

AFRICAN NATIONAL CONGRESS

SECRETARY GENERAL'S OFFICE



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TO: Provincial Secretaries / IPC Co-ordinators
Secretaries General / Co-ordinators: ANCVL / ANCYL / ANCWL

Dear Comrades,

RULES FOR THE NOMINATION AND ELECTION OF NEC MEMBERS

Please find attached hereto the **Rules for the Nomination and Election of NEC Members: 2022** for the 55th National Conference on 16 – 20 December 2022.

The Rules were proposed by the ANC Electoral Committee and adopted by the National Executive Committee at its meeting on 2 – 4 July 2022.

The Rules are effective as of 11 July 2022.

Please ensure that the Rules are circulated to all ANC structures in the Province / League.

Further enquiries can be directed to:
Cde Kgalema Motlanthe
Chairperson: ANC Electoral Committee
c/o Comrade Livhuwani Matsila:
Mobile: 082 602 5515 / Email: chief@matsila.co.za.

Yours Comradely,

Paul Mashatile
TREASURER GENERAL
obo Deputy Secretary General
AFRICAN NATIONAL CONGRESS
Date: 11 July 2022



**RULES FOR
NOMINATION
AND ELECTION
OF NEC MEMBERS
2022**

RULES FOR NOMINATION AND ELECTION OF NEC MEMBERS 2022

1. INTRODUCTION

- 1.1 The NEC meeting on 7 September 2020 agreed to urgently establish the Electoral Committee (EC) as resolved by the 54th National Conference to make rules for and manage the selection of candidates for ANC public representatives, as well as for leadership positions in ANC structures. The EC was established early in 2021.
- 1.2 The Conference Resolutions were passed to address weaknesses and manipulation of ANC selection and elections processes, and campaigning rules. The goal was to ensure a process that delivers candidates and leaders with the capacity, integrity and support needed to lead the ANC and government.
- 1.3 The EC does not elect or select leaders or candidates. It plays the same role as the IEC in national elections – the rule-maker and referee. Election administration is done by an independent agency, or structures, staff or volunteers, appointed by the EC and accountable to the EC.
- 1.4 ANC branches are the primary structures of the ANC that nominate and vote for candidates for leadership. At Conference branch delegates must make up 90% of voting delegates.
- 1.5 Provincial nominations are consolidated from the branch nominations for each province and used by the EC to determine the top three nominees for each National Official position and the top 200 additional member nominees. These names, together with any additional nominees from the Conference floor, will be on the ballot.

2. ROLES AND POWERS OF THE ELECTORAL COMMITTEE

(Terms of Reference adopted by NEC)

- 2.1 To make the rules for leadership and candidate selection in the ANC and propose candidate selection rules to the NEC, and leadership selection rules to the NEC and the National Conference;
- 2.2 To propose incorporation of permanent rules for both processes in the Constitution of the ANC;
- 2.3 To make rules for campaigning, and the use of resources in campaigning, for leadership and candidate positions in the ANC;

- 2.4 To appoint agencies, list committees, interview and/or vetting panels, to assist with implementing selection and election processes approved by the NEC;
- 2.5 To oversee implementation by the constitutional structures of the ANC and all other bodies established, and deal with disputes and appeals;
- 2.6 The ANC Constitution empowers the NEC to appoint an Electoral Commission (now called Committee) for each Conference. The NEC in February 2022, appointed the Electoral Committee to play this role for the 55th National Conference.

3. PREAMBLE FOR BRANCH MEMBERS

(This section should be read to all members attending the nomination meetings at branch level.)

