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**PROCEEDINGS OF THE NATIONAL ASSEMBLY**

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The House met at 14:00.

The House Chairperson Mr M L D Ntombela took the Chair and requested members to observe a moment of silence for prayers or meditation.

**WELCOMING OF NEW MEMBER**

**ANNOUNCEMENTS**

The HOUSE CHAIRPERSON (Mr M L D Ntombela): In addition to the rules of virtual sittings, the Rules of the National Assembly including the rules of debate apply. Members enjoy the same powers and privileges that apply in the sitting of the National Assembly. Members should equally note that anything said in the virtual platform is deemed to have been said to the House and may be ruled upon.

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All members who have logged in shall be considered to be present and are requested to mute their microphones, only unmute when recognised to speak. This is because the microphones are very sensitive and will pick up noise which might disturb the attention of other members. When recognised to speak, please unmute your microphone and when connectivity permits, connect to your video.

Members may make use of the icon on bar at the bottom of their screens which has an option that allows members to put up their hands to raise points of order. The secretariat will assist in alerting the Presiding Officer to members requesting to speak. When using the virtual system, members are urged to refrain or desist from unnecessary points of order.

Order hon members, before we proceed with today's business, I wish to announce that the vacancy which occurred in the NA due to the passing of Ms A Motaung has been filled by the nomination of Ms M M A Mfikoe with effect from 22 September 2022. The member made and subscribed the oath before the Acting Speaker. I welcome you, hon member.

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chairperson and hon members, good afternoon. I wish to move that the

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House, in terms of terms of Section 51(3) of the Constitution, Act 106 of 1996 and Rule 43(2), resolves to sit at the Cape Town City Hall for the purposes of the Medium-Term Budget Policy Statement on 26 October 2022. Thank you, hon House Chair.

Question Put.

Motion agreed to.

**CONSIDERATION OF REPORT OF PORTFOLIO COMMITTEE ON HOME AFFAIRS  
ON ELECTORAL AMENDMENT BILL**

(Consideration of Report of the Portfolio Committee on Home Affairs.)

The CHIEF WHIP OF THE MAJORITY PARTY: Hon House Chair, I move that this august House adopts this report. Thank you very much, hon House Chair.

Question Put.

Motion agreed to.

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Report accordingly adopted, Inkatha Freedom Party, Democratic Alliance, African Christian Democratic Party, Congress of the People, United Democratic Movement, Good and African Transformation Movement dissenting.

**ELECTORAL AMENDMENT BILL**

(Second Reading debate)

The MINISTER OF HOME AFFAIRS: Hon Chairperson and hon members, we present today to the National Assembly, the Electoral Amendment Bill. The Apex Court of the Republic has found an aspect of the electoral system to be unconstitutional. The central thesis of this Bill is to correct the defect. Thus, this assembly is now being called upon to perform its constitutional role of remedying this defect.

It is critical to bear in mind that our Apex Court ordered Parliament to ensure that the electoral system should make provision for independent candidates to contest elections for the National Assembly and provincial legislatures. This Electoral Amendment Bill has now made provision for such. The Constitutional Court did not make any finding as to which electoral system is better than the other, or as to which one

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presents a better outcome and accountability to the electorate than the other. Justice Madlanga makes this clear in paragraph 15 of the judgment when he said:

Let me mention that a lot was said about which electoral system is better, which system better affords the electorate accountability, et cetera. That is territory this judgment will not venture into. The pros and cons of this or the other system are best left to Parliament which has the mandate to prescribe an electoral system. The court's concern is whether the chosen system is compliant with the Constitution.

The Constitutional Court did hold that the current system is not compliant with the Constitution, but its holding was narrow and specific. It was only that:

In so far as the Electoral Act made it impossible for candidates to stand for political office without being members of a political party. This is unconstitutional.

That's paragraph 120 of the judgment. It is perhaps appropriate that I give context to how this Bill came about. After the Constitutional Court judgment, I commissioned a

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Ministerial Advisory Committee, which we call MAC, to produce technical reports in response to the judgment. It is crucial to emphasise that this Minister Advisory Committee was not appointed with any decision-making powers. It is for this reason that the issue of minority or majority did not even arise because it was not meant to be a court of law that must ... [Inaudible.] ... the judgment, hence the appointed number of people who were eight number which is an even number. If it was envisaged that an issue of majorities and minorities will be crucial, an odd number could've been chosen like in the Constitutional Court full bench, that in this case would've been seven or nine. It was appointed to help develop policy on the electoral system that addressed the defects of the Electoral Act.

The MAC ultimately developed two such options. One is a proposal of combined, the First Past the Post System or a single-member constituency and proportional representation. The other proposal was to modify the existing system to permit independent candidates to contest elections. While the job of MAC was what I've already described. Ours as technical advice, our job was to consider the advice which came in the form of two options which I've mentioned on which we applied our minds

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as to which one was more desirable and feasible ahead of the 2024 elections.

We duly did so. We concluded that whatever may occur after the 2024 elections is for Parliament and the people of South Africa to decide, bearing in mind that changing an electoral system will be an enormous task. The Constitutional Court understandably allowed only two years for the electoral system to be revised to accommodate independent candidates. That period, now extended by six months, was just enough for us to allow the independent candidates to participate. We were very conscious that the Constitutional Court held that the 2024 elections and electoral system must permit independent candidates. As we all know, the 2024 elections can simply not be postponed. The Constitutional Court made it clear that even the COVID-19 pandemic was not a justifiable reason to postpone the 2021 Local Government Elections.

It should also not be lost that as an election is a ... [Inaudible.] ... and logistical undertaking, therefore, the requirements for participation must have measures of encouraging obviating frivolity in the electoral contest. An unreasonably long and complicated paper might negate the facilitation of free choice. The purpose of this speech is not

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to enter a such debate about the pro and cons of possible systems, but I must emphasise that any system has got its advantages and disadvantages. To conclude, I wish to observe that much of the criticism labelled against the Bill comes from civil society.

And we're very happy that civil society participates ... is very important, you know, for participatory democracy. However, I wish to highlight three things. First, much of the criticism against this Bill is based on a misunderstanding of the Constitutional Court judgment and the contention that the judgment obligates Parliament to change the electoral system beyond the issue of just accommodating independence.

That is simply incorrect as a matter of law, as I've explained. Second, there is also much criticism that the Bill will regulate the elections forever. The Constitution empowers Parliament and it gives them power and the judge has said so to prescribe an electoral system, and as such, future discussions on this matter may still ensue. Third, much of the criticism is levelled against earlier versions of the Bill which have since changed and we believe the present Bill we are presenting is a much bigger improvement of the original Bill that was inserted. I call on ... [Inaudible.] ... to

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focus ... being properly implemented and ensuring that the 2024 elections are free and fair, which can only advance our constitutional democracy. I thank you.

