



"Democracy means freedom to choose"

INKATHA

Inkatha Freedom Party
IQembu IeNkatha Yenkululeko

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Att: Mr Mlungisi Kelembe
Head: Commission Services
Electoral Commission
Election House
Riverside Office Park
1303 Heuwel Avenue
Centurion
0157

22 November 2022

OBJECTION TO THE VOTERS' ROLL IN TERMS OF SECTION 15 OF THE ELECTORAL ACT 73 OF 1998

Without prejudice to any legal recourse that we may have, and in response to your correspondence dated by hand 18 November 2022, I wish to point out that:

1. With regard to point 2 in your correspondence you 'noted that you neither served nor attempted to serve the objection on the voters you are objecting to', it is clear in our submission that we determined the location of the sites which these voters' gave as their addresses. We also determined that it is impossible for these voters' to reside at these sites. Our site visits and finding no residence or people living in these locations can be interpreted as attempting to serve those voters we are objecting to.
2. It is our understanding that the Independent Electoral Commission (IEC) has undertaken 'to leave no stone unturned to address all omissions and errors on the voters' roll' as per their own press statement after the Constitutional Court judgement of 2016 (*Electoral Commission v Aaron Pasela Mhlophe and others*), errors we clearly set out in our objections with regard to voters given addresses not being in Ward 99, Ethekwini, locations not being residential addresses and voters across various voting districts registered at the same impossible address in a different voting district.

3. It is evident that the IEC continual failure to correctly register voters, in the voting district in which they are ordinarily a resident of, is in direct breach of the IEC's statutory obligation.
4. It is also our contention that this expectation of my Party or myself having to serve notice on voters' objecting to their inclusion in the voters' roll is absolving the Independent Electoral Commission of their duty to ensure that voters' registered in a particular voting district actually, by their given address, reside in that voting district and/or that the address given is actually a residence.
 - a) A case in point is one of the voters we objected to being included the Ward 99 voters' roll has given their address as in Plettenberg Bay, over one thousand kilometres away from ward 99.
 - b) Further, we noted in our objections 183 voters from 8 voting districts registered at a single address in Umkomaas town, and further cases following the same pattern with large numbers of voters from various voting districts registered at the same addresses. It is evident that these voters are not registered in their voting district and it is our contention that they do not reside at the addresses given.
 - c) With 435 voters not having addresses it is impossible to serve notice, but it is the expectation that again the Independent Electoral Commission should ensure that all voters have addresses within the given voting district.
5. The number of objections lodged by the Inkatha Freedom Party in just this one by-election is well supported by factual evidence. The significant amount of incorrectly registered voters will bring into contention the credibility of the entire electoral process, the abilities of the IEC in conducting free and fair elections and whether the commission indeed has the will to take reasonable measures to mitigate electoral fraud.
6. Your rejection of our objections to the voters' roll on a technicality that has in our understanding no real validity given the nature of the objections and we intend to seek further legal recourse in this regard.

Yours sincerely

Signed electronically

ClIr NC Gumede
2 Durban Club Place
Durban
Ethekwini
4000