

OUTA has picked up the issues of MP accountability, as well as constituency engagement and parliamentary oversight, because MPs failed to prevent state capture and the systemic erosion of the state's capacity or willingness to responsibly spend money in the public interest. This info sheet speaks to the Electoral Amendment Bill (B1-2022).



## ISSUES WITH THE BILL

- **Unequal proportional representation:** independents are being slotted into the existing system which benefits political parties.
- **Contesting of seats:** independents can only contest the 200 regional seats out of the 400-seat National Assembly.
- **Wasted votes:** Once independents meet the relevant vote quota for a seat, they will be elected to the National Assembly. Any additional votes they receive will be discarded.
- **Inequality and impediment to human dignity:** Discarding surplus votes goes against the principle that "every vote counts".

## OUR CONSTITUTION SAYS

Section 18: everyone has the right to freedom of association

Section 19 subsections:

1. Every citizen is free to make political choices
2. Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution
3. Every adult citizen has the right to a) to vote in elections, b) to stand for public office, and if elected, to hold office.

## WHY OUTA IS INVOLVED

ConCourt declared that the Electoral Act 73 of 1998 has been found to be unconstitutional. This judgment was made in June 2020, in *New Nation Movement NPC v President of the Republic of South Africa*, where OUTA was friend of the court. OUTA supported the applicants' argument that the Constitution requires the adoption of an electoral system, at the national and provincial level, that permits candidates to stand for public office independent of a political party. SA's current electoral system does not fully realise independent candidates' rights, because it only provides for the election of members belonging to a political party in national and provincial elections. The Constitution entrenches the values of transparency and accountability. Parliament failed to meaningfully engage with the public for over 18 months, and then rushed the public participation process in the remaining 6 months. OUTA argues that this matter must be handled in a fair and informed manner conducive to our democracy.



## GOING FORWARD

OUTA will continue to be a vocal proponent for the public's interest, galvanise all South Africans towards electoral change, and challenge government and parliament on its oversight failures.