



MY VOTE
COUNTS

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Minister Aaron Motsoaledi

Minister of Home Affairs

Per emails: munyaits@elections.org.za

RE: Clarity on the vacancy of an IEC Commissioner

Dear Minister Aaron Motsoaledi,

1. We write to you as My Vote Counts (MVC) to seek clarity on the process to appoint an Electoral Commissioner of the IEC following interviews for the vacancy held on 1 April 2022.
2. We have noted that the term of office for the current Chairperson of the Electoral Commission, Mr. Glen Mashinini, will come to an end on 16 April 2022. Mr. Mashinini's term as a Commissioner will also come to an end on this date.
3. We further note that the process to appoint a new Commissioner is underway. The interview panel has recommended 8 candidates to the Portfolio Committee on Home Affairs. The process still has several steps and it does not seem possible for a new appointment to be made by the President of the Republic before the end of Mr. Mashinini's term.
4. Pursuant with the Electoral Commission Act 51 of 1996, "The Commission shall consist of five members". This always means that there must be 5 Commissioners. As per our reading of the Act, once Mr. Mashinini's position as a Commissioner becomes vacant, the Electoral Commission will only have 4 Commissioners, and will not be constituted.
5. Additionally, the Electoral Commission will be without a Chairperson.
6. We would like to know what the Electoral Commission's understanding of the process is once the term of a Commissioner and the Chairperson comes to an end while the appointment process for the vacancy is not complete.
7. We are deeply concerned about the Commission not being constituted and would like to know what the next steps are in ensuring that the vacancy of IEC Commissioner filled in accordance with the Act.
8. Considering the urgency of the matter, we request a response before 21 April 2022.
9. We look forward to hearing from you.

Minhaj Jeenah
Executive Director

Board of Directors: Adv. Gregory Solik (Chairperson) | Khaya Sithole | Amanda Rinquest | Gaile Fullard | Dr Trevor Ngwane | Tyrone McCrindle | Khaya Sithole

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