Mr M S CHABANE: House Chair, I note that my video has been stopped by the host. Can I proceed?

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Yes, you can proceed, hon member. Please proceed. [Interjections.] You can proceed.

Mr M S CHABANE: House Chair, I table before this House, the report of the Portfolio Committee on Home Affairs on the Electoral Amendment Bill for consideration. We participate in this second reading debate for Electoral Amendment Bill to communicate our unequivocal message that the National Assembly remains committed to the rights and freedom outlined in our Constitution to continue efforts to perfect our democratic dispensation.

This also affirms our long-held principle that the people shall govern and represent the turning point in our democracy as we know it and sets our country on a new path for development. It is worth noting that this important debate

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takes place at a time when the Association of World Election Bodies, A-WEB, had convened in South Africa to deliberate on the theme of Guiding Election Management in the Age of Global Democratic Recession. The A-WEB Fifth General Assembly will see South Africa assuming the chairpersonship of this body. This illuminates the confidence that the world election bodies have in the South African electoral institution, the Independent Electoral Commission, IEC.

This House mandated the Portfolio Committee on Home Affairs to consider the Electoral Amendment Bill, a Section 75 Bill that arose following the 11 June 2020 Constitutional Court judgment that declared the Electoral Act of 1998 unconstitutional to the extent that it required that other citizens may be elected to the National Assembly and provincial legislatures only through their membership of political parties.

We are pleased to present to this House that in our resolve, we have a legitimate and balanced Bill that captured the spirit of the Constitutional Court judgment and the public views expressed across the country. What the court, however, did not pronounce, is a direct election of the President or members of the executive. The court was not prescriptive on

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the electoral system to be employed. It left that task with Parliament.

One of the important take homes in the judgment was that whatever system to be chosen must allow independent candidates to stand for and hold public office. The involved process to consider this Bill commenced when the Minister of Home Affairs, as outlined, introduced the Bill to Parliament on 10 January 2022.

Among the key issues in the clauses, the Bill provided for the nomination of independent candidates to contest elections in the National Assembly and provincial legislatures. The Bill also provide for the payment of election deposit for independent candidates and provide and provide for the calculation of seats inclusive of independent candidates and the cooling off period.

We must hasten to debunk the myth that Parliament unreasonably delayed the process. Firstly, the committee thoroughly and carefully reflected on a Private Members Bill which was brought by the hon Lekota in 2020. Following a thorough process, the committee was of the view that the Lekota Bill was not desirable to remedy the defects of the Electoral Act,

at least within the limited timeframe before the 2024 elections. Following the conclusion of that process, the committee endlessly moved to consider the Electoral Amendment Bill as tabled by the executive.

This House is established on the principle of openness, responsiveness, and public consultation. It's on this basis that the portfolio committee went to greater lengths to ensure that public consultation is the mainstream of this process. It's primarily for this reason to ensure enhancing public participation that the portfolio committee recommended to this House to approach the Constitutional Court to request an extension to the deadline to remedy the constitutional defects.

We will appreciate that, as part of the public participation process, the Bill was published for public comments in major newspapers and on parliamentary social media platforms. The committee received 107 written submissions. On 1 and 2 March 2022, the committee held a virtual public hearing, and a total of 13 oral submissions were received from various individuals and organisations.

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The committee conducted provincial public hearings in all nine provinces from 7-23 March 2022. A total of 3 483 people attended the public hearings and 610 made oral submissions. Of the 610 who made oral submissions, 389 supported the Bill and 222 rejected the Bill in its current format as introduced by the executive. The qualitative comments made by the public and the organisations demanded that the committee made material changes and extended the scope of the Bill. The House granted the request to make those material changes to the Bill, and the second window of public participation was opened with 254 submissions received. The committee considered and deliberated on all the submissions received. Five significant changes informed by these additional submissions and deliberations, the committee incorporated into the revised Bill.

Among the issues, the committee resolved on inserting certain definitions in the Bill and allowing independents to participate in the existing electoral system, enabling them to compete with political parties for votes. The Bill articulates amendments in Schedule 1A of the Electoral Act that encompasses the mathematics of an election and how votes are translated into seats, and vacancies in case of independent candidates won't sit, either resign or lost their life or lose

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membership on both the provincial legislatures and the National Assembly.

Furthermore, the Bill articulates the participation of independent candidates in more than one region with no aggregating of votes and the threshold required for that participation. Once the two Houses approve the Bill, the IEC will then begin to revise some of the regulations in the Electoral Act. That will further require the attention of the portfolio committee.

It will be foolhardy to suggest that universal consensus was achieved in the consideration of this Bill. Still, such is the nature of a vibrant democracy such as ours. To quote the former President, Nelson Mandela in his speech in Parliament in 1994:

To present a facade of unity on each and every issue would be artificial, undemocratic, and patently pretentious. The more these issues are aired and opened up for public debate, the better for the kind of democracy we seek to build. Handled within the bounds dictated by the interests of coherent and effective governance, such debate will definitely enrich our body

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politic. This applies equally to debate within parties about how to manage this novel experience.

As such, several civil organisations have been vocal about their belief that the constituency-based electoral system is the only system that will satisfy the requirements of the Constitutional Court judgment. The committee focused its intervention on the deliberation made by the Constitutional Court within the existing electoral system. This House entrusted the portfolio committee with a colossal responsibility and this report, in essence, affirms our collective drive and appreciation of different views expressed by political parties during our deliberation in the committee. In a broad sense of this Bill, the 11 clauses entailed in the Electoral Amendment Bill, we had a consensus as members of this portfolio committee. The Portfolio Committee on Home Affairs recommends that the House adopts this reports and approves the second reading of the Electoral Amendment Bill. I thank you.

Mr A C ROOS: House Chairperson, at his inauguration speech in 1994 President Nelson Mandela said, and I quote:

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Out of the experience of extraordinary human disaster that lasted too long, must be born a society of which all of humanity will be proud.

We cannot be proud of the corruption, breakdown in the rule of law and complete lack of accountability we experience today under an ANC government.

We cannot be proud when this very House is chastised for failing to do the right thing and failing to hold those responsible to account. South Africans pay for it with massive food prices; at the petrol pump; when they pay for extra security; when they are charged e-tolls; and when they can't find a job. And, we cannot be proud of the Bill before the House today.

In 28 years, since that momentous day in 1994, the ANC has somehow failed to bring electoral reform. It took a court application to start the process. The New Nation Movement judgment instructed this House to amend our electoral law so that citizens can participate in national and provincial elections as individuals, and added that the system must result in general proportionality.

