
A Free and Fair Election Is More Than a Ballot

What the 2026 SAFA Elections Tell Us About Power and Process

By Dennis A. Mumble

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On 3 February 2026, several months before the South African Football Association's elective Congress, I published an article entitled *Fix the Rules Before the Vote: A Warning on SAFA's Elections*. The article was published in *City Press* in two instalments in March 2026. My argument was deliberately broader than a prediction about candidates or the outcome of an election. I argued that SAFA could not reasonably expect an election to restore democratic legitimacy while the constitutional and governance framework within which the election was to be conducted remained fundamentally defective.

The warning was straightforward: an election is not necessarily democratic merely because people eventually cast ballots. The integrity of an election depends upon the conditions under

which those ballots come to be cast — the rules governing participation, the nomination and eligibility of candidates, the composition of the electorate, the administration of the process, the independence of those administering it, the resolution of disputes and the ability of competing interests to participate without the machinery of the organisation itself becoming an instrument of advantage.

The events surrounding the 2026 SAFA elections have reinforced the importance of that distinction.

This is not an argument that one candidate should have won rather than another. Nor is it an attempt to substitute my judgment for that of SAFA's Congress. It is an institutional question: can an election properly be regarded as free and fair when serious questions arise about the constitutional rules, the formation of the electorate, the administration of subordinate elections, the eligibility of candidates and delegates, the exercise of powers by SAFA structures, and the mechanisms available to challenge electoral decisions?

In my assessment, the answer requires much more scrutiny than the simple fact that a ballot was eventually conducted.

The warning came before the election

My February / March article made a proposition that remains central to my analysis today: SAFA needed to fix its rules before it conducted its election.

I argued that elections conducted within a flawed constitutional framework could become instruments of entrenchment rather than mechanisms of democratic renewal. I drew, among others, on the work of Hannah Arendt and Max Weber concerning the danger of using legality to give the appearance of legitimacy to the exercise of power. I also invoked John Locke's conception of legitimate authority as authority constrained by law, and Montesquieu's insistence upon the importance of separating and balancing governmental powers.

Those references were not intended to make SAFA a state. SAFA is a voluntary sporting association. But the principles remain relevant to any institution that exercises significant delegated authority over a large membership and seeks to derive legitimacy from democratic elections.

The essential point is that formal procedure and substantive legitimacy are not necessarily the same thing.

An institution can hold a formally constituted meeting, distribute ballot papers, count votes and announce a winner while leaving unresolved the prior question of whether the conditions under which the electorate was constituted and the contest conducted were sufficiently fair.

That is the question the 2026 election now presents.

This is not the first time I have raised it

My concerns about the 2026 process cannot fairly be characterised as a post-election reaction.

They form part of a line of analysis that goes back to the 2022 election and to my subsequent book, *Red Card for a Stolen Victory*. The book examines what I concluded was the manipulation of the 2022 SAFA electoral process, including the pre-selection of voters, and considers the consequences of concentrated power, groupthink and the erosion of the separation of powers principle.

The significance of that history is not that everything that occurred in 2022 must necessarily have occurred again in 2026. It is that the structural questions were never satisfactorily resolved.

Indeed, my February / March 2026 article expressly warned that SAFA's constitutional architecture had evolved in a direction that concentrated power, weakened institutional checks and created uncertainty around the independence of electoral administration. I specifically raised concerns about the displacement of the Electoral Code by opaque or ill-defined processes and about the Membership Affairs Committee's involvement in LFA and Regional elections.

The subsequent electoral cycle therefore provided an opportunity to test whether those concerns were misplaced. Instead, many of the same structural questions resurfaced.

The election did not begin on 12 September

Perhaps the most important analytical mistake is to treat the SAFA election as an event that began when delegates entered the Vodacom World Dome on 12 September. It did not.

The 2026 national election was the culmination of an electoral chain:

LFA elections → Regional elections → determination of representatives → nominations → eligibility → accreditation → constitution of the electorate → national Congress → voting.

Every stage matters because every stage contributes to the conditions under which the final vote takes place.

