



DEMOCRATIC ALLIANCE

REGULATIONS FOR THE NOMINATION OF CANDIDATES

Index

1. Application and Amendment.....	3
2. Definitions.....	3
3. The Federal Candidates' Election Committee	6
4. Application as an Aspirant Candidate.....	7
5. Screening Committee	9
6. Election of Electoral Colleges	10
7. Electing Candidates for Pools.....	12
8. Evaluation of Approved Aspirant Candidates	13
9. Appointment and Role of Selection Panels.....	14
10. Selection of Premier and Mayoral Candidates	17
11. Review of Lists by Executives	19
12. Compilation of Lists for the National Assembly	20
13. Election of Members of the National Council of Provinces	22
14. Appeals and Oversight	22
15. General Provisions	23
Annexure A	25
Annexure B	27

1. Application and Amendment

- 1.1 These Regulations are drawn up in terms of clause 2.2 of the Federal Constitution. The selection of all Party candidates for public representative office must take place in terms of these regulations.
- 1.2 These Regulations supersede all other Democratic Alliance nomination regulations, and come into operation when they are approved by the Federal Council.
- 1.3 These Regulations regulate the election of candidates:
- To the National List to the National Assembly
 - To Regional Lists to the National Assembly
 - To Provincial Lists to provincial legislatures
 - To the National Council of Provinces
 - To wards in municipalities
 - To lists to municipalities
 - To casual vacancies in any legislative sphere.
- 1.4 Except where the Regulations empower the Federal Executive or the Federal Candidates' Election Committee (FCEC) to vary or adapt their provisions, these regulations can only be amended by the Federal Council.

2. Definitions

- 2.1 In these Regulations or their Appendices the following words have the following meaning:

“approved aspirant candidate” means an aspirant candidate whom an Electoral College, established in terms of section 6, has elected to a ward, list and/or municipal pool, and includes an aspirant candidate who in terms of section 7.1 has been exempted from having to appear before an Electoral College;

“aspirant candidate” means a person who has applied to be a candidate of the Party, but who has not yet appeared before the relevant Electoral College;

“candidate” means a person selected to stand for the Party in a ward, and/or a person included on the official ranked lists for the National Assembly, a provincial legislature or a municipality;

“civil action” means any civil judgment that has been awarded against a candidate or a juristic person controlled by a candidate;

“close family member” means a spouse or partner, parent or step parent, parent-in-law or step-parent-in-law, sibling or step sibling, brother-in-law or

sister-in-law, son-in-law or daughter-in-law, uncle or aunt, nephew or niece, first cousin, registered dependent, child or step-child;

“constituency” means that area or areas or specific interest group, defined institutions or societal sector allocated to a constituency head by the province or region concerned;

“cost of the campaign” means the cost of the election campaign, as determined by the Chief Executive Officer or a person designated by him or her, to any particular province or municipal area divided by the number of elected candidates;

“designated date” means a date determined in terms of section 15.2 below;

“designated party official” means an official named in terms of sections 14.1 or 15.1 below;

“electable ward candidates” means those candidates whose wards the Chief Executive Officer, or a person designated by him or her, certifies are capable of being won by them as Party candidates.

“electoral college” means an Electoral College elected in terms of section 6, and **“relevant Electoral College”** means that Electoral College that has been elected to select pools of approved aspirant candidates, in terms of a decision of the relevant executive;

“equitable minimum number of candidates” means the number of candidates on the National List, who constitute the equitable minimum number of candidates allocated to each province as determined from time to time by the Federal Council;

“fitness for purpose” describes the sum total of attributes and competences of a candidate that are most likely to achieve key objectives of the Party, including attracting votes, providing competent activism, contributing expertise and/or experience, adding to diversity and building the Party’s brand;

“institution of government” means the National Assembly, the National Council of Provinces, a provincial legislature or any municipal council created in terms of section 155(1) of the Constitution of South Africa;

“municipal pool” means the approved aspirant candidates elected by an Electoral College in terms of section 7.4 for both the wards and the list, and includes those sitting councillors in that municipality who wish to be re-elected, less any declared ineligible to be re-elected by virtue of the provisions of section 4.12 or section 8.4;

“**national list**” means a list of candidates prepared by a party for an election of the National Assembly to reflect that party’s order of preference of candidates in respect of the allocation of seats on a national basis (as defined in the Electoral Act 73 of 1998 Schedules 1A-2);

“**ordinarily resident**” describes a person’s place of regular abode normally corresponding with his or her domicillium for legal and taxation purposes;

“**partner**” means a person who is in a permanent relationship with another person which can involve *inter alia* cohabitation and mutual financial or emotional support;

“**probity check**” includes an investigation into an aspirant candidate’s criminal records, liability for taxation, financial accounts and lifestyle in order to ensure that such a candidate is a fit and proper person to be a candidate for the Party.

“**professional party staff members**” means any persons who have employment contracts with the Party or an organ of state where they are appointed by a political office-bearer of the Party, and includes persons who are employed by the Party but who are paid by any organ of state, but does not include any person who is paid a gratuity or honorarium for services rendered to the Party;

“**provincial list**” means a list of candidates prepared by a party for an election of a provincial legislature, as defined in the Electoral Act 73 of 1998 Schedules 1A-2;

“**regional list**” means a list of candidates in respect of a province prepared by a party for an election of the National Assembly to reflect that party’s order of preference of candidates in respect of the allocation of seats in respect of such province, as provided for in the Electoral Act 73 of 1998 Schedules 1A-2;

“**relevant executive**”, in the case of the National Assembly and the National Council of Provinces, means the Federal Executive; in the case of a provincial legislature, means the provincial executive of that province; and in the case of a municipality, means the regional or other sub-provincial executive (if these exist) which corresponds to that municipality, in the case of candidates for the wards and list for that municipality, or the provincial executive if there are no such executives;

“**seat target total**” means the number of seats on the National and Regional lists for the National Assembly, a provincial legislature or a municipality which the Chief Executive Officer, or a person designated by him or her, certifies can reasonably be won by the Party, and approved by the Federal Executive;

“selection panel” means a panel of persons, referred to in section 9.1, nominated by a province or region and approved by the Federal Executive, which will designate candidates from the ward lists to be the ward candidates, and will provisionally rank approved aspirant candidates for the ward and pool lists for the relevant legislative body or bodies, in the manner provided for in section 9.12;

“single transferable voting system” means the Hunt-Le Roux STV system approved by the Federal Council: provided that if compelling reasons exist, the relevant executive may, with the prior approval of the FCEC, use the system in Annexure A to these Regulations;

“strategic municipality” and **“strategic province”** mean a municipality or a province which the Federal Executive classifies as such in terms of section 10.1 and 10.2.

