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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

ELECTORAL COMMISSION

NO. 3995 **30 June 2026**

ELECTORAL COMMISSION

PUBLICATION OF THE ELECTORAL CODE OF CONDUCT COUNTERING DISINFORMATION IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL ELECTORAL ACT

The Electoral Commission:

1. Acting in terms of section 88 of the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000), intends to issue the Electoral Code of Conduct countering Disinformation to the extent set out in Schedule 1 below.

2. Interested persons are invited to submit their written comments on the proposed Code (for the attention of Ms Daphne Naidoo: Legal Services) by 22 July 2026, by-

1. Delivering by hand at Election House, Riverside Office Park, 1303 Heuwel Avenue, Centurion, 0157; or

2. E-mailing to: NaidooD@elections.org.za

Comments received after the closing date will not be considered.

SCHEDULE 1

ELECTORAL CODE OF CONDUCT ON COUNTERING DISINFORMATION IN THE LOCAL GOVERNMENT ELECTIONS

PURPOSE AND SCOPE

1. This Electoral Code of Conduct on Measures to Address Disinformation in Local Government Elections ("**Disinformation Code**") is published as an additional electoral code in terms of s 88(a) of the Local Government: Municipal Electoral Act 27 of 2000 ("**the Act**") to promote free, fair and orderly local government elections by—

    a. giving practical effect to the constitutional rights guaranteed in the Constitution of the Republic of South Africa, 1996 (including ss 16 (*freedom of expression*) and 19 (*political rights*) of the Constitution) and the prohibition on intentionally false election-related information as provided for in law (including s 69(2) of the Act and item 9(b) of the Electoral Code of Conduct per Schedule 1 thereof);

    b. fostering an informed and vibrant information ecosystem characterised by credibility, diversity and pluralism, and safeguarding the flow of accurate and trustworthy election-related information in the public interest that is resilient to disinformation, manipulation and inauthentic online behaviour;

    c. guiding those with political influence on the reasonable standard of conduct in guarding against and responding to disinformation that seeks to undermine electoral integrity and democratic processes by identifying measures to counter the risk of harm that disinformation poses to electoral integrity; and

    d. providing for effective measures, both proactive and responsive, to address the exigencies of disinformation in the digital environment, including the role of social media platforms and artificial intelligence.

2. The Disinformation Code applies to all election-related communications, conduct and campaign activities throughout the electoral cycle, both online and offline, and to both paid and unpaid content and communication.

DEFINITIONS

3. For purposes of this Disinformation Code, the terms below are understood as follows:

    a. The term '***disinformation***' is understood with reference to s 69(2) of the Act as the publication of any false information, knowing it to be false or without believing on reasonable grounds that the statement is true, with the intention of disrupting or preventing an election, creating hostility or fear in order to influence the conduct or outcome of an election, or influencing the conduct or outcome of an election.[1]

[1] Section 69(2) of the Act states in full as follows:

"(2) No person may publish any false information with the intention of—

b. The term '***online platform***' is understood to include social media platforms that enable users to create and share content, video-sharing platforms, messaging applications, video-sharing services or messaging services.

c. The term '***political advertising***' is understood as an advertisement broadcast on a broadcasting service which is intended or calculated to advance the interests of any particular political party or independent candidate, for which advertisement the relevant broadcasting service licensee has received or is to receive, directly or indirectly, any money or other consideration.

PUBLIC COMMITMENT

4. Every political party and candidate expressly acknowledges—

a. the intrinsic importance of information integrity, transparency and trustworthy news media in enabling the electorate to make informed political decisions and the risk of harm that disinformation causes to free, fair and credible elections;

b. the vital role of political parties and candidates in creating an enabling environment for the exercise of political rights and supporting the mandate of the Electoral Commission of South Africa ("**the Commission**") to safeguard free, fair and credible elections; and

c. the incumbent duty on political parties and candidates to refrain from and prevent any deliberate manipulation of the public including through the use of digital technologies such as artificial intelligence and inauthentic online behaviour.

5. Accordingly, every political party and candidate commits to—

a. uphold and comply with the Disinformation Code in good faith and to take all reasonable, appropriate and necessary measures to fulfil its terms;

b. ensure that factual information disseminated by them, for them or on their behalf is reliable, substantiated and checked for accuracy prior to dissemination;

c. refrain from conducting any disinformation campaign and from producing, disseminating, sponsoring or encouraging the dissemination of any disinformation or other false or misleading information knowing it to be false or without believing it on reasonable grounds to be true;

d. take immediate steps to publicly retract and correct any disinformation or other false and misleading information that has been disseminated by them, for them or on their behalf, and to publicly censure any person responsible for disseminating such disinformation;

e. raise public awareness of the Disinformation Code and promote compliance with its terms, in particular among office-bearers, representatives, members and supporters (as applicable); and

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(a) disrupting or preventing an election;

(b) creating hostility or fear in order to influence the conduct or outcome of an election; or

(c) influencing the conduct or outcome of an election".

f. contribute positively towards electoral integrity and cooperate fully with the Commission as well as other relevant electoral stakeholders in efforts related to countering disinformation during the election period.

DUTY TO COMPLY

6. In giving effect to these commitments, every political party and candidate undertakes not to produce, disseminate, sponsor or encourage the dissemination of any information or content that—

   a. they know to be false or do not believe on reasonable grounds to be true or which demonstrates a reckless disregard for verifiable information;

   b. may reasonably be construed as supporting or encouraging the dissemination of disinformation or that may contribute to the fuelling or escalation of disinformation counter to the objects of the Disinformation Code;

   c. may reasonably give rise to voter dissuasion, public violence, harassment, hate speech or discrimination based on a prohibited ground;[2] and

   d. is intended to deflect or discredit legitimate criticism or reportage by improperly labelling it as false.