By late August, SAFA's CEO publicly acknowledged that not all Regional elections had been completed and that several Regions had experienced difficulties. The CEO said that the

Membership Affairs Committee and its chairperson had been required to check the status of Regional and Associate Member elective congresses¹.

At about the same time, Parliament's Portfolio Committee on Sport, Arts and Culture heard allegations concerning irregularities in Regional elections. Among the allegations was that national officials had been deployed to a Regional election with vetting material relating to candidates. These were allegations made in a parliamentary setting, not judicial findings, and they should therefore be treated as such. But their significance lies in the fact that they concerned precisely the institutional question at issue: who was entitled to administer, supervise and determine electoral questions at Regional and LFA level?²

By early September, national media were reporting allegations of manipulated Regional congresses, disputed election outcomes and concerns about whether some delegates attending the national Congress were properly constituted³.

That is not a trivial background issue. If the national electorate is derived from subordinate electoral processes, the integrity of those processes becomes part of the integrity of the national election.

When the machinery of an election becomes part of the contest

This is where constitutional design becomes particularly important.

An electoral system requires institutions that are sufficiently independent to administer the contest according to predetermined rules. The purpose of an Electoral Committee is not simply administrative convenience. Its existence reflects a fundamental principle: those who are competing for power should not themselves control the machinery through which that power is acquired.

The problem becomes acute when bodies whose constitutional functions concern membership affairs, governance, administration or provincial coordination begin performing functions that look like electoral supervision, adjudication or intervention.

Observation does not of itself confer administrative or supervisory authority, supervision does not amount to adjudication, and adjudication does not, in turn, confer executive power to intervene in or determine the outcome of an electoral process.

¹ <https://www.sabcsport.com/soccer/news/safa-ceo-admits-regional-elections-remain-unresolved-ahead-of-national-polls>

² <https://www.sabcnews.com/sabcnews/parliament-told-of-alleged-fraud-in-safa-regional-elections/>

³ <https://www.timeslive.co.za/sport/2026-09-01-chaos-feared-at-safa-elections-due-to-regions-disputes>

Similarly, a body may form the view that an election is defective, that a Region is dysfunctional, that an LFA has breached its constitution, or that a Member requires intervention; but such a view, however strongly held, does not in itself confer the legal authority to act upon it.

That is why the constitutional source of power matters.

The question is not merely whether an intervention was intended to protect the integrity of football. The question is whether the person or body making the intervention possessed the authority to do so, whether the prescribed procedure was followed and whether the remedy imposed was one that the constitutional framework permits.

The problem of assumed authority

One of the most revealing features of the 2026 process has been the apparent reliance on institutional practice.

But practice is not the same thing as constitutional authority. A practice may become repeated, then institutionally accepted, and eventually treated as an assumed authority, but that progression is fundamentally different from authority that derives from an express constitutional provision, is lawfully delegated where delegation is permitted, and is then exercised in accordance with the prescribed framework.

This distinction is particularly important in a voluntary association such as SAFA because its organs do not possess governing powers simply by virtue of their seniority.

The NEC has substantial powers. The CEO has substantial administrative responsibilities. The Governance Committee has important governance functions. The Membership Affairs Committee has defined responsibilities concerning membership. Provincial Structures have defined provincial functions.

But importance does not equal jurisdiction. Nor does proximity to the President, the NEC or the General Secretariat create constitutional power.

The NEC is not an electoral court

The same analysis applies to the National Executive Committee. The NEC is not powerless. Article 32 gives it substantial authority, including authority concerning the administration and financial affairs of Members. But that does not automatically make the NEC an electoral tribunal.

This distinction matters because a power to inquire into the administrative or financial affairs of a Member is not necessarily a power to determine the validity of an election conducted by that Member. Nor does a general residual power permit the NEC to displace a specific electoral jurisdiction entrusted elsewhere.

Where the applicable Regional or LFA framework assigns an electoral dispute to an Electoral Committee or Electoral Appeal Committee, that allocation has constitutional significance.

The same principle applies to remedies. A power to investigate a problem is not automatically a power to nullify an election. A power to identify an irregularity is not automatically a power to order a re-run.

