

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

CASE NO:

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

**ACTING SPEAKER OF THE NATIONAL
ASSEMBLY**

Fourth Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court at **14:00 on 10 May 2024** or as soon thereafter as counsel may be heard, for an order in the following terms:

1. Enrolling this application as an urgent application and, to the extent necessary, condoning the applicant's non-compliance with the rules of this Honourable Court relating to form, service and time periods, and hearing this application on an urgent basis in terms of rule 6(12).

2. Ordering that a *rule nisi* is hereby issued calling upon any interested person to show cause on a return date to be determined by the above Honourable Court ("**the return date**"), why an order in the following terms should not be made final:
 - 2.1 Pending the earlier of: (i) the finalisation of proceedings to declare sections 29(g) and (h) of the Electoral Matters Amendment Act, 2024 ("**the EMAA**") and amended regulations 7(1) and 9 of schedule 2 to the Political Parties Funding Act, 2018 ("**PPFA**") inconsistent with the Constitution and invalid, and other relief, which must be instituted within 20 days of the order; and (ii) the determination of the upper limit in the amended regulation 7(1) of schedule 2 to the PPFA ("**the upper limit**") and of the disclosure threshold in the amended regulation 9 of schedule 2 to the PPFA ("**the disclosure threshold**"):ol style="list-style-type: none;"> - 2.1.1 the upper limit shall be deemed to have been determined at R 15 million per annum;
 - 2.1.2 the disclosure threshold shall be deemed to have been determined at R 100,000 per annum.
3. Pending the return date, the relief sought in 2.1, 2.1.1 and 2.1.2 above is immediately to operate as an interim order.
4. Ordering that the costs of this application be borne by the first to third respondents, together with any other party which opposes the relief herein, jointly and severally, to be taxed on the basis of Scale B.

5. Granting the applicant such further and / or alternative relief as the court may deem reasonable and necessary.

TAKE NOTICE FURTHER that the accompanying affidavit of **QAASIM AKBAR GANEY** will be used in support of this application.

TAKE NOTICE FURTHER that the applicant has appointed **Webber Wentzel** as its attorneys of record, and vlad.movshovich@webberwentzel.com; daniel.rafferty@webberwentzel.com; ahmed.rajana@webberwentzel.com; qaasim.ganey@webberwentzel.com as the addresses 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) to notify the applicant's attorneys in writing including by way of email by or before **9h00 on Friday, 10 May 2024**, which email must be sent to all of the following email addresses:

vlad.movshovich@webberwentzel.com;

daniel.rafferty@webberwentzel.com;

ahmed.rajana@webberwentzel.com;

qaasim.ganey@webberwentzel.com;

- (b) to deliver any answering affidavit on or before **11h00 on Friday, 10 May 2024**, with service to be effected by email at all of the email addresses in (a).

PLEASE enrol the matter accordingly.

Dated at Cape Town on 9 May 2024.



WEBBER WENTZEL

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Sandton
Johannesburg
2196

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Ref: V Movshovich / D Rafferty / A Rajan /
Q Ganey
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c/o Webber Wentzel

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Heerengracht
Foreshore
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8001

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Tel: 021 431 7000

Fax: 021 431 8000

To:

THE REGISTRAR

Western Cape Division
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 / presidentrsa@po.gov.za

Tel: 021 464 2184

Fax: 021 461 2838

BY EMAIL

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 / LKgasi@justice.gov.za
Tel: 021 467 1700
Fax: 021 467 1730

BY EMAIL

And to:
MINISTER OF HOME AFFAIRS
Third Respondent
Hallmark Building, 230 Johannes Ramokgoase Street, Pretoria
Email: Carmen.h@dha.gov.za

BY EMAIL

And to:
STATE ATTORNEY, PRETORIA
Authorised to accept service on behalf of the first to the third respondents
4th Floor
22 Long Street, Cape Town City Centre
Cape Town
P.O Box 9001, Cape Town, 8000
Tel: 012 441 9200
Email: skarjiker@justice.gov.za; fmbeki@justice.gov.za

BY EMAIL

And to:
THE SPEAKER OF THE NATIONAL ASSEMBLY
Fourth Respondent
Parliament Street
Cape Town
Email: speaker@parliament.gov.za; pmasiza@parliament.gov.za

BY EMAIL