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The first glaring problem is that the Bill proposes that independent candidates be able to stand for election to the national assembly in each province, however, it excludes them from standing on the proportional representative list, PR list. They can only gain a region to National Assembly seat in one province and the rest of their votes are discarded!

However, they must pay the fee and submit the support petitions in every province. This has the result that an independent candidate can gain enough votes across provinces to gain a seat but not be awarded a seat. Furthermore, they are excluded from contesting 200 of the 400 available seats. This is clearly unfair.

The leader of the Ministerial Advisory Committee on the Bill questions where the seat allocation system comes from as it was nowhere in their report and is unprecedented in world elections. The answer is found in the fact that the recalculations from all these votes discarded across provinces see the ANC as the most likely beneficiaries.

I must take this opportunity to thank Mike Atkins, who did the calculations and provided a detailed submission to point out this problem. The simple answer is to allow independents to

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stand on the PR list and in one province - same as party candidates. The next serious concern is that this Bill potentially excludes agents from observing the election process.

The committee unanimously agreed that independents and parties be entitled to two agents to view the voting process. However, when this was given effect in a proposed amendment it was worded in such a way that it gives the IEC the discretion to reduce the number based on a specific venue. The DA argued for a minimum and this was supported by the legal advisors, but nevertheless, this clause was adopted with no minimum.

This is extremely dangerous for the IEC to be able to make such a call as it potentially excludes agents from observing the election process. The requirements for deposits and support petitions are common around the world. However, political parties have a lower requirement when they are registered and the DA proposed that this number be raised in line with the requirements of independents.

This was not accepted even though it is a rational and fair solution, and will surely be successfully challenged in court as an unfair disadvantage to independents. Although the new

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nation movement judgment didn't prescribe overall electoral reform it is becoming more critical than ever. There is a narrative that all parties are protecting the status quo. I can tell you only the ANC voted for this Bill in the committee.

The DA went one step further and proposed a sunset clause to ensure that this electoral reform takes place immediately after the 2024 General Election which was, again, not accepted. We have seen flip-flopping by the ANC on several issues on the Bill and even whether it will be supported or opposed. But this is what you get where decisions are not made on values but rather the expediency of the day and whatever it takes to get through the next uncomfortable situation.

We need electoral reform based on shared values. We need a government built around shared values, and we need this without delay. We simply do not have the time to have this taken to court for such obvious shortcomings. These matters will be raised in court if we do not make the only rational decision here and send this Bill back to the committee to effect the necessary changes. Failure to do so will make those complicit but constitutional crisis will be on your hands. The DA rejects this Bill

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Mr T MOGALE (Maiden Speech): Thank you, hon House Chairperson. Let me start off by congratulating our fighters in Nkomazi, Ward 11, for registering yet another decisive victory for the eff in Ward 11 in Nkomazi, which is the ward of hon Dorris Dlakude.

The Economic Freedom Fighters supports the Electoral Amendment Bill as tabled here today. We also confirm that the processes followed in the enactment of the Bill was transparent, fair and straightforward. All the people of South Africa, including civil society organisations, were given adequate opportunity and space to make inputs and comments on the Bill.

After consultation, this Bill is what we have produced and being tabled here consistent with the Constitutional Court ruling and provides an equal platform for all those who seek to contest elections to do so in a transparent and open platform.

It a choice of those who seek to contest elections as to whether they intend to do so within an organisation or as an individual. No one is forced to join a political party; and no one is forced to be a so called independent candidate.

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The Bill, as proposed, is therefore correct and legitimate in stating that the minimum requirements of entry for political parties must be the same as that of so-called independent candidates. The Bill is further correct that if an independent candidate receives votes that exceeds the minimum number of votes for election into Parliament, the additional votes cannot entail that the so called independent can bring an additional person as a candidate because that option is fully open for political parties.

The threshold for the nomination of independent candidates must not be less than 20 000. These must be people who are registered to vote, and the IEC must be able to verify them individually, one by one. The lists of the 20 000 people supporting an independent candidate must also be made public so that voters and individuals who are fraudulently added into these lists can publicly disassociate from those who misuse their names.

The reasons we are saying the threshold must be higher for those wishing to contest is because when it is lower, we are going to have thousands of candidates for provincial and national elections. That will be impossible to efficiently administer from an electoral point of view. The independent

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candidates must pay the same amount of deposit fees paid by political parties. The deposit must not be refundable as the inclusion of independent candidates will come with costs, and people who wish to stand should not be taking chances.

Those who contest as individual independent candidates and get higher votes than is required to get a seat in Parliament must forfeit the remaining votes because they would have been given a clear and equal opportunity and option to contest as a political party. We strongly discourage by-elections to replace independent candidates who either die or resign from Parliament or legislature because, if such is permitted, the country will permanently be in a state of by-elections.

We also take this opportunity to jealously guard and defend our constitutional rights and permissibility as democratically elected Members of Parliament to pass legislation. There is a growing and unacceptable tendency from stooges of the domestic and global white capitalist establishment to undermine, denigrate and look down on Members of Parliament as if they are not democratically elected representatives of our people.

Of Course, civil society formations and all other people of South Africa are permitted to make submissions to Parliament,

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but it is our constitutional right to make laws. While the Constitutional Court can interpret and check the constitutionality of the laws that we pass, it is not the role of the Constitutional Court to make laws and pass legislation.

We have now written the law on independent candidates, and once it is approved by the NCOP, it must be signed into law and we all shall start preparing for the 2024 General Elections.

We reject George Soros and Oppenheimer's funded Open Society Foundations and organisations which are trying to subvert South Africa's democratic process. There is no way in South Africa's Constitution where it says Parliament must take instructions and advice from George Soros and Oppenheimer.

We therefore reject with contempt these nonsensical letters sent by organisations of stooges and puppets, such as a Right to Know Campaign, Rivonia Circle, Helen Suzman Foundation, My Vote Counts and all these fake organisations which do not have any constituencies.

If George Soros and Oppenheimer's funded organisations think that they represent the people, let them

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contest elections and they will be rejected by the masses of our people, because our people do not and will never support white supremacy.

Hon House Chairperson, the EFF supports the adoption of the Electoral Amendment Bill as proposed. Thank you very much.

Ms L L VAN DER MERWE: Thank you very much, House Chairperson. Today's debate goes to the very heart of our democracy as the trust deficit between those who vote and those who are elected into power grow daily. It is clear that many have lost hope in the current political system. As South Africa heads towards a failed state under the leadership of our current government, citizens are tired of a political system that hold leaders accountable.

