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TO: ELECTORAL COMMISSION OF SOUTH AFRICA (IEC)
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**SUBMISSION PREPARED BY MOXII AFRICA ON THE DRAFT ELECTORAL CODE OF CONDUCT
COUNTERING DISINFORMATION IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL
ELECTORAL ACT**

ENDORSED BY:

CENTRE FOR ANALYTICS AND BEHAVIOURAL CHANGE

CENTRE FOR HUMAN RIGHTS

CENTRE FOR INFORMATION INTEGRITY IN AFRICA

HELEN SUZMAN FOUNDATION

LAWYERS FOR HUMAN RIGHTS

PRESS COUNCIL OF SOUTH AFRICA

SOCIAL MEDIA 4 PEACE

SOS SUPPORT PUBLIC BROADCASTING COALITION

SOUTH AFRICAN NATIONAL EDITORS' FORUM

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INTRODUCTION

1. Moxii Africa (“**Moxii**”)¹ and the endorsing parties welcome the opportunity to comment on the draft Electoral Code of Conduct on Countering Disinformation (“**the draft Code**”) prepared by the Electoral Commission of South Africa (“**IEC**”). We welcome the draft Code as a timely and necessary initiative. It responds to pressing issues affecting the information ecosystem at a critical time in our democratic cycle and it does so ahead of an election in which the risks it addresses are particularly acute.
2. The upcoming local government elections are expected to be among the most closely contested since 1994, with the IEC projecting that more than 100 000 candidates may contest over 4 400 wards.² A contest of this scale, in a key political moment within an information ecosystem that is not immune to disinformation, hate speech, incitement, and other online harms, calls for rights-based responses that are both proactive and reactive in order to safeguard the integrity of our information ecosystem, and with it, our democracy.
3. The present challenges are compounded by the growing use of artificial intelligence (AI) tools and the increased deployment of generative AI, social media influencers, and automated bots. When deployed responsibly, these tools can be used to strengthen voter education, participation, and the detection of harmful content. Absent appropriate safeguards, they can, however, disrupt the information ecosystem and amplify deception at scale.
4. Against this backdrop, we commend the efforts of the IEC and the draft Code. It gives practical effect to section 69 of the Local Government: Municipal Electoral Act 27 of 2000 (“**the Act**”), it seeks to balance the rights at stake, including freedom of expression and political rights, and recognises the value of a healthy, credible, and pluralistic information ecosystem to free and fair elections. Importantly, it addresses both the creation and the dissemination of disinformation and introduces important concepts like inauthentic online behaviour. The comments that follow are offered in support of these objectives and are directed at strengthening the clarity and constitutional alignment of the final Code.
5. The submission is structured as follows:
 - 5.1. **First**, a brief overview of Moxii and the multistakeholder approach to the submissions;
 - 5.2. **Second**, a brief overview of the information ecosystem in South Africa ahead of the 2026 local government elections;
 - 5.3. **Third**, overarching comments; and
 - 5.4. **Fourth**, comments on specific provisions on the draft Code.

¹ Formerly Media Monitoring Africa.

² Maeko, ‘Local government elections set to draw record 100,000 candidates’ *Business Day* (1 April 2026) (accessible [here](#)).

OVERVIEW OF PARTIES

Moxii

6. Moxii is a public interest organisation that strives for open and trusted information by focusing on instilling information integrity, promoting online safety for all ages and facilitating access to information.³ Moxii has extensive experience with combating digital disinformation, particularly during elections, namely:
 - 6.1. developing and running the **Real411**, the IEC's trusted disinformation online complaints mechanism;⁴
 - 6.2. spearheading the Partnership on Information Integrity in Elections ("**PIIE**") uniting civil society, media, tech platforms, and state organs to combat disinformation ahead of the elections;⁵
 - 6.3. developing and operating **PADRE**, an online repository of official political advertising that helps the media and the public distinguish genuine advertisements from altered ones;⁶ and
 - 6.4. Running an **elections hub** to provide access to real-time media monitoring, accountability tools and the resources to help South Africans follow, question and shape the vote.⁷

Multistakeholder consultation and endorsement

7. South Africa's information ecosystem is diverse and sustained by an array of actors who contribute to its vibrancy. To ensure that these submissions are informed by that diversity, we hosted a workshop at which civil society organisations, activists, media actors, researchers, academics, and technology companies, were invited to discuss the draft Code and share their insights. We enabled two rounds of input and used the workshop to co-create these submissions. We are grateful to everyone who supported this multistakeholder, participatory effort, and in particular for the endorsement of the organisations listed below.
8. **Centre for Analytics and Behavioural Change ("CABC")**: CABC is a non-profit company dedicated to fostering change through building social cohesion in online communities. CABC works across a variety of thematic areas with the aim of amplifying civil society messaging in the digital age to empower citizens and communities.⁸
9. **Centre for Human Rights ("CHR")**: The CHR is an internationally recognised university-based institution combining academic excellence and effective activism to advance

³ For more information about MMA, please visit: <https://moxiiafrica.org/>.

