

Applicable legislation



- **Constitution of the Republic of South Africa**
- **Electoral Commission Act**
- **Local Government: Municipal Structures Act**

Introduction



- **Floor crossing period in 2007 co- incided for all levels (National, Provincial & Local).**
- **IEC only administers floor crossing for municipal councils - Schedule 6B**
- **Offices of Speakers of Nat Assembly and Provincial legislatures responsible for floor crossing at that level - Schedule 6A**

The Rule



- **If a councillor changes party membership from the party that nominated him/her or an independent who joins a party, then he/she loses the seat.**

- **Window period creates an exception to the rule and allows councillor to retain seat if the requirements are met.**

Requirements



- **The councillor informs the Chief Electoral Officer in writing that he/she had changed membership;**
- **Must be DURING the window period;**
- **Acceptance of membership by new party;**
- **Can only change membership ONCE;**
- **Councillor(s) crossing represents not less than 10% of the total number of seats held by the original party in that council.**

Registered Parties



- **Can only cross to a party that is already duly registered with the IEC. It does not matter that such party did not participate in an election before or already has seats in that council**
- **Transitional (2002) provision allowing councillor to cross to a party which applied for registration and then has 4 months to finalise its registration only applies to National and provincial legislatures.**

Moratorium on Disciplinary action by Party



- **During the window period, no party may, without the written consent of that councillor:**
 - - **suspend or terminate the membership of such councillor representing that party; or**
 - - **perform any act whatsoever which may cause such a councillor to be disqualified from holding office in that council.**

Administration



- **Commission not allowed to make Regulations**
- **Pro-forma notice to facilitate submission;**
- **The Electoral Commission designated the Chief Electoral Officer to receive notification in writing at its National Office in Pretoria.**
- **Dedicated Fax-line and hand delivery at National Office**
- **Acknowledgement of receipt faxed to the fax number given on the written notice.**