

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

Case number: 10607/24

In the matter between:

THE DEMOCRATIC ALLIANCE

Applicant

and

MY VOTE COUNTS NPC

First respondent

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Second respondent

**MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES**

Third respondent

MINISTER OF HOME AFFAIRS

Fourth respondent

ACTING SPEAKER OF THE NATIONAL ASSEMBLY

Fifth respondent

In re:

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: DA's APPLICATION FOR LEAVE TO OPPOSE

TAKE NOTICE THAT the applicant (the Democratic Alliance, hereafter “**the DA**”) intends to make application to this Court for an order in the following terms:

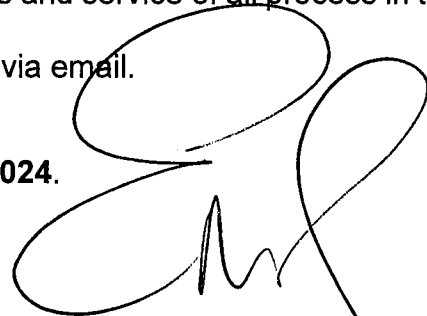
1. The DA is granted leave to oppose the relief sought in the rule *nisi* issued on 27 May 2024 by Thulare J, with return date 12 August 2024, in the application brought under the above case number by My Vote Counts NPC (“**MVC**”).
2. The relief sought in the rule *nisi* is dismissed.
3. *In the alternative to prayer 2 above*, in the event that the relief sought in the rule *nisi* is not dismissed, and with retrospective effect from 8 May 2024 —
 - 3.1. it is declared that the limit (“**the donation limit**”) referred to in section 8(2) of the Political Funding Act 6 of 2018 as amended by the Electoral Matters Amendment Act 14 of 2024 (“**the Act**”) is R15 000 000 (fifteen million rand), for as long as the President does not set a different donation limit in terms of regulation 7 of Schedule 2 to the Funding Act; and
 - 3.2. it is declared that the threshold referred to in section 9(1)(a) of the Act (“**the disclosure threshold**”) is R100 000 (one hundred thousand rand), for as long as the President does not set a different disclosure threshold in terms of regulation 9 of Schedule 2 to the Funding Act.
4. MVC shall pay the DA’s costs on Scale B, jointly and severally with any other party that opposes the relief sought by the DA.

5. *In the alternative to prayers 2 to 4 above*, the determination of the relief sought in the rule *nisi* is postponed to be determined together with the application in this Court under case no 7630/2023.
6. Further and/or alternative relief.

TAKE NOTICE FURTHER THAT the accompanying affidavit of **ELZANNE MUREEN JONKER** will be used in support thereof.

TAKE NOTICE FURTHER THAT the DA has appointed the address of its attorneys of record set out below at which it will accept notice and service of all process in these proceedings, and that the DA consents to service via email.

DATED AT CAPE TOWN THIS Friday, 26 July 2024.



MINDE SCHAPIRO AND SMITH INC.

Per: E JONKER/ks

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TO THE REGISTRAR OF THE ABOVE COURT

AND TO:

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AND TO

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