A re-run is an electoral remedy. Its exercise therefore requires an identifiable source of electoral authority.

That is not a semantic distinction. It is the difference between governing according to a constitution and governing according to institutional convenience.

The national election exposes another constitutional gap

The national electoral architecture presents a related difficulty. At national level, the Governance Committee and its Presiding Officer have important electoral functions. Yet the difference between overseeing the conduct of an election and determining a post-election appeal is crucial.

The Presiding Officer may be authorised to deal with disputes arising during the electoral meeting, with the relevant decision being final within that process. But that does not necessarily create a general post-election appellate jurisdiction.

If there is no constitutional provision assigning a post-election appeal to a particular body, that jurisdiction cannot simply be manufactured through administrative practice.

The principle is elementary: A power that does not exist cannot be delegated.

The NEC cannot delegate to the Governance Committee a power which the NEC itself does not possess; the Governance Committee cannot delegate to a Presiding Officer a power which neither the Governance Committee nor the Statutes confer; and an official cannot acquire constitutional jurisdiction merely because that jurisdiction has been exercised in previous elections.

The absence of a properly constituted post-election appeal mechanism is therefore not something that can safely be solved by improvisation after the ballot. It is a constitutional design problem.

The electorate itself matters

There is another reason why election-day formalities cannot provide the whole answer.

The national electorate was not simply an abstract collection of voters. It was constructed through the recognition, accreditation and representation of SAFA Members.

By the eve of the Congress, serious disputes remained concerning the status of certain Regions. Ultimately, four Regions — Amajuba, Harry Gwala, Sarah Baartman and Pixley ka Seme — were excluded from the voting process, according to contemporaneous reporting. The regional voting bloc was consequently reduced from 52 Regions to 48⁴.

Whether those exclusions were legally justified is a separate question requiring determination by the appropriate forum. But analytically they demonstrate why the composition of the electorate is part of the election itself.

One cannot first construct the electorate through contested processes and then say that the integrity of the election begins only once that electorate enters the voting hall.

The same applies to candidate eligibility. A candidate who is excluded before the ballot has been cast has been affected by the electoral process even though no ballot has yet been placed in a box. A delegate who is denied accreditation has been affected by the electoral process. A Region whose representatives are excluded has been affected by the electoral process.

The absence of a ballot paper is therefore not evidence of the absence of electoral prejudice.

The paradox of the 2026 election

This brings us to a paradox. The final vote may have been conducted in an orderly manner while the process leading to that vote remained deeply contested.

SAFA announced that it would protect the right of its members to “freely exercise” their right to elect leaders of their choice. It also reported threats, harassment and intimidation of delegates before the Congress and referred those matters to the police⁵.

Those matters should be distinguished from the constitutional disputes discussed above. Threats or intimidation are serious allegations and require evidence and appropriate investigation. They do not, by themselves, establish that the election was invalid.

But they reinforce a larger point: free choice requires more than the physical opportunity to mark a ballot.

Flipping through the brittle pages and fading text of *Polyarchy: Participation and Opposition* (Yale University Press, 1971), I’m led to paraphrase the political scientist Robert Dahl, who famously

⁴ <https://www.ewn.co.za/2026/09/12/danny-jordaan-secures-fourth-term-as-safa-president>

⁵ <https://www.sowetan.co.za/sport/soccer/2026-09-12-safa-to-report-death-threats-harassment-and-intimidation-to-police-ahead-of-elective-congress/>

associated democracy with meaningful opportunities for participation and contestation. In constitutional terms, the same idea can be expressed through fairness, equality, accountability and lawful exercise of public or institutional power.

Dahl's conception of democracy emphasises two essential dimensions: participation and contestation. Participation concerns the opportunity of members to take part in determining who governs them; contestation concerns the opportunity to challenge those seeking or exercising power through meaningful and competitive alternatives.

An election is therefore not simply a counting mechanism. It is a system of participation.