- 3.1 Leadership selection is a very important task and branches must approach it with careful political analysis and integrity. The ANC discussion document “Through the Eye of a Needle” guides our approach. It is summarised at the end of this Rules Document so that it can be used for discussion in branches.
- 3.2 The ANC depends on its leadership to guide implementation of ANC policies and Conference Resolutions, and to make decisions in between National Conferences. The National Executive Committee is the highest decision-making body after Conference and our success as a movement depends on the quality, capacity and makeup of our NEC. The NEC is the public face of the ANC and must be made up of leaders who reflect our values and represent the diversity of the South African people.
- 3.3 We need cadres who have proven leadership and political capacity, a good track-record, public standing and the moral integrity to provide leadership to the ANC, the motive forces of our struggle, and society in general. We need the NEC to reflect our values and our united, non-racial and non-sexist character. The NEC should also reflect generational mix and recognise the importance of including young people in leadership positions. We must strive to achieve an NEC with at least 25% of members being young people. At least 50% of nominees and elected members must be women and we must strive to represent the different national groups in our country.
- 3.4 We should strive to achieve a good balance of leadership that also reflects and draws from the many sectors of society that we seek to mobilise and represent. This should include leaders from different classes, from all national groups, from all parts of the country both rural and urban, from many sectors and communities, from different faith groups, and importantly marginalised groups such as people living with disabilities, and the LGBTQI+ community.
- 3.5 It is the responsibility of branches to take the requirement seriously to deliver a representative NEC that reflects our motive forces and the diversity in our country.

- 3.6 The Rules as approved by the NEC, strive to achieve the best possible leadership for the ANC by ensuring free and fair nomination and election processes. They seek to undo the negative practices that have plagued our processes in the last three Conferences, where delegates were influenced by often irregular means to ensure a particular outcome for a faction or a slate.
- 3.6 The Rules are based on the Constitution and the Organisational Renewal Resolution of the 54th Conference. Breaking or undermining these Rules will be a disciplinary offense and can lead to offenders being expelled or suspended from the ANC.

4. RULES FOR WHO MAY STAND AS A CANDIDATE FOR THE NEC

- 4.1 The ANC expects the highest ethical and moral standards from its NEC leaders. Any member may stand for the NEC if they have been an active member for at least ten years, unless they are prohibited from standing by one of the rules below.
- 4.2 No-one may contest ANC elections for leadership if:
 - 4.2.1 They have been found guilty of, or have been charged with unethical or immoral conduct, or any serious crime, or corruption. A **serious crime** is defined by the EC as a crime that could result in a prison sentence of longer than 6 months. A charge is defined as **being charged in a court of law**. This rule applies also to members who have been charged with any criminal offences in cases that are still being heard, or where a judgment or sentence is being appealed.
 - 4.2.2 They have been found guilty by a Disciplinary Committee for contravening the ANC Code of Conduct, and had their membership suspended for any period in the last ten years. This rule applies also where a member is awaiting the outcome of a disciplinary hearing or an appeal.
 - 4.2.3 The rules above apply also to all members who are temporarily suspended pending the outcome of a court case or disciplinary hearing, and to members on whose cases the IC have completed and submitted a report and recommendation of suspension of membership, or stepping aside from leadership or public office.
- 4.3 The EC must use these rules to vet all nominees that make it onto the list of those who may appear on a ballot paper, and exclude those affected by any part of rule 4.2.1 to 4.2.3.

5. ANC CONSTITUTIONAL RULES THAT APPLY TO CAMPAIGNING AND CONDUCT DURING ANC PROCESSES FOR NOMINATING AND ELECTING LEADERS

- 5.1 Acts of misconduct related to elections and nominations under Rule 25.17 in the ANC Constitution can result in a disciplinary committee process and a member can be suspended or expelled. Possible offenses are covered in Rule 25.17. The text in brackets below, indicates how the Rule will apply to the nomination and election of leaders:
- 5.1.1 Failing to obey any Rules made in terms of the Constitution (this includes these Rules for nomination and election of leadership).
 - 5.1.2 Sowing racism, sexism, tribal chauvinism, religious and political intolerance, regionalism or any other form of discrimination (this rule would apply to the campaigns for specific leaders).
 - 5.1.3 Behaving in a manner which can bring the ANC into disrepute (any campaigning or statements that may harm the reputation and good name of the ANC).
 - 5.1.4 Provoking division or impacting negatively on the unity of the ANC (this applies to the practices of promoting slates and negative campaigning against candidates).
 - 5.1.5 Abusing elected or employed office in the Organisation or in the State to obtain any direct or indirect undue advantage or enrichment; (this would especially apply to candidates who also occupy positions in the State).
 - 5.1.6 Participating in any organised factional activity that goes beyond the recognised norms of free debate inside the ANC and which threatens its unity; (this would apply to organising for factions and predetermined slates of preferred candidates).
 - 5.1.7 Publishing and/or distributing any media publication without authorization which purports to be the view of any organised grouping, faction or tendency within the ANC; (this rule is amplified by rules for campaigning made by the EC in the next section of this rules document).
 - 5.1.8 Undermining the respect for, or impeding the functioning of any structure or committee of the ANC; (this includes preventing the EC or its staff or agency from carrying out their tasks).
 - 5.1.9 Misappropriating funds or destroying the property of the ANC (this includes any unruly activity during the nomination and voting process and any attempts to attack offices, hijack nomination books, or damage cars and equipment or venues used by the ANC).
 - 5.1.10 Fighting, assaulting another member or behaving in a disorderly or unruly manner at ANC meetings, assemblies and or gatherings and/or disrupting meetings and interfering with the orderly functioning of the ANC; (this includes bringing dangerous weapons to meetings and will cover any disruption of nomination, consolidation, objections and disputes, screening and voting and counting processes).