South Africa want better and they deserve better. Yet decades after electoral reform was first demanded, this Bill before us has been widely criticised. But where did we go wrong? In a nutshell, this process hasn't gone far enough. On 11 June 2020, Parliament was given 24 months to remedy the Electoral Act. The baton was passed to the Department of Home Affairs, yet the Minister of Home Affairs only appointed a ministerial advisory committee, Mac, in February of 2021 - a full six

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months after the court order. The Mac proposed two options, a minority report and a majority report as the Minister alluded to. The majority report mirrored the Fredrick van Zyl Slabbert Report, which carried widespread public support.

It must be noted that it was the former Minister of Home Affairs, Prince Mangosuthu Buthelezi, who started the process of electoral reform which led to the recommendations of the Van Syl Slabbert Report in 2003. The Mac Majority Report was ultimately rejected by the executive in favour of the minority report. What followed were delays and more delays. The Minister finally introduced the Electoral Laws Amendment Bill based on the minority report to Parliament in January of 2022. This allowed our committee with only five months to do the work, which was not enough time to do justice to the process.

With time running out, Parliament requested the court for an extension in granting the extension to 10 December 2022, the judgment noted and I quote: "The Minister did not in fact take all reasonable measures to give effect to the order." Now as we rush to pass this Bill, there are still issues of contention such as the formula to fill vacancies and whether this formula will benefit large political parties.

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For the IFP, one of the greatest concerns is the issue of signatures. Independent candidates are expected to garner approximately 24 000 signatures just to stand for the elections. Thirty percent of the number of votes required to sit in the previous election. The IFP argued from the start that this should be no higher than 10% to 50% as it will impede participation of independent candidates in the elections.

At the weekend, Mr Snuki Zikalala said that the ANC doesn't support the current Bill. The Minister has since rejected this comments. However, it is the IFP's view that in the interest of fairness, of meaningful consultation, and to give true effect to the Constitutional Court order, we should open the process for further consultation. If this Bill is referred to the NCOP today, the IFP will call on Parliament to consider beefing up the NCOP process by establishing a committee involving all stakeholders, including civil society and the best constitutional law experts to finalise the Bill alongside MPs.

It is not too late to include a compromise that will see, for example MPs directly being elected from their constituencies. But the best interest of our country and our democracy at

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heart, this will be a fair process. With the knowledge that the 2024 elections will make or break for the future of South Africa, we need to restore power to the people, considering that electoral reform must be an ongoing process ... [Time expired.] ... now and beyond, and with these shortcomings, the IFP will not be supporting this Bill at this stage. I thank you. [Interjections.]

*Afrikaans:*

Dr P J GROENEWALD: Agb Voorsitter, ...

*English:*

I want to start by saying that there was reference to the enhancement of the constitutional democracy of South Africa. One aspect that is very important to ensure that we have and we enhance constitutional democracy is that people do not feel that they are excluded when it comes to the voting process. Therefore, the electoral system is of utmost importance.

It is correct to say that there must be ample time for consultation. And it is clear that again Parliament did not comply to a court order in time to start the process to ensure that there is ample consultation with all stakeholders.

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Therefore, the FF Plus will not support this Bill until such consultation takes place.

Having said that, I also want to emphasise that there are some misconceptions when it comes to electoral systems, specifically when it comes to accountability. The electoral task team, which has been established in 2002 by the then President Thabo Mbeki in terms of the constitutional requirements, which brought the report in 2003 had a minority report and a majority report, creating the impression that there are differences, which is true, but there was one aspect that was a consensus issue in that Electoral Task Team Report is that the electoral system does not ensure accountability.

No electoral system can tell representatives how and it what sense they have to be accountable to the electorate.

Therefore, it is wrong to say that we must change an electoral system to make representatives more accountable to the people. Accountability is lying in the discipline of political parties, and the representative himself or herself. I want to say that it is wrong to say that independent candidates will be more accountable in every case, that is not true.

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The fact follows that when an independent candidate after two years decides that he or she no longer wants to continue with the work in the constituency, the electorate can do nothing because we only have elections every five years. But in case of a party political representative, if a representative does not do his or her work, the party can terminate the membership of that specific representative and then elect someone else. In that sense, there are more accountability towards a party political representative than an independent candidate. It also brings me to the matter of the conscience vote. It is not the electoral system that determines that there should be conscience vote. In fact, that is section 47(3) of the Constitution that determines that you will lose your membership if you lose membership of your party.

Therefore, the FF Plus requests further consultation and we will not support this amendment Bill. I thank you.

Mr S N SWART: House Chair, this Bill seeks to amend the Electoral Act to allow independent candidates to contest elections.

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As we know, the electoral reform was extensively considered by the Van Zyl Slabbert Commission as well as the independent panel assessment of Parliament in 2009.

Now, the latter report identified the electoral system as one of the several serious structural weaknesses in the functioning of Parliament. It mentioned the absence of a constituency-based electoral system and the top-down effect of the part list system as a major impediment to Parliament's ability to exercise its oversight mandate properly and to Members of Parliament, MPs, being held accountable to voters.

Following the new nation judgement, the Ministerial Advisory Committee explored a variety of options and consulted various stakeholders including the ACDP, and it narrowed down two options, a majority and a minority report.

A majority report proposed a single member constituency option with proportionality secured through party lists. Much like local government level, half the MPs elected, directly and half proportionally from party lists. The minority report proposed a slightly modified closed party list, multi member constituency to accommodate independence.

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The Bill before us follows the minority report's minimalistic approach which has largely ignored previous reports on electoral reform, and this is highly regrettable. The Bill also disadvantages independent candidates in various ways as highlighted by the speakers.

The ACDP would have preferred far more meaningful electoral reform as suggested by the majority report with the accountability to the electorate and overriding issue.

The steady decline in voter participation since the 1994 elections must be a matter of great concern. Less than half of all eligible South Africans cast the vote in the 2019 national and provincial elections. Out of a total of just over 40 million eligible voters, more than 13 million did not even register for the 2021 elections. This is worrisome and the ACDP believes that more meaningful electoral reform would have gone a long way to address this worrying decline.

What is very clear is that the electorate, disillusioned by many political parties contesting in the elections, could be seeking alternatives besides independent candidates. This gives smaller growing parties such as the ACDP the opportunity to present political leaders, men and women who fear God, are

trustworthy and hate dishonest gain, who understand servant leadership and stewardship of state resources.

Former Minister, Valli Moosa, and Chairman of the Ministerial Advisory Committee said: Continued parliamentary neglect of meaningful electoral reform is "like a person driving a truck that has fallen asleep at the wheel". The ACDP agrees and rejects this Bill, it must go back to the drawing board. I thank you.

Mr B H HOLOMISA: Hon Chairperson and hon members, the inclusion of independent candidates at national and provincial level of elections is a step in the right direction. But the UDM argues that this has not gone far enough since the days of the now defunct Institute for Democratic Alternatives in SA, IDASA, the UDM had been advancing the agenda of having an electoral system that in a larger part is a constituency based system.