⁴ See <https://www.real411.org/>.

⁵ See <https://moxiiafrica.org/piie>.

⁶ See <https://www.padre.org.za/library>.

⁷ See <https://moxiiafrica.org/south-african-local-elections>.

⁸ For more information about CABC, please visit: <https://cabc.org.za/about-us/>.

human rights, particularly in Africa. It aims to contribute to advancing human rights, through education, research and advocacy.⁹

10. **Centre for Information Integrity in Africa (“CINIA”)**: CINIA is a university-based research centre designed to combat threats associated with the proliferation of misinformation, disinformation, and harmful content on digital platforms through innovative research, interdisciplinary collaboration, and public engagement.¹⁰
11. **Helen Suzman Foundation (“HSF”)**: HSF was founded in 1993 to honour the life and work of Helen Suzman. HSF promotes constitutional democracy, rule of law and human rights and aims to ensure that key institutions of constitutional democracy in South Africa are strengthened and protected so that they deliver on the Constitution’s promise.¹¹
12. **Lawyers for Human Rights (“LHR”)**: LHR is an independent, non-profit, non-governmental human rights organisation which uses the law, through impact litigation; legal advice; law reform, advocacy; rights education; and coalition-building as a positive instrument for change for its clients, and in the public interest.¹²
13. **The Press Council of South Africa (“Press Council”)**: The Press Council is an independent co-regulatory mechanism aimed at instilling ethical journalistic conduct, media accountability, and impartial, expeditious, and cost-effective adjudication to settle disputes between the media and members of the public.¹³
14. **Social Media 4 Peace (SM4P”)**: SM4P is a global initiative implemented by UNESCO to build societies’ resilience to online harmful content, including disinformation and hate speech, while safeguarding freedom of expression and fostering peace through social media.¹⁴
15. **South African National Editors’ Forum (“SANEF”)**: SANEF is a non-profit organisation whose members are editors, senior journalists, and journalism trainers from across South Africa. SANEF is committed to championing South Africa’s hard-won freedom of expression and promoting quality, ethics, and diversity in the South African media.¹⁵
16. **SOS Support Public Broadcasting Coalition (“SOS”)**: SOS is a member-based public broadcasting network that campaigns for democratic media and broadcasting, as well as

⁹ For more information about the CHR, please visit: <https://www.chr.up.ac.za/>.

¹⁰ For more information about CINIA, please visit: <https://cinia.africa/>.

¹¹ For more information about HSF, please visit: <https://hsf.org.za/>.

¹² For more information about LHR, please visit: <https://www.lhr.org.za/>.

¹³ For more information about the Press Council, please visit: <https://www.presscouncil.org.za/>.

¹⁴ For more information about SM4P, please visit: <https://www.unesco.org/en/social-media4peace>.

¹⁵ For more information about SANEF, please visit: <https://sanef.org.za/>.

excellent programming by the public broadcaster, in particular, the South African Broadcasting Corporation, to serve the public interest.¹⁶

OVERVIEW OF THE INFORMATION ECOSYSTEM IN SOUTH AFRICA

17. We bring the following overview to the IEC's attention in order to ground the context in which these submissions are made. It reflects the environment in which the Code will operate, and the developments to which several of our specific recommendations respond.
18. Many South Africans rely on social media for news. The 2025 Reuters Institute Digital News Report found that approximately 50% of South Africans rely on Facebook for the news; 42% rely on YouTube; and 33% rely on TikTok to receive their news.¹⁷ Further, an alarming 73% of South African respondents indicated their concern in being able to differentiate between real and "fake" news.¹⁸ This is the environment in which election-related disinformation now circulates.
19. During the 2024 elections, the Real411 recorded key trends in the dissemination of mis- and disinformation. What was particularly concerning was the spread of false claims about recent electoral reforms, such as additional ballots and independent candidates; false claims by parties about their own performance or to discredit opponents, at times inflaming racial and ethnic tensions; and content undermining the credibility of the IEC and its commissioners, ballot storage, and voting stations.¹⁹ Following the elections, false information about the results heightened tensions across the country which, in turn, fuelled confusion and anxiety at the time.²⁰
20. Manipulated media already features in South African electoral disinformation. A study conducted in December 2023 found that the number of deepfakes in South Africa increased by 1 200% between 2022-2023.²¹ While some social media platforms formed part of a framework of cooperation to combat the dissemination of mis- and disinformation, others, such as X, contributed to the spread of AI-generated disinformation by permitting misleading AI-content to circulate and by refusing to remove content flagged as disinformation.²²

¹⁶ For more information about SOS, please visit: <https://soscoalition.org.za/>.

