

To : All ActionSA Councillors in the City of Tshwane
Cc : Dr Nasiphi Moya, Chief Director of Governance
Bongani Baloyi, Gauteng Provincial Chairperson
Subject : Election of the Tshwane Mayor
Date : 2 March 2023

Dear Councillors,

The meeting held today, 2 March 2023, has reference.

It is evident from the outcome of the vote for the Executive Mayor of the City of Tshwane held on 28 February 2023 that 8 (eight) councillors from signatory parties within the multi-party coalition did not vote for the coalition's candidate for Mayor.

The Municipal Structures Act, read together with Schedule 3, determines that the vote for municipal office bearers must be conducted by a secret ballot. The drafters of this legislation undoubtedly intended for councillors to be able to vote their conscience on a question as important as entrusting a councillor with the Constitutional authority to lead the municipality.

The drafters of this legislation did not intend for the secret ballot to be an unchecked right. The resulting concern arising from an unchecked right to a secret ballot is the potential perversion of this right by individuals who accept financial and other inducements in exchange for their votes. In such an instance the secret ballot becomes a concealment of wrongdoing rather than the intended exercise of conscience in service to one's constituency.

It is common cause that numerous complaints have arisen of financial and other inducements being offered to councillors to swing their vote ahead of a municipal council's election of office bearers in the past. Similarly, and with great disappointment, such allegations have arisen specifically about the council meeting held on 28 February 2023.

Respecting the intentions of municipal legislation, and balancing the need to prevent the abuse of the right to a secret ballot, the multi-party coalition met last night and resolved that all parties would write to their councillors and afford councillors the opportunity to explain their decision to exercise a vote of conscience. This is said specifically in light of the fact that all councillors participated in caucus meetings which resolved unanimously to support the coalition candidate, at which opportunity did exist to raise any issues of concern.

Further to this, Section 3.16.13 of the ActionSA interim constitution makes provision for a specified procedure that must be followed in the event that a councillor wishes to cast a vote of conscience. This provision was specifically written into the interim constitution to give expression to protect a vote of conscience and to prevent the abuse of this right. It should be noted that no councillor that no

application was made by an ActionSA councillor to cast a vote of conscience contrary to the unanimous caucus resolution.

Accordingly, any councillor that exercised a vote of conscience is invited to write directly to me at michael@actionsa.org.za by 17:00 on Saturday 4 March 2023 to explain their decision with the full knowledge that a justifiable and legitimate matter of conscience is protected in law. Should such explanations not follow, further measures may have to be considered to identify councillors who voted against the decisions of their caucus and the coalition in order for political parties to ensure that their votes have not been gained by financial or other forms of inducement. It was noted that during the meeting with the caucus today, 2 March 2023, the caucus itself appeared to unanimously support the use of polygraph testing.

Councillors are compelled to act ethically and in a manner that serves their residents. Signatory political parties to the coalition agreement are bound to act in defense of councillors who live up to this standard and against councillors who do not.

Kind Regards

Michael Beaumont

National Chairperson

(submitted electronically without signature)