A mixed system of proportional representation and constituencies like we currently have at municipal level will boost accountability to the electorate.

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Hon members, it is time for us to have another system to strengthen our democracy and ensure its future help. Let us change the legislation and let the Demarcation Board and the Independent Electoral Commission, IEC, draw up the boundaries for new constituencies.

The IEC should also be tasked with determining the threshold for the number of registered voters it would require demarcate a constituency.

Lastly, in closing, rather, we are at this juncture due to the pressure exerted by a litigation in the Constitutional Court, ConCourt. But should we successfully consider the UDM's proposal, we will pre-empt any such future legal action.

Currently, the UDM rejects the current legislation or proposal or Bill.

Ms T L MARAWU: Hon Chair, the ATM, firstly, wishes to bring to the attention of the Speaker that despite the ample time allocated on this Bill it has taken too much of a long time to reach this stage. A rather concern because it seems to be the trend on many issues, much that stakeholders have to threaten legal action for Parliament to do its work. This is a concern

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that needs to be given great attention. Lest we get excuse of failure of exercising oversight and signing Bills into legislation.

Centre to our concerns, since this has now rushed without due processes being followed, is the turnaround time that it will take for Independent Electoral Commission to convert the agreed system into a viable, effective and comprehensive electoral machinery that ... [Inaudible.] ... of any kind.

Free and fair elections are what we are after and unfortunate rushing of the details that feed the Bill are going to give a rise in material misstatements that will affect the integrity of the elections, especially when comparing the vigour of political party representatives' vis-a-vis the independent candidates.

It is too late for us to reach ... [Inaudible.] ... as per provinces are represented at constituencies as envisaged in the Constitution.

As a transitional mechanism had the view being employed in its might, it would have given way to a new system that is much needed. But that is not the case as we stand, hence

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confrontations from the courts will have to be solved shortly after this process.

The main issue is the ... [Inaudible.] ... representations as it is in the local government's space, because the flow would then be that the independent candidates, as per the suggestion by the Bill, will be accommodated in the public relations, PR, votes and undefined route that will open up a can of worms.

A typical example would be a political party received 200 000 votes that amounts to four seats, and if an independent received the same amount of votes, it amounts to one seat. So, as of now, the ATM rejects the Bill. Thank you very much, Chair.

*IsiXhosa:*

UMBHEXESHI OYINTLOKO WEQELA ELILAWULAYO: Ibilungile le yokuqala, hayi le yokugqibela. Ibilungile le yokuqala Marawu.

Mr B N HERRON: House Chair ... [Interjections.]

Ms H O MKHALIPHI: But why ...

*IsiZulu:*

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... uchemile ...

*English:*

... Chair? If the Chief Whip of the ANC just barge in you don't reprimand her but you intimidate us.

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Information and Communications Technology, ICT, would you please remove the hon ... [Interjections.]

Ms O M C MAOTWE: No, Chair. You're not like that, don't do that. It's so unlike you ...

Ms H O MKHALIPHI: .... how bias you are?

Ms O M C MAOTWE: ... leave hon Hlengiwe Mkhali phi ...

The HOUSE CHAIRPERSON (Mr M L D Ntombela): ... can you please remove the hon Mkhali phi from the platform?

*Isixhosa:*

Ms H O MKHALIPHI: Awumdala ...

*English:*

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... doing this. Just remove me, I don't care. But you are bias  
... mdala [old man].

The HOUSE CHAIRPERSON (Mr M L D Ntombela): Hon Herron, would  
you please go ahead! I'll give you a full complimentary. Okay,  
go ahead, hon member.

Mr B N HERRON: House Chair, law making is an evolutionary  
process, democracies are not born fully formed and legal  
systems and jurisprudence develop over time.

Our role as parliamentarians is to oversee this development,  
mindful of our obligations to the Constitution and the people  
we serve.

It is our duty and privilege today to give full meaning to  
section 19(3) of the Constitution which provides that an adult  
citizen has the right to stand for public office and if  
elected, to hold office.

And given our history of centuries of disenfranchisement, we  
should heed the words of Justice Sachs in the 1999 judgement  
of August versus the Electoral Commission, that the  
achievement of the franchise has historically been important

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both for the acquisition of the rights of full and effective citizenship by all South Africans, regardless of race and for the accomplishment of an all embracing nationhood.

When the Constitutional Court pronounced our electoral system unconstitutional because in its full ascend it disenfranchises those who choose not to associate with any political party by denying them the right to stand for public office. This was an opportunity for us to evolve our election laws, to bring the legislation into alignment with both the letter and the spirit of the Constitution and, in fact, an opportunity to implement a long overdue overhaul of our election system.

The Constitutional Court judgement's the majority and the second minority makes frequent reference to interpreting these constitutional right using the word generously.

But the Electoral Act Amendment Bill does the complete opposite. Rather than celebrating our democracy by generously extending the right to participate to all, the Bill is designed simply to achieve legal compliance and not inconvenience the IEC.

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The Bill essentially ignores the overwhelming majority of public input received from civil society organizations with expertise in this field and this makes a mockery of the public participation process.

As law makers we should surely be able to grasp the importance of engaging independent thought leaders on subjects such as electoral reform where members of political parties can't necessarily be expected to be neutral.

The Bill before us amounts to an unjustifiable discrimination against independent candidates with the inclusion of the 20% threshold rule.

A more sensible and logical approach to implementing the judgement would be to develop a mixed PR constituency system, not unlike the municipal model, with which voters are already familiar and the IEC knows well.

It makes no sense to adopt a new untested, unknown, exclusionary electoral model.

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GOOD agrees with those in civil society who don't believe the Bill meets the expectations of the Constitutional Court judgement.

This is an opportunity lost for a more accountable and logical electoral system, and sadly, we cannot support this Bill.

Thank you.

Mr A M SHAIK EMAM: Hon House Chairperson, I wanted to call you to order. Thank you very much. Let me start of by saying: What is the purpose of this Bill or the amendment of this Electoral Amendment Bill? Sadly, my understanding is; its intended purpose is to ensure that individuals or independent candidates are given the opportunity to participate in the electoral system of this country.

Now, having said that I think we must ask ourselves is: Have we set aside ourselves that with the amendments that we are putting in place will give an opportunity to independence to be able to participate effectively, garner enough support and have we level the playing field as far as this Bill is concerned.