¹⁷ Reuters Institute, 'Digital News Report' (2025) (accessible [here](#)) at page 167.

¹⁸ Id at page 22.

¹⁹ Bird and Smith, 'Media Coverage of South Africa's 2024 Elections' (2024) *Journal of African Elections* 23(2) at pages 178-179.

²⁰ Comins, 'Beware Fake Information During Elections, Experts Warn' *Mail & Guardian* (21 August 2024) (accessible [here](#)).

²¹ Brederode, 'Year of the Deepfake in SA with 1 200% Growth in Frequency in 2023 — Report' *News24* (25 December 2023) (accessible [here](#)).

²² Knight, 'South Africa's election marked by an unexpected lack of artificially generated content' *Center for Media Engagement* (accessible [here](#)); See also, for example, Centre for Analytics & Behavioural Change, 'From RET to MK Party: The mobilisation of existing Twitter/X communities to drive political messaging' (accessible [here](#)).

21. During elections, journalists and media practitioners play a pivotal role in keeping people informed on dynamics within the political space in general and guiding them through context-specific events and developments as they arise. This, in turn, safeguards the information ecosystem by ensuring the free flow of diverse, credible, and verified information.
22. Per the Principles and Guidelines for the use of Digital and Social Media in Election in Africa, states are mandated to, as part of their duty to fostering an enabling environment that protects rights and guarantees equal protection during electoral processes, address gender-specific harms such gender-based violence, intimidation, and harassment, which are predominately faced by women candidates and journalists engaged in the electoral process.²³ In the lead-up to the 2024 general elections, journalists (particularly women journalists) were the target of political violence and harassment both on- and offline with similar trends being evidenced ahead of the local government elections.²⁴ This not only pollutes the information ecosystem with misleading and divisive content but also erodes information integrity in general as journalists become more fearful of gathering and disseminating information.

The dual character of AI

23. AI can be deployed to strengthen electoral processes. Beneficial and legitimate use cases of AI during elections include the provision of voter education, for example through chatbots, that explain the voting process; the personalisation of voter outreach and engagement, which may enhance participation and turnout; the detection of mis- and disinformation by sifting large volumes of content at speed; the strengthening of electoral cybersecurity; the analysis of data to model turnout and behaviour for legitimate planning purposes; and the improvement of accessibility, for example through voice-activated systems and translation across South Africa's official languages.²⁵ There also seems to be a growing acceptance of the use of AI in generating news content, with 34% of South Africans having indicated in the 2025 Digital News Report that they were somewhat comfortable with news being produced mostly by AI with some human oversight.²⁶
24. At the same time, AI can be used by actors acting in bad faith to manufacture and proliferate disinformation on an industrial scale, and to manipulate images, voices, and video in ways that are increasingly difficult to distinguish from authentic material. As such, the distinct danger posed by AI is presented firstly in its ability to pass off false information as fact, at

²³ Association of African Election Authorities, 'Principles and Guidelines for the use of Digital and Social Media in Elections in Africa' (accessible [here](#)) at para 9.1.

²⁴ Philip, 'How South Africa's largest digital news outlet plans to cover a chaotic 2024 election' *Global Investigative Journalism Network* (21 May 2024) (accessible [here](#)); SANEF, 'Mapping information risks and mitigations for election integrity in 2026' (10 February 2026) (accessible [here](#)).

²⁵ MMA, EISA, IJR, 'AI and the 2024 South African Elections' *Electoral Institute for Sustainable Democracy in Africa* (9 May 2024) (accessible [here](#)).

²⁶ Reuters Institute above n 17 at page 29.

scale, as well as its ability to profile and target individual voters, which was not readily possible before these tools existed.

The role of social media influencers

25. In its Principles and Guidelines for the Use of Digital and Social Media in Elections in Africa, the Association of African Election Authorities mandates electoral management bodies to “develop guidelines on the transparency of online political advertising on digital and social media (including social media ‘influencers’) in the interest of electoral transparency, fairness and integrity, while respecting citizens’ privacy and data protection rights”.²⁷
26. Social media influencers have become central actors during political campaigning activities. Individuals with established online audiences are increasingly engaged, whether openly or covertly, to promote parties, candidates, and share electoral messages to their followers. While this can be an effective way to increase voter participation particularly among young people,²⁸ the absence of proper disclosure presents a risk to the information ecosystem during elections.
27. South Africa has seen an increasing trend of coordinated political influence online where social media influencers and government or political party actors (i.e. “cyber troops”) use social media and automated bots specifically to manipulate public opinion.²⁹ The role of social media influencers is especially pivotal here as they leverage their own brand and the trust they have built with their audience to influence decision-making online.³⁰
28. The power that social media influencers have lies in the perception that they speak authentically and independently, which means that paid or coordinated political content delivered through an influencer is often indistinguishable, to the ordinary viewer, from the influencer’s own genuine opinion. This makes influencers an effective vector for coordinated online campaigns, including the amplification of divisive, misleading, or unverified content.

