REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE PROPOSED AMENDMENTS**

**TO**

**ELECTORAL AMENDMENT BILL**

**[B 1B—2022]**

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*(As proposed by the Select Committee on Security and Justice)*

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**ELECTORAL AMENDMENT BILL**

**[B1B-2022]**

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**CLAUSE 3**

1. On page 3, in line 24, after “following” to omit “paragraph” and to insert “paragraphs”.

2. On page 3, in line 28, to omit the closed inverted commas and full stop.

3. On page 3, after line 28, to insert the following paragraph:

“*(cB)* form, in the case of a registered party not represented in the National Assembly or any provincial legislature, confirming that the party has submitted, in the prescribed manner, the names, identity numbers and signatures of voters whose names appear:

(i) in the case of an election for the National Assembly in respect of regional seats, on the national segment of the voters’ roll and who support the party, totalling at least 20 percent of the highest of the regional quotas in the preceding election, for which the party intends to nominate candidates; or

(ii) in the case of an election for a provincial legislature, on the segment of the voters’ roll for the province and who support the party, totalling at least 20 percent of the provincial quota in the preceding election, for which the party intends to nominate candidates;”.

**CLAUSE 6**

1. On page 4, to omit lines 21 to 28 and to substitute with the following paragraph *(a)*:

“(*a)* A completed prescribed form confirming that the independent candidate has submitted, in the prescribed manner, the names, identity numbers and signatures of voters whose names appear:

(i) in the case of an election for the National Assembly in respect of regional seats, on the national segment of the voters’ roll and who support his or her candidature, totalling at least 20 percent of the highest of the regional quotas in the preceding elections, which the independent candidate intends to contest; or

(ii) in the case of election for a provincial legislature, on the segment of the voters’ roll for the province and who support his or her candidature, totalling at least 20 percent of the provincial quota in the preceding provincial legislature election, which the independent candidate intends to contest,[[1]](#footnote-1)

Provided that an independent candidate who was elected to either the National Assembly or a provincial legislature as an independent candidate in the preceding election shall be exempt from this requirement;”.

**CLAUSE 21**

1. On page 11, in line 43, to omit “most” and substitute with “highest proportion of”.

2. On page 12, from line 48, to omit “most number” and substitute with “highest proportion”.

3. On page 12, to omit the sentence in lines 59 and 60.

4. On page 13, from line 5, to omit “minus the votes cast in such region in favour of independent candidates already allocated one seat,”.

5. On page 13, from line 9, to omit “, minus the seats held by independent candidates in terms of item 5*(e)*”.

6. On page 15, from line 16, to omit “Independent candidates already allocated a seat must further be disregarded in such recalculation.”.

7. On page 15, from line 22, to omit “minus the votes cast in such province in favour of independent candidates already allocated one seat,”.

8. On page 15, from line 26, to omit “, minus the seats held by independent candidates in terms of item 11*(d)*”.

9. On page 17, from line 23, to omit “the forfeiture provisions in item 7 or item 12 as indicated by the context” and substitute with “item 23”.

10. On page 17, from line 29, to omit “calculations performed in terms of the forfeiture provisions in item 7 or item 12 as indicated by the context” and substitute with “recalculations performed in terms of item 23”.

11. On page 18, in line 4, to omit “party or”.

12. On page 18, in line 9, to omit “in terms of item 5*(i)* or item 11*(f)*”.

13. On page 18, in line 34, to omit “item 7 or item 12” and to substitute with “item 24”.

14. On page 18, from line 36 to line 39, to omit paragraph *(g).*

15. On page 18, in line 49, to omit “item 7 or item 12” and to substitute with “subitem (3)”.

16. On page 18, after line 49, to insert the following subitem:

“(3) *(a)* An amended quota of votes per seat must be determined in respect of such region or province by dividing the total number of votes cast in the region or province, minus the number of votes cast in the region or province in favour of the party or independent candidate standing to lose a seat, minus the votes cast in such region or province in favour of independent candidates already allocated one seat, by the number of seats, plus one, determined in terms of item 4 or item 8 in respect of the region or province concerned, minus the seat or seats retained by the party or independent candidate, minus the seats held by the independent candidate.

*(b)* The result plus one, disregarding fractions, is the amended quota of votes per seat in respect of such region or province for purposes of the said recalculation.

*(c)* The number of seats to be awarded for the purposes of paragraph *(f)* in respect of such region or province to a party or independent candidate participating in the recalculation must, subject to paragraph *(d)*, be determined by dividing the total number of votes cast in favour of such party or independent candidate in such region or province by the amended quota of votes per seat indicated by paragraph *(b)* for such region or province.

*(d)* Where the result of the calculation referred to in paragraph *(c)* yields seats not absorbed by the number awarded to parties or independent candidates, the surplus of votes accruing to any party, parties or independent candidates participating in the recalculation, competes for the remaining seats in sequence of the highest surplus of votes.

*(e)* The aggregate of such a party’s awards in terms of paragraphs *(c)* and *(d)* in respect of such region or province, subject to paragraph *(f)*, indicates that party’s or independent candidate’s final allocation of the seats determined under item 4 or item 8 in respect of that region or province.

*(f)* In the event of a party being allocated an additional number of seats in terms of this item and if its list in question then does not contain the names of a sufficient number of candidates as set out in item 7(1) or item 12(1), the process provided for in this subitem must be repeated with the changes required by the context until all seats have been allocated.”.

**NEW CLAUSE**

**ELECTORAL REFORM ADVISORY COMMITTEE[[2]](#footnote-2)**

1. The IEC shall present this proposal to the SC. The SC has not been briefed on this proposal by the IEC. [↑](#footnote-ref-1)
2. The Department has not as yet submitted their proposals and intend to present their proposed draft to the SC. [↑](#footnote-ref-2)