

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

**CASE NO: 7630/23**

In the matter between:

**MY VOTE COUNTS NPC**

Applicant

and

**PRESIDENT OF THE REPUBLIC OF SOUTH  
AFRICA**

First Respondent

**MINISTER OF JUSTICE AND  
CORRECTIONAL SERVICES**

Second Respondent

**MINISTER OF HOME AFFAIRS**

Third Respondent

**INDEPENDENT ELECTORAL COMMISSION**

Fourth Respondent

**AFRICAN NATIONAL CONGRESS**

Fifth Respondent

**DEMOCRATIC ALLIANCE**

Sixth Respondent

**ECONOMIC FREEDOM FIGHTERS**

Seventh Respondent

**INKATHA FREEDOM PARTY**

Eighth Respondent

**NATIONAL FREEDOM PARTY**

Ninth Respondent

**UNITED DEMOCRATIC MOVEMENT**

Tenth Respondent

**FREEDOM FRONT PLUS**

Eleventh Respondent

**CONGRESS OF THE PEOPLE**

Twelfth Respondent

**AFRICAN CHRISTIAN DEMOCRATIC PARTY**

Thirteenth Respondent

<b>AFRICAN INDEPENDENT CONGRESS</b>	Fourteenth Respondent
<b>PAN AFRICANIST CONGRESS</b>	Fifteenth Respondent
<b>AFRICAN TRANSFORMATION MOVEMENT</b>	Sixteenth Respondent
<b>GOOD PARTY</b>	Seventeenth Respondent
<b>AL JAMA-AH</b>	Eighteenth Respondent
<b>ACTION SA</b>	Nineteenth Respondent

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**NOTICE OF INTENTION TO AMEND**

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**PLEASE TAKE NOTICE** that the applicant intends to amend its notice of motion, dated 15 May 2023 in the manner set forth in annex "A", with amendments reflected in redline in that annex.

**TAKE NOTICE FURTHER** that, unless written objection to the proposed amendments is made within ten (10) days of delivery of this notice, the applicant will amend its notice of motion accordingly.

**Dated at Johannesburg on 7 June 2024.**



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**WEBBER WENTZEL**  
**Attorneys for the applicant**  
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**c/o Webber Wentzel**  
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Heerengracht  
Foreshore  
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8001  
PO Box 3667, Cape Town, 8000  
Tel: 021 431 7000  
Fax: 021 431 8000

To:  
**THE REGISTRAR**  
Western Cape Division  
Cape Town

And to:  
**STATE ATTORNEY: CAPE TOWN**  
First to third respondents' attorneys  
4<sup>th</sup> Floor  
22 Long Street  
Cape Town  
8001  
Email: [SKarjiker@justice.gov.za](mailto:SKarjiker@justice.gov.za)

**BY EMAIL**

And to:  
**MINDE SCHAPIRO & SMITH ATTORNEYS**  
Sixth respondent's attorneys  
Tygervalley Office Park, Building No1  
Ground Floor  
Corner Willie Van Schoor and Old Oak Roads  
Email: [elzanne@mindes.co.za](mailto:elzanne@mindes.co.za)  
[shannon@mindes.co.za](mailto:shannon@mindes.co.za)

**BY EMAIL**

And to:  
**IAN LEVITT ATTORNEYS & CONVEYANCERS**  
Seventh respondent's attorneys  
The Leonardo

Office Level 12  
Maude Street  
Sandton  
Email: [janyde@ianlevitt.co.za](mailto:janyde@ianlevitt.co.za)  
[ketsi@ianlevitt.co.za](mailto:ketsi@ianlevitt.co.za)

**BY EMAIL**

And to:  
**MVMT INC ATTORNEYS**  
Nineteenth respondent's attorneys  
Ground Floor  
158 Jan Smuts Offices  
9 Walters Street  
Rosebank  
2196  
Email: [hein@mvmntinc.co.za](mailto:hein@mvmntinc.co.za)