GENERAL COMMENTS

Purpose and scope

29. Our first overarching submission relates to the purpose and scope of the draft Code. We submit that it be slightly expanded from *countering disinformation* to *safeguarding*

²⁷ Association of African Election Authorities above n 23 at para 10.5.

²⁸ Kupemba, ‘The influencers rallying South Africa’s youth to vote’ *BBC News* (27 May 2024) (accessible [here](#)).

²⁹ Sekati, ‘The commodification of online influence: Addressing disinformation from cyber-troops during elections in South Africa’ *ALT Advisory Insights* 2023 (5) (12 December 2023) (accessible [here](#)).

³⁰ *Id.*

information integrity. This is informed by three interconnected reasons and enables the Code to still give effect to its enabling legislation.

- 29.1. **Safeguarding information integrity:** The draft Code is currently framed as a “Disinformation Code”. However, it is clear from its outlined purpose in section 1 that the Code aims to do more than that by fostering an informed, vibrant, credible, and diverse information ecosystem by, among other things, enforcing measures to guard against inauthentic online behaviour. Certain provisions of the draft Code such as section 9 also speak to other online harms such as doxing, microtargeting, and cyberbullying which, although not amounting to disinformation, adversely affect the information ecosystem. The Code’s substance is therefore already wider than its title, and the framing should reflect that.
- 29.2. **Dignity and safety.** The draft Code’s references to doxing, data protection, and privacy reflect a recognition that disinformation and online harms implicate a range of rights. The draft Code correctly references freedom of expression and political rights. However, given the interconnected nature of these harms, the rights to dignity and privacy should also be expressly stated. This reinforces the broadening from disinformation to information integrity.
- 29.3. **Media Code:** While certain safeguards for the media exist in other codes and instruments, gap remains, particularly regarding the online safety of journalists and protection against disinformation targeting them during elections. This is important and warrants consideration within this Code. We, therefore, encourage that due consideration be given to the substantive provisions of the proposed Media Code. In April 2024, SANEF, supported by the Press Council and other media bodies including Moxii, submitted a proposed Electoral Code of Conduct on Media Related Matters (“**the Media-Related Code**”) to the IEC.³¹ Although the IEC subsequently indicated that the Media Code and the Disinformation Code would be merged into a single instrument for implementation before the local elections, it appears that none of the proposed text dealing with the safety of journalists during election periods was carried through. The Media Code is intended to foster the media’s indispensable role in free, fair, and orderly elections, to enable an informed and engaged electorate, and to create an environment in which the media can perform its functions without fear or threat. It addresses access to election-related information, the protection of the media against harassment or harm, and the removal of other impediments to election reporting. These provisions should be considered, at least in part, for purposes of this Code. If the IEC elects to keep them separate, we submit that the IEC urgently embark on the development of a separate media code ahead of the elections.

³¹ Electoral Code of Conduct on Media-Related Matters Published in terms of section 99(2) of the Electoral Act 73 of 1998 (accessible [here](#)).

Proposal: The draft code be renamed to be “ Electoral Code of Conduct on Safeguarding Information Integrity in the Local Government Elections ”.
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Definitions

30. The draft Code contains three definitions but refers to several further terms that may warrant elaboration. We submit that as a general principle, where a term is introduced, or may not be commonly understood, it is preferable to define it. We appreciate that over-definition carries its own risk, and our recommendations are made with that balance in mind. As set out below, we propose textual refinements to the existing definitions and offer additional terms and definitions for the IEC’s consideration.
31. Moreover, given that the draft Code engages with platform, technology and services, many of which are evolving rapidly, we recommend that its definitions be drafted to be durable, so that they can continue to apply as the technology develops rather than being tied to the tools or platforms of the moment.

Timeframes

32. Some provisions of the draft Code require action within a specified period, for example, to retract, correct, or report disinformation within 24-hours. We support the use of a “reasonably practicable” standard, which accommodates the varying capacity of political parties and candidates, from well-resourced national parties to independent ward candidates. It also enables a reasonable time for responses, where an immediate or a prescribed period may not be feasible. Given the speed at which disinformation spreads during an election, however, we recommend that this standard be paired with an effort for immediate removal, but an acceptance of reasonableness and practicality. We submit that this preserves the fairness and flexibility of the standard while encouraging that urgent matters should be addressed promptly.