“ward pool” means the approved aspirant candidates elected by an Electoral College in terms of section 7.4 read with section 15.7.

- 2.2 Terms that are used in these Regulations, and which have been defined in the Federal Constitution, shall have the same defined meanings as in the Federal Constitution.

3. The Federal Candidates' Election Committee

- 3.1 There shall be a Federal Candidates' Election Committee (FCEC).

- 3.2 The FCEC will consist of:

- The Chairperson of the Federal Council;
- The Chairperson of the Federal Legal Commission;
- The principal representative of the Party on the National PLC of the IEC;
- One representative from each province designated by the respective Provincial Executive, or his or her nominee duly authorized by that Executive;
- A representative of the DA MPL Network;
- A representative of the Association of Democratic Alliance Councillors (ADAC);
- Not more than four additional members, without voting rights, approved by the Federal Executive, whose skills, experience or expertise would assist the FCEC in the discharge of its responsibilities.

- 3.3 The FCEC must:

- Take any steps to facilitate the operation of these Regulations;
- Advise the Federal Executive, any other structure of the Party or any Selection Panel on any aspect of the candidate selection process;

- Disqualify aspirant candidates after following the procedures set down in section 8.4;
 - Remove candidates who have failed to carry out their duties or fulfill their obligations or who publicly or maliciously damage the Party or the campaign after following the procedures laid down in section 15.6;
 - Approve the composition and procedures of provincial, regional or other sub-provincial Electoral Colleges to ensure that they comply with these regulations;
 - Approve the format of the application form and any competency testing that will be used during the selection process, and review any regulations or guidelines issued in terms of these Regulations;
 - Determine the composition and procedures of any Electoral College in the event that a relevant executive fails to submit these;
 - Determine, in consultation with the relevant executive, designated dates for the operation of these Regulations;
 - Fulfill any other duties and responsibilities determined by these Regulations.
- 3.4 The FCEC will be convened and chaired by the Chairperson of the Federal Council, and must determine its own procedures.

4. Application as an Aspirant Candidate

- 4.1 Once the designated dates referred to in section 15.2 below are determined, the relevant executive must advise all Party formations, including branch committees, of those dates and invite nominations. The Party formations must also be informed when and where application forms can be obtained.
- 4.2 An aspirant candidate may apply to be a candidate by completing the requisite forms.
- 4.3 Notwithstanding the provisions of section 11.4, an aspirant candidate may, subject to the Constitution of South Africa and any relevant legislation, apply to be nominated for the National Assembly, a provincial legislature and/or the National Council of Provinces, and in the case of a municipality, for one or more wards, and/or for one or more lists. Where a candidate has applied to be on more than one list, or has applied to be nominated for more than one ward and/or for a ward and the list, he or she must indicate his or her preference in the application form.
- 4.4 Where less than three applications have been received in a winnable municipal ward, or where the person or persons who have applied are, in the opinion of the relevant executive, unsatisfactory, the relevant executive, or a person authorised by it, will be empowered to approach suitable persons to make themselves available as candidates in that ward.
- 4.5 Where, despite having followed the procedure described in section 4.4 only one person has applied to be a candidate in a ward, the Electoral College must report this fact to the FCEC, which may, after consultation with the relevant executive, declare that person the candidate for that ward.

- 4.6 Notwithstanding the provisions of section 4.4, the relevant executive may submit to the FCEC the wards of any municipality in which the Party has little or no prospect of winning. To the extent permitted by the FCEC, the candidates for such wards may be selected directly by the relevant executive, and the same candidate may be selected for more than one such ward. In all other municipal wards, candidates must be selected as provided for in these Regulations.
- 4.7 The Federal Executive or a provincial or a regional executive may take appropriate steps to encourage additional persons to apply to be nominated for the National Assembly, a provincial legislature, the National Council of Provinces, and/or a municipal council.
- 4.8 No two or more close family members may serve in the same caucus as representatives of the Party in the National Assembly, the National Council of Provinces, any provincial legislature or any municipal council: provided that
- (a) members of a close family who are already members of the same legislative body may remain members of that body, and may be nominated for re-election to that body; and
 - (b) members of the same legislative body who become spouses or partners may remain members of that body and may be nominated for re-election.

In the event that two or more close family members not covered by (a) or (b) are nominated as candidates and elected to serve on the same legislative body, the relevant executive may apply to the FCEC for permission for both or all such close family members to remain candidates for this legislative body and to serve on it. The FCEC shall give permission only in exceptional circumstances and for compelling reasons and only in respect of institutions of government where the seat target total exceeds twenty.

- 4.9 No person may be nominated as a candidate for a ward or for a list of a municipal council unless he or she is registered in and ordinarily resident in that municipality, and no person may be nominated as a candidate from a province to the National List, or as a candidate on the Regional List of any province, or as a delegate from any province to the National Council of Provinces, or as a candidate on a Provincial List, unless he or she is ordinarily resident in that province. Moreover, no person may serve as a public representative in any municipal council, in a provincial legislature, as a delegate to the National Council of Provinces from a province, or as a representative of a province in the National Assembly unless he or she is ordinarily resident in that municipality or province, as the case may be: provided that the FCEC may condone a public representative's residence in another municipality or province, for compelling reasons.

An aspirant candidate who is ordinarily resident in one province or municipality may also apply to be a candidate in another province or municipality, subject to compliance with this section if he or she is elected to the National Assembly,

National Council of Provinces, provincial legislature or municipal council, as the case may be.

