

Mareestraat 57 / 57 Maree Street  
Potchefstroom 2531  
Posbus / P.O Box 21097  
Noordbrug 2522  
Potchefstroom  
BTW / VAT: 4810242844

Tel: 018 297 8799  
Faks / Fax: 018 297 0397

PROKUREURS ■ ATTORNEYS ■ BABUELEDI

Ons verwysing/Our reference: MR H J MOOLMAN & MS. C PIENAAR / TVDW / MAT8843  
U verwysing/Your reference: MR N RAMPERSHAD

**EXTREMELY URGENT!**

14.15  
10 May 2019

INDEPENDENT ELECTORAL COMMISSION  
CENTURION

BY E-MAIL: ChamberlainM@elections.org.za

Dear Sir/Madam,

VARIOUS POLITICAL PARTIES / INDEPENDENT ELECTORAL COMMISSION

1. We confirm that we are acting on behalf of the following 27 political parties:

- 1.1 Forum 4 Service Delivery;
- 1.2 African Content Movement;
- 1.3 International Revelation Congress;
- 1.4 African People's Convention;
- 1.5 Ecoforum;
- 1.6 Better Residents Association;
- 1.7 CPM;
- 1.8 South African National Congress of Traditional Authorities;
- 1.9 Women Forward;

DIREKTEURE / DIRECTORS: HANS-JURIE MOOLMAN LLB & CLARISSA PIENAAR LLM  
Bygestaan deur / Assisted by: JAN KRIJTT B.COM LLB  
Registrasienuommer / Registration number: 2007/020053/21  
BEE Certificate Number: EMELOS030935 Level 4

- 1.10 Land Party;
  - 1.11 ATM;
  - 1.12 PAU;
  - 1.13 SRWP;
  - 1.14 Alliance for Transformation;
  - 1.15 COPE;
  - 1.16 African Renaissance Unity;
  - 1.17 African Security Congress;
  - 1.18 SANCOTA;
  - 1.19 AASD;
  - 1.20 Compatriots of South Africa;
  - 1.21 NPA;
  - 1.22 IRC;
  - 1.23 NAPF;
  - 1.24 NFP;
  - 1.25 PAC;
  - 1.26 PRM; and
  - 1.27 African Covenant;
2. We confirm that our clients have already raised certain formal objections (which may be amplified at a later stage) with the IEC and that our clients have further taken note that the IEC is willing to conduct an audit on its own, by virtue of the veracity of these complaints received.
3. The complaints relate to various irregularities that occurred during the 2019 General Elections (the "Elections") which, according to our instructions, casts serious doubts as to the credibility of the whole election process and the outcome thereof.
4. For your ease of reference, we attach hereto a letter that was addressed to you by some of the representatives of our respective clients. We record that they have raised various issues that are not only material to the outcome of the elections but by the very nature thereof, cast serious doubts over the credibility and the freeness and

very nature thereof, cast serious doubts over the credibility and the freeness and fairness of the 2019 General Elections. The complaints raised are, inter alia, the following:

- 4.1 There are various instances of people who voted multiple times. The full extent of this will never be known no matter how much sampling is done.
- 4.2 The people accused of this and incarcerated for it are more than likely victims of political bullying and abuse.
- 4.3 Voting stations opened late and one not at all.
- 4.4 Many voting stations ran out of ballot papers and people were asked to come back later, go to another voting station or given one ballot paper and told to come back for the other later.
- 4.5 Many indelible ink pens did not work and could be rubbed off very easily.
- 4.6 Many VD's did not have scanners or scanners did not work. By virtue of this dysfunctionality, the IEC was, amongst other things, in no position to determine:
  - 4.6.1 whether a voter who represented him/herself at the voting station was a registered voter;
  - 4.6.2 whether such voter has already casted their vote on the same day at a different voting station; or
  - 4.6.3 whether such person is ordinarily registered in a different province than the province where the vote was in fact casted which is not allowed.
- 4.7 Many ballot papers were not stamped at the back.

- 4.8 People were given different configurations of ballot papers – sometimes 2 National or 2 Provincial and in the North West there are even reports of people being given 3 ballot papers.
  - 4.9 Presiding officers have assisted people to vote without any third-party present.
  - 4.10 Unmarked ballot papers were accepted by a presiding officer against the rules of the NPLC.
  - 4.11 VEC4 forms were not available in most provinces which meant that people could only vote Nationally.
  - 4.12 Some Special Votes used a system that utilised 2 envelopes, others 3 and some 4.
  - 4.13 The number of spoiled votes is far higher than before.
5. We are instructed that these issues were also formally raised with the IEC via thousands of formal complaints from across the length and breath of the Republic of South Africa.
  6. In addition to the complaints referred to above, we also hold instructions to raise, inter alia, the following additional objections:
    - 6.1 The altering of the certified voters' roll between the date of certification and the date upon which the elections took place, being 8 May 2019 with the objective of allowing unregistered voters to vote.
    - 6.2 A failure to separate the ballots of the voters referred to in paragraph 4.6 above from the ballots that were placed in the ballot box before the registration status of the relevant voters who only completed an appendix 4 affidavits could be verified thus enabling such persons to vote illegally without the ability to retrieve the ballots.