What happened on election day does not erase what happened before it

On 12 September, Danny Jordaan was re-elected as SAFA President, receiving 157 votes to Sandile Zungu's 82. Contemporary reporting noted that four Regions had been excluded from the voting process and that the election occurred against a backdrop of disputes concerning Regional structures and allegations of intimidation⁶.

Those are facts about the outcome. They do not, however, answer the larger constitutional question. Nor should they be used to suggest that the result itself proves that the election was either legitimate or illegitimate. The result tells us who received the votes that were cast. It does not, by itself, establish whether every preceding stage through which those votes came to be cast was constitutionally sound.

That is particularly important for anyone who believes in institutional governance rather than personality politics.

The issue is not whether Danny Jordaan won. The issue is whether the system through which the winner was selected provided the membership with a sufficiently fair, transparent and constitutionally regulated opportunity to determine its leadership.

The continuity with 2022 is therefore important

This is why *Red Card for a Stolen Victory* remains relevant. The book was not merely about an individual election. It was an examination of how institutional power can shape an electoral outcome before the electorate ever reaches the ballot box.

My 2026 warning applied the same analytical lens to a new electoral cycle. I argued in February / March that constitutional defects, concentrated executive authority, weakened checks and balances and uncertainty around electoral administration had to be addressed before an election could credibly restore democratic legitimacy.

⁶ EWN, *op. cit.*

What followed was not entirely an identical repetition of 2022. It would be intellectually careless to claim that.

But there was sufficient continuity in the type of problem to warrant serious concern: disputes over the composition of the electorate; disputes over candidate and delegate eligibility; intervention by national structures in subordinate electoral processes; questions concerning the authority of committees and officials; uncertainty about the proper forum for electoral disputes; and the use of constitutional and administrative mechanisms at precisely the point where control of the organisation was being contested.

These are not isolated administrative inconveniences. They concern the distribution and exercise of power.

Legality must constrain power — not just decorate it

This is where the philosophical point returns. Locke's conception of legitimate authority rested upon the proposition that power is constrained by law. Montesquieu's insight was that liberty requires power to be checked by power. Arendt and Weber, in different ways, help us understand how formal legality can sometimes be used to give institutional authority the appearance of legitimacy.

The lesson for football governance is not that SAFA should become a political institution. It is the opposite. SAFA should take its own constitution seriously.

Its Statutes should mean what they say. Its committees should exercise the powers given to them and no more. Its electoral bodies should be independent of those whose positions are being contested. Its Members should know the rules before they enter an election. Disputes should be determined by the bodies designated to determine them. Delegations of power should have a lawful source. Remedies should correspond with jurisdiction. And those exercising power should be accountable for the manner in which they exercise it.

The sequence is important: a practice may become repeated, then institutionally accepted, and eventually treated as an assumed authority, but that progression is fundamentally different from authority that derives from an express constitutional provision, is lawfully delegated where delegation is permitted, and is then exercised in accordance with the prescribed framework.

Democracy before elections

In the February / March article, I ended with the phrase *"Democracy Before Elections"*. I would repeat it now, but with a slightly different emphasis. The experience of 2026 demonstrates why the phrase matters.

Democracy is not created by an election. An election is one mechanism through which democracy is expressed. Its legitimacy depends upon the constitutional environment in which it operates.

If the rules are uncertain, if institutional powers overlap, if electoral disputes have no clear forum, if the electorate itself is contested, if administrative bodies assume powers not clearly given to them, and if those affected have no effective and independent means of obtaining redress, then the mere holding of a ballot cannot resolve those deficiencies.

That is why I do not believe that the 2026 SAFA elections should be assessed simply by asking whether voting took place, whether votes were counted or who was declared the winner.

The more important question is whether the constitutional conditions necessary for those votes to constitute a free and fair expression of the will of SAFA's membership were present throughout the electoral process.

That is the question I raised before the 2026 election. It is the question that informed my examination of the 2022 election in *Red Card for a Stolen Victory*. And it is the question that South African football must now confront if it is serious about moving beyond the politics of winning elections towards the governance of football in the interests of all who participate in it.

An election is an event. Electoral legitimacy is a process. South African football deserves the latter.

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