transferred in the official results slip of the voting centre. In a voting centre with several thousands of registered voters and several streams, it was required additional time to finalise the result slip.	Give up the practice of voting streams and upgrade them to voting stations to ensure a smoother and faster voting and counting process. (Priority recommendation)	None	IEC	Right and opportunity to vote ICCPR, HRC GC 25, par. 11. “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right.” Principles for Election Management, Monitoring & Observation in The SADC Region 5.1 “Polling station should be situated in venues that are accessible to all voters, especially the elderly and the people with disabilities. ...Public buildings such as schools should be given priority as polling stations...”

16	33	A record 170 organisations were registered to observe the 2024 general elections. Despite the large number of registered organisations, only some 5,000 observers applied for accreditation. Overall, national election observation has not been particularly strong regarding the number of observers to cover voting stations and their election observation methodology, which mainly focuses on short-term observation. This is partly due to insufficient funding and a lack of willingness to cooperate and coordinate their activities. Most accredited organisations are small and operate in a few provinces.	Strengthen the role of observer citizen groups in short and long-term election observation through targeted programmes aimed at capacity building and broader cooperation, and adequate funding that ensures their independence as observers.	None	Civil society Foundations	Transparency and access to information ACHPR, arts. 12(2) and 13 “State Parties shall take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people...” AUCCC, art. 12(3) “Ensure and provide for the participation of Civil Society in the monitoring process and consult Civil Society in the implementation of this Convention;”
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ANNEX 1 - 2024 National Assembly final results

(source: <https://results.elections.org.za/dashboards/npe/>)

Registered voters	27,782,081
Total votes cast – national ballot	16,290,156
Total valid votes – national ballot	16,076,719
Invalid votes – national ballot	213,437 (1.31 %)
Voter turnout (%) – national ballot	58.64 %

Party name	Votes national + regional ballot	% of votes	# of seats
ANC	12,698,759	40.18	159
DA	6,961,361	21.81	87
MK	4,584,864	14.58	58
EFF	3,090,020	9.52	39
IFP	1,307,088	3.85	19
PA	677,719	2.06	9
VF PLUS	455,657	1.36	6
ACTIONSA	413,239	1.20	6
UDM	164,210	0.49	3
ACDP	190,460	0.60	3
RISE	138,528	0.42	2
CCC	84,611	0.23	2
BOSA	135,413	0.41	2
ATM	130,466	0.40	2
ALJAMA	92,472	0.24	2
PAC	77,544	0.23	1
GOOD	65,814	0.18	1
UAT	67,948	0.22	1
NFP	42,143	0.12	0
#HOPE4SA	44,184	0.17	0
AM4C	40,475	0.14	0
UIM	38,791	0.12	0
AZAPO	37,809	0.12	0
AIC	23,744	0.12	0
COPE	30,968	0.09	0
APC	27,893	0.08	0
ACT	18,702	0.11	0
AHC	19,901	0.10	0
ARA	23,744	0.07	0
A.C.C.	20,569	0.06	0
SARA	12,450	0.03	0
F4SD	18,523	0.07	0
DLC	17,927	0.07	0
ELF-SA	12,569	0.03	0
PMC	12,662	0.03	0
AADP	12,402	0.05	0
CIASA	8,548	0.05	0
NCCM	13,645	0.04	0

SARKO	9,893	0.04	0
OHM	11,716	0.03	0
SUN	9,891	0.03	0
ACM	9,724	0.03	0
ABC	9,083	0.03	0
RP	8,040	0.02	0
APEMO	8,802	0.03	0
CITIZANS	7,081	0.02	0
AL	6,788	0.02	0
ACP	5,340	0.02	0
AAR	5,944	0.02	0
FREE DEMS	4,275	0.01	0
XILUVA	3,769	0.02	0
AMC	3,691	0.01	0

ANNEX 2 - List of Abbreviations

ACDEG	African Charter on Democracy, Elections and Governance
ACDP	African Christian Democratic Party
ACHPR	African Charter on Human and People's Rights
AIC	African Independent Congress
ALJAMA	Al Jama-ah
ANC	African National Congress
APC	African People's Convention
ATM	African Transformation Movement
AU	African Union
AUCCC	African Union Convention on Preventing and Combating Corruption
BOSA	Build One South Africa
CCC	Complaints Compliance Committee (ICASA)
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CEO	Chief Electoral Officer
CGE	Commission on Gender Equality
Code	Electoral Code of Conduct
COPE	Congress of the People
CRLC	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
CRPD	Convention on the Rights of Persons with Disabilities
DA	Democratic Alliance
DIRCO	Department of International Relations and Cooperation
DDC	Digital Disinformation Complaints
ECrt	Electoral Court
ECA	Electronic Communications Act 2005
ECF	Electoral Commissions Forum of SADC
EEM	Election Expert Mission
EFF	Economic Freedom Fighters
EISA	Electoral Institute for Sustainable Democracy in Africa
EOM	Election Observation Mission
EU	European Union
EUR	Euro (currency)

FF+	Freedom Front Plus
GC	General Comment
GR	General Recommendation
HRC	Human Rights Commission
IBA	Independent Broadcast Authority
ICASA	Independent Communications Authority of South Africa
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all Forms of Discrimination
IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
LGBTQI+	Lesbian, Gay, Bi-sexual, Transgender, Queer, Intersex plus
MEO	Municipal electoral office
MDDA	Media Development and Diversity Agency
MK	uMkhonto weSizwe
MMA	Media Monitoring Africa
NA	National Assembly
NCOP	National Council of Provinces
PA	Patriotic Alliance
PLC	Political liaison committee
ROC	Results Operation Centre
RPPF	Represented Political Party Fund
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SANEF	South African National Editor's Forum
SAPS	South African Police Service
UBT	Universal ballot template
UDM	United Democratic Movement
UN	United Nations
UNCAC	UN Convention against Corruption
UPR	Universal Periodic Review
VMD	Voter Management Device
ZAR	South African Rand (currency)

