REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE PROPOSED AMENDMENTS**

**TO**

**ELECTORAL AMENDMENT BILL**

**[B 1—2022]**

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*(As proposed by the Portfolio Committee on Home Affairs)*

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**[B 1A—2022]**

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**ELECTORAL AMENDMENT BILL**

**[B 1-2022]**

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**CLAUSE 1**

1. On page 2, in line 9, to omit “political”.

2. On page 2, in line 18, to omit “political”.

3. On page 3, in line 4, to omit “and”.

4. On page 3, after line 4, to insert:

“(*e*) by the deletion of the definition of “party liaison committee” after the definition of “officer”;

(*f*) by the insertion after the definition of “party liaison committee” of the following definition:

“ ‘**political liaison committee’** means a committee established in terms of the Regulations on Political Liaison Committees published in terms of the Electoral Commission Act;”; and”.

5. On page 3, in line 5, to renumber the existing paragraph *(e)* as paragraph *(g)*.

**NEW CLAUSE**

1. On page 3, after line 9, to insert the following new clause after clause 1, and to renumber the existing clause 2 as clause 3, and subsequent clauses accordingly:

**“Amendment of section 20 of Act 73 of 1998, as amended by section 9 of Act 1 of 2019**

**2.** Section 20 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (*a*) of the following words:

“The Commission must after consultation with the **[party]** national political liaison committee—”.

**CLAUSE 3[[1]](#footnote-1)**

1. On page 3, in line 18, to omit “amended”, and to substitute with the word “substituted”.

2. On page 3, in line 19, after the word “and”, to insert “amended by”.

**CLAUSE 4**

1. On page 3, in line 43, to omit “and qualifications”.
2. On page 4, to omit lines 6 to 9 and to substitute with:

“*(a)* A completed prescribed form, with electronically submitted signatures of voters totalling at least fifty percent of the quota for a seat that was required for a seat in the previous elections, whose names appear on the segment of the voters’ roll for that region or province in which the candidate is standing for election.”

1. On page 4, in line 10, to omit “if any,”.
2. On page 4, in line 22, to omit “political”.
3. On page 4, after line 34, to insert:

“(6) The amount to be deposited by an independent candidate contesting an election of a provincial legislature, must be less than the amount for contesting an election of the National Assembly, and such deposits may also be different to the deposits paid by registered parties.”.

**NEW CLAUSE**

1. On page 6, after line 12, to insert the following new clause after clause 4 and to renumber the existing clause 5 and subsequent clauses accordingly:

**“Amendment of section 39 of Act 73 of 1998, as substituted by section 12 of Act 34 of 2003**

**6.**  Section 39 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (*b*) of the following paragraph:

“(*b*) two agents, either from different parties or representing different independent candidates, if available.”.

**CLAUSE 5**

1. On page 6, in line 13, to omit “amended” and to substitute “inserted”.

**NEW CLAUSES**

1. On page 6, after line 21, to insert the following new clauses after clause 5, and to renumber the existing clause 6 and subsequent clauses accordingly:

**“ “Amendment of section 58 of Act 73 of 1998, as amended by section 10 of Act 18 of 2013**

**8.** Section 58 of the principal Act is hereby amended—

*(a)* by the substitution for the heading of the following heading:

**“Appointment of [party] agents”**;

(*b*) by the insertion after subsection (1) of the following subsection:

“(1A) An independent candidate contesting an election may appoint—

*(a)* one or more agents for each voting station or, if voting or counting at a voting station takes place in more than one room or separately enclosed area, one or more agents in respect of each room or area; and

*(b)* two agents for each venue where the proceedings provided for in Part 3 or 5 of Chapter 4 take place.”;

*(c)* by the substitution in subsection (2) for the words preceding paragraph (*a*) of the following words:

“(2) **[A party]** An agent—”; and

(*d*) by the substitution for subsection (3) of the following subsection:

“(3) The appointment and revocation of appointment of a person as **[a party]** an agent must be effected in the prescribed manner.”.