**BY EMAIL**

**IN THE HIGH COURT OF SOUTH AFRICA  
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**CASE NO: 7630/23**

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Seventh Respondent

**INKATHA FREEDOM PARTY**

Eighth Respondent

**NATIONAL FREEDOM PARTY**

Ninth Respondent

**UNITED DEMOCRATIC MOVEMENT**

Tenth Respondent

**FREEDOM FRONT PLUS**

Eleventh Respondent

**CONGRESS OF THE PEOPLE**

Twelfth Respondent

**AFRICAN CHRISTIAN DEMOCRATIC PARTY**

Thirteenth Respondent

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### NOTICE OF MOTION

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**TAKE NOTICE THAT** the applicant intends to make application to the above Honourable Court on a date to be determined by the Registrar for an order in the following terms:

1. declaring sections 8(2), 9(1)(a), 9(2), 12(2)(d)(ii), 12(3)(c), 22 and 24(1) of, and regulations 7 and 9 in Schedule 2 (["regulations 7 and 9"](#)) to the Political Party Funding Act, 2018 ("**the PPFA**"), [as amended by the Electoral Matters Amendment Act, 2024 \("the EMAA"\), alternatively in their pre-amendment form](#), to be inconsistent with the Constitution and invalid;
2. [declaring sections 27, 29\(g\) and 29\(h\) of EMAA to be inconsistent with the Constitution and invalid.](#)
3. [To the extent necessary:](#)
  - 3.1 [declaring that the failure by the President to determine the upper limit and the disclosure threshold immediately upon the enactment of the](#)

EMAA or within a reasonable time thereafter in terms of regulations 7 and 9, respectively, is irrational, unlawful, and unconstitutional and invalid, and that the failure by National Assembly forthwith after the enactment of the EMAA to enable the President to do so is likewise irrational, unlawful, and unconstitutional and invalid.

3.2 directing that the disclosure thresholds (R100,000 per annum) and upper limits (R15 million per annum) which were provided in regulations 7 and 9 under the PPFA prior to its amendment by the EMAA shall be effective as from 8 May 2024 onwards, the date that the EMAA entered into force.

4. directing that all donations accepted or received by political parties and independent candidates -or made by any person or entity to any political party or independent candidate, from the date of the enactment of the EMAA to the date of this Court's order, above the R 15 million annual limit in terms of section 8(2) of the PPFA, read together with regulation 7 to schedule 2 of the PPFA ("the R 15 million limit"), *alternatively* such parts of such donations as breach the R 15 million limit, shall be paid back by such political parties and independent candidates to the relevant donors whence the donation emanated. All terms in this paragraph are as defined in the PPFA.

~~2.5.~~ directing that all donations accepted or received by political parties and independent candidates (as both terms are defined in the PPFA); from any person or entity (*alternatively*, those donations which are beyond the R 100,000 per annum disclosure threshold in terms of section 9(1)(a) of the

PPFA, read together with regulation 9 to Schedule 2 of the PPFA) must, within 15 days' of this Court's order, retrospectively be disclosed to the public as though the disclosure threshold was applicable at all relevant times from 8 May 2024, to the date of this Court's order. All terms in this paragraph are as defined in the PPFA.

3.6. to the extent necessary, declaring the PPFA (as amended by the EMAA, alternatively in the form prior to such amendment) and the Promotion of Access to Information Act, 2000, to be inconsistent with the Constitution and invalid to the extent set forth in the founding affidavit and supplementary affidavit of Minhaj Jeenah dated 11 May 2023 and 7 June 2024, respectively, *alternatively* the Court's judgment;

4.7. suspending the ~~above~~ declarations of invalidity as set forth in paragraph 1 above, save to the extent set forth in 7.1 ~~3.1~~ and 7.2 ~~3.2~~ below, for 12 months ("**the suspension period**") and directing Parliament to remedy the defects in the PPFA (including Schedule 2 thereto), in accordance with the Court's judgment, within the suspension period:

4.17.1 the declaration of invalidity of section 9(1)(a) of, and regulation 9 of Schedule 2 to, the PPFA shall be effective as from the date of the Court's order with full retrospective effect;

4.27.2 during the suspension period, section 9(2) of the PPFA shall read as follows: "*A person or entity that makes a donation must disclose that donation to the Commission in the prescribed form and manner.*"



8. In the event that Parliament does not remedy the constitutional defects in accordance with the Court's order and/or judgment, within the suspension period in paragraph 7, paragraphs 7.17.1-3.1 and 7.27.2-3.2 shall continue to apply.