- 4.10 A candidate elected on the National List will be accountable to the respective provincial leadership in all aspects of such political and representational work, including the payment of tithes and evaluation in terms of a performance evaluation system approved by the Federal Council, as if he or she had been elected on the Regional List for that province.
- 4.11 No person may be nominated as a candidate unless he or she has paid his or her compulsory public representative contribution or any other debt to the Party in full at the time of submitting that nomination and must continue to be in good financial standing. Every aspirant candidate must obtain a certificate of good financial standing to this effect from a representative of the Party authorised by the relevant provincial executive.
- 4.12 No incumbent public representative may be re-nominated as an aspirant candidate unless he or she has been satisfactorily assessed in terms of the a performance evaluation system approved by the Federal Council for a period of at least twelve months: provided that if there is good cause why such a public representative has not so been evaluated, the public representative concerned or the relevant executive may apply to the FCEC to waive this requirement in individual cases.
- 4.13 All applications to become a candidate must be made on the requisite forms and must contain all the information and supporting documentation required in the forms. Failure to complete the forms in full may result in the application being rejected. Submitting false or inaccurate information on the forms will result in the application being rejected, and may result in disciplinary action against the aspirant candidate.

5. Screening Committee

- 5.1 A province may apply to the FCEC to establish one or more screening committees for the purpose of rejecting the application of candidates who are manifestly unsuitable, or who do not meet the criteria set by the province or region in consultation with the FCEC.
- 5.2 A screening committee will be made up of fit and proper persons, nominated by the provincial or regional executive, and approved by the Federal Executive.
- 5.3 A screening committee must compile a list of the aspirant candidates it has rejected, and in each case provide reasons for the rejection of that aspirant candidate's application. The FCEC must review this list to ensure that the rejections were justifiable, and must consider the appeal of any aspirant candidate who can demonstrate that his or her candidature has been manifestly prejudiced. In the event that the FCEC does not agree with the rejection of an aspirant candidate's application, that aspirant candidate will once more be eligible to appear before the Electoral College and/or the Selection Panel, as

the case may be. This decision must be communicated to the relevant executive.

- 5.4 A screening committee shall consider the applications of aspirant candidates on the papers.

6. Election of Electoral Colleges

6.1 Jurisdiction of Electoral Colleges

6.1.1 One Electoral College must be established in each province to select approved aspirant candidates for the pools for the lists for the National Assembly and for the provincial legislature for that province, and, subject to section 6.1.2, one or more Electoral Colleges must be established in each province to select approved aspirant candidates for the municipal pools and, in the case of by-elections, for ward pools. The composition of these Electoral College(s) will, subject to sections 6.2 to 6.11, be determined by the relevant Provincial Executive.

6.1.2 Where a region or other sub-provincial structure corresponds with a municipality, the candidates for the pools for that municipality must be selected by an Electoral College or Electoral Colleges, the composition and procedures of which will, subject to sections 6.2 to 6.11 be determined by the executive of such region or sub-provincial structure. Where this is not the case, the Provincial Executive will determine the composition and procedures of the Electoral College or Electoral Colleges, including committees of it or them, which will select all the pools of candidates in municipalities in that province.

6.1.3 The chairperson of the relevant executive is responsible for the establishment of such Electoral College(s).

6.2 Electoral colleges that elect ward candidates must be structured in such a way that representatives from the lowest applicable structure have appropriate representation on such colleges when candidates for that ward are elected, except as may be provided in any provincial or regional variations.

6.3 All Electoral Colleges must be structured in such a way that persons who are not public representatives constitute at least half of the membership, and must be composed in terms of a system of representation approved by the Federal Council. Where constituting an Electoral College in this way is manifestly not possible, the relevant executive may approach the FCEC for a dispensation varying these requirements.

6.4 Any Electoral College, as well as, where appropriate, any office-bearer or committee, must be elected according to the single transferable voting system. An election of an Electoral College may occur in batches to ensure that there is diversity. Where it is impossible or impractical to use the single transferable voting system, the relevant executive may apply to the FCEC to use the voting system in Annexure A to these Regulations.

6.5 The Provincial Chairperson, the Regional Chairperson, or a person(s) to whom this function has been delegated by the Provincial Executive Committee, must convene the first meeting of the Electoral College(s). This meeting must elect:

- (i) the Chairperson and Deputy-Chairperson of the Electoral College(s); and
- (ii) any other committee/s that may be deemed necessary.

An Electoral College may, following the procedure outlined in section 6.6, elect a committee or committees for the purpose of undertaking probity checks or interviewing and scoring aspirant candidates.

6.6 Should an Electoral College elect any other Committees, such Committees must elect a Chairperson and Deputy-Chairperson from within their own ranks.

6.7 Whenever members are elected to any Electoral College, the balance of the ranked list of Electoral College nominees will be considered the ranked list of alternate members of that Electoral College.

6.8 The following persons shall not be eligible as members of any Electoral College, screening committee or other committee of such a college:

- (i) Professional Party staff members;
- (ii) Close family member of an aspirant candidate or approved aspirant candidate;
- (iii) A business partner of an aspirant candidate or approved aspirant candidate;
- (iv) Aspirant candidates and approved aspirant candidates whose candidature will be determined by that Electoral College(s);
- (v) More than two persons that are family members other than those disqualified in sub-section (ii) above; and
- (vi) Any other person who has a demonstrable conflict of interests.

6.9 One half of the members of any Electoral College or any committee of such a college shall constitute a quorum.

6.10 Every member and alternate of an Electoral College must receive appropriate training. The content of the training and the qualifications of any person providing training must be approved by the Chairperson of the Federal Council, acting on the advice of the Chief Executive Officer, or a person designated by him or her.

- 6.11 Every province, region or other sub-provincial formation must lodge the composition and procedures of its Electoral College(s) with the FCEC for its approval. Such lodging and approval must be concluded by a date to be determined by the FCEC, so that sufficient time is available for the FCEC to evaluate such composition and procedures, and for the required processes of the election of Electoral Colleges to occur. In the event that the composition and procedures of any Electoral College are not lodged, are lodged late, are lodged incompletely or are not approved by the FCEC, the FCEC may itself determine the composition and procedures of that Electoral College.