**Amendment of section 59 of Act 73 of 1998, as amended by section 16 of Act 34 of 2003**

**9.** Section 59 of the principal Act is hereby amended by the substitution in subsection (3)(*a*) for subparagraph (ii) of the following subparagraph:

“ (ii) the registered party or independent candidate represented by that agent; and”.

**Amendment of section 62 of Act 73 of 1998**

**10.** Section 62 of the principal Act is hereby amended—

*(a)* by the substitution for the heading of the section of the following heading:

“**Consultation with [party] political liaison committee”;** and

*(b)* by the substitution for paragraphs *(a)* and *(b)* of the following paragraphs, respectively:

“*(a)* the municipal **[party]** political liaison committee for the municipality within which that voting district will fall; or

*(b)* if no municipal **[party]** political liaison committee has been established in a municipality, the provincial **[party]** political liaison committee for the province within which that voting district will fall.”.

**Amendment of section 64 of Act 73 of 1998, as amended by section 18 of Act 34 of 2003**

**11.** Section 64 of the principal Act is hereby amended by the substitution in subsection (3) for paragraphs *(a)* and (*b*) of the following paragraphs, respectively:

“*(a)* the municipal **[party]** political liaison committee for the municipality within which that voting station will fall; or

*(b)* if no municipal **[party]** political liaison committee has been established in the municipality, the provincial **[party]** political liaison committee for the province within which the voting station will fall.”.

**Amendment of section 66 of Act 73 of 1998, as substituted by section 19 of Act 34 of 2003**

**12.** Section 66 of the principal Act is hereby amended—

*(a)* by the substitution for subsection (1) of the following subsection:

“(1) Before the voting station opens for voting on voting day the presiding officer of a voting station must determine the boundary of the voting station after consultation with **[party]** agents and members of the security services who are available at that voting station at that stage.”; and

*(b)* by the substitution for subsection (3) of the following subsection:

“(3) The presiding officer may alter the boundary at any time if it is necessary to do so to ensure proper control and security at the voting station and after consultation with **[party]** agents and members of the security services who are available at that voting station at that stage.”.“.

**NEW CLAUSE**

1. On page 6, after line 27, to insert the following new clause after clause 6 and to renumber the existing clause 7 and subsequent clauses accordingly:

**“Amendment of section 96 of Act 73 of 1998**

**14.** Section 96 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (*c*) of the following paragraph:

“*(c)* the forfeiture of any deposit paid by that person or party in terms of section 27(2)(*e*) or paid by an independent candidate in terms of section 31B(3)(*b*);”.

**NEW CLAUSE**

1. On page 6, after line 34, to insert the following new clause after clause 7 and to renumber the existing clause 8 and subsequent clauses accordingly:

**“Amendment of section 100 of Act 73 of 1998**

**16.** Section 100 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (*a*) of the following words:

“(2) The Commission may make regulations, after consultation with the **[party]** national political liaison committee, regarding any matter—”.

**CLAUSE 10**

1. On page 7, in line 1, after “Schedule 1” to omit “of” and to substitute “to”.
2. On page 7, in line 17, to omit “(*c*)” and to substitute “(*c*A)”.
3. On page 7, in line 26, to omit “(*c*)” and to substitute “(*c*A)”.

**NEW CLAUSE**

1. On page 15, after line 45, to insert the following new clause after clause 11 and to renumber the existing clause 12 accordingly:

**“Amendment of Schedule 2 to Act 73 of 1998**

**22.**  Schedule 2 to the principal Act is hereby amended by the substitution in item 7(*g*) for subparagraph (iii) of the following subparagraph:

“(iii) that representatives of that party or candidate attend meetings of any **[party]** political liaison committee or other forum convened by the Commission.”.

1. Technical correction for citation. Does not change any substance of the Bill [↑](#footnote-ref-1)