



**MINISTER
HOME AFFAIRS
REPUBLIC OF SOUTH AFRICA**

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Mr Mosa Chabane
Chairperson of the Portfolio Committee on Home Affairs
RSA Parliament
P.O Box 15
CAPE TOWN
8001

Per Email: emathonsi@parliament.gov.za

Dear Mr Chabane

STATUS OF THE EXECUTIVE BILL TO ADDRESS CONSEQUENTIAL AMENDMENTS TO THE ELECTORAL AMENDMENT AND MARRIAGE BILL.

This letter has reference to your letter dated 16 October 2023.

I wish to provide the following status update regarding both the Consequential Amendments to the Electoral Amendment Bill and Marriage Bill:

CONSEQUENTIAL AMENDMENTS TO THE ELECTORAL AMENDMENT BILL

I recently wrote to the Speaker of the National Assembly on October 2023 to provide status update on the Consequential Amendments to the Electoral Amendment Bill as attached in annexure "A". In the letter, I assured the Speaker that the Consequential Amendments Bill is ready to be sent to Cabinet. Further, my department intends to request the President for direct access to serve the Bill at a Cabinet meeting in November 2023.

Direct access will considerably shorten the process for the Portfolio Committee and Parliament to receive the Bill on time. I am also aware of the urgency to table this Bill in Parliament within the timelines agreed with the Portfolio Committee. I wish to reiterate that the Bill will be submitted to the Portfolio Committee once Cabinet approves the submission to Parliament and certification is obtained from the Office of the State Law Advisers.

MARRIAGE BILL

Chairperson, I recently submitted the Marriage Bill to the Office of State Law Advisers (OCSLA) for a legal opinion as part of the process before tabling in Cabinet. Once approved by OCSLA it will be submitted to Cabinet to seek approval for submission to the Portfolio Committee and Parliament for finalisation, following certification. My department is fully aware of the need to meet the June 2024 deadline with regards to the Marriage Bill.

Yours sincerely



DR P.A. MOTSOLEDI, MP
MINISTER OF HOME AFFAIRS

DATE: 17/10/2023

"Annexure A"



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Ref. M2/1/2 - NA

**Ms NN Mapisa-Nqakula, MP
Speaker of the National Assembly
P O Box 15
CAPE TOWN
8000**

Dear Honourable Speaker,

RE: STATUS OF THE EXECUTIVE BILL TO ADDRESS CONSEQUENTIAL AMENDMENTS TO PROVIDE FOR INDEPENDENT CANDIDATES

Your letter dated 13 August 2023 refers.

Honourable Speaker, I am pleased to inform you that the Executive bill on consequential amendments is ready to be sent to the Cabinet. My Department will ask the President for direct access to the bill to serve before the full Cabinet in October. Direct access will considerably shorten the process for Parliament to receive the bill in time. I also explained this to the Portfolio Committee on Home Affairs in a meeting held on Tuesday, 19 September 2023.

I am acutely aware of the urgency that this bill must be tabled in Parliament, and I hereby assure the Speaker that I will not miss the deadline. I also undertake to inform the office of the Speaker once the bill is sent to the Parliament.

Yours sincerely,


**DR F.J. MOTSOLEDI, MP
MINISTER OF HOME AFFAIRS
DATE:**

4/10/2023



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

THE SPEAKER
PO Box 15 Cape Town 800 Republic of South Africa
Tel: 27(21) 403 2595 Fax: 27(21) 461 9462
speaker@parliament.gov.za

Dr P A Motsoaledi, MP
Minister of Home Affairs
909 Arcadia Street, PRETORIA

Per email:
Attention Mr Muzi Njoko
Muzi.njoko@dha.gov.za

MINISTRY OF HOME AFFAIRS	
DATE RECEIVED	
2023 -08- 15	
SIGNATURE	MZ/1/2-NA
NAME	

Dear Minister Motsoaledi,

STATUS OF THE EXECUTIVE BILL TO ADDRESS CONSEQUENTIAL AMENDMENTS TO PROVIDE FOR INDEPENDENT CANDIDATES

In execution of the Constitutional Court judgment in the matter of *New Nation Movement and Others v President of the Republic of South Africa and Others*,¹ Parliament passed the Electoral Amendment Bill, 2022 on 23 February 2023, which was assented to by the President on 17 April 2023 – Electoral Amendment Act, 2023 (Act No. 1 of 2023).

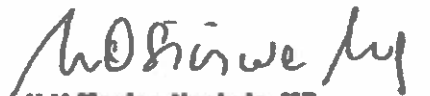
I am informed that, on 2 June 2023, the Minister indicated that the Ministry is in the process of developing an Executive Bill "the Bill" that will address the consequential amendments required in other legislation to provide for independent candidates to contest the upcoming elections.

We are aware of the ongoing interaction between the Portfolio Committee on Home Affairs and the Minister's office; however, we have not received any update as to the finalisation of the Bill.

While we appreciate that the drafting process involved in the development of legislation requires a considerable amount of time, we wish to emphasise that the current working date for the closure of nomination for the next Election is 29 February 2024, and in order to ensure that all preparation and processes are completed in time for the 2024 elections, the finalisation of the Bill is of utmost importance.

We trust that the Minister is prioritising the matter to ensure that the Bill will be sent timeously to the National Assembly for Parliament to expedite its processes, and would appreciate an indication of when the Minister intends to present it to Parliament.

Yours sincerely,


N N Maphisa-Nqakula, MP
Speaker of the National Assembly

Date: 13 August 2023