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Now I have heard a member raise the issue of deposits and things the independent candidates should be paying the same amount of deposits with political parties. That is the one hand, on the other hand we are saying an independent candidate must garner 20 000 signatures, while political parties only need 1 000 signatures. So, when and how are we levelling this playing field? Are we creating such a difficult environment for individuals or independent candidates in order to discourage them from participating? Is then are we achieving the intended purpose of ensuring that we have a Constitution-based political system where people would be participating and elected directly by the constituencies?

Now the other thing I cannot seem to understand is why political parties will be contesting for all 400 seats? Individuals who may support base in all different parts of the country can only contest 200 seats.

Hon House Chairperson, I think a lot of work - we must admit, while this is intended to bring independent candidates in line and allow them to participate in the process and serve the best interest of the electorates of this country, I do not think we are addressing the real challenges that we face in the electoral system.

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We know when it comes to political parties' individuals in political parties have their own views and more often, they cannot express those views. They have to go by the mandate. There is an opportunity to independent candidates participating, but it seems like before we open the doors, we are actually closing it to independent candidates. We are making it so difficult for them and I really do not believe they would be given the opportunity to participate. I actually I see it to be a more deterrent than welcoming and addressing the concerns that were addressed of course by the Constitutional Court.

So, the NFP thinks a lot of work still needs to be done and we welcome at the same time we believe and recognise the fact that at the NCOP level there will be an opportunity to make further amendments, so that we can address the challenges that independent candidates might face.

Lastly, I want to say political parties have a distinct advantage for they are funded and funded very well by businesses and others. While individuals are not going to be able to get that advantage. We have not addressed the issue of funding, how are they going to survive and what funding is going to be available to them and other things. So, yes that

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is the concern that the NFP want to raise, but we hope that through the NCOP process, further amendments are going to be made. Thank you very much.

Ms M MODISE: Hon House Chairperson, democracy is the term drawn from Greek words meaning "Rule by the people." It differs from other forms of government in its insistence that in principle every adult has a say in decision by electing representatives into public office the people govern. Elected public representatives carry out the will of the people. It is for this reason that 67 years ago in Kliptown thousands of people adopted the Freedom Charter which proclaimed that the people shall govern.

Hon House Chairperson, as it has been outlined; the Constitutional Court in the new national movement judgment declared that provisions of the Electoral Act of 1998 which prevent independent candidates from competing in provincial and national elections, is unconstitutional. The court ruled that the impugned provisions violated independent candidates' constitutional rights to stand for the public office to freedom of association and to dignity.

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The court thus held that the right to freedom of association is limited when the state compels individuals to associate with the political party against their will or whether by joining or forming a party.

The Republic of South Africa is one sovereign democratic state founded *inter alia* on the value of multiparty system of democratic government to ensure accountability, responsiveness and openness.

The ANC has been and remains committed to these foundational principles. The ANC delegates at the constitutional assembly which concluded the 1996 Constitution, insisted that this Constitution must be constructed in a manner which would respect the principle that the people shall govern. This is exactly the principled commitment which obliged the ANC negotiators to argue in favour of a proportional representation electoral system, thus to ensure that even the smallest fragment of political opinion in our country would be represented in our legislatures.

We cannot lose sight of the history of our country. After decades of disenfranchisement of the black majority in South Africa, the ANC declared that the achievement of a right to

vote would signal the achievement of full citizenship and legal equality for all.

It declared that elections would be a fundamental element of a democratic political life in our country and that government shall maximise popular participation and be accountable and responsible to the people.

As the ANC, we have always supported a proportional representation system as it is best suited to the country as diverse as ours in terms of race, class and language. This system ensures that different political points of view are able to find representation in Parliament and speak on behalf of that constituency.

Since the judgment was handed down and the Bill tabled by the Minister of Home Affairs, the portfolio committee has worked extensively, consulted widely and engaged issues to ensure that independent candidates are catered for and fully participate in national and provincial elections.

This Bill has created a conducive environment for the participation of the independent candidates, contrary to the

version which is mobilised by the NGOs and civil society organisations.

The ANC believes the inclusion of independent candidates strengthens our democracy and it broadens options for people to choose their public representatives. The ANC supports this Bill.

Mr S M JAFTA: Hon House Chairperson, I must say from the onset that the AIC will abstain on this Bill. We have read the Electoral Amendment Bill in its current form and reviewed the judgment of the Constitutional Court in One Nation Movement. The Bill does not reflect the spirit of the judgment in so far as promoting the constitutional requirements of proportionality.

We make this point because the effect of this Bill is to have independent candidate votes discarded if they reach or cannot reach a particular threshold. This can force voters to think twice about casting their votes for independent candidates.

According to the Constitutional Court and I open quotes:

Once an adult is forced to exercise section 19 ...

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[Interjections.]

Hon House Chairperson, protect me.

*Sesotho:*

MODULASETULO WA NTLO (Mong M L D Ntombela): Kwala, kwala motjohini wa hao.

*English:*

Hon member, who is that?

*Sesotho:*

Mohlomphehi Komane, kwala motjhini wa hao. Kwala motjhini wa hao.

*English:*

Mr S M JAFTA: According to the Constitutional Court, and I open quotes:

Once an adult citizen is forced to exercise section 19(3) (b), right through a political party that diverts her or him of the very choice that section 19(1) not to form or join a political party, that cannot be. We must strive for

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a reading that does not truncate the full effect of any of the rights afforded by section 19.

Hon House Chairperson, we are mindful that our courts have previously warned that they are not best suited to examine the suitability or not of legislatures policy choices. For the courts when the Constitution has been complied with, they have no business in the dealings of Parliament. No matter how cogent this jurisprudence is, it should not stand in the way of the courts to consider the rationality of the legislatures views and whether legislatures policy options are constitutional sound in keeping with the One Nation Movement judgment.

We also note the use of public interest organisations that the current Bill does not embrace the views of the people in that it does not allow multi-independent candidates constituency system so that voters are not limited to vote for a single candidate in a particular region.

The complexity of this Bill is also amplified by the absence of legislation governing the process of public involvement in lawmaking processes.

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It is indeed true that the Constitution does not envisage and I open quotes, "A mechanical democracy where the winner takes it all."

As the Constitutional Court once noted, the real debate is whether the Bill is in its current form will pass constitutional muster. The jury is still out and that is why hon House Chairperson we will abstain on this particular vote. I thank you.

Mr M G E HENDRICKS: Hon House Chairperson, further consultation means the Independent Electoral Commission, IEC, will not have enough time to conduct free and fair elections. They told me that. We had a meeting with the board, the management operational staff and they said that further consultations would mean that South Africa will not have free and fair elections in 2024.

Going to court also means that the IEC will not have enough time. So, we would have a disaster in 2024 if people cannot exercise their right to vote. So, I am very disappointed to hear so many hon members wanting to delay and not have elections in 2024. Must we then call in the army to run the

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country? This is unacceptable and I cannot understand why this position is adopted by so many political parties.

