

INDEPENDENT ELECTORAL COMMISSION (IEC) COMMISSIONER PROCESS REPORT 2025



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The IEC Commissioner Appointment Process

Section 6 of the Electoral Commission Act, 1996 (hereafter referred to as “the Act”) makes provision for the composition and appointment of IEC commissioners. The Act states that the Commission should consist of five members where one must be a judge and commissioners must be appointed by the President. Commissioners are required to be South African citizens who do not have high ranking political party profiles at the time of nomination and/or appointment. They serve for a term of seven years (renewable only once). When there is an upcoming vacancy in the Commission, the Speaker of the NA is required to request that the Chief Justice establishes and convenes a Panel to begin the process of filling the vacancies. This panel is composed of the Chief Justice, the Chairperson of the Human Rights Commission (HRC), the Chairperson of the Commission for Gender Equality (CGE) and the Public Protector (PP).

Once the Panel has been convened, the Chairperson of the Panel issues an instruction for the publication of a government notice calling for nominations. Thereafter, a shortlist is compiled from the submissions received. The Panel then interviews shortlisted candidates and makes a recommendation of eight candidates to the Portfolio Committee on Home Affairs (hereafter referred to as “the Committee”). The Committee deliberates on the recommended candidates and then nominates the candidates for the Commission. Thereafter, the recommendation is sent to the NA for consideration. At this step in the process the majority of the NA must adopt a resolution recommending candidates for appointment. Upon the recommendation from the NA, the President makes the appointment and designates a chairperson and vice chairperson from among the commissioners.^[2]

The 2025 Appointment Process

The Panel

The Chief Justice, as the President of the Constitutional Court, and therefore Chairperson of the Panel, makes the recommendations to the NA to fill these vacancies and establishes the selection committee per legislation. The Panel consisted of the Chief Justice M.M.L. Maya, Mr. C. Nissen (Chairperson of HRC), Adv. N. Sepanya-Mogale (Chairperson of CGE) and Adv. K. Gcaleka (PP).

^[2]https://www.gov.za/sites/default/files/gcis_document/201409/act51of1996.pdf

On 15 April 2025, the Chief Justice published a call for nominations^[3] for vacant positions at the IEC with a deadline of 16 May 2025. There was no media statement or social media announcements published by the Office of the Chief Justice (OCJ) or the IEC advertising the Commissioner nomination process. Public and media visibility was low. As a result, civil society organisations, such as My Vote Counts, and concerned citizens submitted requests for an extension. Subsequently, on 16 May 2025, Chief Justice Maya extended the deadline to 06 June 2025. The OCJ's media release^[4], which accompanied this announcement, also indicates that the call for nominations was published in the Sunday Times on 13 April 2025.

The Panel received 77 applications/nominations. Twelve candidates were shortlisted for consideration. The candidates were^[5];

- Mr. G. Abrahams
- Adv. G.C. Chaplog-Louw
- Dr R.T. Govender
- Ms. J. Liberty
- Judge M.I. Madondo
- Dr. R.L. Martin
- Mr M.S. Moepya
- Mr. N.X. Nyembezi
- Judge D. Pillay
- Mrs. J. Pitso
- Ms. S. Sigodi
- Adv. R.K. Sizani

A revised shortlist was released on 07 July 2025 reflecting that Ms. J. Liberty had withdrawn from the process prior to the interview stage. This left eleven candidates. Both lists were accompanied by an e-mailed link to nominees' documents, which was shared with interested legal bodies and stakeholders on 19 June and 06 July 2025, respectively. Civil society organisation, Corruption Watch raised concerns about the initial lack of access to the nominees' curriculum vitae and called on the OCJ to publish these to allow for meaningful public scrutiny and oversight.^[6]

In the interests of openness and transparency, the public and legal bodies were given until 09 July 2025 to make comments on the suitability of the candidates. The interviews were held from 21 to 22 July 2025 at the OCJ National Office in Midrand, Gauteng. The interviews were open for in-person attendance by the media and they were also live streamed on the [Judiciary YouTube channel](#).