7. Electing Candidates for Pools

- 7.1 Unless he or she has been precluded from standing as a candidate in terms of section 8.4, every serving public representative who wishes to apply to be re-elected will automatically be added to the pool for the legislature in which he or she currently serves.
- 7.2 Subject to sections 5 and 7.1, every aspirant candidate seeking election as an approved aspirant candidate must be given an equal opportunity to address the Electoral College, and members of the Electoral College may put questions to an aspirant candidate.
- 7.3 After completing the interviews with these aspirant candidates, the Electoral College must proceed to discuss the fitness for purpose of each of the candidates. Only matters that are disclosed in the candidates' nomination forms or during the interviews with the candidates may form the basis of this discussion.
- 7.4 Subject to section 7.1, an Electoral College selecting candidates for a municipal pool, or, in the case of a by-election, a ward pool must interview all the aspirant candidates that have been validly nominated for that municipality or ward, as the case may be.
- 7.5 Notwithstanding section 7.2, where the number of aspirant candidates in any province or municipality is equal to or less than the pool of approved aspirant candidates that must be elected in terms of section 7.6, the FCEC may, on application from the relevant executive, waive the requirement that such aspirant candidates appear before an Electoral College, and such aspirant candidates will, in such circumstances, form the pool of approved aspirant candidates from that province or municipality.
- 7.6 The same Electoral College or committees of that college must interview and, if applicable, score all the aspirant candidates that have been validly nominated, and, if applicable, approved by the screening committee, for the National or Regional lists for the National Assembly or the National Council of Provinces from that province, for the provincial legislature in that province, or for a municipal council, and must elect a pool of approved aspirant candidates equal to twice the seat target total: provided that the pool may not be less than 10 and not more than twice the total number of candidates on the list that that province, or on the list and in the wards that that municipal council is entitled to elect. The

size of the pool may be varied by the FCEC on application by the relevant executive and with good cause.

7.7 All ward and list pools will be elected by a single transferable voting system. Where aspirant candidates appeared before committees of an Electoral College, such candidates must be scored using a scoring system approved by the Federal Executive and such scores must be made available to the Electoral College prior to voting commencing.

7.8 A member of an Electoral College may not cast a vote for an election of a ward, municipal or list pool unless he or she has attended the interviews of all aspirant candidates: provided that:

7.8.1 the FCEC may on application from the relevant executive, with good cause, and in advance waive this requirement in individual cases, or

7.8.2 in the event that the number of aspirant candidates to be interviewed exceeds the number of such candidates that can reasonably be interviewed in a weekend,

- the Electoral College may employ the scoring system referred to in Section 7.7;
- the Electoral College and committees of that Electoral College will be validly constituted provided at least two-thirds of its members attend all the interviews; and
- the Electoral College must rank all the candidates that were interviewed by them after each session, and after the procedures outlined in section 7.3 have been complied with.

7.9 The Chairperson of the Electoral College will notify the relevant executive of the names of the approved aspirant candidates that have been elected to the ward, municipal and list pools, and will send a copy of this notification to the FCEC. The names of the approved aspirant candidates elected to such pools will be unranked and in alphabetical order. The Electoral College may provide such comments as it sees fit for the information of the Selection Panel.

8. Evaluation of Approved Aspirant Candidates

8.1 The Party must evaluate every approved aspirant candidate in the manner provided in these regulations, and will submit the evaluation to the panel considering that candidate's selection in adequate time prior to the first sitting of the panel.

- 8.2 The evaluation will consist, in the case of approved aspirant candidates who are not serving public representatives, of a performance evaluation system approved by the Federal Council.
- 8.3 The evaluation of aspirant candidates who are public representatives must be conducted in terms of the performance evaluation system approved by the Federal Council.
- 8.4 The Leader, the provincial leader, the relevant executive, the leader or the chief whip of the relevant caucus, or, in the case of municipal candidates, the constituency head, may apply to the FCEC that any person be prohibited from being nominated as an aspirant candidate on the grounds that he or she:
- has failed to carry out his or her duties as a current or former public representative; and/or
 - is not a fit and proper person to be a candidate of the Party.

Any such application must be accompanied by a full motivation specifying the grounds on which the application is based, and the FCEC must develop guidelines for these grounds. The FCEC may, after affording such person the opportunity to rebut the reasons contained in the application for the refusal of his or her candidature, agree to or reject such application. Any person whose candidature has been rejected in this way may appeal to the Federal Legal Commission, whose decision will be final.

- 8.5 Each approved aspirant candidate must receive a copy of the written evaluations referred to in section 8.2 or 8.3 which can be an electronic copy thereof. Should the approved aspirant candidate not agree with the evaluation, he or she must appeal to the provincial body established to adjudicate appeals arising from the performance evaluation system.
- 8.6 The evaluation conducted in terms of section 8.2 and 8.3 will be converted into a score in a manner approved by the Federal Executive, which score must be added to the score obtained by the approved aspirant candidate during his or her interview with the Selection Panel in terms of section 9.8.
- 8.7 The information contained, and the opinions expressed, in any evaluation referred to 8.2 and 8.3 are confidential, and may only be made available to the members of the Selection Panel, the relevant approved aspirant candidate and the designated Party official who administers the evaluations, all of whom will be required to sign an undertaking to this effect.

9. Appointment and Role of Selection Panels

- 9.1 Pools of candidates will be provisionally ranked by Selection Panels in the manner set out in this section.

