
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA**NOTICE 3567 OF 2025****MS LERATO NGOBENI, MP****NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL
AND INVITATION FOR COMMENT THEREON, NAMELY THE
ELECTORAL LAWS AMENDMENT BILL, 2025**

Ms Lerato Ngobeni, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996, intends to introduce the Electoral Laws Amendment Bill, 2025, in Parliament. An explanatory summary of the Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

In the lead-up to the 2024 general elections, a controversial poll was released in March 2024 without disclosing the identity of the commissioning party or the entity that conducted it. The data was anonymously attributed to Rapport, City Press, and News24, leading to a complaint by ActionSA to the Press Ombudsman, ("Ombud"). The Ombud found Rapport, the original publisher, guilty of violating section 1.2 of the Press Code and instructed that corrections be published by all media outlets involved. This type of "push polling" is intended to shape public opinion and is not about genuine data collection and sharing.

The integrity of electoral democracy relies heavily on citizens' fair, transparent, and informed participation. Political opinion polling plays a significant role in shaping public perceptions, guiding media coverage, influencing campaign strategies and ultimately shaping voting patterns. However, in the absence of clear and formal regulation to avoid the concealment of any methodological flaws or sponsorships, publication of political opinion polls could result in the dissemination of unverifiable or manipulated polling data becoming tools for misinformation, manipulation, and electoral interference without recourse or sufficient scrutiny.

Currently, the only explicit statutory provision is section 109 of the Electoral Act, 1998 (Act No. 73 of 1998) ("Electoral Act"), which prohibits the publishing of exit poll results during the prescribed voting hours on election day. This narrow restriction does not apply to the broader and more influential category of pre-election political opinion polling.

South Africa lacks any specific legal provisions governing the conduct, publication, and dissemination of political opinion polling during or before election periods.

To address this legal vacuum, the Electoral Laws Amendment Bill, 2025 (“the draft Bill”), proposes amendments to the Electoral Commission Act, 1996, (Act No. 51 of 1996) and to the Electoral Act to govern the conduct, publication, and dissemination of political opinion polling during or before election periods in line with international best practice. The draft Bill seeks to:

- establish the Office of the Polling Ombud through creating a new oversight body within the Electoral Commission to regulate political opinion polling and exit polling;
- provide for the functions and powers of the Polling Ombud and these include registration of polling entities, compliance enforcement, issuing fines, and ensuring transparency in political polling activities;
- regulate political opinion polling and exit polling through mandatory registration and information disclosure by polling entities and setting timeframes when polling results can or cannot be published; and
- prohibit official printing and publication of a political opinion poll conducted in connection with an election, seven days prior to that election.

Members of the public, civil society organisations, and other stakeholders are invited to submit written comments on the proposed content of the draft Bill within 30 days of this notice’s publication. Submissions can be delivered to the Speaker of the National Assembly, New Assembly Building, Parliament Street, Cape Town, 8001; mailed to the Speaker, P O Box 15, Cape Town, 8000 or emailed to speaker@parliament.gov.za and copied to parliament@actionsa.org.za.

A copy of the Electoral Laws Amendment Bill, 2025, may be accessed at the following website: <https://www.actionsa.org.za/electoral-reform/>.