^[3]https://www.gov.za/sites/default/files/gcis_document/202504/52516gen3138.pdf

^[4]<https://www.judiciary.org.za/images/news/2025/Media%20statement-%20Extension%20of%20the%20Deadline%20for%20Nominations-%20IEC%202025%20fv.pdf>

^[5]https://www.concourt.org.za/images/MEDIA_STATEMENT_IEC_Shortlist_2025.pdf

^[6]<https://www.corruptionwatch.org.za/cw-pushes-for-transparency-in-iec-commissioner-appointments/>

By this stage ten candidates were interviewed instead of eleven because Adv. R.K. Sizani withdrew from the process. The panel reached consensus to recommend and submit the following eight people^[7]:

- Mr. G. Abrahams
- Adv. C. Chaplog-Louw
- Judge M.I. Madondo
- Dr. R.L. Martin
- Mr M.S. Moepya
- Mr. N.X. Nyembezi
- Judge D. Pillay
- Mrs. J. Pitso

In a letter^[8] dated the 22 August 2025 addressed to the Speaker of the NA, Ms. T. Didiza, where Chief Justice Maya explained that the two candidates withdrew from the process.

The Portfolio Committee on Home Affairs' deliberations

The Committee acknowledged receipt of the Chief Justice's report in a media statement on the 03 September 2025, and thereafter the members requested a period to reflect and consult on the matter. The Committee sat on 21 October 2025 to deliberate on the Panel's recommendations. The key points of discussion centred around continuity, institutional memory and taking into account the IEC's strong historical record and performance. Other members of the Committee criticised these arguments, arguing for leadership renewal and calling for new and forward-thinking individuals as opposed to re-appointments. These discussions noted concerns about inclusivity and better representation for the youth, women and people living with disabilities.

The Committee unanimously supported the appointment of Mrs. J. Pitso but was unable to reach consensus on which candidates should fill the remaining vacancies. They resolved to put it to a vote. One of the IEC commissioners is required to be a judge therefore one of the remaining two positions would have to fulfil that legislative requirement. Based on the votes, Judge D. Pillay was chosen as the nominee to fill this position. The Economic Freedom Fighters (EFF) and the Democratic Alliance (DA) representatives abstained from this round of votes. For the third vacancy, Mr. M.S. Moepya received a majority vote from the Committee. It is noted that the uMkhonto weSizwe Party (MKP) objected to the Committee's decision and report.

^[7]https://static.pmg.org.za/250904Letter_from_the_CJ_to_the_Speaker_of_Parliament_on_IEC_Interviews_-_20_August_2025.pdf

^[8] https://static.pmg.org.za/250904Letter_from_the_CJ_to_the_Speaker_of_Parliament_on_IEC_Interviews_-_20_August_2025.pdf

The Committee's recommendations were submitted to, and deliberated on, by the NA on the 23 October 2025. The final approval was made on 28 October 2025 over a live streamed plenary^[9]. While many of the parties were in support of all three recommended candidates, other parties raised concerns in relation to the two returning candidates (Mr Moepya and Judge Pillay). As such, the EFF called for a division^[10]. In light of this, the Speaker resolved to implement a manual voting procedure. Table 1 reflects how the members of the NA voted on the three names recommended for the vacancies.

Table 1: Breakdown of NA member votes on three names recommended for vacancies

Party	Online	Physical	Total	Vote
African National Congress (ANC)	103	35	138	For
Democratic Alliance (DA)	59	19	78	For
uMkhonto weSizwe Party (MKP)	25	16	41	Against
Economic Freedom Fighters (EFF)	21	10	31	Against
Inkatha Freedom Party (IFP)	7	5	12	For
Patriotic Alliance (PA)	4	4	8	For
Freedom Front Plus (FF+)	2	2	4	For
ActionSA	1	2	3	For

^[9]https://www.google.com/search?q=National+Assembly+Vote+October+2025&rlz=1C1GCEU_enZA1078ZA1078&oq=National+Assembly+Vote+October+2025&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigATIHCAlQIRigAdIBCDM4MzFqMGo3qAlAsAIA&sourceid=chrome&ie=UTF-8#fpstate=ive&vld=cid:85618d5a,vid:LdjERbfcGu4,st:0

^[10]A division refers to a formal vote in which each member's vote is recorded individually and recorded in the parliamentary record, the votes are then tallied based on whether they are for/against a motion.

Party	Online	Physical	Total	Vote
African Christian Democratic Party (ACDP)	1	2	3	For
United Democratic Movement (UDM)	2	-	2	Abstain
Rise Mzansi	-	1	1	For
Build One South Africa (BOSA)	-	1	1	For
African Transformation Movement (ATM)	-	-	-	N/A
Al Jama-ah	-	1	1	For
National Coloured Congress (NCC)	1	-	1	Against
Pan Africanist Congress (PAC)	-	-	-	N/A
United Africans Transformation (UAT)	-	-	-	N/A
GOOD	-	-	-	N/A
Total	226	98	324	

Notably, ten parties voted in favour of the motion to approve the appointments while three voted against it (**Table 1**). In total, 249 members voted in favour of the recommendations, 73 against, and two members abstained from the vote (**Table 1**). All votes were along party lines with no individual member abstaining or voting differently to members of parliament from their own party. Thereafter, the NA submitted its resolution to the President for consideration. The official appointment was made by the President on the 04 November 2025^[11]. Judge Pillay (re-appointment) will serve on a part-time basis, while Mrs. Pitso and Mr. Moepya (re-appointed Chairperson) will serve as full-time members of the Commission.