5.9. directing the first to third respondents, jointly and severally with any other respondent who may oppose the relief sought in this application, to pay the applicant's costs, including the costs of two counsel;

6.10. ordering further and/or alternative relief.

**TAKE NOTICE FURTHER** that the foundings~~accompanying~~ affidavit and supplementary affidavit of **MINHAJ JEENAH** will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicant has appointed **Webber Wentzel** as its attorneys of record, and **c/o Webber Wentzel, 15<sup>th</sup> Floor, Convention Tower, Heerengracht, Foreshore, Cape Town**, as the address at which the applicant will accept notice and service of all documents in these proceedings.

**TAKE NOTICE FURTHER** that, if you intend opposing this application, you are required:

- (a) within 15 days after receipt of this notice of motion, to deliver notice to the applicant that you intend to oppose and in such notice to appoint an address within 15 kilometres of the office of the Registrar at which you will accept notice and service of all documents in these proceedings; and

(b) within 15 days of giving notice of your intention to oppose the application, to deliver your answering affidavit(s), if any.

**TAKE NOTICE FURTHER** that if no such intention to oppose is given, application will be made to the above Honourable Court for an order in terms of the notice of motion on \_\_\_\_\_ at 10h00 or so soon thereafter as counsel may be heard.

**Dated at Johannesburg on 15 May 2023.**

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**WEBBER WENTZEL**

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2196

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**c/o Webber Wentzel**

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Cape Town  
8001  
PO Box 3667, Cape Town, 8000  
Tel: 021 431 7000  
Fax: 021 431 8000

To:  
**THE REGISTRAR**  
Cape Town

And to:

**PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA  
First Respondent**

Tuynhuys Building, Parliament Street, Cape Town

Private Bag X1000, Cape Town, 8000

Email: [president@po.gov.za](mailto:president@po.gov.za) / [presidentrsa@po.gov.za](mailto:presidentrsa@po.gov.za)

Tel: 021 464 2184

Fax: 021 461 2838

**BY SHERIFF**

And to:

**MINISTER OF JUSTICE AND CORRECTIONAL SERVICES  
Second Respondent**

Room 510, 5th Floor, 120 Plein Street, Cape Town

Private Bag X256, Cape Town, 8000

Email: [Ministry@justice.gov.za](mailto:Ministry@justice.gov.za) / [LKgasi@justice.gov.za](mailto:LKgasi@justice.gov.za)

Tel: 021 467 1700

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**BY SHERIFF**

And to:

**MINISTER OF HOME AFFAIRS  
Third Respondent**

Hallmark Building, 230 Johannes Ramokhoase

Pretoria

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Tel: 012 406 2500

Fax: 021 461 4191

**BY SHERIFF**

And to:

**STATE ATTORNEY, PRETORIA**

**Authorised to accept service on behalf of the first to the third respondents**

4<sup>th</sup> Floor

22 Long Street, Cape Town City Centre

Cape Town

P.O Box 9001, Cape Town, 8000

Tel: 012 441 9200

**BY SHERIFF**

And to:  
**INDEPENDENT ELECTORAL COMMISSION**  
**Fourth Respondent**  
Election House, Riverside Office Park, 1303  
Heuwal Avenue, Centurion, Pretoria  
P.O Box 112, Centurion, 0046  
Email: [info@elections.org.za](mailto:info@elections.org.za)  
Tel: 012 622 5700

**BY SHERIFF**

And to:  
**AFRICAN NATIONAL CONGRESS**  
**Fifth Respondent**  
Parliament Street, Cape Town  
Email: [evaneck@parliament.gov.za](mailto:evaneck@parliament.gov.za)  
Tel: 021 403 3860

