



25 October 2022

Electoral Amendment Bill

In June 2020 the Concourt ruled that the Electoral Act was unconstitutional, as it did not provide for Independent candidates to participate in National or Provincial elections. They gave Parliament 24 months to rectify the defect. After a six month extension to their deadline Parliament finally passed the Electoral Amendment Bill. The CDP supported the NGO – New Nation Movement, who had approached the Concourt on the legality of the Electoral Amendment Bill with its Leader, Rev Theunis Botha attending some of the initial discussions, as well as a Concourt hearing.

Why did the CDP support the action?

The CDP recognises South Africa as a Constitutional Republic. As flawed as the Constitution may be, the problem does not so much lie with the Constitution as with the interpretation thereof and the flagrant disregard by those who refuse to adhere to it. On the other hand, perverting and sabotaging it by changing it to serve their political agenda. Furthermore the CDP is passionate about ensuring that our God given right to choose is not infringed on. Subsequent to summations by those for and against, Justice Mbuwiseli Madlanga, in the Concourt ruling said amongst other things the following, *“It is thus declared that in so far as it makes it impossible for candidates to stand for political office without being members of Political parties, the Electoral Act is unconstitutional.”* He further mentioned, *“... It may be overly restrictive to the free spirited censoring to those who are loathe to be straight jacketed by predetermined party positions.”*

The Bill adopted, what happens now?

After a six-month extension to their deadline, Parliament finally passed the Electoral Amendment Bill. As is so often the case, the Bill fell far short of the original expectation of those who brought the action. Among the requirements set for Independent Candidates to participate, is that:

- 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 the support petitions in every province as well as obtain around 20,000 supporting signatures to stand in an election, while a political party needs only 1,000 to register.

Rev Theunis G Botha DD

CDP Party Leader