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P O Box 2438 Houghton 2041

October 8, 1993

The Secretary
 Attn. Miss Melody Emmet
 Technical Committee
 Draft Electoral Act
 WTC
 Kempton Park

SUBMISSION TO TECHNICAL COMMITTEE ON 1993 DRAFT ELECTORAL BILL

Dear Sirs,

May I congratulate the Committee on the excellent job that you have done and the first thing that I wish to say is that:

The strong independence of the committee is to be encouraged in every way. When the rules of the election for all parties are being considered and many parties are expressing the view that a violent confrontation is their alternative to participation, then the rules must be drawn up independently of all parties and encourage all parties to participate. The larger parties must not be favoured in any way.

The Technical Committee favoured giving some discretion to the Electoral Commission and this is to be strongly supported. Let them deal with the actual situation and not a theoretical situation now which could tie the hands of the Commission and its judicial bodies and cause a potential disaster at the time of nomination, registration and election

Just one example is the large total of R240 000 needed to just register and contest the election. This is a huge amount for some of the smaller parties although it is quite possible to get most of this money back on obtaining a small percentage of the votes anywhere, but is this fair to smaller 'regional' or 'socialist' parties? There could be discretion in the Commission to prevent frivolous parties being registered and blocking up the ballot paper which realistically must be less than 30 parties and their symbols. This could be done by giving the Commission discretion to ask for deposits and/or signatures to register.

Chapter VI 24 (1). The idea of foreign voting stations is ridiculous and unnecessary. In the 1992 referendum only 12 000 such votes were cast with about 5000 being invalidated for out of date IDs etc. Please no foreign stations with the breach in security and the delay in issuing results for want of a few ballot papers in each area.

Should the Chief Director not be a member of the Commission? Should his powers be directly allocated by the Commission as they see fit?

Convicted prisoners should not have the right to vote, they are being punished and are among the most difficult members of society. Would the Technical Committee like to take many of

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these people in two or three days time to the polls and risk escape and injury? Can polls really be held easily at the prisons? The logistics must be taken into account.

I strongly support the power of presiding officers to remove people from polling stations, if this right does not exist then there will be real problems.

On Chapter IV 6 (a) (1) too strict wording is unnecessary, will you not prevent the ANC from using its 'coat of arms' with spear and shield? You may not believe it will occur but what about a challenge from another party in the large court procedure already agreed to? Again let the Commission rule if the logo, etc. is acceptable and not the Act.

16 (6) (a) of the same will also affect the 'boere' type parties from contesting the election as they wish in some cases. Let the Commission be the final arbiter in law.

Chapter II 4(4) could again lead to endless trouble and legal action. Could not the Commission make the final decision on the actual composition and not the Act. Guidelines are all that is legally needed.

Chapter IV 16 (3) (c) should be scrapped. The use of a photo was totally discredited in Angola our nearest example, it clogs up the ballot paper, a logo or symbol is all that is required and a party could if it wished use a photo of its leader as a logo, subject to the Commission agreeing? All references to a photo of a leader should be removed.

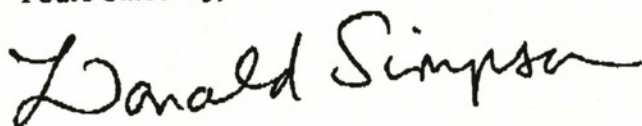
IV (19) should be strengthened to allow the Commission to make a final ruling which is not legally contestable.

V (20) Voting must be held on at least two days, including the 'special' votes which can be held concurrently in most cases.

VII (31) There is no need to have more than one ballot paper for the election of the Regional Assembly, Regional MPs and National List MPs. These can be elected by counting the votes in different groups by areas and counting methods of proportional representation. Two ballot papers would be an enormous waste of time and be likely to increase confusion without helping the situation at all.

All these aspects will enhance the credibility of the election and also its smooth running. A racehorse is needed not a camel.

Yours Sincerely,



Donald Simpson
Electoral Analyst