- 5.1.11 Soliciting or accepting any bribe for performing or not performing any task pertaining to or in connection with the ANC (practices like vote selling or buying fall under this clause).
- 5.1.12 Prejudicing the integrity or reputation of the Organisation, its personnel or its operational capacity by impeding the activities of the Organisation; creating divisions within its ranks or membership; doing any other act which undermines the ANC's effectiveness as an organisation (this rule includes any attempts at cheating or undermining democracy).

6. ADDITIONAL RULES FOR CAMPAIGNING

- 6.1 The EC believes that campaigning should be allowed within these rules, but that all should observe the rules. The EC has a mandate from the 54th Conference to rid the ANC of negative and corrupt practices in leadership selection. Campaigning and lobbying should be an open process where we are allowed to influence each other and are influenced by others, within the rules and structures of the movement. The right to nominate and vote for leadership lies with ANC members and branches and we should protect that right against corrupt practices that seek to manipulate and undermine the democratic process. The rules for campaign events will apply from the time that nominations open, until the results are declared at Conference. The rules for media and branding apply from 11 July 2022.
- 6.2 Candidates will be held responsible for preventing any actions by their supporters that go against these rules, and for their campaign teams abiding by the following rules:
- 6.2.1 No-one may try to manipulate the outcome of nominations and elections processes by buying or offering services, positions or any other rewards to branches and/or conference delegates for their support of a particular candidate/s. No-one may offer such rewards, and no-one may accept it.
- 6.2.2 No campaign may quarantine delegates by separating them according to who they support, and hiring separate conference accommodation and keeping them away from other influences. All delegates must stay in conference accommodation with their province, league or region according to the plans drawn up by the Conference Preparatory Committee.
- 6.2.3 No delegates may be given special treatment for food, accommodation, transport or flights unless they live with a disability that warrants it. Any such special treatment must be authorised and recorded by the provincial or league secretary who will be held accountable for such decisions.
- 6.2.4 No individual candidate for leadership, group of candidates or ANC member may use branded (with candidate's name or face, or campaign abbreviation) T-shirts, caps, vehicles, pamphlets, posters or other printed paraphernalia to promote a candidate or group of candidates. Restrictions apply to all media and advertising that cost money.

- 6.2.5 Media that is available at little or no cost, such as social media, emails, SMS, WhatsApp, Facebook, Twitter, Instagram, TikTok, YouTube, as well as press releases and free interviews for newspaper, radio and TV, are allowed. All official ANC T-shirts are allowed.
- 6.2.6 Campaigns may hold public meetings, interviews and debates; in person, virtually and on radio, TV and social media. For all these gatherings, costs paid by a campaign must be restricted to venue related costs, sound, and travel and accommodation for organisers and candidates. Modest refreshments, excluding alcohol and other psycho-active substances, may be served where necessary.
- 6.2.7 ANC structures may host organisational meetings where candidates can address members, as long as all nominated candidates for an official position are invited and given equal access.
- 6.2.8 The EC may approve or call debates between opposing candidates for the positions of officials. These debates may take place on ANC platforms and aim to provide better information to branches and members. The EC must decide the rules and format and include that in the final debate rules.
- 6.2.9 Presentations on mass and public media platforms may be held to introduce nominees for officials as long as the rules, format and moderation are controlled by the EC. Such events should be held in the public interest to introduce the vision and track record of those contesting to be our senior leaders, but these events should not be allowed to become a contested and disorderly spectacle.
- 6.2.10 No member or candidate may use any form of negative campaigning against another candidate or group of candidates. Campaigns should focus on why to support your candidate.
- 6.2.11 No group of NEC candidates may campaign as an organised slate or list that tries to get votes for a pre-determined group of NEC members or officials. All campaigning should focus on the capacity and track record of each of the candidates. Candidates may express support for each other and attend campaign events together. No-one may distribute prescriptive lists of officials and NEC members that delegates should vote for as a slate.

