

AFRICAN NATIONAL CONGRESS

SECRETARY GENERAL'S OFFICE

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TO: Hon. MS Chabane, MP,
Chairperson: Portfolio Committee on Home Affairs
National Assembly

Hon. S Shaikh, MP,
Chairperson: Select Committee on Security and Justice
National Council of Provinces

c/o Mr Eddy Mathonsi, Committee Secretary
Email: electoralmattersbill@parliament.gov.za

Honourable Members,

**SUBMISSION BY THE
AFRICAN NATIONAL CONGRESS ON
ELECTORAL AMENDMENT BILL – CONSEQUENTIAL AMENDMENTS**

Attached hereto the Submission by the African National Congress on the Electoral Amendment Bill – Consequential Amendments.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Fikile Mbalula', is positioned above the typed name.

Fikile Mbalula
SECRETARY GENERAL
AFRICAN NATIONAL CONGRESS
Date: 26 January 2024

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AFRICAN NATIONAL CONGRESS ON
ELECTORAL AMENDMENT BILL – CONSEQUENTIAL AMENDMENTS**

1. INTRODUCTION

- (1) The ANC supports the Amendment Bill and its inclusion of independents in legislation dealing with elections and party funding.
- (2) We make a short submission only on the fair and equitable split of the public funds between represented parties and independents.

2. CHANGING THE FORMULA FOR ALLOCATION OF FUNDS TO PARTIES AND INDEPENDENTS IN PARLIAMENT

- (3) In the light of independents not being able to compete for proportionality, as they can only occupy one seat, we propose that every independent and party who wins a seat in Parliament gets 0.25% per seat they occupy, of the available allocation of any funds.
- (4) It does not make sense to divide it into an equal distribution of 10% and a proportional distribution of 90% as that will not lead to an equitable or proportional allocation.
- (5) There is no way of knowing how many independents or small parties may get seats. Using a one third - two third or a 10% - 90% split for equitable and proportional allocations will unfairly advantage independents and parties with only one representative. The example below illustrate the impact of the proposal and shows that it is both equitable and proportional:

Example:

PARTY/INDEP	SEATS	% of MPs	0,25% of funds
PARTY A	160	40%	40%
PARTY B	100	25%	25%
PARTY C	48	12%	12%
PARTY D	20	5%	5%
PARTY E	16	4%	4%
PARTY F	12	3%	3%
PARTY G	4	1%	1%
PARTY H	2	0.5%	0.5%
PARTY I	1	0,25%	0,25%
PARTY J	1	0,25%	0,25%
Independents 1 seat each	28	0,25% each MP	0,25% each MP

NOTE: Including a 10% amount shared by all and a 90% proportional amount would distort the amounts given to independents and one MP parties so that they will receive twice as much per MP than the larger parties. This is obviously neither proportional nor equitable. The Constitutional Court has been consistent in demanding the same treatment for parties and independents.

- (6) If 10%/90% is implemented: Of the 38 parties and independents above that win seats, all would get an equal share of 0,26% of funds from the 10% share and 0,225% per MP of funds from the 90% share. Independents and one-MP parties would get much more than larger parties per MP, since they will get the same cut as a 40% party (in the example) of the 10% share of the funds.
- (7) The allocation should be as simple as possible. The amount available from any funding stream for public representatives should simply be divided between the number of MPs or MPLs. Independents would get funding for one representative and parties would get funding for each representative. For National Assembly with 400 MPs we propose 0,25% of available funds for each independent and party MP elected. For Provincial Legislatures the number of MPLS will determine the split. If there are 50 MPLS each independent MPL would be allocated 2% of the funding available, and each party would receive 2% x number of MPLs for that party.
- (8) This formula would apply to different funds referred to in the Act and administered by IEC. This will ensure that every party or independent receive their fair share according to the total of 400 seats in parliament.
- (9) This would apply also to all legislatures, where the total available allocation should be divided by seats to determine the amount paid out per seat to parties and independents.

Submitted on behalf of the African National Congress:

Fikile Mbalula
SECRETARY GENERAL
AFRICAN NATIONAL CONGRESS
Date: 26 January 2024