

ELECTORAL COMMISSION

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03 April 2013

Adv. Paul Hoffman

Director: Institute for Accountability in Southern Africa
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Dear Adv. Hoffman,

RE: FAIRNESS OF ELECTIONS IN SOUTH AFRICA

I refer to your letters dated 18 February 2013 and 27 March 2013 respectively, also to our response thereto which was sent to your office on 5 March 2013.

As indicated in our letter dated 5 March 2013, the Electoral Commission (Commission) met on 20 March 2013 to consider the issues you have raised in your letter of 18 February 2013. The response of the Commission is as follows:

1. We agree with you that the Constitutional mandate of the Commission includes ensuring that the elections are free and fair. The Commission has administered all the elections in terms of the provisions of the Constitution and the law. All these elections were declared free and fair and reflective of the will of the people. In addition, all contesting political parties accepted the outcome of these elections.
2. Absence of a legislative framework for private funding received by political parties does not render an election unfair.

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3. When the matter of disclosure of private funding was brought before the Cape High Court by IDASA in 2005, the court agreed with the submission that was made by the respondent political parties that the disclosure of private funding *"is a complex policy issue best dealt with by way of legislation, which properly balances the various interests at stake, rather than through the courts with retrospective effect."*
4. The question of the adoption of legislation to regulate private funding received by political parties is a national policy matter that should be dealt with by Parliament and not by us as an Election Management Body.

Yours Sincerely,



Adv. Pansy Tlakula
Chairperson

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