

25 July 2024

TO: Dr Leon Amos Schreiber  
Minister of Home Affairs

*Re: Meeting request on matters related to Electoral Reform*

Dear Honourable Dr Schreiber,

1. We, the undersigned organisations, congratulate you on your recent appointment and wish you the very best as Minister of Home Affairs.
2. We are a coalition of civil society organisations that, in 2020, started working collectively to advocate for meaningful electoral reform, and it is about this that we would like to request a meeting with you.
3. We have hosted indabas, community meetings, discussion sessions and made submissions to Parliament on numerous occasions on the issue.
4. However, our calls for electoral reforms that allow for more direct accountability to voters have not entirely materialised, even with the recent enactment of the Electoral Amendment Act 1 of 2023. Despite this, we were very pleased that the Electoral Amendment Act now makes provision for the reconsideration of the electoral system ahead of the 2029 national and provincial elections.
5. To this end, the Act provides for the establishment of the Electoral Reform Consultation Panel in section 23, which the Minister ought to have established within 4 months of the Act coming into operation. The aim of the Electoral Reform Consultation Panel is to investigate, consult on, and make recommendations in respect of potential reforms of the electoral system to the Minister and, in turn, Parliament.
6. We wish to express our concerns about the composition and functioning of the Electoral Reform Consultation Panel. This panel was set up in the previous administration under your predecessor, Dr Aaron Motsoaledi, and approved by the National Assembly on 16 May 2024.

7. The previous Minister delayed the selection of nominees beyond the period stipulated by the Act, and the Home Affairs Portfolio Committee in December 2023 resolved to solicit additional nominations, again delaying matters. According to section 23(3)(a) of the Act, the Panel must have, prior to the 2024 elections, engaged in research and considered the issues falling within its remit under the Act. There is no evidence that this stipulated activity has been undertaken by the Panel within the provided time frame, which might have a knock-on effect on the timing and completion of subsequent activities. During the extensive public participation process for the Electoral Amendment Bill, strict deadlines were regularly cited as the reason for rushed decisions, many of which were self-imposed, yet the statutory deadlines set out in the Act have thus far been ignored.
8. Our concerns about the composition of the panel are as follows. For one, none of the civil society representatives whom we had nominated, including those whose names were initially tabled before the Portfolio Committee, made it to the final selection. Notwithstanding their proven skills, knowledge and expertise on electoral reform and electoral systems generally, nominations from a range of civil society organisations were seemingly ignored.
9. Secondly, some members of the Panel as constituted seem to already have a particular bias against meaningful and wide-ranging electoral reform. We say this for the following reasons.
10. Three members of the Ministerial Advisory Committee appointed by the former Minister in 2021, which recommended the system now being implemented through the Act, have been appointed to the Panel, and this concerns us. Ms Pansy Tlakula, Dr Michael Sutcliffe, and Mr Norman du Plessis, are the same three individuals who advocated for the very limited electoral model adopted by the former Minister and set out the Electoral Amendment Act. It must be asked whether any public interest is served by the appointment of these individuals to the Panel. It is imperative that the Panel be unbiased, independent, and sufficiently representative of different points of view on electoral systems and electoral reform. Based on the present composition of the Panel, this does not appear to be the case.
11. Ms Tlakula, former Chief Electoral Officer of the Electoral Commission (IEC), is a questionable figure given the findings of the Electoral Court in June 2014 that she should be removed from office (subject to the appropriate parliamentary process). While the parliamentary hearings did not proceed on account of her resignation, her appeal of the findings failed in the Constitutional Court. This was linked to the

reported irregularities in the procurement of the lease of the IEC's offices in 2009 following findings of maladministration by the Public Protector in 2013. Mr du Plessis was the Chief Financial Officer of the IEC at the time, implying that he had the necessary authority to scrutinise all of the Commission's financial decisions that may or may not have been cause for concern.

12. Beyond this, the panel has an over-representation of current and former IEC officials. In addition to Ms Tlakula and Mr du Plessis, Mr Simon Phatudi Mamabolo (current Chief Electoral Officer) and Mr Michael Hendrikse (provincial head of the IEC in the Western Cape) are members of the Panel. Another member, Ms Tomsie Dlamini, served as a senior manager at the IEC between 1997 and 2006.
13. While we do not wish to impugn the integrity of any of these members, it is worth asking whether they would be able to bring open and unbiased minds to bear on the work of the Panel.
14. We wish to get clarity on what may or may not be possible in terms of the reconstitution of the Panel. We understand that there may be legislative or other limitations.
15. Our reservations notwithstanding, we intend to engage fully in the public participation processes of the Panel, irrespective of its composition. This includes ensuring that the process towards electoral reform is truly consultative, participatory, and allows for the views of the ordinary public to be heard. South Africans must be able to meaningfully participate in this process beyond the 'tick box' exercises that often occur when 'public submissions' are requested. For true public participation, the possible systems need to be put before the public, in order to allow informed public discussion of the different options. The Panel must have the capacity to engage with the media, academia, business, and with all communities across the country, in a manner that allows citizens to be meaningful participants in the process of electoral reform.
16. Through electoral reform, we have the opportunity to build into our electoral system greater accountability measures and potentially to help stem public disillusionment in electoral politics, democracy, governance and in politics in general.
17. We hope that you will be open to meeting with representatives of our organisations to discuss the issues raised in this letter further.
18. We look forward to working with you.

**Signed by:**

AAA Independent Congress  
Africa School of Governance  
Ahmed Kathrada Foundation  
AmaZizi Traditional Authority  
Arise Afrika Arise Independent Congress  
Big Project Foundation 27  
Centre for Civic and Democracy Education  
Council for the Advancement of the South African Constitution  
Council of African Independent Churches  
Defend Our Democracy  
Ekurhuleni Environmental Organization  
Independent Candidate association  
Mayibuye  
National Association of School Governing Bodies  
One South Africa Movement  
Organisation Undoing Tax Abuse  
Project Youth South Africa  
Public Interest SA  
South African Conversations  
The Whistleblower House  
UNISA BRICS Student commission  
Westside Park Community Crisis Committee