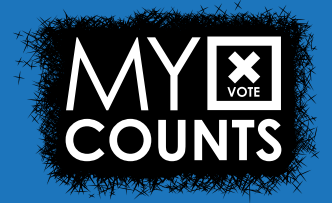


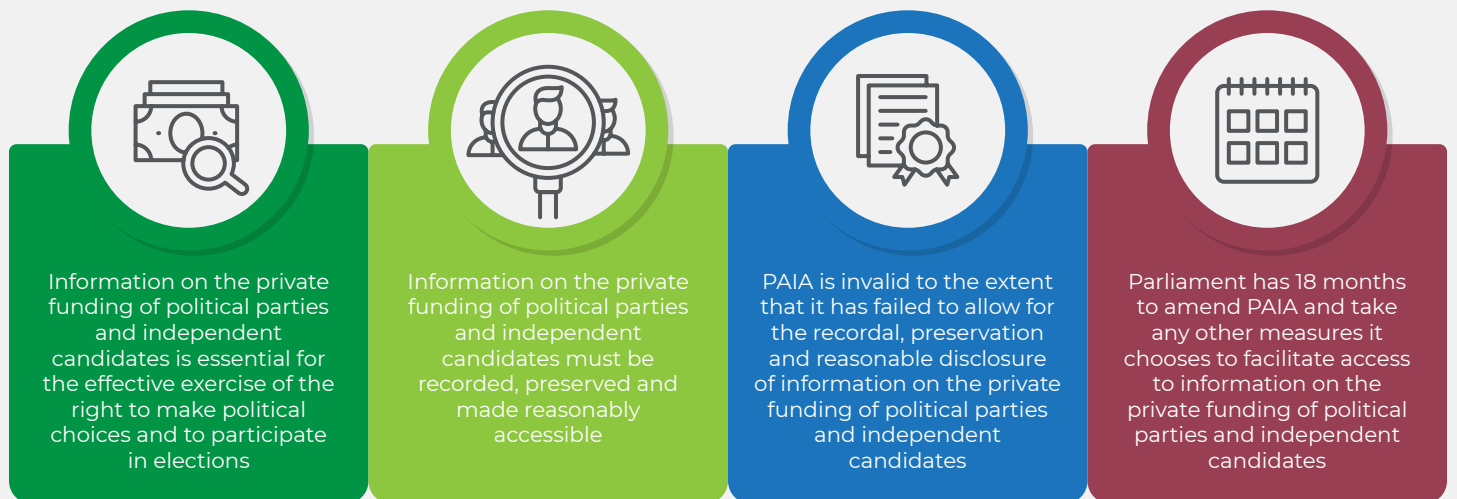
THE PARTY FUNDING JUDGEMENT



BACKGROUND

On 21 June 2018, in the matter between My Vote Counts (MVC) and the Minister of Justice and Correctional Services, the Constitutional Court ruled that information about the private funding of political parties and independent candidates is essential to making an informed decision when we exercise the right to vote. In terms of Section 32(b) of the Constitution, it is the right of citizens to have access to information to exercise or protect any rights. In the case of party funding, we have consistently argued that the right to vote, expressed in Section 19(3) of the Constitution, can only be exercised effectively if it is made in conjunction with access to information expressed in s32(b) of the Constitution. The Promotion of Access to Information Act (PAIA) is the legislation enacted to give effect to Section 32, but has been ineffective in allowing for access to party funding information. This ground-breaking judgement shows that the Court has confirmed that the right to vote is the right to make an informed vote and acknowledged PAIA's defects and the need to intervene to urgently address Parliament's failure to address this matter.

ORDER OF THE JUDGEMENT THIS RULING IN THE CONSTITUTIONAL COURT DECLARED THE FOLLOWING:



This judgement has confirmed and enhanced the rights of voters through:

1. Acknowledging a voter's constitutional right to have access to consistently recorded information of the sources and amounts of political parties' private donations;
2. Affording the right of voters to evaluate and monitor political parties and independent candidates relationships with donors;
3. Reducing the risk of voters electing corrupt or compromised political parties or independent candidates;
4. Allowing for easily accessible financial information of political parties for voters so that voters do not have to request this information, but can access it through a public platform;
5. Enabling voters to hold government accountable through making an informed vote.

WHAT THE JUDGEMENT MEANS FOR PARLIAMENT?

- The judgement has ordered that Parliament must fulfil its constitutional obligation to ensure that legislation allows for disclosure of political parties' private donations to the public and has given Parliament 18 months to fulfil this obligation.
- The judgement acknowledges Parliament's efforts in formulating a new piece of legislation, the Political Party Funding Bill, as a means to address PAIA's defects.

WHAT DOES THE JUDGEMENT MEAN FOR POLITICAL PARTIES?

- This judgement obligates political parties and independent candidates to disclose this information in a way that makes the information readily available and easily accessible to the public.
- It also states that all information on donations, its amounts and the identity of the donor must be recorded and this information must be preserved.



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.

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