Consequences and objections

- 6.3 Any members may report any infringement of these rules to the EC or to the whistleblowing centre that will be active from the beginning of August. The EC may refer the matter to an ANC DC and it could lead to the disqualification of a nominee.
- 6.4 Any member involved in the prohibited activities in the sections above, may be suspended or expelled following a disciplinary process. Any candidate whose campaign supporters participate in such activities must condemn the actions of their supporters and may be disqualified if they do not make a strong effort to end this behaviour.

- 6.5 All candidates must agree to abide by these rules and to keep a clear record of all sources of donations in money or in kind, and all spending on their campaign.
- 6.6 The full financial record of every campaign must be maintained and submitted to the EC. All campaigns must submit detailed financial reports, to the EC. The EC has the right to demand further particulars and to inspect bank statements of candidates, campaigns and campaign workers and to interview members of campaign teams.
- 6.7 The EC may order a full disclosure of all assets, properties, investments, donations and gifts of any member involved. This will require the full cooperation of the nominee. The EC may also open a criminal or civil case.

7. NOMINATION BY BRANCHES

- 7.1 Nominations are done by a BGM under supervision of an independent electoral officer on any day from the starting date announced by the NEC in mid-August till the end of September. Electoral officers will chair the nominations and oversee the vote counting. They will consist of well-trained former MPs and MPLs, former councillors, as well as provincial Legal and Monitoring Team members, who have no interest in contesting the elections. They must be trained by the Electoral Committee and its agency or staff, and deployed to different regions from the ones they reside in. No-one who is available for nomination to the NEC, or who is a current NEC, PEC or REC member, may be an electoral officer.
- 7.2 The branch may nominate one candidate per official position and up to 80 additional members. After nominating a candidate, the nominator must give a 1-2 minute motivation to the branch meeting for why that candidate should be a leader of the ANC, and the nomination should be opened for discussion.
- 7.3 Rule 6 of the Constitution states that women should make up at least 50% of all elected structures. This rule is applied to the total 86 positions on the NEC and therefore at least 43 members should be women. Branches are urged and encouraged to extend this rule to the branch *nomination* of Officials as a collective, to ensure that at least three nominees for officials are women.
- 7.4 **For officials**, a secret vote must be held if there is more than one nomination for a position. If there is only one nominee, a show of hands can be used. 50% +1 of members present must support a nomination for it to be the official branch nomination. If there are multiple candidates and the 50%+1 is not achieved in the first round, a second round of voting for the two candidates with the highest votes, should be held.
- 7.5 **For additional members**: After nominating a candidate, the nominator must give a 1-2 minute motivation for why that candidate should be a leader of the ANC and the nomination should then be opened for discussion. Once debate is concluded, members should then be asked to raise hands if they support the nomination. 50% plus 1 of the members present must support a nomination for it to be the branch nomination. The number of votes for each candidate must be captured.

- 7.6 At least 50% of branch nominees must be women. The branch nominees must all achieve the 50%+1 threshold of votes and must be captured in the order of most votes to least votes. If a form has less than half women's names for additional members, the EC will only accept the same number of male names, starting from those with the most votes.
- 7.7 Branches may nominate between 1 and 80 additional NEC members. A form with more than 80 additional names will be considered an invalid nomination.
- 7.8 All nominations must be captured on the nomination form on the correct page, and the pages must be signed by the two senior BEC officials present. The electoral officer must photograph each filled in page with a mobile phone and immediately send it to the Electoral Committee in case there is a subsequent dispute around the validity of a data entry on the ANC system. The branch secretary and chair must enter the data on the ANC system provided for this purpose. It will then be available for all authorised people to scrutinise and to add the nominees to the nominations from that province. No-one may change a data entry on the system unless ordered to do so by the Electoral Committee. The branch secretary must also hand in the signed nomination forms to the provincial list administrator.

