

List Process Guidelines 2013

ANC List Process Guidelines as Adopted by the National Executive Committee

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A. INTRODUCTION

1. For the 2014 national and provincial elections, we will need:
 - 400 candidates for the National Assembly: 200 candidates on the so-called national-to-national list and 200 candidates distributed on the various so-called "province-to-national" lists.
 - Candidates for the 9 provincial legislatures on the so-called "province-to-province" lists which, range from 30 to 80 in their number of candidates.
2. Based on past experience, the following considerations should be taken into account:
 - The process must combine democracy and transparency as well as balance, sufficient expertise and retention of experience -and allow for strategic political intervention to ensure these objectives.
 - The list process as well as its outcome must enjoy legitimacy and broad acceptance to avoid conflict and appeals.
 - A clear, simple process will lead to fewer problems later.
3. List processes by nature will cause tensions in the organisation because some win and some lose and the order of names is important. Our task is to allow a process that will have enough space for discussions, democratic participation, lobbying, objections, fair hearings, transparency in ordering, and acceptance of results.
4. We have over the five previous elections developed experience in running list processes, and these guidelines should therefore be informed by the lessons from past elections. Amongst others, we need the following:
 - More in-depth discussions on criteria for nominations
 - Better opportunity for effective screening
 - Understanding of the process and objective of strategic intervention by the NEC and PEC.
 - Improvement on the credentials and mandate of delegates to list conferences

- Accountability of all MPs must be to the ANC and therefore the list ultimately is an ANC list, even though the Alliance partners participate in the list committees and conferences.
- A process to deal with filling vacancies that arise in parliament after the elections.

Through the Eye of a needle

5. Our discussions aimed at selecting comrades to represent the movement in various spheres and centres of responsibility must be characterized by rigour and should, therefore, be informed by the discussion document -THROUGH THE EVE OF A NEEDLE.

6. Through the Eye of a Needle emphasises that cadreship collectives of the movement at all levels in this instance national and provincial legislatures, should satisfy the character of the ANC -a revolutionary democratic movement; a non-racial and non-sexist national movement; a broad national democratic movement; a mass movement and a leader of the democratic and progressive forces. The collective we select should broadly represent and serve to unite our movement.

7. Furthermore, ANC public representatives should understand ANC policy and be able to apply it under all conditions, and should seek constantly to improve her/his capacity to serve the people, win the confidence of the people in his/her day-to-day work, be accessible and flexible, and lead by example.

8. ANC public representatives, more so than those of any other party, should be above reproach in their political and social conduct – as defined by our revolutionary morality. They should be honest, have integrity, be incorruptible and actively fight against corruption. As part of the ANC caucuses at all levels, they should seek to influence and to be influenced by others in the collective and should be individuals that have the conviction to state their views boldly and openly within structures of the movement.

9. We expect of our public representatives to be able to relate to the main areas of ANC work, which include governance and mass work, including equipping themselves with the necessary capacity and information to actively participate in committees, study groups and debates as well as consistent constituency work and participating in the structures of the ANC at the appropriate level.

10. Amongst the other requirements that the discussion paper stresses, in keeping with the non-sexist, non-racial and movement character of the ANC, is to ensure that we have collectives of public representatives which reflect an adequate

geographical spread, gender balance, balance between youth and age, different sectors of the motive forces, and so forth.

B. REVIEW OF PUBLIC REPRESENTATIVES

11. The 52nd National Conference decided that we should assess the performance of our public representatives on a regular basis. This follows a recommendation to this effect, arising from our assessment of the 1999 and 2004 elections campaign and list process.

12. A review is underway and focuses on the governance and constituency work of existing public representatives. Results should be fed into decision-making structures as well as back to the individuals concerned.

13. In the past there was the lack of a clear link between the review process or its outcomes and the nominations of candidates during the list processes.

14. The review of our MPs and MPLs should take place before the start of the List process. The objectives of the review are to:

- Identify existing capacity and level of performance
- Inform the nominations and selection of ANC representatives for the next five years.
- Build on the experience in Parliament and provincial legislatures gained during the first two decades of freedom; and
- Use this experience to put in place support and monitoring mechanisms to enable future ANC public representatives to more effectively play their role.

