



WHY ARE WE HERE?

Since 2012, My Vote Counts (MVC) has consistently advocated to address the lack of transparency and secrecy surrounding private party funding. There is no legislation that compels political parties to publicly disclose private donations or that regulates their private funding. In August 2017, MVC argued before the Western Cape High Court that the legislation dealing with access to information, the Promotion of Access to Information Act, 2000 (PAIA), is unconstitutional, because it does not compel political parties to provide information on their private donations. On 27 September 2017, the Western Cape High Court ruled in favour of MVC by ordering that PAIA is inconsistent with the Constitution, because it does not fulfil this constitutional obligation. **On 13 March 2018, MVC and the Minister of Justice and Correctional Services will appear before the Constitutional Court for the confirmation hearing of the Cape Town High Court Judgement.**



WHAT ARE WE ASKING THE COURT TO DO?

We are asking the Constitutional Court to confirm the Cape Town High Court Judgement that ordered that:

- 1 Information on the private funding of political parties and independent ward candidates is reasonably required for the effective exercise of the right to vote.
- 2 PAIA is inconsistent with the Constitution and invalid as it does not allow for the recordal and disclosure of private funding information.
- 3 Parliament is allowed 18 months to remedy the defects in PAIA and to allow for the recordal and disclosure of private funding of political parties and independent candidates.
- 4 MVC is also asking the Court to order that private political party information be disclosed continuously and systematically.

WHY IS THIS IMPORTANT

- 1 Section 32 (1) of the Constitution entitles every person to have access to information. Section 19 (3) deals with political rights, including the right of "every adult citizen [...] to vote in elections for any legislative body established in terms of the Constitution."

As stated in the September 2017 High Court judgement, part of voter's political rights is to have access to information to make an informed vote. Voters should be able to make decisions and evaluate potential public representatives by knowing where funding comes from and how funding is spent.

- 2 In addition, the public disclosure of political party funding would deter political corruption and prevent the appearance of corruption and undue influence between donors and political parties.

MVC is a non-profit company (NPC) founded to improve the accountability, transparency and inclusiveness of elections and politics in South Africa.

We work towards ensuring more openness in the political and electoral system.