



THE FW DE KLERK FOUNDATION

Our Constitution a Reality for all South Africans!

To: **Honourable Dr Leon Schreiber, MP**
Minister of Home Affairs

Per email: Anthula.higgins@dha.gov.za; ministerialqueries@dha.gov.za

Re: **Urgent tabling of the ERCP consolidated report in Parliament to enable timely electoral reform before the 2029 elections**

From: Ms Daniela Ellerbeck
Manager: Constitutional Rights Programme
FW de Klerk Foundation

Date **5 February 2026**

Dear Honourable Minister

1. I write on behalf of the FW de Klerk Foundation ("the Foundation") to respectfully request the **urgent tabling** in Parliament of the consolidated report of the Electoral Reform Consultation Panel ("ERCP"), in accordance with section 23(7) of the [Electoral Amendment Act, 2023](#), which requires you, in your capacity as the responsible Minister, to table the report in Parliament within 30 days of receiving it, and to publish it through appropriate means. Our intention is simply to request a swift tabling that enables Parliament to discharge its legal obligations without delay, and in good time ahead of the 2029 national and provincial elections.
2. The Foundation is a nonprofit organisation dedicated to upholding the Constitution of the Republic of South Africa, 1996 ("the Constitution"). Our vision is to make our constitutional democracy a lived reality for all South Africans. To this end, we seek, *inter alia*, to promote and protect the Constitution, strengthen democracy, and act in the interest of everyone in South Africa.

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Background

3. As you are aware, the ERCP was established in terms of section 23 of the Electoral Amendment Act to independently investigate reform options, consult the public and submit a single consolidated report **within 12 months of the 2024 elections**. The Act also contemplates publication of the report and its tabling in Parliament within 30 days of the Minister's receipt.
4. In 2025, your Office submitted two ERCP reports to Parliament, which were announced in the Announcements, Tablings and Committee Reports ("ATC") for the National Council of Provinces on [25 September 2025](#), and for the National Assembly on [14 October 2025](#) respectively.
5. On [18 November 2025](#), Parliamentary Legal Services advised the Portfolio Committee on Home Affairs that the two ERCP reports did not meet section 23's requirement for a single, composite report containing all views. Following that advice, the Committee engaged with your Office to secure a single, consolidated report before proceeding. As per the Committee's meeting on [27 January 2026](#), it is the Foundation's understanding that your Office granted the ERCP until 30 January 2026 to submit the consolidated report, and that such report has now been submitted.
6. At the time of writing, the ATC does not yet record the tabling of the consolidated report.

Urgency and narrowing timeframes

7. With the 2029 national and provincial elections approaching, **the window for meaningful electoral reform is closing rapidly**, especially reforms that would introduce a constituency-based component to strengthen **accountability to voters**, something which has been repeatedly requested by participants in public consultations.



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8. Reforms of this nature are likely to entail:

8.1. Either the executive or Parliament drafting an amendment bill to electoral legislation, as well as potential changes to the mandate of the Municipal Demarcation Board (or the establishment of another appropriate demarcation authority);

8.2. The formal tabling of the bill in Parliament;

8.3. Meaningful public participation at all stages;

8.4. The passing of the final bill by Parliament;

8.5. The President's assent to the final bill; and

8.6. A full electoral demarcation process must be undertaken by the now empowered demarcation authority.

9. The above is an inherently time-consuming, technically complex, and politically sensitive process that **requires** robust planning and an adequate lead-time. **Prompt tabling is therefore essential to allow Parliament to initiate its processes.**

Specific requests

10. To safeguard the possibility of implementing substantive electoral reform before 2029, and **in a constructive spirit without presuming to direct ministerial**

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processes, the Foundation respectfully requests that your Office at the earliest opportunity:

10.1. Submit the ERCP consolidated report to Parliament for tabling;

10.2. Publish it simultaneously through appropriate means to facilitate public access to it; and

10.3. Transmit same to both Presiding Officers (the Speaker of the National Assembly and the Chairperson of the National Council of Provinces) to facilitate prompt ATC recording and referral to the appropriate parliamentary structures to support early scheduling in line with Parliament's programme and to enable Parliament to proceed expeditiously.

Legal basis for urgency

11. Swift tabling will support Parliament in fulfilling **its legal obligations by ensuring that any necessary legislation can be processed in good time.**

12. Specifically, such legal obligations include, but are not limited to:

12.1. Considering the ERCP's report and exercising Parliament's constitutional powers to determine the electoral system for the elections of the National Assembly and provincial legislatures, in respect of the elections to be held after the 2024 elections (section 23 of the Electoral Amendment Act);

12.2. Giving effect to the Constitution's demands - particularly regarding accountability, responsiveness and openness (section 1), effective exercise of political rights and meaningful electoral choice (section 19), and the requirement that national legislation prescribe the electoral system for both the National Assembly and Provincial Legislatures (sections 46(1) and 105(1));



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12.3. Fulfilling its **oversight role**;

12.4. **Ensuring meaningful participatory democracy** (sections 59 and 72 of the Constitution); and

12.5. Adhering to the **rule of law** (section 1(c) of the Constitution) by, *inter alia*, acting rationally by passing legislation that is reasonably capable of achieving its legitimate purpose.

13. **Undue delay is likely to make it impossible to implement deeper structural reforms (such as constituency-based elements) in time for 2029.** Should that occur, Parliament's realistic options may be constrained to marginal or technical adjustments, rather than genuine, system-level reform capable of strengthening the link between voters and elected representatives. We note that the present electoral system **still does not give proper effect** to the constitutional rights to **freedom of association** (section 18) and the **political rights** (section 19) as enunciated in several Constitutional Court judgments.

Closing

14. The Foundation appreciates your Office's role in this process and recognises the importance of timely compliance with section 23(7) of the Electoral Amendment Act to enable Parliament to undertake its work promptly and effectively.

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15. We thank you for your attention to this urgent matter and for your stewardship of a process of profound importance to our constitutional democracy.

Sincerely,

Daniela Ellerbeck

Constitutional Rights Programme Manager

FW de Klerk Foundation

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