Hon House Chairperson, we know that the hon Valli Moosa called for the electoral reform. It was not only up to the governing party to do this. The opposition parties and the so-called big opposition parties set on the I do not know what and did nothing! Now they want to moan and groan. Now they want to destroy the principle of one man, one vote and bring in thresholds that you must have three seats we must have three seats before you can get to Parliament. Just imagine: How can an independent person get three seats? That is not possible. So we find that the official opposition party they have talked about three Bills and are defying the Constitutional Court order by doing that. It is one man, one vote and if you meet the threshold you get represented.

Hon House Chairperson, I want to congratulate the hon Mogale of the EFF who made the historic maiden speech. Aljama-ah congratulates him and the EFF. Aljama-ah supports the amendment to this Electoral Bill. We must comply with the ruling by the Constitutional Court and avoid missing the deadlines. Two years was not enough and we needed three years to bring out more fundamental reforms. This can only be done

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in the Seventh Parliament, to be ready for the Eighth Parliament.

So, I do not know why hon members are trying to mislead the voters. Voters must then not vote for them because they do not want elections in 2024! They just want to delay and delay and throw obstacles in the way, while for three years the same parties wanting to present amendments before Parliament in the form of Private Members' Bills.

So, I cannot understand hon House Chairperson, why this is like this. Aljama-ah supports having elections on time, in 2024. The urgent step is to vote for these amendments today. A no vote, is a vote against one man one vote, it is a vote against thresholds to keep out independent candidates. New parties like the ACDP said they are growing to strengthen our diversity. The African Peer Review Mechanism said that the greatest threat to our democracy will be a two or a three party state and that is what some of the opposition parties are trying to achieve.

Aljama-ah supports these amendments and call on all the other parties to please reconsider their position so that the nation

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can get ready for the elections in 2024 and not hang on the threat. Thank you very much, hon House Chairperson.

Ms T A KHANYILE: Chairperson, in June 2020 the Constitutional Court in the New Nation Movement NPC and Others v President of the Republic of South Africa. matter gave a ground-breaking judgment that compelled Parliament to amend the Electoral Act in order to permit independent candidates to contest national and provincial elections.

In March 2022, the Portfolio Committee of Home Affairs embarked on public consultation in all nine provinces of our country. The process that was largely flawed due to poor public education by the Department of Home Affairs, DoH. In most provinces that we visited communities were not aware of this public engagement process. There were instances where some people who attended the consultation came and presented us with service delivery issues. It was a clear indication that they did not know that because of our visits, in some venues we were greeted by chairs.

In areas where community members were provided with a copy of the Bill, they requested a copy which was translated in their preferred language as they did not understand English, and

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those copies were not available. The big question that remains unanswered is, were these consultations fair? The budget, time and resources that went into these consultations, did they serve their purpose? Or this was just another box ticking exercise by the ANC? Nonetheless, we carried on with the meetings.

Upon our return, we deliberated on the inputs received and what needed to be done to ensure that independent candidates are afforded a fair opportunity to contest national and provincial elections. We all agreed that in an event when independent candidates seat it becomes vacant, the seat should be filled by a party or independent candidates who receive the highest vote. However, the ANC in its desperation to water down the Bill and protect the dwindling extra electoral support, later made a U-turn and supported a recalculation. Which will see the majority party occupying that vacant seat. It's a familiar script.

On countless occasions, we have witnessed the ANC change goalposts on previously agreed issues. In one instance, we had also agreed to set a minimum of two party agents for political parties and independent candidates. A provision with whose implementation will be left to Presiding Officers. This was

thrown out today. We are now expected to support a Bill that doesn't have a minimum set target for party agents who will observe elections in each voter district.

The Bill necessitate a system similar to the one utilized at local government level where they are defined constituencies requiring that electoral contestants independent and those belonging to political parties compete fairly against one another cognizant of the principle that a public representative should be accountable to their constituency.

The DA proposed a sunset clause to ensure that this electoral reform takes place immediately after the 2024 election. This too was rejected. We are not in agreement with the Bill in its current form, as we have serious issues and areas of concern. But as always, the ANC is using its maturity to ram this Bill through in Parliament without due regard to the integrity of our electoral system. The DA does not support this bill. Thank you.

Mr K B PILLAY: Hon Chairperson and Members of Parliament, compatriots watching on various platforms, good afternoon. The ANC supports the electoral Amendment Bill. When the Constitutional Court examined the issue of public

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participation in the case of doctors for life international versus a Speaker of the National Assembly. It took consideration of historical roots of our constitutional democracy and the complete denial of the right to political participation during the apartheid era. The Constitutional Court also considered the participatory nature of the anti-apartheid movement and the traditional practice known in different languages as imbizo, lehotla and bosberaad. The public gathering called by community leaders to discuss matters affecting the community. The judgment explained that South Africa's particular form of constitutional democracy embraces the principle of participation and consultation. It was in this context that the obligation to facilitate public involvement in the law-making processes was to be construed.

Chairperson, it is important to note in this case, Justice Ngcobo explains that Parliament and the provincial legislatures have a broad discretion to determine how best to fulfil their constitutional obligation to facilitate public involvement in a given case, so long as they act reasonably.

Since the Constitutional Court handed down the judgment in June 2020, the Portfolio Committee on Home Affairs, Ministry of Home Affairs, DoH, Independent Electoral Commission, IEC,

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parliamentary legal services and the offices of the state law advisor have been hard at work to ensure that the constitutional defect is remedied within the timeframe stipulated by the court. Notwithstanding the challenges which were brought about by the COVID-19 pandemic and the national lockdown which restricted the movement of people.

We must acknowledge that the portfolio committee did its best to ensure that public participation is carried out thoroughly, meaningfully and effectively. In line with the set standards. The committee travelled across the country in order to solicit the views of the nation and all interested parties. The real opportunity for written and oral submission was given to all South Africans. Their views were genuinely taken into consideration, and when substantial changes were made to the Bill, the Bill was advertised once again for public comment.

Those views were also taken into consideration. It should also be noted that the committee was granted permission to work throughout the constituency periods of June, July and September. In order to complete this important task. The teamwork carried out in this entire process is highly commendable. We can be satisfied that this Committee of the

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National Assembly has carried out its duty of fulfilling public involvement and participation.

Chairperson, let me remind hon members that the Electoral Amendment Bill came to this very house prior to public participation and comments. It was this very House that gave the approval for the committee to conduct public hearings and it was this House that allowed for further public comments. When the committee proposed substantial changes to the Bill. It is simply not true that we have failed in our duty of allowing the citizens of this country to participate in the process. In fact, we have made further changes after a recent call for public comments. Importantly, in section 15 of the judgment of the Constitutional Court, it also stated that a lot was said about which electoral system is better. Which system better afford the electoral accountability etc. That is a territory the judgment will not venture into. The pros and cons of this, or other systems are best left to Parliament.