Compliance

33. Our third overarching comment relates to compliance. At present, the draft Code addresses consequences only in general terms. Section 15 provides that any contravention “is subject to sanction as contemplated under the Act and/or any other relevant law”.
34. We note that the Act refers to contravention of codes (section 66), enforcement in terms of civil proceedings (section 77), the powers of the Electoral Court (section 78), and penalties including fines and imprisonment (section 80). The IEC’s Electoral Code of Conduct provides clarity on the consequences of breach, noting that contravention may lead to being found guilty of an offence, sanctions including a fine of up to R200 000, forfeiture of

election deposits, being barred from campaigning in an area, cancellation of its votes in an area, or cancellation of its registration.³²

35. Given that the draft Code implicates freedom of expression, and the inherent need to guard against overregulating speech, we submit that compliance and enforcement should be approached with that consideration in mind. A nuanced approach also gives effect to the largely commitment-based character of many of the draft Code's provisions.
36. The role of the IEC itself in any compliance measures warrants similar caution. Its impartiality and institutional integrity are central to public confidence in the electoral process, and the compliance framework should be designed so as to safeguard that integrity rather than draw the IEC into contested adjudicative roles.
37. We therefore strongly encourage the IEC to reconsider its approach to compliance, to introduce a graduated approach, and to ensure that a suitable mechanism is established, through the Electoral Court, to enable proportionate responses. Such responses should give effect to the Act, protect the integrity of the IEC's systems and processes, and address these issues in a manner that does not do violence to the elections, freedom of expression, the right of access to information, and the other constitutional rights at stake.

Proposal:

1. Establishment of a Code-of-Conduct Chambers by the Electoral Court

We propose that the IEC along with the Electoral Court and other suitable bodies investigate the feasibility of establishing a **Code-of-Conduct Chambers by the Electoral Court**. This Chambers would operate within the structures of the Court and be responsible for Code of Conduct ("**CoC**") complaints. This aligns with the Act which in section 78(1) highlights the Electoral Court's jurisdiction in respect of all CoC disputes and complaints, subject to section 20(4) of the Electoral Commission Act 51 of 1996 ("**ECA**"). Given the wide discretion of the Electoral Court and its authority to empower other courts to handle CoC complaints (save for exceptions), it is proposed that the Electoral Court:

- Establish CoC-specific chambers in various designated magistrates' / high courts across the country during the election period to deal with CoC complaints (save for the exceptions).
- CoC-specific chambers be established on an ad hoc basis and staffed part-time by volunteers where in so far as necessary they could be appointed by a chief magistrate or judge president who could approach appropriate members of the profession willing to sit and adjudicate in this capacity.

³² See <https://www.elections.org.za/pw/parties-and-candidates/The-Electoral-Code-Of-Conduct>.

This allows CoC complaints to be dealt with speedily rather than getting sidelined by other election-related litigation, with the Electoral Court still retaining its overarching jurisdiction over CoC matters.

We note that such chambers would not, and could not, be established through this draft Code. Their establishment falls within the Electoral Court's own powers under section 20 of the ECA, exercised through the Court's rules and processes. We therefore offer this proposal on the understanding that it would be given effect through the Court's existing framework, and we encourage the IEC to engage the Electoral Court to that end. What we propose in respect of the draft Code itself is that it be updated to reflect and refer to this mechanism so that the Code's compliance provisions align with, and direct complaints toward, the process the Court establishes, bearing in mind the graduated compliance structure below.

2. Graduated compliance structure

Within this framework, and for purposes of this draft Code, we propose the Chamber enables a graduated compliance structure:

- For less egregious matters, the response should be corrective. A direction from the Chamber to retract, correct, or label the content within a specified period and, where appropriate, to publish a correction with prominence equivalent to the original content.
- Where a party or candidate fails to take corrective steps, or where the contravention is deliberate or repeated, escalating responses could include a formal finding and proportionate sanction by the Chamber.
- Serious contraventions already attract the sanctions provided for under the Act, the principal Electoral Code of Conduct, and other relevant law. At this tier, the matter is dealt with under those instruments, whether by referral to the suitable Chamber within the Electoral Court, criminal or civil proceedings or otherwise as the law provides.

