



INCLUSIVE SOCIETY INSTITUTE

Media Release

INCLUSIVE SOCIETY INSTITUTE CALLS ON PRESIDENT RAMAPHOSA TO CONSIDER CONSTITUTIONALITY OF ELECTORAL AMENDMENT BILL

The Inclusive Society Institute (ISI) has expressed concerns over the Electoral Amendment Bill that has been passed by the National Assembly on 23 February 2023 and written a letter to President Cyril Ramaphosa addressing these concerns. The Institute has submitted legal opinions that suggest that the Bill, in its current format, may not pass constitutional muster.

The ISI has participated fully in the public hearings of both the National Assembly and the National Council of Provinces, laying out in detail their concerns with the Bill. The Institute believes that the Bill treats independent candidates unfairly, giving an advantage to candidates from political parties. While the legislature has mitigated some of their concerns, in other areas, the Institute feels that the Bill remains unconstitutional.

If the Bill is signed into law, the ISI may be faced with a moral and ethical dilemma as to whether to knowingly sit back and allow for an election to take place in terms of unconstitutional legislation or challenge its validity. The ISI believes that this challenge could create logistical problems for the execution of a timeous, free, and fair election, given the timeframe ahead of the 2024 election.

Given the aforementioned concerns, the Inclusive Society Institute has called on President Ramaphosa to take a prudent approach and carefully consider the constitutionality of the Bill before signing it into law. The Institute urges the President to exercise his rights in line with section 84(2)(c) of the Constitution of the Republic of South Africa by referring the Bill to the Constitutional Court for a decision on its constitutionality.

The Institute stands ready to provide any further information or consultations required by the President's office.

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