

FREE



FAIR

1 June 2021

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Email: drsuegoldstein@gmail.com**

And

**DR ASLAM DASOO
CONVENOR
PROGRESSIVE HEALTH FORUM**

Dear Dr Goldstein and Dr Dasoo

**REPORT ON ENSURING FREE AND FAIR LOCAL GOVERNMENT ELECTIONS
DURING COVID**

On Thursday, 20 May 2021, the Chairperson of the Electoral Commission of South Africa and I announced that I have accepted the invitation from the Electoral Commission to lead the Inquiry into Ensuring Free and Fair Local Government Elections During COVID-19 (“Inquiry”).

The salient features of the terms of reference for the Inquiry are as follows:

- To enquire into, make findings and report on, and make recommendations concerning the likelihood that the Electoral Commission would be able to ensure that the forthcoming 2021 general local government elections will be free and fair,

Report on Ensuring Free and Fair Elections during COVID

in view of (i) the challenges posed by the COVID 19 pandemic, and (ii) the measures promulgated by the government to curb the continued spread of the pandemic; and

- To indicate additional measures that the Electoral Commission may be required to implement in order to realise free and fair elections within the context of the COVID-19 pandemic.

Since accepting the invitation of the Commission, we have begun the work of getting the Inquiry underway. On Monday, 24 May 2021, we established an office from which I will be coordinating all processes related to the Inquiry. On Thursday, 27 May 2021, I had an information session with the political parties represented in the National Party Liaison Committee. In this discussion, representatives of the political parties pledged their support for the Inquiry, and I had the opportunity to convey to them how the Inquiry will be conducted.

In order to facilitate the work of the Inquiry, we will be inviting key stakeholders to make submissions to the Inquiry, which may have a bearing on the freeness and fairness of local government elections earmarked to be held in October 2021. An invitation to make submissions has been issued to the Electoral Commission, whose submissions are due on Friday, 4 June 2021. The Electoral Commission's submissions will be placed on the Inquiry's website before the close of business on the day on which they are due. Experts may wish to read and consider the Electoral Commission's submissions before finalizing their own. The details of the website shall be made available shortly.

In addition, invitations to make submissions have been issued to electoral monitoring bodies, whose submissions are due on Tuesday, 15 June 2021. Invitations have also been issued to the relevant Ministers and government departments and will be issued to political parties, all of whose submissions are due on Friday, 18 June 2021.

We are seeking submissions from medical experts, who have expertise relevant to the potential risks posed by the upcoming local government elections.

To this end, we would like to extend an invitation to you to make submissions to the Inquiry on the following:

- Any information, details or data on or about the current state of the COVID-19 pandemic in South Africa;
- The projected trajectory of the COVID-19 pandemic in South Africa, and in particular during October 2021 when local government elections are earmarked to be held;
- The nature, extent and features of the vaccination efforts being undertaken in South Africa;
- When the vaccination efforts being undertaken in South Africa are likely to reach community immunity, and the likelihood of community immunity being reached by October 2021, when local government elections are earmarked to take place;
- The risk that might be posed to the lives and health of people in South Africa if the local government elections were to proceed in October 2021;
- Any additional measures that may be taken to reduce the risk posed to the lives and health of people in South Africa in the event that the local government elections were to take place during October 2021; and
- Any epidemiological and statistical material and data that may be relevant to the enquiry whether the 2021 local government elections may be held in a free and fair manner.

In addition, you may make any other submissions that you deem necessary and appropriate.

It is our plan that the final report will be handed to the Electoral Commission by Wednesday, 21 July 2021, before the date of the proclamation of the local government elections by the Minister of Cooperative Governance and Traditional Affairs.

In order to complete the Inquiry within the obviously tight timeframes, we have produced a schedule of timelines within which the project will be undertaken. Written submissions must be submitted to freeandfair@elections.org.za by Tuesday 15 June 2021.

The Inquiry will hear oral submissions from invited stakeholders in the week commencing Monday, 28 June 2021. Please indicate whether, in addition to written submissions, you wish to make oral submissions to the Inquiry. If you are invited to make oral submissions, we will send you the date, time and place for your oral submissions.

We anticipate and hope for your assistance with ensuring that the Inquiry is able to deliver on this assignment of constitutional importance.

Yours faithfully,

Dikgang Moseneke

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