

13 JANUARY 2026

Dear Ms Kgatshe

**DRAFT AMENDMENT TO THE MUNICIPAL PARTY ELECTIONS BROADCASTS
AND POLITICAL ADVERTISEMENT REGULATIONS, 2026**

This submission is made through **Kwenzokuhle Community Organisation**, which is rooted in governance, transparency, and policy reform. The author also represents the **Local Government Advocacy and Learning Network (LGALN)**, a coalition comprising more than 80 civil society organisations committed to advancing accountability and participatory democracy in local government. The author is recognised as a permanent public participation representative at the National Council of Provinces on all public service and local government Bills. This position reflects a longstanding commitment to ensuring that legislative and regulatory frameworks uphold constitutional fairness, procedural clarity, and equitable access for all citizens and stakeholders.

Issue 1: Regulation 5.2(7)(b) – Waiver of 48-Hour Resubmission Rule

The draft amendment requires that a political party or independent candidate whose Political Election Broadcast (PEB) has been rejected must, within forty-eight (48) hours, alter or edit the PEB and re-submit it to the Broadcasting Service Licensee (BSL). While the intent of this provision is to ensure timely compliance and orderly scheduling, it does not take into account extenuating circumstances that are common in South Africa, such as load shedding or prolonged power outages. These conditions can make compliance within the prescribed timeframe impossible, thereby unfairly penalising smaller parties and independent candidates who may lack alternative resources.

It is therefore proposed that Regulation 5.2(7)(b) be amended to include a waiver mechanism, allowing the Authority to extend the resubmission period where sufficient evidentiary proof is provided. Suggested wording:

“Provided that the Authority may, upon application supported by sufficient evidentiary proof, waive or extend the forty-eight (48) hour resubmission period in cases of extenuating circumstances, including but not limited to power outages or load shedding.”

This amendment would safeguard procedural fairness, ensuring that technical or infrastructural challenges beyond the control of contesting entities do not result in the forfeiture of their right to broadcast.

Issue 2: Annexure A, Schedule 1 – Airtime Allocation

Annexure A, Schedule 1 prescribes allocation principles for Political Election Broadcasts (PEBs), with percentages distributed according to candidate lists and proportional representation. While the framework appears neutral, in practice it disproportionately benefits larger political parties that field more candidates and hold more seats. Smaller parties and independent candidates, who require greater exposure to reach the electorate, are disadvantaged by this formula. This entrenches incumbency and undermines the constitutional principle of equitable participation.



It is therefore proposed that Annexure A, Schedule 1 be amended to introduce balancing measures that guarantee minimum exposure for smaller parties and independent candidates, while capping the maximum allocation available to larger parties. Suggested wording:

“Notwithstanding the allocation percentages set out in Schedule 1, the Authority shall ensure that each contesting political party and independent candidate receives a minimum guaranteed allocation of airtime slots. No political party or independent candidate shall receive more than [X]% of the total available slots, irrespective of candidate numbers or seats held.”

This amendment would safeguard substantive fairness by preventing disproportionate exposure for larger parties and ensuring that smaller parties and independent candidates are afforded meaningful opportunities to communicate with the electorate.

Issue 3: Schedule 3, Section 3 – Equitable Treatment

Schedule 3, Section 3 requires Broadcasting Service Licensees to treat political parties and independent candidates equitably in their coverage during the election period. While the principle of equitable treatment is sound, the draft amendment does not specify how “equitable share” is to be determined. Leaving this determination solely to broadcasters or the Authority risks arbitrary application and may undermine the constitutional principle of participatory democracy.

It is therefore proposed that Schedule 3, Section 3 be amended to require consultation with contesting stakeholders in defining and monitoring equitable treatment. Suggested wording:

“Equitable treatment shall be determined in consultation with interested parties, including contesting political parties and independent candidates, through a transparent mechanism established by the Authority.”

This amendment would safeguard participatory fairness by ensuring that those directly affected, namely political parties and independent candidates, are included in the process of defining and enforcing equity. It would also strengthen public confidence in the impartiality of election coverage.

Principles Underpinning the Amendments

The proposed amendments are guided by three interrelated principles that uphold constitutional fairness and democratic participation.

Procedural fairness requires that rules accommodate extenuating circumstances beyond the control of contesting entities. By allowing waivers in cases such as power outages or load shedding, the regulations would prevent technical barriers from unfairly excluding parties or candidates.

Substantive fairness requires that the allocation of airtime does not entrench incumbency or disproportionately benefit larger parties. Guaranteeing minimum exposure for smaller parties and independent candidates ensures that all voices have a meaningful opportunity to reach the electorate.

Participatory fairness requires that the determination of equitable treatment be transparent and inclusive. By mandating consultation with contesting parties and independent candidates, the regulations would prevent arbitrary decisions and strengthen public confidence in the impartiality of election coverage.



Together, these principles ensure that the regulatory framework promotes equal access, protects against structural disadvantage, and reflects the constitutional commitment to pluralism and fairness in the democratic process.

The submission calls on the Authority and Parliament to adopt the proposed amendments to the Municipal Party Elections Broadcasts Bill. These changes will ensure that contesting political parties and independent candidates are treated fairly, that access to airtime is balanced, and that equity is determined transparently with stakeholder participation. By incorporating these provisions, the electoral broadcasting framework will better uphold constitutional democracy and public confidence in the electoral process.

The submission calls on the Authority and Parliament to adopt the proposed amendments to the Municipal Party Elections Broadcasts Bill. These changes will ensure that contesting political parties and independent candidates are treated fairly, that access to airtime is balanced, and that equity is determined transparently with stakeholder participation.

A formal acknowledgement of this submission is respectfully requested, confirming its receipt and inclusion in the deliberative process.

The author is prepared to make oral submissions online should the Authority or Parliament require further clarification or engagement on the matters raised.

Yours faithfully

**S.A.BHOLA
(AVIN BHOLA)
EXECUTIVE DIRECTOR/CHAIRMAN**