**BY SHERIFF**

And to:  
**DEMOCRATIC ALLIANCE**  
**Sixth Respondent**  
2nd Floor, Themba Hosken House,  
Gardens, Cape Town  
Email: [leader@da.org.za](mailto:leader@da.org.za) / [info@da.org.za](mailto:info@da.org.za)  
Tel: 021 403 2910

**BY SHERIFF**

And to:  
**ECONOMIC FREEDOM FIGHTERS**  
**Seventh Respondent**  
Parliament Street, Cape Town  
Email: [admin@effighters.org.za](mailto:admin@effighters.org.za) / [ramakatsa@effighters.org.za](mailto:ramakatsa@effighters.org.za)  
Tel: 011 403 2313  
Fax: 011 403 2264

**BY SHERIFF**

And to:  
**INKATHA FREEDOM PARTY**  
**Eighth Respondent**  
No. 2 Durban Club Place

Durban  
Email: [ifpinfo@ifp.org.za](mailto:ifpinfo@ifp.org.za) / [ehorn@ifp.co.za](mailto:ehorn@ifp.co.za)  
Tel: 021 403 3053 / 2277  
Fax: 021 461 9317

**BY SHERIFF**

And to:  
**NATIONAL FREEDOM PARTY**  
**Ninth Respondent**  
Parliament Street, Cape Town  
Email: [info@nfp.org.za](mailto:info@nfp.org.za)  
Tel: 031 907 0667  
Fax: 031 465 8516

**BY SHERIFF**

And to:  
**UNITED DEMOCRATIC MOVEMENT**  
**Tenth Respondent**  
Parliament Street, Cape Town  
Email: [info@udm.org.za](mailto:info@udm.org.za) / [nationaloffice@udm.org.za](mailto:nationaloffice@udm.org.za)  
Tel: 021 403 8639  
Fax: 087 941 9052

**BY SHERIFF**

And to:  
**FREEDOM FRONT PLUS**  
**Eleventh Respondent**  
Parliament Street, Cape Town  
Email: [dalien@vf.co.za](mailto:dalien@vf.co.za) / [info@vf.co.za](mailto:info@vf.co.za)  
Tel: 021 403 3983 / 3802  
Fax: 012 665 2420

**BY SHERIFF**

And to:  
**CONGRESS OF THE PEOPLE**  
**Twelfth Respondent**  
Parliament Street, Cape Town  
Email: [mlekota@parliament.gov.za](mailto:mlekota@parliament.gov.za)  
Tel: 021 403 3292

**BY SHERIFF**

And to:

**AFRICAN CHRISTIAN DEMOCRATIC PARTY**

**Thirteenth Respondent**

Parliament Street, Cape Town

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Tel: 021 403 3521

Fax: 021 403 3778

**BY SHERIFF**

And to:

**AFRICAN INDEPENDENT CONGRESS**

**Fourteenth Respondent**

Parliament Street, Cape Town

Email: [mandlagalo@aic.org.za](mailto:mandlagalo@aic.org.za)

Tel: 083 671 9301

Fax: 039 737 4045

**BY SHERIFF**

And to:

**PAN AFRICANIST CONGRESS**

**Fifteenth Respondent**

Parliament Street, Cape Town

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**BY SHERIFF**

And to:

**AFRICAN TRANSFORMATION MOVEMENT**

**Sixteenth Respondent**

Parliament Street, Cape Town

Email: [contact@pa.org.za](mailto:contact@pa.org.za) / [phakathime@kznleg.gov.za](mailto:phakathime@kznleg.gov.za)

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Fax: 021 465 8887

**BY SHERIFF**

**GOOD PARTY**

**Seventeenth Respondent**

Parliament Street, Cape Town

Email: [info@forgood.org.za](mailto:info@forgood.org.za)

Tel: 021 403 3117

**BY SHERIFF**

**AL JAMA-AH**  
**Eighteenth Respondent**  
Parliament Street, Cape Town  
Email [info@aljama.co.za](mailto:info@aljama.co.za)  
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**BY SHERIFF**