

Dear South Africa is a network of online platforms designed to facilitate government and encourage the public to participate in unbiased decision-making processes or policy formation at SOE, municipal, provincial and national levels.



## Electoral Laws Amendment Bill

28 August 2020 to 30 September 2020

Mr Mosiuoa Gerard Patrick Lekota, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), invited institutions, organizations, and individuals to submit written comments on the proposed Electoral Laws Amendment Bill as set out in the gazette in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

**The draft Bill will therefore, inter alia, seek to amend:**

- the Electoral Commission Act, 1996 (Act No. 51 of 1996), so as to provide for, and to regulate, the registration of independent candidates;
- the Electoral Act, 1998 (Act No. 73 of 1998), so as to, inter alia, give full effect to section 19(3)(b) of the Constitution, which provides that every South African citizen has the fundamental right to stand for public office and, if elected, to hold office; to ensure that individuals can stand for office as independent candidates without having to stand for office by virtue of his or her membership of a political party; to provide for the creation of constituencies along current district boundary lines and the replacement of the "closed list" proportional representation system with the "open list" proportional representation system with greater requirements for all candidates to uphold the Constitution and to give impetus to the realisation of the Bill of Rights; and to promote democratic governance and electoral accountability; and
- any other relevant legislation so as to provide for independent candidates to participate in election broadcasts and political advertisements on an equitable basis with political parties; to provide for independent candidates to receive financial and administrative assistance to enable them to perform their functions effectively; and to provide for related and other consequential matters.

The above notice for an amendment to the Electoral Commission Act, 1996 (Act No. 51 of 1996), and the Electoral Act, 1998 (Act No. 73 of 1998), was released on 28 August 2020 where the closing date for public participation was set to 30 September 2020.



### Submissions and enquiries were directed to;

The Speaker of the National Assembly at [speaker@parliament.gov.za](mailto:speaker@parliament.gov.za) and [mlekota@parliament.gov.za](mailto:mlekota@parliament.gov.za). Inquiries and a copy of the Electoral Law Amendment Bill could be obtained from The Congress of the People (COPE).

Dear South Africa (DearSA) hosted a participation project through an online and mobile platform to facilitate, educate and encourage public participation and comment to shape this amendment.

<https://dearsouthafrica.co.za/electoral-reform/>

### Included on the web page was:

- 1 – the published Amendment (notice of intention to introduce the Bill) and related documents as downloadable PDFs – a policy paper the Electoral Reform was also included
- 2 – the Constitution of South Africa (in all official languages)
- 3 – a live view of public comments (with a counter and breakdown reflecting number of participants)
- 4 – video summaries
- 5 – links to relevant media articles
- 6 – a portal which posed a single question (with the option of three responses)
- 7 – a comment facility to provide input on the Amendment

Each public entry was individually delivered to [speaker@parliament.gov.za](mailto:speaker@parliament.gov.za) and [mlekota@parliament.gov.za](mailto:mlekota@parliament.gov.za). DearSA also captured all public entries which have been used to produce this report.

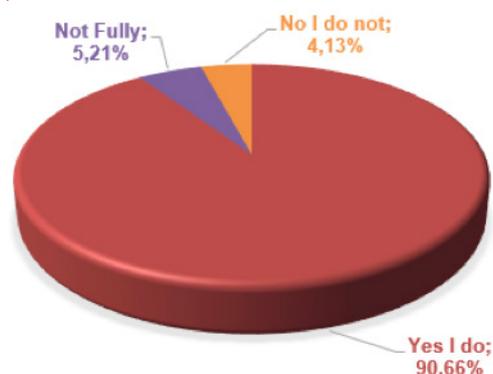
**Note:** In order to accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is attached as an Excel file.

A total of **5,565** comments were received by the set closing date of 30 September 2020 (included in the Excel file). This report reflects the entries received by the closing date.

### Questions presented;

Do you support the proposed amendments to the Electoral Laws?

	Yes, I do	[5,046 selected]	90.66%
	No, I do not	[230 selected]	4.13%
	Not fully	[290 selected]	5.21%





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## Comments

The participants are encouraged to provide comment to justify their selection in order to help shape the policy amendment.