Strengthening the IEC Commissioner Appointment Process

Overall, the IEC Commissioner appointment process for 2025 demonstrated a commitment to institutional continuity and a desire for gender balance. While the process largely adhered to constitutional and legislative requirements, there are many opportunities to develop the process to enhance transparency, inclusivity, efficiency and public confidence. The independence of the IEC is only as strong as its appointment processes.

Transparency and Public Communication

There were recurring weaknesses that need to be addressed across the 2018^[12], 2022^[13] and 2025 commissioner appointment cycles. In previous cycles, the communications from the OCJ and Parliament were inconsistent and/or delayed. In 2025 there was some improvement because the OCJ published timelines^[14] for the process, achieved some consistency in releasing media statements with updates, and interviews and deliberations were live streamed.

Furthermore, the public currently has to search the OCJ, Parliament and IEC websites separately to locate notices, documents and reports. This impacts the quality of, and limits, the level of public participation in the process. This further creates perceptions of opacity even in instances where the process is procedurally sound. Therefore, there is a need for a standardised and predictable process that is routinely followed during every cycle with the same steps, communication rhythms and transparency requirements being implemented.

A centralised and digitalised public portal should also be introduced to facilitate public participation and awareness. Lastly, the OCJ should expand its publicity efforts by promoting its notices across a wider range of platforms, with a stronger presence online.

Improved transparency throughout the Process

Currently, the public is not made aware of nominees/applicants until there is a shortlist compiled by the panel. The panel received 119 applications in 2018 and 26 were shortlisted. In 2022, there also 119 nominations, with 23 interviews. In 2025, 77 applications/nominations were received by the OCJ, and ten candidates were interviewed. The public only had access to the names of the shortlisted and interviewed candidates. In the interests of openness, the public should be aware of all applicants and how the panel arrives at the shortlisted candidates.

^[11]<https://www.thepresidency.gov.za/president-ramaphosa-appoints-electoral-commissioners>

^[12]<https://www.myvotecounts.org.za/wp-content/uploads/2019/01/MVC-IEC-Commissioner-Brief-19-11-18.pdf>

^[13]<https://myvotecounts.org.za/wp-content/uploads/2023/03/MVC-IEC-Commissioner-Appointment-Process-Report-2022.pdf>

^[14]https://www.parliament.gov.za/storage/app/media/OISD/Advertisements_and_Notices/2025/06-06-2025/TIMELINES_FOR_THE_IEC_INTERVIEWS_SITTING_2025_revised.pdf

Further to this, the documentation and/or profiles of the shortlisted candidates should be published upfront and at the beginning of the public comment period.

Clear Selection and Evaluation Criteria

Across the several cycles, the criteria appear to be applied but not published. While the Act prescribes certain legal requirements, a selection criterion and a general requirement of suitability, however much of the competency is inferred. In the letter to the Speaker the Chief Justice provided summaries of the Panel's evaluations of the candidates in which they expressed concerns about certain candidates' abilities and competencies. However, in some instances these were ignored during deliberations because the current criteria are incredibly broad and can be left to individual interpretation which gives the Panel a very wide discretion over the selection process.

Thus, there is a need for detailed competency standards and a framework for implementation and weighting. These standards and frameworks should also be publicised.

Conclusion

The IEC commissioner appointment process demonstrates continuity and exposes areas for improvement in South Africa's democratic governance. Gaps remain in transparency, public participation and the disclosure of selection criteria despite the process having followed constitutional and statutory requirements. Lessons from this cycle underscore the need for a more standardised, transparent, and participatory approach that will implement clear timelines, publish evaluation criteria, and foster open structured channels for public input. These suggestions would strengthen trust in the IEC and by extension, South Africa's electoral system. Ultimately, the credibility of the IEC does not only depend on the integrity of its commissioners but also the integrity, clarity and openness of the process through which they are appointed. Strengthening this process is essential to enhancing democratic accountability and citizen confidence in electoral outcomes.