SPECIFIC SUBMISSIONS

Purpose and scope (sections 1-2)

38. The application of the draft Code to parties and electoral candidates is appropriate. The conduct of parties and candidates, however, extends beyond what they do themselves. It includes what they instruct, sponsor, or pay others to do on their behalf. This is of particular relevance to the role of influencers, who are increasingly engaged to promote parties, candidates, and electoral messages, and who have in the past been paid to do so.³³
39. Content of this kind is properly understood as the conduct of the party or candidate that procured it, and should fall within the Code on that basis. We do not suggest that the Code extend its reach to third parties but rather, we suggest the Code makes it expressly clear

³³ Allen & le Roux, 'Under the influence? Online mis/disinformation in South Africa's May 2024 election' (2024) (accessible [here](#)).

that the Code applies to parties and candidates who create and/or disseminate content, and equally to parties and candidates who instruct or pay others to do so on their behalf.

Proposal: Refining section 2 of the draft Code as follows:

This Code applies throughout an **election period** to all election-related communications, conduct, and campaign activities performed by political parties and candidates, **whether directly or through third parties acting at their instruction**, both online and offline, and to both paid and unpaid content and communication.

Definitions (section 3)

40. As noted above, we propose changes to the existing definitions as well as the inclusion of select terms.

Existing terms

41. **Disinformation:** We largely support the definition of “disinformation” in the draft Code, and the reference to intention and harm. We recommend that the Code expressly include that it will not extend to misinformation in the sense that unintentional dissemination of information so as to avoid any chilling effect on ordinary political speech. As such, we recommend the following revision to the definition of disinformation as provided below:

Proposal:

- The term ‘**disinformation**’ is understood with reference to section 69(2) of the Act as the publication of any false **or misleading** 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.³⁴ **This is distinguishable from misinformation which is false information shared without the underlying intention to deceive or cause harm.**³⁵

42. **Online platforms:** We propose the following definitions in the place of online platforms. It is broader in nature, and it addresses not only what is presently understood as social media platforms, but also new and emerging platforms that are, or may in future be, used to disseminate content. The proposed definitions also distinguish between the service or function and the entity or provider of the service.

³⁴ The word “misleading” is derived from the UNESCO definition of “disinformation” accessible [here](#).

³⁵ *Id.*

Proposal:

- The term ‘**digital services**’ is understood to include services accessible over the internet or other electronic communication networks that facilitate the creation, distribution, discovery, or consumption of content, information, or interactions between users. Digital services include algorithmic systems, generative artificial intelligence services, content moderation processes, and other automated or semi-automated systems operated by or on behalf of a technology company. A technology company is an entity that develops, operates, or provides digital services that reach users in South Africa or shape the South African information ecosystem, regardless of where the entity is legally established, domiciled, or incorporated.

43. **Political advertising:** As it stands, the definition of “political advertising” is limited to advertisements on a broadcasting service, and while this is important, particularly in the context of the Independent Communications Authority’s (“**ICASA**”) role, this omits paid political advertising distributed online and through various digital services, which is where much contemporary electoral spending and micro-targeting now occur. Moreover, the references to political advertising elsewhere in the draft Code suggest a broader interpretation (sections 10(a); 10(d); 11(b)). We propose a slight revision to ensure consistency.

Proposal:

- The term ‘**political advertising**’ is understood **for purposes of this Code** 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 as an advertisement which is intended or calculated to advance the interests of any particular political party or independent candidate,~~ **regardless of medium.**

New terms

44. In addition to the definitions provided in section 3, we propose the inclusion of the following definitions in line with the terminology used in the draft Code:

Algorithmic systems	A set of algorithms, models and data inputs that perform automated data processing or decision-making tasks which resemble human intellectual abilities. ³⁶
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³⁶ Brazil - AI Strategy Amendment and integrated into the European Parliamentary Research Services’ study on understanding algorithmic decision-making Ordinance MCTI No. 4,979, of July 13, 2021 (accessible [here](#)).

Automated bots	Automated software programs that are designed to mimic human behaviour for the purpose of disrupting the information ecosystem online. ³⁷
Coordinated Inauthentic Behaviour (CIB)	Malicious and organised networks of accounts that distribute and amplify false content, in a coordinated and inorganic way. This can be done through coordinated human activity or through the use of automated or semi-automated systems. ³⁸
Cyberbullying	Repeated online harassment enabled through the use of digital services. This can include threatening messages, spreading rumours, or sharing harmful content. ³⁹
Doxing	The publication of the personal information or details of a person without their consent and with the intention to cause distress or otherwise expose the person to harassment. ⁴⁰
Information integrity	The accuracy, consistency, and reliability of information. In the electoral context, upholding it entails ensuring a pluralistic information space that enables free and fair elections, informed voter participation, and public trust in electoral outcomes. ⁴¹
Journalist	Professionals who gather, assess, and present news and information to the public. This can include media workers, reporters, analysts, bloggers and social media producers engaged in journalistic activity. ⁴²
Micro-targeting	A form of online targeted advertising or messaging done by identifying the interests of a specific audience or individual with the aim of shaping their opinions or influencing their actions. ⁴³
Online Complaints Mechanism	The mechanism approved by the Commission for the receipt and handling of complaints relating to disinformation and other online harms during the election period. At the date of this Code, the approved mechanism is Real411. ⁴⁴
Synthetic content	Content, including images, audio, video, and text, that has been generated or significantly manipulated using artificial intelligence or machine learning systems, in a manner that may not be apparent to an ordinary user

³⁷ Kaspersky, 'What are bots? – Definition and Explanation' (23 March 2026) (accessible [here](#)).