**Of the “Yes, I do” comments**, a strong theme is carried throughout the public’s views that these amendments will help transform South Africa’s political landscape for the better and will live the democratic values of our country to its full extent. The current model that supports political party structures, subtly forces each of the members to align to a particular view to ensure like-mindedness within the party. Whereas individual members have more room to express their views to further growth and enable South Africa’s development. By allowing independent members the opportunity to stand for public office, a wider and more diverse approach can be applied to various sectors that are in need.

### **Some of the “Yes, I do” comments carried conditions, including:**

- 1 – Independent members should be able to stand for public office, but this should be monitored to ensure that corruption risks are managed and mitigated.
- 2 – In support of these proposed amendments, the legislation should also have a policy in place that regulates nepotism and similar structures to ensure that personal lines are not intertwined with political requirements.

**Of the “Not Fully” comments**, the public expressed that there is a need to change in the political architecture of South Africa and its relative voting processes. However, some underlying concerns come with these proposed amendments relating to the management of the individual members and the nomination procedure thereof. It’s recognised that the current corruption and financial theft that’s taking place amongst government and municipal members is of great concern to the public and that any new potential political leaders need to meet certain minimum standards in order to keep the integrity of the country and its wealth intact.

### **Majority of the Not Fully comments carried conditions, including:**

- 1 – Minimum requirements should be added to the electoral process and only the individual members that meet these criteria can be eligible for the voting roll.
- 2 – Independent members may not have a criminal record.
- 3 – Independent members must have a matric qualification as a minimum requirement.
- 4 – Independent members must have an alternate source of income.
- 5 – Independent members should have at least 1000 followers.
- 6 – Independent members should only be able to apply to districts / municipalities where they reside. If they should relocate, they can apply in the new region but will be required to resign from the old district or municipality.

### **Another finding from these views is that the public have a few questions relating to the proposed amendments in line with the following:**

Based on the voting irregularities that have occurred previously, how will the IEC manage the ballots and voting procedures if the independent members are approved and meet the requirements to list on the voting roll?



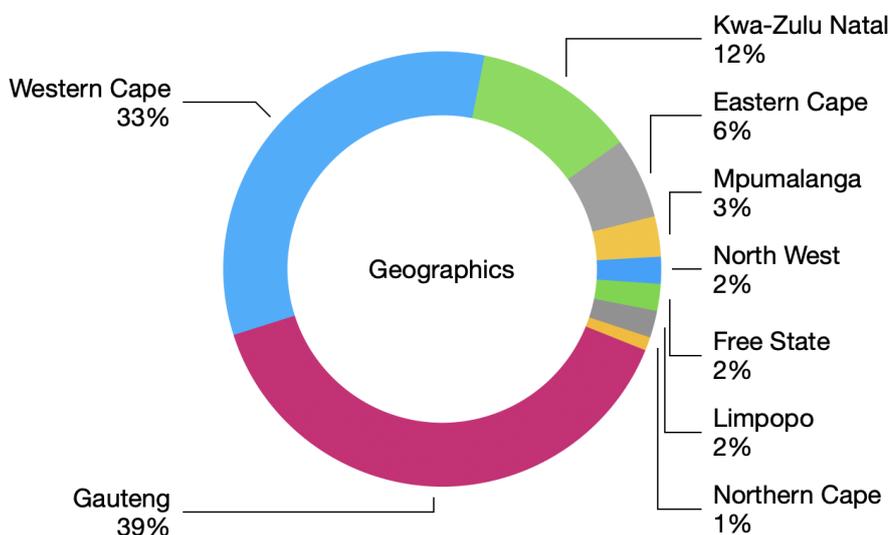
**Of the “No I do not” comments**, the participants' views show concern that adding additional independent members may only create “clutter” in our political space instead of attending to dire situations of our country and economy. The public have also highlighted that there aren't any additional funds to remunerate new potential political leaders and that the public shouldn't be expected to carry these fees either through a form of tax.

**Suggestions from the “No I do not” comments, include:**

- 1 – Allow for independent voting of certain positions outside of the political ruling party such as: President, Deputy President, Premiers and Members of Parliament.
- 2 – Reduce the parliamentary cabinet size to allow for new independent political leaders that are capable of the position.
- 3 – Implement accountability structures to reduce the high frequency of corruption that is taking place daily.

## Demographics

Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN. Demographics can be further broken down into comment options (yes, no, not fully) per region upon request.



Thank you

Rob Hutchinson - Dear South Africa