



THE FW DE KLERK FOUNDATION

Our Constitution a Reality for all South Africans!

To: **Honourable Angela Thokozile Didiza**
Speaker of the National Assembly
Per email: speaker@parliament.gov.za

And to: **Honourable Refilwe Mtshweni-Tsipane**
Chairperson of the National Council of Provinces
Per email: chairpersonsoffice@parliament.gov.za

Re: **Urgent request by the FW de Klerk Foundation for coordinated processing of the ERCP consolidated report upon tabling, 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 Speaker and Honourable Chairperson

1. I write on behalf of the FW de Klerk Foundation ("the Foundation") to respectfully request a **co-ordinated, timeous processing** of the consolidated report of the Electoral Reform Consultation Panel ("ERCP") once the Minister of Home Affairs tables it in Parliament. We recognise the separation of powers and the Houses' discretion over internal arrangements. Our intention is simply to request a swift, procedurally sound path that enables both Houses to discharge their 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

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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.

Background

3. Section 23 of the [Electoral Amendment Act, 2023](#), mandated a comprehensive review of the electoral system for elections beyond 2024, and required the Minister to establish the ERCP to independently investigate reform options, consult the public and submit a single consolidated report **within 12 months of the 2024 elections**, addressing the advantages and disadvantages, and the legal and financial implications. Upon receipt, the Minister must table the report in both Houses of Parliament within 30 days (section 23(7) of the Electoral Amendment Act). Read with [section 42\(1\)](#) of the Constitution, the reference to “*Parliament*” requires the involvement of both the National Assembly and the National Council of Provinces.
4. In 2025, the Minister transmitted two ERCP reports to Parliament, which were announced in the Announcements, Tablings and Committee Reports (“ATC”) as follows:
 - 4.1. On [25 September 2025](#) for the NCOP (referred to the Select Committee on Security and Justice); and
 - 4.2. On [14 October 2025](#) for the National Assembly (referred to the Portfolio Committee on Home Affairs “for consideration” – i.e., without a requirement to report back to the House).
5. Parliamentary Legal Services subsequently advised, on [18 November 2025](#), that the two reports did **not** meet section 23’s requirement for a single, composite report containing all views, and further advised that **both Houses are obliged to consider the report, either through a joint process or coordinated parallel processes**. They recommended that any future referral be designated for **consideration and report**, and that Parliament consider if a **joint Committee**



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or coordinated processes would best fulfil the obligations of both Houses under section 23.

6. Following that advice, the Portfolio Committee on Home Affairs wrote to the Minister to reconvene the ERCP to produce a compliant consolidated report. The Minister granted the ERCP until 30 January 2026 to submit the report. The Committee confirmed this at its meeting on [27 January 2026](#) and scheduled its first engagement with the consolidated report for **31 March 2026**, to allow the Minister time to process and table it.
7. At the time of writing, the ATC does not yet record the tabling of the new consolidated report. However, as set in paragraph 3, tabling is imminent, which will require **both Houses to act in a co-ordinated** and timely manner to ensure Parliament discharges its legal obligations (see paragraph 13 below).

Urgency and narrowing timeframes

8. With the 2029 national and provincial elections approaching, there is a **rapidly closing window for meaningful electoral reform**, 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.
9. Reforms of this nature are likely to entail:

9.1. Either the executive or Parliament drafting an amendment bill to electoral legislation, as well as potential changes to the mandate of the Municipal

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Demarcation Board (or the establishment of another appropriate demarcation authority);

- 9.2. The formal tabling of the bill in Parliament;
 - 9.3. Meaningful public participation at all stages;
 - 9.4. The passing of the final bill by Parliament;
 - 9.5. The President's assent to the final bill; and
 - 9.6. A full electoral demarcation process must be undertaken by the now empowered demarcation authority.
10. The above is an inherently time-consuming, technically complex, and politically sensitive process that **requires** robust planning and an adequate lead-time.

Specific requests

- 11. **To safeguard the possibility of implementing substantive electoral reform before 2029**, and to enable Parliament to fulfil its legal obligations as set out in paragraph 13, the Foundation urges your Offices to facilitate timely processing.
- 12. Hence, **in a constructive spirit, and without presuming to direct internal parliamentary processes**, we respectfully request that your Offices:
 - 12.1. In consultation with the relevant parliamentary structures, place on the next agendas of the Joint Rules Committee ("JRC") and the Joint Programme Committee ("JPC") a proposal to **consider the most appropriate mechanism** (whether an *Ad Hoc* Joint Committee, or clearly co-ordinated parallel processes) to enable both Houses to process the ERCP consolidated report expeditiously;



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- 12.2. Should a joint approach be preferred, invite the relevant Rules and Programming structures to settle, as they deem appropriate, the scope of work, composition, chairing arrangements, and a reasonable reporting **timeframe that enables both Houses to discharge their obligations** ahead of the 2029 elections;
- 12.3. Upon submission of the report by the Minister, facilitate the prompt allocation and referral of the ERCP consolidated report “**for consideration and report**” to the chosen mechanism (with the referral recorded in the ATC);
- 12.4. Request that the relevant committee(s) accord the matter appropriate scheduling priority to enable meaningful public participation, deliberations, with interim milestones where appropriate, and reporting timelines are **co-ordinated across both Houses** so that Parliament can complete its work well ahead of the 2029 elections; **and**
- 12.5. Ensure that the relevant committee(s) factor into their scheduling the timelines of any demarcation-related processes (including any potential legislative adjustments affecting the demarcation authority), so that downstream institutions have sufficient lead-time well before the 2029 elections.

Legal basis for urgency

13. The urgency arises from **Parliament’s legal obligations** under:

13.1. Section 23 of the Electoral Amendment Act;

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13.2. 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)).

13.3. Parliament's **oversight role**;

13.4. Parliament's obligations to **ensure meaningful participatory democracy** (sections 59 and 72 of the Constitution); and

13.5. Parliament's obligation to adhere to the **rule of law** (section 1(c) of the Constitution) by acting rationally by passing legislation reasonably capable of achieving its legitimate purpose.

14. **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

15. The Foundation recognises the critical role of the Presiding Officers in ensuring that Parliament can engage the ERCP's work promptly and effectively. We share Parliament's commitment to an electoral system that promotes accountability, responsiveness, and openness, and that gives practical effect to the political rights of all South Africans.



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16. 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

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