7. By virtue of the fact that the various issues were raised with the IEC during the elections, the IEC, after receiving the various complaints and after the voting stations were closed accepted the veracity of these widespread complaints and as a result decided to communicate via the media that it will be conducting its own "quick audit".
8. Although our clients accept the need for an audit under the circumstances, they are of the view that the nature of the issues raised cannot only be attributable to isolated incidents involving individuals employed by the IEC, but are issues that can be directly linked to a failure of systems that were both foreseeable and preventable had the IEC taken its Constitutional duty to ensure free and fair elections seriously.
9. These failures amount to a conflict of interest that, in our clients' view, disqualifies the IEC to conduct an audit of its own failures. This must be considered against the background that the IEC has had more than ample opportunity to properly prepare for the 2019 General Elections.
10. In the light of the above, we confirm that our clients are not satisfied with the fact that the IEC is indeed the party conducting an audit in this matter.
11. Our clients accordingly are of the view that the IEC is compromised insofar as the objectivity of any audit processes concerned and therefore hereby demand that the IEC, by 11h00 on 11 May 2019, appoints an independent audit firm to conduct the audit it needs to do.
12. Should the IEC not agree to an independent audit, we hold instructions to approach the Electoral Court for, amongst other things, an order to compel the IEC to appoint an independent audit firm to conduct an audit of the 2019 general elections and to refrain declaring the outcome of the election.
13. Lastly, kindly find annex hereto a request for access to information for your urgent attention.

14. We await your urgent reply and reserve our clients' rights in toto.

Yours faithfully

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**MOOLMAN & PIENAAR INC**

**H J MOOLMAN**

E-Mail: [hj@mmlaw.co.za](mailto:hj@mmlaw.co.za)

[clarissap@mmlaw.co.za](mailto:clarissap@mmlaw.co.za) / [litigation1@mmlaw.co.za](mailto:litigation1@mmlaw.co.za)



SOUTH AFRICA

To: AFRICAN CONTENT MOVEMENT

From: IEC Legal Services

**Section 55 Objection  
Acknowledgement of Receipt**

This receipt serves to notify the objector that the notice of objection, Reference Number: 1030006, has been received by the Commission.

The following pertinent information is in respect to the receipt of the written notice of the objection:

Objection Receipt Details:

Reference Number:	1030006	Electoral Event:	2019 NATIONAL ELECTION
Objection Received:	2019-05-09 10:10 AM	Province:	Gauteng
Objection Captured:	2019-05-09 10:11 PM	Municipality:	All Municipalities
		Voting District:	All Voting Districts
		Voting Station Name:	All Voting Stations

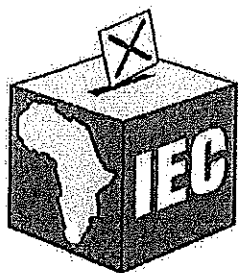
Objector Details

Name/s:	Vanessa	Physical Address:	
Surname:	Swanepoel		
Telephone Number:			
Fax Number:			
Cellphone Number:	0761903265		
Email Address:		Postal Address:	ROOM NUMBER 1 FIRST FLOOR
Party Represented:	AFRICAN CONTENT MOVEMENT		CORNERHOUSE BUILDING
			77 COMMISSIONER STREET
			JOHANNESBURG
			2100

This Acknowledgement of Receipt does not purport to confirm the validity or veracity of your objection, as the matter will be determined by the Commission.

Date: 2019-05-09

Signature: Sy Mamabolo  
Chief Electoral Officer



## SOUTH AFRICA

Attention: Ms. V. Swanepoel  
Duly appointed representative

Per email: [Vanessa@overberginfo.com](mailto:Vanessa@overberginfo.com)

Dear Ms. Swanepoel,

### RE: VARIOUS COMPLAINTS

The Electoral Commission of South Africa ('the Commission') hereby acknowledges receipt of your letter dated 9 May 2019, received at the National ROC on behalf of the thirty-one (31) political parties in respect of various complaints.

The Commission will consider your complaint and revert to you in due course.

I trust you find the above in order.