8. PROVINCIAL AND NATIONAL CONSOLIDATION

- 8.1 The branch nominations are then consolidated per province under the supervision of the PLC by the provincial nominations administrator and agency or staff appointed by the EC for this task. All branch nominations in a province must be captured on an official EC Excel sheet and ranked in order of the number of branch nominations received by each candidate.
- 8.2 In each province, the name that received the most branch nominations for each official position, and the top 80 names for additional members become the provincial nomination. A province may nominate less than 80. If the required 50% quota for women is not reached automatically, the top 40 female and the top 40 male names will be used unless there are less than 40 names of women. If that happens the list will stop at the point where there are no more women to make up at least 50% of the nominated names.
- 8.3 Branches are not bound by the consolidated provincial nomination and may still mandate their delegates to vote according to the original branch nomination. Conference is a conference of branches, not provinces, and no branch delegate is obliged to vote for those nominated by their province.
- 8.4 The principle for nominations by the Women's and Youth Leagues remains that branches must make up 90% of nominating structures. For the Leagues consolidation will be done by the agency at national level as each league has the same status as one province. Nomination must happen from branch level for the Women's and Youth League, and from a gathering of members in each province of the Veteran's League, as the VL does not have branches. The EC will develop more detailed rules for these processes.
- 8.5 The Electoral Committee and its agency or staff will then approach all nominees to check their availability and will also verify their length of membership and whether they meet the

criteria for who may stand. They will then publish a list of the top three nominees for each of the official position, and the top 200 additional nominees, with the total number of branch and provincial nominations received. As branches are the main voters at conference any ties in provincial nominations will be resolved by giving preference to the candidate with the most branch nominations. The EC will also keep a list of all who declined nomination, or who were disqualified by the rules, or who have not been members for ten years or who are not in good standing.

- 8.6 Each candidate will be asked to add a 200 word (around half a page) CV. The candidate's list plus short CVs will be published on the ANC Cloud and emailed to all branches to consider whether they wish to change their vote mandate to their delegates before conference. While delegates may be influenced by what takes place at Conference, they should implement the branch mandate unless they can provide very good reasons to the branch why they voted differently.

9. ELECTIONS AT NATIONAL CONFERENCE

- 9.1 Conference delegates may nominate additional candidates from the floor and anyone who gets the support of 25% of delegates, will be added to the ballot. No more than two nominees may be successfully nominated from the floor by delegates from each province or League.
- 9.2 At Conference elections will be held on three ballots with results for each ballot announced before reopening nominations for the next ballot. The purpose of separating the officials vote into two ballots is to end slate-based voting as instructed by the 54th National Conference and to give voting delegates the opportunity to promote unity and move away from a winner takes all approach. Voting for the second ballot once results are known for the first ballot, will also sharpen the awareness of delegates of imbalances among the top six in terms of gender, age, national groups, etc. The first ballot will contain the top three nominees for each of President, Secretary General, National Chairperson, and Treasurer General, with each position on a separate page. The second ballot will be for Deputy President and Deputy Secretary General, with each position on a separate page. Nominations from the floor will be reopened before each vote and added to the ballot if they achieve the 25% threshold of support.
- 9.3 This process allows for losing nominees for positions of officials to be nominated from the floor in other official positions, and to be elected if they secure the most votes.
- 9.4 For additional members, the 200 nominees with the most branch nominations at national level will appear on the ballot paper in alphabetical order. Any successful nominations from the floor will be added to the ballot paper in the correct alphabetical position. Nominations from the floor must be counted by the election officers from the agency. The ballot will be printed on one large sheet of paper.
- 9.5 Around 4000-5000 voters must be accommodated three times in the voting centre. Around 25 voters roll check points and 150 voting booths will accommodate 150 voters at any one time inside the voting centre (about 3-4 hours to process 4000). Each voter will need about

5 minutes to proceed through the process to vote for each of the officials' ballots, and about 20 minutes for the additional members vote. Counting for the first two ballots will take about 3 hours each. This means that the first two rounds of voting will each take about 7 hours (14 hours in total). Ideally the first two rounds of voting should take place during plenary reports or commissions with one province or one commission at a time going to vote. In between the two votes for officials, a plenary will have to be held to announce results for President, SG, TG and Chair, and to make further nominations from the floor for the remaining two positions.

