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Date

V Movshovich / D Rafferty / A Rajan /
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3005347

19 September 2025

Dear Sir

Request for reasons and record - President's Proclamation doubling disclosure threshold and upper limit under the PPFA

1. We act on behalf of My Vote Counts NPC ("**MVC**").
2. By way of background, MVC is a non-profit organisation dedicated to promoting transparency and accountability in South Africa's political and electoral system. Since its establishment, MVC has consistently sought to advance the constitutional imperative of open and transparent governance, with a particular focus on the regulation and disclosure of private funding of political parties and independent candidates.
3. In pursuit of this mandate, MVC has played a central role in the development of South Africa's legislative framework governing the private funding of political parties, including, *inter alia*, in the respects set forth below:
 - 3.1 Between 2015 and 2018, MVC acted as the applicant in proceedings that culminated in the Constitutional Court's judgment in *My Vote Counts NPC v Speaker of the*

Letter To The President 19092025

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National Assembly and Others [2018] ZACC 17 ("**My Vote Counts II**"), in which the Constitutional Court confirmed that Parliament has a constitutional obligation to legislate for the disclosure of private political funding.

- 3.2 In May 2023, MVC instituted proceedings in the Western Cape Division of the High Court under section 172(1) of the Constitution, seeking to set aside certain provisions of the Political Party Funding Act, 2018 ("**PPFA**") - legislation enacted to give effect to *My Vote Counts II* - on the basis that those provisions did not give proper effect to the constitutional imperatives identified in that judgment ("**the 2023 proceedings**").
- 3.3 In May 2024, MVC launched urgent proceedings to address and fill the lacuna created as a result of the enactment of the Electoral Matters Amendment Act, 2024 ("**the EMAA**").
- 3.4 In June 2024, MVC updated the relief sought in the 2023 proceedings to challenge specific provisions in the EMAA which amended the PPFA, including granting the President the discretion to determine the upper limit and disclosure threshold.
- 3.5 In September 2025, MVC filed an application for direct leave to appeal to the Constitutional Court against the judgment of a Full Court delivered in the 2023 proceedings. These proceedings remain ongoing.
4. Moreover, MVC has made written and oral submissions to parliamentary committees and to the Independent Electoral Commission, including on matters relating to the President's determination of new thresholds under the PPFA (as amended).
5. At all relevant times, MVC has acted in the public interest, to vindicate constitutional rights and values including informed political choice (section 19), access to information (section 32), the duty on the State to protect, promote and fulfil constitutional rights and the foundational commitments to accountability and transparency (sections 1(c), 7(2) and 195).
6. It is against this background, and in furtherance of its ongoing mandate, MVC notes that on 18 August 2025, the President published Proclamation Notice R 275 of 2025 in Government Gazette No. 53182, issued under Schedule 2 to the PPFA (as amended by the EMAA), in which the disclosure threshold was increased from R100,000 to R200,000 and the upper limit from R15 million to R30 million ("**the new thresholds**") ("**the President's Proclamation**").

7. MVC respectfully requests that the President provide the written reasons for, and the complete record that informed, the President's Proclamation and the decision to determine the new thresholds, without delay and by no later than close of business on Monday, 20 October 2025.
8. You will appreciate that you are by law required to furnish written reasons for the relevant decisions as well as all supporting documentation. Should reasons not be furnished timeously, MVC will assume that no reasons exist for the President's Proclamation or the decision relating to the determination of the new thresholds, and that no record exists.
9. For completeness, we also enclose the relevant request form (annexed marked "A") in terms of the Promotion of Access to Information Act, 2002 ("PAIA") and tender payment of any fees for the disclosure of information as prescribed under section 22(1) of PAIA. To this end, please provide us with the applicable fees payable by MVC for processing the request, together with relevant bank account details for payment.
10. We appreciate your attention to this matter and look forward to your response.

Yours faithfully

WEBBER WENTZEL

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