- 9.2 Members of Selection Panels must be fit and proper persons who are willing and able to serve on such panels, and who are not disqualified in terms of section 9.5.
- 9.3 Members of Selection Panels must be nominated by provincial executives in the case of candidates for the National Assembly from that province, for that province's legislature and for candidates for municipalities in that province: provided that, where a province has regions, Selection Panels for municipal candidates must be nominated by the regional executives. When nominating members of a Selection Panel, the executive will try to reach consensus, but in the event that it is impossible to reach consensus, the executive will vote.
- 9.4 The names of the proposed chairpersons and other members of all Selection Panels, together with a motivation and curriculum vitae must be submitted to the Federal Executive for approval. If the Federal Executive rejects one or more members of a Selection Panel, it must supply reasons. In these circumstances, the procedure outlined in this section must be followed for the nomination of a replacement or replacements.
- 9.5 The following persons may not be eligible to be members of a Selection Panel:
- (i) professional Party staff members;
 - (ii) a close family member or business partner of an aspirant candidate or approved aspirant candidate;
 - (iii) a member of an Electoral College;
 - (iv) aspirant candidates or approved aspirant candidates;
 - (v) persons who have a demonstrable personal and/or financial interest in the outcome of the selection process; or
 - (vi) any other person who has a demonstrable conflict of interests.
- 9.6 Every Selection Panel must consist of an appropriate number of members who must be suitably diverse, (which shall not be less than five) and which shall include geographical spread. At least one, but not a majority of its members, must have had previous experience of public representative office. A relevant executive may apply to the FCEC to establish more than one Selection Panel, with good cause.
- 9.7 The Selection Panel will be chaired by a person selected by the relevant executive, and approved by the Federal Executive, in terms of section 9.4. The Selection Panel will decide on its own procedures, which must not be inconsistent with these regulations. The Party will resource and train the panel to enable it to carry out its functions.

- 9.8 The Selection Panel or panels will interview each approved aspirant candidate in the ward and/or list and/or municipal pools, and must consider the evaluation of those approved aspirant candidates carried out in accordance with sections 8.2 or 8.3. All interviews will follow a standard format, and will assess those competences and attributes, including leadership capacities, in a manner determined by the Federal Executive in terms of section 15.3. The members of the Selection Panel will measure these competences and attributes, and will allocate scores, which scores will be moderated after each interview. Selection Panels evaluating approved aspirant candidates for the National Assembly, the National Council of Provinces, the provincial legislatures and municipal councils may, with the approval of the Federal Executive, delegate part of the process of assessing the competencies and attributes of such approved aspirant candidates to one or more suitably qualified professionals.
- 9.9 If it transpires that a Selection Panel is not fulfilling its duties and responsibilities as laid down in these Regulations, or regulations approved by the Federal Executive in terms of section 15.3, the Federal Executive may, on the advice of the FCEC, relieve that Selection Panel of its duties and responsibilities, and/or take such other steps as may be necessary to ensure the integrity of the selection process.
- 9.10 If more than one panel has interviewed candidates in any municipality, such panels must meet jointly for the purposes of deliberating on the merits of the candidates and provisionally ranking the list pools in the way provided for in section 9.12, or the municipal pools in the way provided for in section 9.13.
- 9.11 Prior to deliberating on the merits of the candidates and to the provisional ranking in terms of section 9.12 or 9.13, the Selection Panel or panels may be addressed by the national leader or his or her nominee, the provincial leader and/or the premiership or mayoral candidate. Such leader(s) and/or candidate may, on this occasion, specify his, her or their perspectives on the requirements of the relevant caucus as far as racial and gender diversification, expertise and geographic spread is concerned.
- 9.12 Once all the approved aspirant candidates in the pools for the National Assembly and the provincial legislatures have been interviewed, the Selection Panel will deliberate on the merits of all the candidates and will then provisionally rank the candidates in the list pools by arranging the candidates in descending order of the scores obtained during the interviews and as a result of the evaluations. A Selection Panel may propose adjusting the ranking for compelling reasons, but must report any adjustment and the reasons for such adjustment to the FCEC and to the relevant executive concerned. The FCEC may reject such proposed adjustment and will advise the Selection Panel accordingly in writing.

- 9.13 In the case of municipalities, the Selection Panel will deliberate on the merits of all the candidates and must then provisionally rank the municipal list by arranging the candidates in descending order of the scores obtained during the interviews and as a result of the evaluations. The Selection Panel will then recommend those candidates who will stand as candidates in wards and those on the list or both, in such a way that the candidates elected to the municipal council correspond to the ranked list as closely as practicable.
- 9.14 A candidate who has been provisionally ranked as a ward candidate in any ward may be required to remain the ward candidate, and his or her name may be removed from the list pool, if he or she has made him or herself available for both the list and the pool, at the discretion of the Selection Panel.
- 9.15 Selection Panels must submit the provisionally ranked ward and list pools to the relevant executive and, in order to ensure due process, to the FCEC. If the relevant executive is of the opinion that such lists are unsatisfactory as far as racial and gender diversification, expertise and geographic spread are concerned, it may refer the provisionally ranked ward and/or list pools back to the Selection Panel for reconsideration, with such guidelines as it deems fit and must inform the FCEC accordingly.
- 9.16 An approved aspirant candidate may request the services of an interpreter during his or her interview before the Selection Panel. The request must be made in advance.
- 9.17 The proceedings of Selection Panels must be recorded, and such recordings must be retained until the time for appeals in terms of sections 14.2 or 14.3 has elapsed.

10. Selection of Premier and Mayoral Candidates

- 10.1 The Federal Executive will distinguish between strategic and non-strategic municipalities and provinces.
- 10.2 All metropolitan municipalities and other municipalities and provinces that are winnable will be classified as strategic, but others that could be won through the formation of coalitions or which are symbolically important, might also be classified as strategic. Moreover, the Federal Executive may on application from the province concerned, classify any province or municipality as strategic if there are valid reasons for doing so.
- 10.3 Premiership and mayoral candidates for strategic municipalities and provinces must be approved by the Federal Executive, whether or not this happens prior or subsequent to an election. Should the Federal Executive not approve such a candidate on the information submitted, the Federal Executive must provide

reasons in writing to the Selection Panel who must elect another candidate for resubmission to the Federal Executive.