³⁸ This addition recognises the use of both human activity, for example through influencers, as well as automated bots.

³⁹ UNESCO, 'Cyberbullying' (accessible [here](#)).

⁴⁰ Amnesty International, 'What is online violence and abuse against women?' (20 November 2017) (accessible [here](#)).

⁴¹ United Nations Global Principles for Information Integrity: Recommendations for Multi-stakeholder Action (accessible [here](#)).

⁴² UNESCO, 'Journalists' (accessible [here](#)).

⁴³ Kröger et al, 'What is political microtargeting' *Guidance for Policymakers, Civil Society, and Development Cooperation* (2024) at pages 7-9; Information Commissioner's Office, 'Microtargeting' (accessible [here](#)).

⁴⁴ We commend the IEC for its continued support for, and partnership with the Real411 mechanism, which provides an accessible channel for the public to report disinformation and related online harms during elections, and serves as a useful repository of complaints that can support investigation, pattern-detection, and transparency over the course of the electoral period.

	without disclosure. Synthetic content includes deepfakes, AI-generated imagery, voice cloning, AI-generated written content presented as human-authored, and synthetic intimate imagery depicting a real, identifiable person in a sexual or intimate manner without their consent. ⁴⁵
Third party	Includes social media influencers, individuals, and politically aligned networks of human operators who act on behalf of, or at the instruction of, a political party or candidate in connection with election-related content or communications. ⁴⁶

Public commitment (sections 4-5)

45. We largely support the commitments set out in section 4 of the draft Code, and propose minor changes, to ground the commitments within our constitutional democracy, separate risk as a standalone acknowledgement, and to ensure alignment with the intention and harm components of disinformation as well as proposed changes to select terms.

Proposal:

- 4(a): the intrinsic importance of information integrity, transparency and trustworthy news media in enabling the electorate in a **constitutional democracy** to make **free and** informed political decisions.
- **New 4(b)**: the risk of harm that disinformation causes to free, fair and credible elections.
- 4(d) (previously 4(c)): the incumbent duty on political parties and candidates to refrain from and prevent any deliberate **and harmful** manipulation of the public including through the use of **digital services** ~~digital technologies such as artificial intelligence and inauthentic online behaviour.~~

46. We largely support the commitments set out in section 5 and propose minor textual changes for clarity and alignment.

Proposal:

- 5(c): refrain from conducting any disinformation campaign and from producing, disseminating, sponsoring or encouraging the dissemination of any disinformation, **whether directly or through a third party acting on their behalf or at their instruction, including disinformation intended to discredit or cast unreasonable doubt on the conduct, administration, or outcome of the election, otherwise than by lawful challenge or fair comment.** ~~or other false or misleading information knowing it to be false or without believing it on reasonable grounds to be true.~~

⁴⁵ Information Commissioner's Office, 'Synthetic media and its identification and detection' (accessible [here](#)).

⁴⁶ Sekati above n 29.

- 5(d) take **reasonable** steps immediately, **or as reasonably and practicably possible**, to publicly retract and correct any disinformation ~~or other false or misleading information~~ disseminated by them, **or by a third party** on their behalf **or at their instruction**, ~~and to publicly censure any person responsible for such dissemination and~~ **to take appropriate public steps to denounce such conduct.**
- 5(f): contribute ~~positively~~ towards electoral integrity **in line with the constitutional obligation required of all people in South Africa and in full cooperation with the Commission as well as other relevant electoral stakeholders.** ~~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 (sections 6-7)

47. We largely support section 6 and propose minor amendment for consistency and clarity.

Proposal:

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, **whether directly or through a third party acting on their behalf or at their instruction**, that that—
- ...
- c. may reasonably give rise to voter dissuasion, **incitement to public violence**, harassment, hate speech or discrimination based on a prohibited ground;
- ...