Process

15. The ANC has more than 600 MPs and MPLs in the 10 (ten) legislatures. The review is being done by the Secretary General's Office and consists of three steps, with the filling in of a review form during each:

- a) **Individual MP or MPL** (self-assessment, problems and lessons),
- b) **Chief Whip and Whippers** (general report on MP/MPL's performance of legislature duties and responsibilities)
- c) **Provincial/regional secretary** (performance of the comrade in constituency work, organisational work and deployment).

16. The different assessments will serve as checks and balances to ensure that people are evaluated fairly.

17. The review reports will be consolidated into a national database, and a report presented to the Officials and National and relevant Provincial List Committee

C. LIST PROCESS

Role of NEC and PEC in the List process

18. The ANC Constitution 2012 makes provision for the appointment of National and Provincial List Committees in Rule 12.2.11 and Rule 19.9.15 by the NEC and PECs respectively.

19. The NEC shall have the power to allocate up to 20 seats in order to ensure that there is requisite skills and expertise deployed to the national legislature.

20. All powers and final discussions about lists, quotas and ordering lies with the NEC. The PEC will make decisions about both the province to province lists and province to national list, but their decisions remain subject to possible amendment and ratification by the NEC. The List Committees are appointed by the NEC and PEC at different levels and will be tasked with the administration and implementation of the List Guidelines.

LIST COMMITTEES

Powers and Functions

21. To actively ensure that the list process guidelines are implemented. This involves:

- Circulating the Guidelines and clarifying queries
- Calling for nominations at least two months before closure of the date for nominations
- Screening nominations and short-listing in consultation with the PEC/NEC
- Circulating nominations and CVs at least two weeks before the list conferences; hear objections and deal fairly with them
- Running list conferences and the Extended NEC
- Overseeing the ordering of the lists
- Gathering the individual details for candidate registration

Composition

22. The National List Committee shall be appointed by the NEC, and shall consist of not more than nine (9) members as outlined in Rule 12.2.11 which states that the NEC shall: "Appoint annually a National List Committee of not fewer than 5 (five) and not more than 9 (nine) persons for the selection and adoption of candidates for Parliament. (The NEC shall draw up regulations for the procedures to be followed in such a selection. The National List Committee shall report to the NEC prior to the implementation of its recommendations. Provincial structures for the adoption of candidates shall report to the National List Committee)".

23. Provincial List Committees shall consist of not more than twelve (12) members and include not more than three (3) ANC officials, representatives of the Leagues, Alliance and three (3) other comrades who are respected and do not have a direct interest in the list process. The committee has to have the capacity to administer the process, deal with conflict and make speedy interventions where necessary.

24. A national list training workshop shall be held, and all provincial list committees will be represented as determined by the National List Committee. Resources in terms of nominations procedures and forms will be distributed there. The budget for the list process will be included in the election budget.

Participation of the Alliance

25. The List process is an ANC process, and provision is made for the effective participation of the Alliance. All nominations are generated from ANC branch general meetings, and Alliance partners participate as ANC members in their respective branches. The Alliance partners will be allocated voting representation at the Provincial and National List Conferences, as determined by the PEC and NEC.

Criteria for Candidates and Lists

26. The Criteria must be guided by the character of the ANC, our objective of winning elections, style of our campaign and the kind of people we need in government. The List process is an ANC process, and all candidates stand as ANC members. Provision will be made for the effective participation of the Alliance in the process. There will be no reserved seats for any organisation within or outside the Alliance on the lists because MPs are ultimately accountable to the ANC.

26.1. Candidates should meet the following criteria

- ANC member in good standing and a proven track record of commitment to and involvement in the democratic movement
- Experience or expertise that will enable them to make a constructive contribution in the relevant legislature
- No criminal record (this excludes political-related crimes committed before April 1994)
- No history of ill-discipline or corruption
- No history of involvement in fostering divisions and conflict
- No other breaches of the ANC code of conduct

26.2. The overall lists should meet the following criteria, in line with our overall deployment strategy and priorities:

- Geographical spread

- High representation of women, in line with Rule 6 of the ANC Constitution at least 50%. This means that at least every second name throughout the list must be a woman.
- 60% or above should be sitting or former MPs and MPLs to ensure continuity and experience
- Be broadly representative of the demographics of different provinces and the country as a whole.
- Reflect the liberation movement character of the ANC, including considering ANC members serving in COSATU, the SACP, SANCO, and MDM structures.
- Good mix of youth and age, as well as people with disabilities or who are differently-abled.
- 33% or more should have specific areas of expertise to deal with the challenges of government especially in the priority areas of economic development, rural development, social development, safety and security, infrastructure development, and or technical areas like public finance or law
- Candidates must be available for full-time parliamentary, party and constituency work and must be prepared to declare all other interests.

