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CIRCULAR NO. 38 OF 2026

TO: ALL HEADS OF NATIONAL DEPARTMENTS, PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS

RE: PARTICIPATION OF PUBLIC SERVICE EMPLOYEES IN THE LOCAL GOVERNMENT ELECTIONS

1. The purpose of this circular is to clarify the regulatory provisions guiding public service employees' participation in elections, as candidates and in assisting the Independent Electoral Commission (IEC) of South Africa in whatever role they choose. The circular is necessitated by the announcement made by the President of South Africa that local government elections will take place on 04 November 2026.

2. Participation of public service employees as candidates for elections is regulated by Section 36 of the Public Service Act, 1994, and Regulation 15 of the Public Service Regulations, 2016. In terms of these provisions, kindly note the following:

3. **Public Service Act, 1994**

   Section 36 Employees as candidates for, and becoming members of, legislatures

   (1) An employee may be a candidate for election as a member of National Assembly, a provincial legislature or a Municipal Council, subject to the code of conduct contemplated in section 41 (1) (v) and any other prescribed limits and conditions.

(2) An employee elected as a member of the National Assembly or a provincial legislature, or a full-time member of the Municipal Council shall be deemed to have resigned from the public service with effect from the date immediately before the date he or she assumes office as such a member.

(4) An employee elected as a member of a Municipal Council:

(a) may only remain an employee in the public service if he or she serves as a part-time member of the Council; and

(b) shall comply with section 30 (1) of the Public Service Act, 1994.

4. Regulation 15

(1) An employee who is issued with a certificate in terms of section 31 (3) of the Electoral Act, 1998, stating that he or she is a candidate in an election, shall not later than the next working day, inform his/her head of department in writing and submit the copy of the certificate; and

(2) The employee shall be deemed to be on annual leave from the date following the date the certificate is issued until he/she is elected and accepts the election, elected but declines the election or not elected.

5. To simplify implementation of the provisions outlined in paragraphs 3 and 4 above:

5.1. The employee who would like to participate in the elections should submit the certificate confirming his/her participation as a candidate in an election simultaneously with the leave form, to the head of department a day after the certificate was issued. The employee should, at the same time, submit an application for other remunerative work, in case at the end of elections he accepts election as a part-time councilor of the municipality and elects to remain as an employee in the public service.

5.2. The type of leave to be taken is annual leave. If the employee has insufficient annual leave days, he/she will have to take unpaid annual leave for the period in question. Leave is from a day after the employee is issued with the certificate as a candidate,

irrespective of when the employee informed the Head of Department as indicated in paragraph 5.1 above.

5.3. If the employee is elected as a full-time councilor for the municipality and accepts the election, he or she should resign from the public service. Prescribed administrative procedures in this regard should be followed to notify the department of his/her resignation.

5.4. If the employee declines the election or is not elected the leave will be terminated when the employee returns to work.

Other remunerative work

6. An employee who would like to assist the IEC in any remunerated capacity should apply for permission to perform other remunerative work outside his/her employment in the department. The Directive on Conducting Business with an Organ of the State **exempts** work from the Commission from the definition of conducting business with the organ of the state. The employee who has permission to perform other remunerated work should apply for annual leave to attend any activity relating to this other remunerated work including training by the Electoral Commission.

7. Please contact Ms. Pleasure Matshego at Pleasure.Matshego@dpsa.gov.za or Ms. Andisiwe Mthatyana at Andisiwe.Mthatyana@dpsa.gov.za if you have any queries.

MR. WILLIE VUKELA
ACTING DIRECTOR-GENERAL
DATE: 16/07/26