7. With respect to office-bearers, representatives, members and supporters, every political party and candidate undertakes to—

   a. take reasonable steps to promote awareness of and encourage compliance with this Disinformation Code;

   b. encourage such persons to comply with this Disinformation Code and provide them with support and training in understanding and applying its provisions;

   c. exercise oversight only in respect of communications and platforms under their direct control;

   d. take steps within twenty-four hours to publicly retract and/or correct any disinformation or other false and misleading information disseminated by the party or its nominated candidates; and

   e. where appropriate and within their control, publicly condemn and appropriately sanction any member or nominated candidate for acting in contravention of the Act, the Disinformation Code or other relevant law.

INFORMATION INTEGRITY

8. Recognising the indispensable role that openness, transparency and information integrity plays in free, fair and credible elections, every political party and candidate commits to—

   a. maintain transparency, diligence and accountability in respect of all communications disseminated by them, for them or on their behalf throughout the electoral cycle; and

[2] The term 'prohibited ground' refers to the grounds listed under s 9(3) of the Constitution and s 1(1) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

b. proactively disclose key information in the public interest of relevance to the elections or the electorate, including information relating to their structures, processes, decisions, expenditure and policies.

9. Every party and candidate undertakes not to use, or to encourage or sponsor the use of, any technology or tools that give rise to or amplify the spread of disinformation or intended to manipulate political discourse or the electorate, including—

a. falsified, fabricated, doxed or stolen data or material;

b. targeted advertising, micro-targeting or prioritisation of targeted falsehoods directed at particular individuals or groups based on confidential or sensitive personal information or inherent characteristics as contemplated under the Protection of Personal Information Act 13 of 2014 and other relevant law;

c. any type of deceptive content using audio, images or video and generated with or without artificial intelligence to falsely or deceptively alter or fake another person;

d. fake accounts or automatic bots to manipulate voter opinions; and

e. unfounded accusations or cyber-bullying.

SPECIFIC MEASURES: ONLINE PLATFORMS

10. Cognisant of the increasing role of online platforms in the spread and amplification of disinformation or other false and misleading information, including via social media platforms and messaging applications through the use of digital technologies, every political party and candidate undertakes to put in place appropriate and effective measures in order to—

a. uphold the highest standards of transparency, diligence and accountability in respect of all political advertising placed, published or disseminated on an online platform;

b. to take reasonable steps to monitor content on their own or associated online platforms in order to identify any posts comprising disinformation, including user-generated content by a third party, and take rapid action to publicly correct and limit the further spread of the disinformation;

c. maintain an appropriate record of any disinformation disseminated by or on behalf of the party or candidate, posted on their own or associated online platforms, for purposes of notifying the Commission and any investigation process that may be pursued in response thereto;

d. maintaining transparency, diligence and accountability in respect of all political advertising regardless of medium; and

e. safeguard all personal information in their possession or under their control from any unlawful or unauthorised use or access through a data breach.

11. In order to give effect to these commitments, and without limitation to any other measure related to countering disinformation during the election period, every political party and candidate commits to the following specific measures:

a. to report all instances of disinformation or suspected disinformation distributed via an online platform to the established Online Complaints Mechanism provided for by the Commission within 72 hours of becoming aware of this;

b. to ensure all political advertising, including all political advertising distributed via an online platform, is clearly and appropriately labelled with clear reference to the political party or candidate that it has been distributed by, for or on behalf of prior to distribution, taking into consideration the medium used for distribution and the public importance in ensuring the labelling is clear, visible and accessible to the public;

c. to ensure that any synthetic content (including AI-generated content) is appropriately white-labelled and marked as such prior to distribution, taking into consideration the nature, purpose and likely consequence of the content, the extent to which it comprises synthetic content and the public importance in avoiding confusion or uncertainty regarding the authenticity thereof; and

d. to implement and maintain reasonable and appropriate digital security safeguards to protect against any unlawful or unauthorised access to personal information or confidential information held by or on behalf of the political party to any online platforms or accounts assigned to or affiliated with the political party or candidate;

SUPPORT IN THE WORK OF THE COMMISSION

12. Every party and candidate commits to respect, promote and support the constitutional and legal mandate of the Commission, the Commissioners and staff and its work in countering the threat of harm that disinformation poses to electoral integrity.

13. Moreover, every political party and candidate undertakes—

a. not to produce, disseminate, sponsor or encourage the dissemination of any disinformation regarding the Commission, the Commissioners or staff;

b. not to create, support or propagate any views that improperly undermine the credibility of, trust in or lawful work of the Commission, the Commissioners or staff, be it through words, conduct or inaction;

c. to publicly correct any disinformation published or disseminated about the Commission, the Commissioners or staff;

d. to support the Commission's initiatives aimed at countering disinformation through, including for instance promoting media and information literacy, voter education and multi-stakeholder engagements to the extent practicable; and

e. to provide assistance in any lawful investigation related to the publication or dissemination of disinformation in accordance with the law.

14. Nothing in this Code shall be construed as limiting lawful criticism, opinion, commentary or fair reporting concerning the Commission, the Commissioners or its staff

PROHIBITIONS

15. Any contravention or failure to comply with a provision of the Disinformation Code constitutes a breach and is subject to sanction as contemplated under the Act and/or any other relevant law.

ADDITIONS AND AMENDMENTS

16. The Commission may add to or amend any provision of the Disinformation Code as provided for in s 88(b) of the Act.

[Ends.]

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