



**CHAMBERS OF THE CHIEF JUSTICE OF SOUTH AFRICA
CONSTITUTIONAL COURT**

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18 July 2023

**The Honourable Ms N Mapisa-Nqakula, MP
Speaker of the National Assembly
P O Box 15
CAPE TOWN
8000**

Email: Speaker@parliament.gov.za

Dear Madam Speaker

FILING OF VACANCIES IN THE ELECTORAL COMMISSION

1. I refer to your letter dated 20 January 2023 on the above subject in which you advised me that Ms J Y Love's term of office as the Vice-Chairperson of the Electoral Commission (Commission) would expire in April 2023 and requested me to initiate the process for the filling of the vacancy.
2. In terms of section 6 of the Electoral Commission Act, 1996 (Act 51 of 1996) (the Act) the process that needed to be initiated for the ultimate filling of the vacancy is the following:

- (a) the Speaker of the National Assembly advises the Chief Justice of a vacancy in the Commission and requests the Chief Justice to initiate the process for filling the vacancy;
 - (b) the Chief Justice convenes the panel referred to in section 6(3) of the Electoral Commission Act, 1996 which comprises himself as the Chairperson of the Panel, a representative of the Human Rights Commission, a representative of the Commission for Gender Equality and the Public Protector.
 - (c) in accordance with the principles of transparency and openness a notice is published in the newspapers inviting applications from interested persons who are eligible.
 - (d) upon receipt of applications, the Panel compiles a shortlist of candidates to be interviewed by it.
 - (e) the Panel conducts interviews and thereafter submits a list of recommended candidates to the committee of the National Assembly contemplated in section 6(2)(d) of the Act.
 - (f) section 6(4) of the Act requires the Panel to submit a list of no fewer than eight (8) recommended candidates to the committee of the National Assembly referred to in subsection 6(2)(d) of the Act.
 - (g) in terms of section 6 (5) the panel is required to act in accordance with the principles of transparency and openness and to make its recommendations with due regard to a person's suitability, qualifications and experience.
3. Subsequent to your request I initiated the process for the filling of the vacancy. The Panel referred to in section 6(3) of the Act consisted of myself as Chairperson, Adv B Majola, who is the Chairperson of the Human Rights Commission, Adv N Sepanya-Mogale, who is the Chairperson of the Commission for Gender Equality, and, Adv K Gcaleka, the Acting Public Protector.
4. The vacancy was advertised and suitable persons were invited to submit their applications. Initially, the Panel was not happy with many of the candidates who had applied and decided to have the post re-advertised in the hope of attracting more suitable candidates. This caused some delay but we consider that the delay was justified because ultimately more suitable candidates applied. Thereafter, the Panel was satisfied it had a reasonable list of suitable candidates from which it could create a credible shortlist. Ultimately, a total of seventy (70) applications were received.

5. The Panel met on 3 May 2023 and shortlisted 12 candidates for interviews which were scheduled for 27 June 23. On that date the Panel interviewed the twelve (12) candidates. After considering all the applicants, their CVs and the applicants' performance in the interviews against the requirements of the Act, the Panel resolved to recommend the following eight (8) candidates in no particular order:

- a) Ms Janet Yetta Love
- b) Dr Setlhomamaru Isaac Dintwe
- c) Adv Olivier Josie
- d) Mr Lumko Caesario Mtimde
- e) Ms Thezi Rosemary Mabuza
- f) Ms Sinenhlanhla Thuleleni Mthembu
- g) Ms Bongekile Zulu
- h) Ms Preetha Dabideen

In accordance with the requirements of section 6 of the Act the Panel had due regard to the suitability, qualifications and experience of all the candidates in seeking to identify the eight that it would recommend. Accordingly, these eight candidates were chosen out of that process.

6. This letter is accompanied by the CVs of the recommended candidates. I am of the view that it is not necessary to say more about each of these candidates as their CVs reflect their suitability, qualifications and experience. I do not attach the transcript of the interviews of the candidates but it is available and it can be furnished should the Committee wish to have it.

Your sincerely;



R M M ZONDO

Chief Justice of the Republic of South Africa



SHORTLISTED CANDIDATES FOR ELECTORAL COMMISSION VACANCY

The following candidates are on the short list:

1. Ms J Y Love
2. Dr G Govuzela
3. Adv O Josie
4. Ms B Zulu
5. Ms S T Mthembu
6. Mr H Vally
7. Adv G C Chaplog-Louw
8. Dr S I Dintwe
9. Mr L C Mtimde
10. Ms P Dabideen
11. Dr R F Munyai
12. Ms T R Mabuza