10.4 Candidates for Premiers, Mayors, Deputy Mayors and Speakers for provinces or municipalities classified as strategic will, subject to paragraph 10.8, be selected by a Selection Panel consisting of:

- Ten members elected by the Federal Executive; and
- Ten members elected by the provincial executive, in the case of premiership candidates, and five members elected by the provincial executive and five members elected by the regional executive, where regions exist, in the case of mayoral candidates: provided that where regions do not exist, all ten members considering mayoral candidates will be elected by the provincial executive,

This Selection Panel will be chaired and convened by the Chairperson of the Federal Executive, or if he or she is not available, by one of the Deputy Chairpersons of the Federal Executive. It will determine its own procedures.

10.5 The election of premiership or mayoral candidates in provinces or municipalities which have not been classified as strategic will, subject to paragraph 10.8, occur in terms of the relevant provincial constitution, provincial, regional or municipal selection regulations. The Party is not obliged to nominate a mayoral or premiership candidate if the electoral circumstances in any province or municipality renders such a nomination meaningless.

10.6 Premiership candidates for provinces not classified strategic must be approved by the Federal Executive, whether or not this happens prior or subsequent to an election. Should the Federal Executive not approve such a candidate, the Federal Executive must provide reasons to the relevant Electoral College which must elect another candidate.

10.7 Mayoral candidates for municipalities not classified strategic must be approved by the Provincial Executive whether or not this happens prior or subsequent to an election. Should the Provincial Executive not approve such a candidate, the Provincial Executive must provide reasons to the relevant Electoral College which must elect another candidate.

10.8 The national leader of the Party will *ex officio* be entitled to occupy the first position on the national or regional list to the National Assembly for the provincial list for any province, or to be the premiership or mayoral candidate in any province or municipality, if he or she wishes to assume this position. A provincial leader may *mutatis mutandis* have the same entitlement within his or her province if that province's constitution or rules provide for this.

- 10.9 A premiership or mayoral candidate will be entitled to the first place on the proportional list of that province or municipality. In the event that the national leader occupies the first place, he or she will be entitled to the second place.
- 10.10 Caucus leaders of caucuses in which the Party is not in government will be elected at the first ordinary meeting of that caucus after the swearing in of members.
- 10.11 If a Mayor dies or resigns, the office of the Mayor will be filled by the procedure outlined in section 10.4.
- 10.12 If the circumstances allow the Party, alone or in coalition with other parties, to become the government of a council, the Mayor of that council will be selected by the Selection Panel referred to in section 10.4
- 10.13 A decision to become the government of a council and a decision to nominate a Mayor, may only be taken by the Federal Executive after the process outlined in 10.1 or 10.2 have been followed.
- 10.14 Members of the mayoral or executive committee will be nominated by the Mayor or caucus leader after consultation with the provincial executive and approved by the Federal Executive. Chairpersons of Section 79 committees and sub-councils will be elected by the respective caucuses, and approved by the Federal Executive.
- 10.15 Democratic Alliance Councillors may only be delegated to district council by municipal councils with the concurrence of the provincial executive concerned.

11. Review of Lists by Executives

- 11.1 The relevant executive will review the list(s) submitted by the Selection Panel. It may, by a two-thirds majority, amend the list(s), as provisionally ranked by the Selection Panel, promoting to a higher position candidates placed in lower positions:

Provided that such persons promoted may not amount to more than 10% of the list pool in total or one candidate, whichever is the greater in the case of the list, and not more than 10% of the electable ward candidates or one candidate, whichever is the greater, in order to promote diversity of the lists, to correct gender, racial and skills imbalances, or to insert candidates who may have been prejudiced by sectarian interests during the selection process; provided that this will not apply to candidates selected to represent the Party in by-elections in municipal wards.

- 11.2 Once the lists have been reviewed by the relevant executive, the likely-to-be-elected caucus will be submitted to the provincial executive, which may make such comments and recommendations as it thinks fit, before submitting the likely-to-be-elected caucus and its comments to the Federal Executive, which

will consider the composition of this caucus to ensure that it is sufficiently diverse and that it comprises the requisite skills. The Federal Executive may refer the ward and lists back to the provincial executive if it believes that this likely-to-be-elected caucus is unacceptable, and must provide reasons for coming to this conclusion. If the relevant executive has already amended the list(s) in terms of section 11.1, or if it is unwilling to amend the list(s), the Federal Executive may in consultation with the provincial executive concerned additionally amend or further amend the ward and pool lists to the extent provided for in section 11.1.

- 11.3 No member of an executive who is an approved aspirant candidate may vote or participate in the proceedings of that executive when it reviews the list of his or her province or municipality, as the case may be, or when the candidature of a close family member is being considered. Procedures to augment the membership of any executive in the event that this would leave it inquorate must be contained in the provincial variations. The quorum of that executive is not affected by the possible attendance at meetings of that executive by the Leader, the Federal Chairperson, the Chairperson of the Federal Executive or, where appropriate, any nominee of such office-bearer, exercising a prerogative conferred in terms of section 7.6 of the Federal Constitution.
- 11.4 A candidate who has been finally ranked on both the regional list and the provincial list from a province must decide on which list he or she wishes to be nominated prior to the submission of such lists to the Independent Electoral Commission.

12. Compilation of Lists for the National Assembly

- 12.1 The Party will submit a National List and nine regional lists of candidates for election as members of the National Assembly.
- 12.2 The regional list of a province will be the list of candidates provisionally ranked in terms of section 9.12 and reviewed in the manner determined in terms of section 11.1 and 11.2.
- 12.3 The Federal Leader will be entitled to the first place on the national list should he or she be a candidate for the National Assembly.
- 12.4 The remaining positions on the national list consist of candidates nominated by each province allocated to that province [on the basis on their descending quantum of the votes in the last election of a national nature. The rest of the national list will be compiled by inserting the same candidates, in the same descending order, into the positions reserved for the respective provinces] as set out in Annexure B, [from each of those provinces' regional lists] with the following principles:

- 12.4.1 Positions 2 to 10 are allocated to provinces designated on their descending quantum of the votes in the last election of a national nature.
- 12.4.2 Similarly, the seven positions from position 37 onwards shall be allocated to the 7 provinces with the lowest quantum of votes on the basis of their descending quantum of the votes in the last election of a national nature.
- 12.4.3 Similarly, the seven positions from position 49 onwards shall be allocated to the 7 provinces with the lowest quantum of votes on the basis of their descending quantum of the votes in the last election of a national nature.
- 12.4.4 All the other unreserved positions will be allocated to the province that is most disadvantaged when comparing the provincial proportion of seats at each position versus the provincial proportion of DA votes cast in the last election of a national nature. The positions made available to the Federal Leader shall be discounted from this calculation.
- 12.4.5 Notwithstanding clause 12.6, the same candidates, in the same descending order, will be inserted into the positions reserved for the respective provinces from each of those provinces' regional lists.
- 12.5 Five positions will be reserved at slots 20, 30, 40, 47 and 48. These positions are reserved for outside candidates appointed by the Federal Leader with the concurrence of a two-thirds majority of the Federal Executive. Such outside candidates cannot be aspirant candidates or approved aspirant candidates, and should be persons whose candidature could assist the Party obtain substantially more votes, or attain its strategic objectives.
- 12.6 A province whose seat target total exceeds 40% of the seats allocated by the IEC to that province may apply to the FCEC to nominate different candidates on the national and regional list, provided that this does not alter the ordering of the list from that province provisionally ranked in terms of section 8.12 and reviewed in the manner determined in terms of section 10.1 and 10.2.
- 12.7 A candidate who qualifies to be nominated to the National Assembly on both the national and a regional list and/or the provincial list shall be obliged to choose to be elected from the national list and must resign from the regional list and/or the provincial list: provided that this shall not apply to the national leader.

- 12.8 In other circumstances, a candidate who qualifies to be nominated to more than one institution of government, will serve in the institution of government decided by the provincial executive in consultation with the Federal Executive
- 12.9 Section 11 as a whole will fall away after the constitution of the National Assembly following the parliamentary elections of 2019 unless the Federal Council resolves to re-enact it.

13. Election of Members of the National Council of Provinces

- 13.1 Aspirant candidates who wish to make themselves available to represent the Party in the National Council of Provinces must indicate this on the application form.
- 13.2 The provisions of sections 7, 8 and 9 of these regulations will apply, with the necessary changes, to the election of lists for the NCOP. Each provincial Selection Panel will provisionally rank a minimum of 5 and a maximum of 10 candidates for the NCOP list.
- 13.3 Once all the lists for the NCOP have been ranked by the Selection Panels, the list from each province will be considered by the Federal Executive individually. The Federal Executive will further consider the likely-to-be-elected caucus, so as to ensure that the members of that caucus are fit for purpose. The Federal Executive may then adjust the list(s) to the extent provided for, and following the procedure prescribed by, section 11.1.

14. Appeals and Oversight

- 14.1 The FCEC must designate an individual or individuals who must monitor the (a) nomination; (b) selection; and (c) ranking procedure in any province and certify that the procedures comply with the Federal Constitution and these regulations. Such individual(s) should also act as an ombudsman in terms of these Regulations.
- 14.2 Any aspirant candidate or approved aspirant candidate or candidate has the right, in terms of section 10.10.1 of the Federal Constitution, to appeal within a reasonable period to the Federal Legal Commission on the grounds that the proper procedure was not followed or the nomination was invalid for any other reason, including that a relationship, prohibited in terms of section 6.8 or 9.5 exists between an aspirant candidate and a member of an Electoral College or a Selection Panel. The right to appeal in terms of this paragraph must be drawn to the attention of all aspirant candidates on their nomination forms.
- 14.3 An approved aspirant candidate has a right to appeal to the Federal Executive on the grounds that his or her candidature was not properly considered by the Electoral College, the Selection Panel or the relevant executive, as the case may be. Only candidates whose position on the list(s) or nomination as a candidate in a ward makes them electable may appeal in terms of this section. The grounds for the appeal must be clearly specified in the application. The

Federal Executive will establish a sub-committee to consider such appeals, which will be considered on the papers. The decision of the sub-committee on such appeals is final.

- 14.4 In considering any appeal, the FLC or the appeal sub-committee may request the recordings of the proceedings of the Selection Panel and/or the report of the individual(s) appointed in terms of section 15.1.

15. General Provisions

- 15.1 The relevant executive must designate an official/s:

- (i) who shall receive nominations and other documentation on behalf of an Electoral College or Electoral Colleges and its committee(s);
- (ii) provide secretarial services to the Electoral College(s), the Selection Panel(s) and its committee(s);
- (iii) conduct such probity checks on aspirant candidates as may be determined by the FCEC.

- 15.2 All dates relevant to the procedures set out in these regulations shall be determined by the relevant executive in consultation with the FCEC. Such dates must be set in such a way as to afford candidates the reasonable opportunity to lodge appeals in the manner provided in section 14.2 or 14.3.

- 15.3 The Federal Executive is responsible for:

- the development and presentation of an appropriate orientation and training programme which will ensure that potential candidates are familiar with (a) the duties and responsibilities of public representatives and (b) the vision, principles, structure, policy and programme of action of the Party;
- the development of a standard job description for a public representative against which the suitability of approved aspirant candidates can be measured by those responsible for evaluating them;
- the development of a system of evaluation of approved aspirant candidates, including a system of scoring and moderating this evaluation. Such a system may distinguish between existing public representatives, and persons who have never been public representatives;
- the compilation and distribution of any other standardised procedures, criteria or other relevant documentation required by these regulations;
- taking any appropriate steps to ensure that a relevant executive or a Selection Panel adheres to the procedures laid down in these regulations, or in the event that any relevant executive or Selection Panel refuses to or omits to adhere to such procedure, taking appropriate steps to adhere to these procedures itself;