- 9.6 At the end of the second ballot for officials, the results should be announced in plenary. Nominations should then be re-opened for additional members. New names of people who are duly nominated and accept nomination, should be added to the 200 top nominees and a ballot will have to be printed for the third round of voting. The voting for additional members will take at least 14 hours. Counting will take at least 24 hours. To avoid announcing NEC additional member results after Conference has been adjourned, voting should start from the evening of Day 1.
- 9.7 Voting at Conference will take place by secret ballot and on the basis of the voters' roll reflecting the credentials of voting delegates as approved by Conference
- 9.8 Voters will need to show their Conference Tag and an ID book or ID card if asked for that.
- 9.9 They will be searched for weapons and must show that their cell phones are switched off and in their pockets or bags, before entering the voting centre.
- 9.10 The voters' roll will be available at 25 tables outside the voting centre on a closed laptop system with no external network, and every voter that has been issued a ballot must be recorded as having voted. Voters who enter the centre will also have a different finger marked for every ballot, or have their tag clipped in a different position, to ensure that no-one votes twice.
- 9.11 Delegates who are not on the roll or do not possess a voting tag, but claim to be voters and have proof that they have either been issued with a tag or appear on the credential list of voting delegates, should be taken to a separate table where they will cast a quarantined declaration ballot (set aside inside a double envelope with their details on the outside, and not added to the ballot box and counted until disputed facts are proven to the satisfaction of the EC).
- 9.12 All ballots placed in the ballot boxes will be counted if the intention of the voter is clear and if there are no more than the allowed number of votes on the ballot. Spoilt ballots should be set aside during the count and kept separately.
- 9.13 Counting will take place in the same venue which will be locked down and secured at the end of each round of voting. Provincial and League monitors will observe the process, but may not behave in an ill-disciplined or disruptive manner, may not touch ballots, address voters, or use any cell phones in the centre. During counting the only phones allowed will be for the agency managers and secretariat to facilitate communication between the Agency and EC, with relief staff, the Conference and Credentials Committee, Conference Security and emergency services. No counting staff, monitors, EC members, or anyone else may use

a phone in the voting or counting centre. The EC will have the power to order the removal of anyone from the election centre.

10. OBJECTIONS

- 10.1 All objections against candidates in terms of their eligibility must reach the EC by 15 October. These objections must provide the contact details of the objector, the name of the candidate, the grounds for objection, and any available evidence. The EC will contact the candidate involved and provide them with an opportunity to respond. If needed the EC will investigate the matter. If needed a hearing will be held. The ruling of the EC will be final and will be communicated to both the objector and the candidate.
- 10.2 All objections against campaign methods and use of resources may be made at any time until voting is concluded. From early August a special whistle blowing site will be set up for those who wish to object but remain anonymous. Members should use this site carefully and avoid unfounded allegations. The EC will be able to investigate if enough information is provided, or if witnesses are prepared to come forward. The EC will call any alleged offenders to account and may censure or disqualify the candidates, or refer them to the ANC DC .

TIMEFRAMES

1. Process and Rules Approved	4 July
2. Detailed process and rules and nomination forms	12 July
3. Training of EC, staff, agency	20 July
4. Training of provincial secretaries and PLC	22 July
5. Branch briefing through training teams	By Mid-August
6. Training of electoral officers from former ANC public representatives	Early August
7. Nominations by BGMs	Middle August to end September
8. Provincial nomination consolidation	by 12 October
9. Screening and acceptance of nomination Objections	18 October by 21 October
10. TO BRANCHES: Top three for each official position Top 200 names for additional members with CV	Early November
11. 55th National Elective Conference	16 December



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