

# HAVE YOUR SAY

## ELECTORAL AMENDMENT BILL [B1-2022]

### Call for Public Submissions and Comments

The Portfolio Committee on Home Affairs invites stakeholders and interested parties to make written submissions on additional definitions and clauses in relation to the Electoral Amendment Bill [B1-2022].

The Committee had initially called for submissions when the Electoral Amendment Bill [B1-2022] was introduced on 10 January 2022. Based on the inputs received, the Committee intends going beyond amending the sections in the Act, as envisaged in the Electoral Amendment Bill [B1-2022], as well as making substantive amendments to existing clauses. Therefore, the Committee is re-advertising the relevant clauses and is calling for further submissions in this regard.

The additional provisions to be considered are as follows:

- a. The insertion of the definition “person” to mean “a natural person”.
- b. The deletion of the term “party liaison committee” and the insertion of the new term “political liaison committee”, namely “which means a committee established in terms of the Regulations on Political Liaison Committees published in terms of the Electoral Commission Act, 1996 (Act No. 51 of 1996)”.
- c. An amendment to 27(2)(cA) of the Bill to provide that a declaration must be signed by the duly authorised representative of the party confirming that each candidate appearing on the party’s provincial list of candidates is registered to vote within the province in which the election will take place.
- d. The amendment to 31A of the Bill to allow independent candidates to contest more than one region for a seat in the NA.
- e. The deletion of section 30(6) of the Electoral Act, 1998 (Act No. 73 of 1998) (“Electoral Act”), which provides for instances where a candidate’s nomination does not comply with section 27 of the Electoral Act, the Commission or the Electoral Court may allow the registered party an opportunity to comply with that section, including an opportunity to substitute a candidate and to re-order the names on the list as a result of that substitution.
- f. The deletion of all references to “political party”, as there is no definition for “political party” in the Electoral Act, the correct term is “party” and in

order to be consistent the term “political party” should be amended to “party”.

- g. The removal of the term “qualifications” from the Heading at 31B, “*Requirements [and qualifications] for independent candidates to contest elections*”
- h. The amendment to 31B(3)(a) of the Bill. A completed prescribed form must be attached to the nomination of an independent candidate confirming that the candidate has submitted names, identity numbers and signatures of voters who support the candidate, totalling at least thirty percent of the quota for a seat.
- i. The removal of the words “if any” from 31B(3)(b) of the Bill. This materially changes the introduced version of the Bill, as the introduced version implied that there could be instances where a deposit is not required from an independent candidate, and the Committee agreed this would not be the case.
- j. The amendment to 31B(3)(e) of the Bill. It is further no longer a requirement that the independent candidate provide a declaration confirming that they are a resident of the region in which the election will take place, unless that independent candidate is contesting a provincial legislature seat.
- k. The deletion of 31B(3)(f) of the Bill. An independent candidate no longer is required to provide a prescribed declaration confirming that he or she has not been a member of any political party for at least three months preceding the date of the nomination.
- l. The addition to 31B, with the new 31B(6), which states that the deposit by an independent candidate contesting an election of a provincial legislature must be less than the amount for contesting an election of the National Assembly.
- m. The amendments to sections 20, 39(1)(b), 58, 59, 62, 64, 66, 100(2) and in Schedule 2 - item 7(g) of the Electoral Act, which relate to accommodating independent candidates when dealing with “agents” and changing the term “party liaison committee” to “political liaison committees”.
- n. The amendment to section 96 (2)(c) of the Electoral Act, which provides for the forfeiture of deposits, and now also accommodates independent candidates.
- o. Furthermore significant changes to Schedule 1A have been made:

- i. The Bill now retains the existing voting allocation system as contained in the Electoral Act and expands it to include independent candidates, using the highest remainder.
- ii. The Bill now reflects that there will be three ballot papers.
- iii. The Bill ensures that vacancies for independent candidates are filled through a recalculation.
- iv. The Bill provides that independent candidates contesting in more than one region cannot aggregate their votes.

Please note that submissions must be limited to the abovementioned proposed amendments, and the Committee will not consider issues raised beyond this.

The proposed wording is available on the Parliamentary Website or alternatively, you can contact the Secretariat (details below).

Submissions must be received by no later than 12:00 on Friday, 16 September 2022.

All submissions should be addressed to Mr MS Chabane, Chairperson: PC on Home Affairs and marked for the attention of Mr Eddy Mathonsi on email address: [electoralact1@parliament.gov.za](mailto:electoralact1@parliament.gov.za) and he can be reached on 083 709 8523.

Issued by Mr MS Chabane, Chairperson of the Portfolio Committee on Home Affairs.