- determining the procedures to be followed for the insertion of an approved aspirant candidate on the list(s) following a successful appeal in terms of section 14.2 or 14.3.
- 15.4 The Federal Executive, acting on the advice of the FCEC, shall have the right to waive any of the provisions of these Regulations if it has become impractical to apply them in one or more municipalities, regions or provinces.
- 15.5 The Federal Executive may prescribe procedures for the strategic swapping of one or more public representative elected to serve in one institution of government with one or more other public representatives who were elected to serve in a different institution.
- 15.6 The FCEC may, on the advice of the relevant executive, remove a candidate from a list or as a ward candidate if such candidate has failed to carry out reasonable duties or to fulfil reasonable obligations in connection with the campaign or who publicly or maliciously damages the Party or the campaign: provided that the candidate in question must be afforded the opportunity to make representations to the FCEC prior to it making a decision.
- 15.7 Relevant executives must lodge their procedures for the election of candidates to fill casual vacancies that may occur with the FCEC for approval, which procedures must be consistent with these regulations.
- 15.8 A vacancy in the National Assembly caused by the death, resignation or loss of membership of an MP who was a candidate on the national list, will be filled by the next available candidate on the national list from the province from which the MP vacating his or her seat was nominated. In the event that there are one or more candidates from other provinces in higher positions on the national list than the candidate from the province concerned, he, she or they will be obliged to indicate that he, she or they will not fill this vacancy, and will, on nomination as a candidate, be required to sign a declaration to this effect.
- 15.9 A province will amend its lists for the National Assembly and the provincial legislature only when a vacancy occurs, and only within the limits of the law. The FCEC must effect the necessary changes to the national, regional and provincial lists by interacting with the parliamentary and legislature officials responsible.
- 15.10 The Party will fill any vacancy that may occur in the representation in the National Assembly, the National Council of Provinces, or a provincial legislature within a reasonable period: provided that if compelling reasons exist for delaying the filling of a vacancy, this decision must be taken by the Federal Executive. No candidate shall have the right to fill a vacancy simply by virtue of the fact that he or she is the next person on the reserve list for that legislative body.

(Approved by the Federal Council on 10 and 11 February and 6 April 2018 and finalised at the Federal Executive on 5 May 2018)

Annexure A

DEMOCRATIC ALLIANCE

SYSTEM OF VOTING FOR INTERNAL ELECTIONS

1. The voting system set out below must be applied whenever a structure of the DA is required to elect office-bearers, committees, Electoral Colleges or delegates to any congress, council or other similar body.
2. Where there is a single vacancy and there are only two validly nominated candidates, each elector will have one vote and he or she will choose one of the candidates by placing a cross next to the name of the candidate of his or her choice.
3. Where there is a single vacancy and there are more than two validly nominated candidates, each elector shall rank the candidates by indicating his or her first, second third and so on, choices. The successful candidate will be determined by the Hunt-le-Roux STV system.
4. Where there are more than five validly nominated candidates for a single vacancy, a province or region may with the prior consent of the FCEC, permit electors to rank fewer than the entire number of validly nominated candidates.
5. Where there are multiple vacancies and more validly nominated candidates than there are vacancies, each elector shall rank the candidates by indicating his or her first, second, third and so on, choices. The successful candidate will be determined, in descending order, by the Hunt-le-Roux STV system.
6. Where there are more than ten vacancies or where there are more than twice the number of validly nominated candidates as there are vacancies, the number of candidates which each elector must rank, will be determined by the province or region in consultation with the FCEC, but may not be fewer than ten or two-thirds of the positions, whichever is greater.
7. Subject to sections 4 and 7, electors must rank all the candidates nominated. A ballot will be considered spoilt on one or more of the following grounds:
 - If the elector has ranked less than the number of validly nominated candidates;
 - If the elector has given the same ranking to more than one candidate;
 - If the elector has omitted to rank one or more candidate.
8. As soon as this capacity has been developed, the Hunt-le-Roux STV system will provide a result slip that demonstrates the transfer of votes that resulted in a candidate or candidates being elected or ranked.
9. If circumstances do not permit the use of the Hunt-le-Roux system for single vacancies, a structure of the Party may, with the prior approval of the FCEC, use the system approved by the Federal Council on 3 June 2012, the relevant section which is appended hereto.

APPENDIX: Alternative Voting System for Single Vacancies (referred to in paragraph 9 of Annexure A)

- Each voter has to vote for the full number of the votes allocated to him or her and he or she may not give more than one vote to a candidate; the voter must give his or her votes to different candidates. A ballot paper that does not comply with this requirement shall be regarded as spoilt and shall be disregarded.
- Where there is only one vacancy which must be filled the following applies:
 - a) Where six or more candidates have been nominated for a single vacancy, the number of candidates must first be reduced to not more than six. This is achieved by giving each member entitled to vote three votes. The six persons that obtain the highest number of votes, go through to the next round.
 - b) Each member entitled to vote will now have one vote.
 - c) A candidate receiving more than one half of the votes cast will be duly elected.
 - d) If no candidate receives more than one half of the votes cast, the candidate who received the least number of votes is eliminated and a next round of voting is required.
 - e) The procedure is repeated until a candidate receives more than one half of the votes. Such a candidate is then declared duly elected.

Annexure B

National List with 54 seats:

1	Leader	20	Slot	39	North West
2	Northern Cape	21	Gauteng	40	Slot
3	Limpopo	22	Western Cape	41	Mpumalanga
4	North West	23	Gauteng	42	Free State
5	Mpumalanga	24	Eastern Cape	43	Eastern Cape
6	Free State	25	Western Cape	44	KwaZulu-Natal
7	Eastern Cape	26	KwaZulu-Natal	45	Gauteng
8	KwaZulu-Natal	27	Gauteng	46	Western Cape
9	Western Cape	28	Western Cape	47	Slot
10	Gauteng	29	Gauteng	48	Slot
11	Gauteng	30	Slot	49	Northern Cape
12	Western Cape	31	Eastern Cape	50	Limpopo
13	Gauteng	32	Western Cape	51	North West
14	Western Cape	33	Gauteng	52	Mpumalanga
15	Gauteng	34	KwaZulu-Natal	53	Free State
16	Western Cape	35	Western Cape	54	Eastern Cape
17	Gauteng	36	Gauteng		
18	Western Cape	37	Northern Cape		
19	KwaZulu-Natal	38	Limpopo		