Process of Nominations

Nominations for all the lists should be conducted in properly constituted ANC Branch general meetings of ANC branches in good standing, as provided for in the ANC Constitution. The ANCYL and ANCWL local branches in the ward, and Alliance partners at local levels must be informed of these BGMs and they will all participate as ANC members. A signed attendance register for the BGM should be kept.

27. The National and Provincial List committees will distribute the nomination forms, and candidates CV forms to all ANC branches.

28. Branches should nominate a maximum of 50 names for the National List, and a maximum of 30 names for the Province to National and Provincial Legislature lists. This aims to cut down the total number of nominees that have to be screened. Branch nomination lists must adhere to the criteria set out in paragraph 26 related to 50% women, representivity and at least 60% or more sitting MPs/MPLs. Expertise and specialist skills must also be factored in when considering nominations.

29. Attendance registers for the branch general meetings must accompany the branch nomination forms and candidate CV forms. The attendance register must include the following details: Name, membership number, ID number, address and signature. Proof of membership at the meeting should include a valid ANC membership card or a deposit slip, and an ID.

30. Any candidate must be nominated by at least 5 ANC branches to be considered for the ballot that the List Committee will draw up at provincial level.

31. All nominees must provide a brief CV and sign an undertaking to abide by the ANC code of conduct, to accept the final lists as ratified by the NEC, and the procedures for recall of MPs and MPLs after elections and substitutions.

Initial Screening of Lists

32. The aim of the initial screening is to reduce the number of names on the ballot paper (or precirculated list) and to exclude anyone who does not meet the criteria. After nominations, the list committee should screen candidates according to the criteria set out in paragraph 29, as well as:

- The number of nominations received (at least 5 branches)
- Sector they represent
- CV and skills or experience they will bring
- Qualifications in terms of electoral legislation (SA citizenship, no criminal record, insolvency, etc.)
- Any factor that will bring the ANC into disrepute.

33. Provincial to national and provincial legislature ballots should contain only the names of candidates that received five or more nominations.

34. Draft ballot, ordered alphabetically and accompanied by a short CV and the number of nominations received by each candidate should be sent to all voting structures 14 days before the Provincial list conference.

35. The list committee should call for objections and review any objections to any of the names before the final ballot is drawn up. Fair procedure for hearing objections will be covered in the training of list committees and appears at the end of these guidelines

Provincial List Conferences

36. Branches should constitute 80% of voting delegates at the Provincial List Conferences and fair representation should be worked out proportional to membership of branches.

37. Voting delegates from the PEC (including Regional Secretaries and Chairpersons), REC's, the regional or provincial Alliance office bearers and Leagues PECs should constitute the remainder of the 20% representation at the List conference. The National List Committee will provide further guidelines regarding the breakdown of the 20%.

38. An independent agency should be contracted to conduct the voting and counting of the list process. All provincial list conferences shall be observed by a member of the National List Committee.

Short List and Ordering after the Provincial List Conferences

39. After voting at the Provincial List conference, the following process must be followed for each list by the Agency and Provincial List Committee:

39a. National list: The top 200 names in terms of support received, must be sent to the national list committee without ordering, as this will be ordered by the national list committee and voted on at the national list conference

39b. Provincial to national list: The top 150% of names (50% more than the number of seats) must be ordered, ratified by the PEC and then sent to the national list committee

39c. Provincial legislature list:

The top 150% of names needed for the Legislature must be ordered, ratified by the PEC and then sent to the national list committee

40. In ordering the list the following process must be followed:

- The top 25% voted for in the Provincial list conference will automatically go in safe places to ensure that those with the most support from the democratic process are not excluded.
- The top 150% of names for the number of seats [if 100 names are needed, this means the 150 names that received most support] are then used for a shortlist that will be used to order the lists based on the criteria in par. 26.
- The 150% list will also ensure that we have sufficient reserves.
- The list committee may use interviews and other procedures to help with the ordering of the list. On all ordered lists, every second name must be a woman and at least every third name a person with specialised expertise. At least 60% of all names must be former or sitting MPs or MPLs.

41. The Provincial List Committees shall submit the three lists from their province, with CV forms completed by all candidates to the National List Committee.

