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Electoral Matters Amendment Bill

Submission to Home Affairs
Portfolio Committee

6 February 2024



Section 26 of the EMAB

Clause in contention

Amendment of section 24 of Act 6 of 2018

26. Section 24 of the Political Party Funding Act, 2018, is hereby amended—

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

“(1) (a) The President, **[acting on a resolution of the National Assembly]** after consultation with the relevant Portfolio Committee of the National Assembly and the Minister responsible for this Act, may by proclamation in the *Gazette* make regulations in respect of matters contemplated in sections 6(2), 7(2)(e), 7(3)(d), 8(2), 8(5) and 9(1)(a). 20

(b) When making regulations for matters contemplated in section 8(2) and (5), the President must take the following factors into account: 25

- (i) The amount of money previously appropriated by Acts of Parliament for the Political Representatives Fund within the previous five financial years;
- (ii) the effects of inflation on the value of money over time; and
- (iii) the costs associated with participating as a political party, independent representative or independent candidate in elections and the democratic process in South Africa.”; and 30

(b) by the addition after subsection (4) of the following subsection:

“(5) Each regulation in Schedule 2 is a transitional regulation and shall become inoperative on the date that a regulation replacing the said regulation made by the President in terms of subsection (1) becomes 35



Departure point

- ISI supports the principle
- Understand the need for periodic upward adjustments
- Our research has shown in terms of public funding, South African parties are underfunded when compared to other democracies

and

- The lower the disclosure regime, the lesser the need for public funding; the higher the disclosure regime, the greater the need for public funding



The ISI's contention

- It is never a good idea for one to determine one's own salary, or the basis of remuneration, and that is what this Bill does:
 - The President, the leader of a party, in consultation with the Portfolio Committee, which is comprised of members of political parties, decide the appropriate level for disclosure, and/or the maximum that one donor can give in a year.
 - Conflict of interest
 - It is in the political parties' interests to reduce the need for disclosure and to allow as big as possible donations from single donors, but were they to decide so, then it goes against the principle of transparency and negates the whole purpose of the Political Party Funding Act

ISI's proposed solution



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- The matter should be decided by a competent independent body
- Independent Commission for the Remuneration of Public Office-bearers (or new body – but then more cost)
- This will require a re-write of the Commission's mandate and an amendment to their Act. (Enough time?)



Preferably

- Delete section 26 to allow the EMAB to pass.
- Flag for a more substantive legislative solution

How to deal
with timing
before
election

How to deal with timing before election



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Alternatively

- Allow section 26 to pass as a once-off transitional arrangement and then proceed with a more permanent legislative solution that ensures independent decision-making.
- But then add Minister of Finance as a party to be consulted; and international benchmarking.



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Thank you!