48. We largely support section 7 and propose minor amendments below for consistency and clarity.

Proposal:

- 7(c): exercise oversight only in respect of communications and platforms under their direct control **and supervision.**
- 7(d): take **immediate steps, or as soon as reasonably practicable**, ~~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, **or by a third party on their behalf or at their instruction.**

Information integrity (sections 8-9)

49. We largely support these provisions. However, and in line with the general comment regarding information integrity, we suggest a new section 9 be introduced. Journalists and other media practitioners play a significant role in upholding information integrity

especially during elections and yet they remain amongst some the most targeted groups during this time. Drawing from section 6 of SANEF’s proposed Media-Related Code, it is recommended that the following section is added as a new section 9 of the Code:⁴⁷

Proposal:

9. Recognising the role that journalists and media practitioners play in upholding information integrity during elections, and that they remain among the most targeted groups during this period, every political party and candidate undertakes not to—

- a. produce, disseminate, sponsor, finance, or encourage disinformation that targets, discredits, or seeks to undermine the credibility of a media representative on account of their reporting;**
- b. use any language or act in a way that may provoke, encourage or incite office-bearers, representatives, members or supporters to commit any form of harassment or harm against a media representative, be it on- or offline, that may render them vulnerable to attack;**
- c. reveal any personal information or details about a media representative, such as their home address or personal contact details, that may result them being subjected to harassment or harm;**
- d. support or condone any harassment or harm committed against a media representative;**
- e. support or condone any abusive acts against a media representative via any form of communication or through the use of any digital services; or**
- f. support or condone any act of cybercrime to target a media representative in a harassing or harmful manner, which may include cyberbullying, cyberstalking or through coordinated inauthentic behaviour”**

50. We largely support section 9 (proposed now as section 10), and suggest the following amendments to ensure alignment and clarity.

Proposal:

10. Every party and candidate undertakes not to use, nor to encourage, instruct, sponsor, or finance the use of, whether directly or through a third party acting on their behalf or at their instruction, digital services 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;**

⁴⁷ SANEF, ‘Electoral Code of Conduct on Media-Related Matters Published in terms of section 99(2) of the Electoral Act 73 of 1998’ (2024) (accessible [here](#)).

b. ~~targeted advertising, micro-targeting or prioritisation of targeted falsehoods~~ **or the targeted dissemination of disinformation** 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. **synthetic content used to falsely or deceptively depict, alter, or imitate another person;** ~~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. coordinated inauthentic behaviour aimed at manipulating voter opinions; and

e. unfounded accusations or cyber-bullying.

Specific measures: Online platforms (sections 10-11)

51. We support sections 10-12 (proposed now as sections 11-12) and suggest the following amendments to ensure alignment and clarity. As a starting point, and for clarity, we propose amending the heading from *Specific Measures: Online Platforms* to *Specific Measures*. The inclusion of “Online Platforms”, while useful to confine it to that space, raised concerns, particularly in the Workshop as to whether this meant these measures applied to Online Platform. For the avoidance of doubt, we propose its removal.

Proposal:

The heading “Specific Measures: Online Platforms” be changed to “**Specific Measures**”.

11. Cognisant of the increasing role of **digital services** ~~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 **regardless of medium** ~~on an online platform~~;
- b. to take reasonable steps to monitor content on their own or associated ~~online platforms~~ on **various digital services under their control, or operated on their behalf**, 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~~ on **various digital services under their control, or operated on their behalf**, 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~~;

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

52. Under section the current 11 (proposed section 12), we suggest the following amendments:

Proposal:

12. 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 a digital service ~~online platform~~ to the established Online Complaints Mechanism provided for by the Commission within ~~72 hours of becoming aware of this~~ **immediately or as soon as reasonably practicable;**

b. to ensure that all political advertising ~~including all political advertising via an online platform~~ **and other paid, sponsored, or coordinated promotional content conducted through the use of digital services by the party, candidate, or other third party acting for, on behalf of, or in coordination with the political party or candidate,** is clearly and appropriately labelled **prior to distribution** with clear reference to the political party or candidate by, for, or on behalf of whom it has been distributed, taking into consideration the medium used for distribution and the public importance of ensuring the labelling and disclosure are clear, visible, and accessible to the public;

c. to ensure that any synthetic content (including AI-generated content) is ~~appropriately white-labelled~~ **clearly 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.

Support in the work of the Commission (sections 12-14)

53. We support sections 12-14 (proposed now as sections 13-15) and provide no further suggestions on this part of the draft Code. Importantly, we wish to commend the IEC's ongoing initiatives on promoting media and information literacy and voter education and see it as a useful inclusion to have political parties and candidates commit to promoting and advancing these efforts.

CONCLUDING REMARKS

54. We remain available to provide further written and oral submissions, as may be needed and look forward to furthering engagements with the IEC.

MOXII AFRICA

Johannesburg

22 July 2026

ENDS.