Yours faithfully,

Mr. N. Rampershad

Legal Services

Date: 09/05/2019

## Electoral Commission

*Ensuring Free and Fair Elections*

Commissioners: Mr V.G. Makhini (Chairperson) | Ms J.Y. Love (Vice-Chairperson) | Dr N.P. Masuku | Mr M. Moepeya | Judge D. Pillay  
National Office: Election House, Riverside Office Park, 1303 Hatfield Avenue, Centurion, 0157 | P/Bag X112, Centurion, 0048  
Info@elections.org.za | www.elections.org.za  
Tel (+27) 12 622 5700 | Fax (+27) 622 5784





SOUTH AFRICA

To: AFRICAN CONTENT MOVEMENT

From: IEC Legal Services

**Section 56 Objection  
Acknowledgement of Receipt**

This receipt serves to notify the objector that the notice of objection, Reference Number: 1030006, has been received by the Commission.

The following pertinent information is in respect to the receipt of the written notice of the objection:

Objection Receipt Details

<b>Reference Number:</b>	1030006	<b>Electoral Event:</b>	2019 NATIONAL ELECTION
<b>Objection Received:</b>	2019-05-09 10:10 AM	<b>Province:</b>	Gauteng
<b>Objection Captured:</b>	2019-05-09 10:11 PM	<b>Municipality:</b>	All Municipalities
		<b>Voting District:</b>	All Voting Districts
		<b>Voting Station Name:</b>	All Voting Stations

Objector Details

<b>Name/s:</b>	Vanessa	<b>Physical Address:</b>	
<b>Surname:</b>	Swanepoel		
<b>Telephone Number:</b>			
<b>Fax Number:</b>			
<b>Cellphone Number:</b>	0761903265		
<b>Email Address:</b>		<b>Postal Address:</b>	ROOM NUMBER 1 FIRST FLOOR
<b>Party Represented:</b>	AFRICAN CONTENT MOVEMENT		CORNERHOUSE BUILDING
			77 COMMISSIONER STREET
			JOHANNESBURG
			2100

This Acknowledgement of Receipt does not purport to confirm the validity or veracity of your objection, as the matter will be determined by the Commission.

Date: 2019-05-09

Signature: Sy Mamabolo  
Chief Electoral Officer

ATTENTION IEC LEGAL DEPARTMENT

The undersigned political parties dispute that the South African 2019 National and Provincial Elections have been free and fair.

This general list (*i.e.* this is not an exhaustive list and we reserve our rights to add to this list of grievances as needs be) covers the main issues that we, the undersigned as a collective, believe have resulted in ordinary South Africans being denied their Constitutional Rights to vote in a free and fair election environment as set out in the South African Constitution.

The said parties will each submit individual complaints and/or complaints as a collective pertaining to these issues in terms of the IEC's due processes. This letter serves as a formal objection duly submitted to the to the IEC legal office at the IEC National ROC centre situated in Pretoria-West.

The following objections are lodged with the IEC by the undersigned political parties and where it has not been formally lodged this letter places these objections on record:

1. There are various instances of people who voted multiple times. The full extent of this will never be known no matter how much sampling is done.
2. The people accused of this and incarcerated for it are more than likely victims of political bullying and abuse.
3. Voting stations opened late and one not at all.
4. Many voting stations ran out of ballot papers and people were asked to come back later, go to another voting station or given one ballot paper and told to come back for the other later.
5. Many indelible ink pens did not work and could be rubbed off very easily.
6. Many VD's did not have scanners or scanners did not work.
7. Many ballot papers were not stamped at the back.
8. People were given different configurations of ballot papers – sometimes 2 National or 2 Provincial and in the North West there are even reports of people being given 3 ballot papers.
9. Presiding officers have assisted people to vote without any third party present.
10. Unmarked ballot papers were accepted by a presiding officer against the rules of the NPLC.
11. VEC4 forms were not available in most provinces which meant that people could only vote Nationally.
12. Some Special Votes used a system that utilised 2 envelopes, others 3 and some 4.
13. The number of spoiled votes is far higher than before.
14. Voters waited for a long time even when queues were short because party agents were not trained properly.



15. The media has favoured the larger parties and essentially ignored the smaller parties thus preventing voters from learning what their options are.
16. Many of the smaller parties have never seen or heard their advertisements flighted and cannot obtain any form of flighting schedule.
17. Many of the presiding officers are teachers and employed by government and the same people are used every time which creates bias and often carelessness in following procedure.
18. When reporting issues to the IEC using the computers they respond far less quickly than to the bigger parties.
19. The training received by party agents and new parties is not adequate.
20. There is a definite bias in the mainstream media towards the large parties and often smaller parties grievances or comments on issues are ignored.
21. Voter education is not adequate and happens in a privileged environment. Education at grass roots level is virtually non-existent.
22. The Western Cape IEC workers decided that they wanted to stop working before the votes had all been counted.

Essentially the entire process and procedure of voting has been flawed and far too many South Africans have not had the opportunity to exercise their right to vote. The issues above, coupled with the fact that the smaller parties constituencies and memberships are not accurately reflected in the voting results thus far, indicate that the entire voting process is flawed and possibly captured by the ruling party.

