



MEDIA RELEASE: NEW NATION MOVEMENT

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CASE FOR INDEPENDENT CANDIDATES TO CONTEST ELECTIONS - APPLICATION FOR LEAVE TO APPEAL WILL BE HEARD BY THE CONSTITUTIONAL COURT ON 2 MAY 2019

Just six days before South Africans are due to go to the polls on 8 May 2019 the Constitutional Court will hear an application for leave to appeal in the matter of the rights of Independent Candidates to contest elections. The Chief Justice has directed that the application be set down for hearing on Thursday, 2 May 2019 at 10h00. The case, in the matter of the New Nation Movement NPC and others versus the President of the Republic of South Africa and others, was argued before the Honourable Justice Desai in the Western Cape High Court on 27th March and judgment was handed down on 17 April. The case was dismissed and consequently the New Nation Movement (NNM) brought an application to the Constitutional Court to appeal the judgment and seek relief on an urgent basis.

The fact that the Constitutional Court has deemed it necessary to consider the application for leave to appeal the ruling of the Western Cape High Court on an urgent basis is indicative of the Court's view of how gravely important is the right of citizens to fully exercise their political rights, as enshrined in section 19 of the Constitution.

The applicants in the case argue that Section 57A and Schedule 1A of the Electoral Act 73 of 1998 are unconstitutional and invalid in that the Electoral Act does not provide for the constitutionally enshrined right of individuals to contest elections as independent candidates; and further, that failure

of the Electoral Act to regulate the position of individuals who stand for election to the National Assembly or the provincial legislatures other than through political party lists, is unconstitutional and invalid.

In support of its application for leave to appeal the New Nation Movement has made it clear that while it is mindful of the importance of the coming elections, and that it has no desire to disrupt them, the contrary issue of equal if not greater importance, is that the elections take place in manner that is both free and fair and which complies with the Constitution. To this end the New Nation Movement commenced a long time ago with a number of interventions to ensure that due attention be given to the need for the Electoral Act to be amended and provision made for independents candidates to contest elections. The intention from the outset was that these amendments would be implemented timeously and that the 2019 elections would allow for the participation of independent candidates. Due to no fault of the applicants this matter has been delayed and postponed over the course of the past two years and more, leaving no alternative at this late stage other than to seek urgent relief from the Constitutional Court.

The New Nation Movement is a civic organisation; it is a non-partisan peoples' movement that seeks to mobilise patriotic and committed South Africans who want to work together to advance the best interests of the nation and of all South Africans. (www.newnation.org.za)

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OR IMMEDIATE RELEASE

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