In February 2021, the hon Minister of Home Affairs formed the Ministerial Advisory Committee, MAC, on the electoral system in response to the Constitutional Court ruling. Chairperson, let me emphasize that this was an advisory committee and is not Parliament. Their task was to provide advice and make

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recommendations. After all, the Constitutional Court made it clear that it was Parliament we needed to correct the unconstitutionality in which involved citizens were not allowed to be voted for.

In an engagement with the portfolio committee the MAC raised that the chosen electoral system should remain in place for the next few decades. Longevity is therefore crucial. The MAC explored a variety of options and concluded with two options that had emerged, a slightly modified existing multi member constituency, which some stakeholders refer to as minimalist option, and the mixed member model incorporating single member constituency similar to a local government option. Members of the Committee argued that both options should be sent to the Minister as the recommendations. But the Chair argued that there must be a vote.

At the committee meeting the six full members of the committee who had participated throughout the process were then split three-three. So, it's definitely not true for some elements in civil society to spread stories around the committee being divided, and that there was a majority minority view, as the committee as a whole actually felt that both options should be considered. As the African National Congress, we support a

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slightly modified multi member constituency, which allows for independent candidates to contest the national and provincial legislatures under the current electoral system.

As far back as 2007, the ANC has resolved in its national conference, that appropriate requirements should be set for persons wishing to contest elections as independent candidates. There were a number of issues that were raised as a concern in the Bill. We received legal advice on these issues, deliberated on them and all the clauses in the Bill and believe that they have been addressed. We wish to applaud the committee and all its members, under the astute leadership of our Chairperson, hon Chobani in conducting its work, as well as the Minister of Home Affairs, and the Ministry, parliamentary legal services, state legal services and our committee staff who have worked tirelessly in ensuring that we have this Bill today.

I must note that if the ANC was only interested in winning elections, it would have gone for a constituency based system. As a party, the ANC dominates geographic representation across the country. But as we showed in developing the Constitution, we are interested in what is good for our country as a whole

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and the PR system we have now ensures the principle suggested by the MAC, are realized.

Hon Roos, the DA supported clause by clause in the committee meeting. In fact, the DA was the only party that objected to independence contesting multiple regions. In fact, the DA wanted independence to only contest one region. And the DA supported the view that we cannot have an electoral reform in time for 2024. So, why then are you scoring points? And you are the one indeed who are flip flopping in today's sitting.

Hon Liezel, there was no majority and minority report. In fact, there was no van Slabbert report. It never ever materialized. The ANC nor the Minister - let me quite categorically state this, the ANC nor the Minister has mandated Mr Snuki Zikalala to speak on our behalf. In fact, he started his response by saying that he didn't even know anything about the Bill. How then can he come and make comments in respect to this Bill? We reject his utterances.

Hon Khanyile, the Bill accommodates for agents and you know that. It is clear in the filling of vacancies and we've all agreed that the vacancies will be filled the way it's stipulated in the Bill. Let it also be noted Chairperson, that

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the IEC will revise the requirements of political parties through the Electoral Act. In fact, other pieces of legislation will subsequently need to be amended. I must thank hon Hendricks. An independent sir, is indeed one. That is only what it can be. One person contesting as an independent can only then occupy one seat. Hon Chairperson, the ANC supports this Bill. I thank you.

The MINISTER OF HOME AFFAIRS: Thank you very much, hon Chair. I note that quite a number of parties purport to be opposing this Bill, but they all do so for different individual reasons. Each one has got their own reasons at one particular corner, why they are not supporting this Bill. But we also note that consistently people are conflating two different and separate questions that needs to be dealt with. The first question, is the Constitutional Court ruling about inserting independent candidates? This is what the Bill is all about.

The second question which Parliament ought to deal with is whether people must come to Parliament via constituencies like it's happening in other jurisdictions like in the United Kingdom, UK, etc, etc. This is not what is in front of the House now. It is not what the Constitutional Court has ruled about.

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Hon members, I really want to appeal to you want to mislead the public? There is misleading of the public here that within 24-months, we will have been able to pass a demarcation Act. Which is like the Municipal Demarcation act 27 of 1998. That demarcates municipal boundaries. There is no demarcation Act for National Assembly. We were supposed to go back if we took that option. We will have gone back to start establishing an an Act. After which after it has passed, we must now start establishing a demarcation board for national and provincial elections. And so it is wrong to say you could have done that within 24-months, even the six months that is always being sung about saying about.

The last issue Chairperson, I want to clarify hon Shaik because there is a misunderstanding here. And I realize that many people carry that misunderstanding. There are two different Acts here, about numbers. The Electoral Commission Act 51 of 1996, defines that when you register a political party, you must show a thousand signatures. It's not about participating election, just to register a political party. In terms of an Act passed in 1996. You must have a thousand signatures.

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We are now passing an Act that includes independents who do not appear in the 1996 Act because they were not there. Now in this case, the Bill proposes that it must be 20% of the number of votes that was required to occupy a seat in the past election. What must happen if we want equality is for the Independent Electoral Commission, IEC, to go and equalize these two things, especially that the thousand is not in an Act. It's not an Act, is regulations and the regulations can easily be dealt with. So, if people believe there's going to be inequality between independence and political parties, that inequality is not going to be the issue understand issues.

Then there is the issue of the NCOP. This Bill is going to the NCOP. Any of the technicalities which we think have been left behind can actually be dealt with there. But that don't want us to continue incessantly influencing people and misleading them that we could have given them something within 24-months. The Constitutional Court knows what they were doing when they said we must make this correction in 24-months, and they were not including all these things that people are demanding here. Thank you very much.

Question put: That the Bill be read a second time.

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Debate concluded.

Question put: That the Bill be read a second time.

Division demanded.

The House divided.

House Chairperson Mr M L D Ntombela announced that the Speaker had determined that, in accordance with the Rules, a manual voting procedure would be used and that the whips would conduct a headcount of members on the virtual platform for the purpose of ascertaining quorum and voting.

A quorum being present in terms of Rule 98(1), voting commenced.

AYES - 232: (ANC - 197; EFF - 32; NFP - 1; PAC - 1; Al Jama-ah - 1).

NOES - 98: (DA - 73; IFP - 13; FF Plus - 8; ACDP - 3; Cope - 1).

ABSTAIN - 3: (Good - 2; AIC - 1).

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Question agreed to.

Bill accordingly read a second time.

The member was thereupon withdrawn from the sitting.

The House adjourned at 15:47

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