Consequently we hereby request the following:

1. full audit results from the IEC;
2. the right to appoint our independent auditor to verify the IEC audited process;
3. the rerun of the 2019 National and Provincial Elections making use a more streamlined process.

We hereby reserve our rights to seek further legal relief at the Electoral Court on an urgent basis.

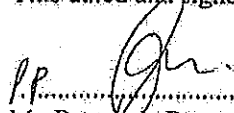
We request confirmation of this submission and for our request to be expedited as a matter of urgency within a defined time frame by 9am on 10<sup>th</sup> of May 2019.

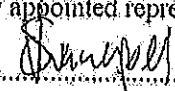
1. Ramuada Romeo – African Content Movement
2. Ernest Mumba – International Revelation Congress
3. David Mahileke – African People's Convention
4. Dr Isaac J Masuku – Ecoforum
5. Kagiso Mokoena – Better Residents Association
6. Dr Sipho Xipu – CPM
7. Masego Kodisang – Forum 4 Service Delivery
8. Sibongile Mtuli – South African National Congress of Traditional Authorities
9. Bosa Ledwaba – Women Forward

10. Castello Machete – Land Party
11. Lindsay Maasdorp – BLF
12. Mandisa Mashiya – ATM
13. Rev. Mzoxolo Boyama – PAU
14. Vuyolwethu Toli - SRWF
15. Nelly Tom – Alliance for Transformation
16. Dennis Bloem – COPE
17. Leonard Sekhukhune – African Renaissance Unity
18. Andile Qoli – African Security Congress
19. Sibongile Ntuli – SANCOTA
20. Katlego Mokwena – AASD
21. Yolande Le Roux – Compatriots of South Africa
22. Jabulani Mlambo – NPA
23. Nenyudza – IRC
24. Phumlane Zwane – NAPF
25. Mzwakhe Sibisi – NFP
26. Apa Poole – PAC
27. PRM
28. Kaizer Maswanganyi – Ecoforum
29. Thandi – UDM
30. Dr Convy Baloyi – African Covenant
31. Jimmy Manye - ATM

The following has been signed as a collective by a duly appointed representative on behalf of all the above mentioned Political Parties.

This dated and signed on 9<sup>th</sup> May 2019 at Pretoria-West.

  
 .....  
 Mr. Rampada Romeo  
 081 333 7491  
 Duly appointed representative

  
 .....  
 Vanessa Swanepoel  
 076 190 3265  
 Duly appointed representative

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the *Promotion of Access to Information Act, 2000*  
(Act 2 of 2000))

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_  
Request \_\_\_\_\_ received \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
(state rank, name and surname of information officer/deputy information officer) on

\_\_\_\_\_  
(date) at \_\_\_\_\_ (place).

Request fee (if any):

Deposit (if any):

Access fees: R .....

R .....

R .....

\_\_\_\_\_  
SIGNATURE OF INFORMATION  
OFFICER/DEPUTY INFORMATION  
OFFICER

**A PARTICULARS OF PUBLIC BODY**

The Information Officer/Deputy Information Officer:

**The Independent Electoral Commission of South Africa**

**B PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surnames: **Ms. Clarissa Pienaar from the firm Moolman & Pienaar Incorporated attorneys**

Identity number: **8401230092084**

Postal address: **57 Maree Street, Potchefstroom, 2531**

P.O.Box 21097 Noordbrug 2522

Fax number: 018 297 0397

Telephone number: 018 297 8799

E-mail address: clarissap@mmlaw.co.za

Capacity in which request is made, when made on behalf of another person:

**C PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Forum4 Service Delivery and various registered political parties as listed in the letter to the IEC dated 10 May 2019.

Registration number:

**D PARTICULARS OF RECORD**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

- 1.1 Copies of all complaints and/or objections and/or affidavits containing objections lodged with the IEC by all or any political parties and/or other persons that participated in conducting the 2019 General Elections ("elections") and emanating from the 2019.

**E FEES**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.

- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

**F FORM OF ACCESS TO RECORD**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: N/A

Form in which record is required: \_\_\_\_\_  
 \_\_\_\_\_

mark the appropriate box with an X.

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1 If the record is in written or printed form:**

copy of record\*                      inspection of record

**2 If record consists of virtual images-**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images                      copy the images\*                      transcription of the images\*

**3 If record consists of recorded words or information which can be reproduced in sound:**

listen to the soundtrack (audio cassette)                      transcription of soundtrack\*X  
 (written or printed document)

**4 If record is held on computer or in an electronic or machine-readable form:**

printed copy of record\*                      printed copy of information derived from  
 the record\*                      copy in computer readable form\* X

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SIGNATURE  
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