

ANNEXURE A

Amendments to Schedule 2 to the previous Constitution

1. The replacement of item 1 with the following item:

“1. Parties registered in terms of national legislation and contesting an election of the National Assembly, shall nominate candidates for such election on lists of candidates prepared in accordance with this Schedule and national legislation.”

2. The replacement of item 2 with the following item:

“2. The seats in the National Assembly as determined in terms of section 46 of the new Constitution, shall be filled as follows:

(a) One half of the seats from regional lists submitted by the respective parties, with a fixed number of seats reserved for each region as determined by the Commission for the next election of the Assembly, taking into account available scientifically based data in respect of voters, and representations by interested parties.

(b) The other half of the seats from national lists submitted by the respective parties, or from regional lists where national lists were not submitted.”

3. The replacement of item 3 with the following item:

“3. The lists of candidates submitted by a party, shall in total contain the names of not more than a number of candidates equal to the number of seats in the National Assembly, and each such list shall denote such names in such fixed order of preference as the party may determine.”

4. The amendment of item 5 by replacing the words preceding paragraph (a) with the following words:

“5. The seats referred to in item 2(a) shall be allocated per region to the parties contesting an election, as follows:”

5. The amendment of item 6—

(a) by replacing the words preceding paragraph (a) with the following words:

“6. The seats referred to in item 2(b) shall be allocated to the parties contesting an election, as follows:”; and

(b) by replacing paragraph (a) with the following paragraph:

“(a) A quota of votes per seat shall be determined by dividing the total number of votes cast nationally by the number of seats in the National Assembly, plus one, and the result plus one, disregarding fractions, shall be the quota of votes per seat.”

6. The amendment of item 7(3) by replacing paragraph (b) with the following paragraph:

“(b) An amended quota of votes per seat shall be determined by dividing the total number of votes cast nationally, minus the number of votes cast nationally in favour of the party referred to in paragraph (a), by the number of seats in the Assembly, plus one, minus the number of seats finally allocated to the said party in terms of paragraph (a).”

7. The replacement of item 10 with the following item:

“10. The number of seats in each provincial legislature shall be as determined in terms of section 105 of the new Constitution.”

8. The replacement of item 11 with the following item:

“11. Parties registered in terms of national legislation and contesting an election of a provincial legislature, shall nominate candidates for election to such provincial legislature on provincial lists prepared in accordance with this Schedule and national legislation.”

9. The replacement of item 16 with the following item:

“Designation of representatives

16. (1) After the counting of votes has been concluded, the number of representatives of each party has been determined and the election result has been declared in terms of section 190 of the new Constitution, the Commission shall, within two days after such declaration, designate from each list of candidates, published in terms of national legislation, the representatives of each party in the legislature.
- (2) Following the designation in terms of subitem (1), if a candidate's name appears on more than one list for the National Assembly or on lists for both the National Assembly and a provincial legislature (if an election of the Assembly and a provincial legislature is held at the same time), and such candidate is due for designation as a representative in more than one case, the party which submitted such lists shall, within two days after the said declaration, indicate to the Commission from which list such candidate will be designated or in

which legislature the candidate will serve, as the case may be, in which event the candidate's name shall be deleted from the other lists.

- (3) The Commission shall forthwith publish the list of names of representatives in the legislature or legislatures.”

10. The amendment of item 18 by replacing paragraph (b) with the following paragraph:

“(b) a representative is appointed as a permanent delegate to the National Council of Provinces;”

11. The replacement of item 19 with the following item:

“19. Lists of candidates of a party referred to in item 16 (1) may be supplemented on one occasion only at any time during the first 12 months following the date on which the designation of representatives in terms of item 16 has been concluded, in order to fill casual vacancies: Provided that any such supplementation shall be made at the end of the list.”

12. The replacement of item 23 with the following item:

“Vacancies

23. (1) In the event of a vacancy in a legislature to which this Schedule applies, the party which nominated the vacating member shall fill the vacancy by nominating a person—
- (a) whose name appears on the list of candidates from which the vacating member was originally nominated; and
 - (b) who is the next qualified and available person on the list.
- (2) A nomination to fill a vacancy shall be submitted to the Speaker in writing.
- (3) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of item 23A(1), the seats in question shall be allocated to the remaining parties *mutatis mutandis* as if such seats were forfeited seats in terms of item 7 or 14, as the case may be.”

13. The insertion of the following item after item 23:

“Additional ground for loss of membership of legislatures

- 23A. (1) A person loses membership of a legislature to which this Schedule applies if that person ceases to be a member of the party which nominated that person as a member of the legislature.
- (2) Despite subitem (1) any existing political party may at any time change its

name.

- (3) An Act of Parliament may, within a reasonable period after the new Constitution took effect, be passed in accordance with section 76(1) of the new Constitution to amend this item and item 23 to provide for the manner in which it will be possible for a member of a legislature who ceases to be a member of the party which nominated that member, to retain membership of such legislature.
- (4) An Act of Parliament referred to in subitem (3) may also provide for—
 - (a) any existing party to merge with another party; or
 - (b) any party to subdivide into more than one party.”.

14. The deletion of item 24.

15. The amendment of item 25—

- (a) by replacing the definition of “Commission” with the following definition: “‘Commission’ means the Electoral Commission referred to in section 190 of the new Constitution;”;
- (b) by inserting the following definition after the definition of “national list”: “‘new Constitution’ means the Constitution of the Republic of South Africa, 1996;”.

16. The deletion of item 26.