National List Conference

42. The National List Committee shall screen all lists, to ensure that candidates and the lists meet the criteria set out in paragraph 26.

43. The NLC shall compile a draft ordered list for the National-to-National list, based on provincial nominations and the criteria in this document. The top 25% of candidates in terms of number of votes received at provincial list conferences should be in safe positions on the list unless they do not meet the criteria (par. 26).

The draft list should be in printed form with the names appearing in order of the proposed position they should occupy on the list

44. The National List Conference shall take the form of an extended meeting of the NEC. The NEC shall determine the formula for representation of provinces, the Leagues and Alliance partners at the National List Conference.

45. Procedure at the National List conference for the National to national list:

- The draft national-to-national list shall be distributed to all delegates.
- The NLC will make a short motivation for the draft list and will explain the process followed and the criteria applied.
- Provincial delegations will be allowed time to discuss the list in a caucus meeting.
- Voting will then proceed on each position. The name will be put to the house for approval.
- If any counter-nominations are made, time will be allowed to the nominator to motivate and for the NLC to counter motivate.
- If a counter-motivation prevails, this nomination will be put to the vote in a show of hands. A name may only be substituted if 60% of the house supports the change. The reason for this is that changes to the balanced list should not be lightly made unless sufficient consensus exists.

46. Each final ordered Province to National list and the Provincial legislature lists from each province, shall be presented by the National List Committee for approval by the National List Conference.

Appeals, Objectives and Finalisation of the Lists

47. The National List Committee will allow for a process of appeals or objections by ANC structures. It will also determine grounds for appeal.

48. Final alterations may be made to the lists with the approval of the NEC and, if it is a provincial list, in consultation with the PEC.

49. The ANC Premier candidate for each province will be added as number one on the Provincial Legislature lists, once the NEC agrees on their deployment.

Timeframes and Action Plan

50. The process should be concluded by 30th November 2013. The attached List Process Chart seeks to simplify the process in the forms of Steps, with time frames to meet this deadline.

51. The process and system will effectively combine democratic participation and political intervention. This might mean that a few people who were selected in terms of the democratic process might not be included on the final lists.

Objections to the Inclusion of a Nominee

Objections to the inclusion of any nominees may be made to the provincial list committee during the period leading to the nominations conference, and to the national list committee during the period leading up to the national list conference.

Objections may be made only on one of the following grounds:

- a. The nominee was not nominated by the required number of branches; or
- b. The nominee is not eligible to be a public representative in terms of section 47 (1) of the Constitution of South Africa because s/he is not a citizen of South Africa, or s/he is an unrehabilitated insolvent, or declared by a court to be of unsound mind, or has been sentenced to a prison sentence of 12 months or more without the option of a fine, after 1996.
- c. The nominee is not eligible in terms of Rule 25 (Discipline) of the ANC Constitution.
- d. The nominee should be disqualified because of the criteria for candidates set out in section 26(1) of the list process document.

Objections must:

- Be in written form.
- Be delivered to the chairperson of the relevant list committee.
- Any objection must be lodged with
 - provincial list committee prior to the provincial list conference
 - must be signed by the branch chairperson and branch secretary
 - must be accompanied by the register and date of the respective branch meeting at which the objection was discussed
- Must be accompanied by a full explanation of the grounds for objection as well as any relevant documentation.
- Must contain the name, membership number and contact details of the person making the objection.
- Be made at least one week before the relevant list conference.

A nominee against whom an objection has been made has the right to:

- I. Present evidence to the list committee defending his or her right to be nominated
- II. Appeal decisions made by the provincial list committee, by lodging an appeal to the national list committee.

AFRICAN NATIONAL CONGRESS

List Process Chart: Steps and Time frames – 2013

STEP 1: May 2013	STEP 2: May to June 2013	STEP 3: June to September 2013
Finalise List Process Guidelines and establish List structures	Review of public representatives (June)	Appoint Agency to facilitate Provincial list Conferences (June 2013)
Discussions in Provincial Elections Workshops on Guidelines	Distribute review forms to provinces and ANC national and provincial caucuses	Branch Workshops (May-June 2013) Brief branches, Leagues and Alliance structures on the list process and time frames.
NEC adopts the List Guidelines and appoints National List Committee' (March 2013)	Provinces and Chief Whips to do review with MPs and MPLs	Distribute nomination forms to all branches.
PECs appoint Provincial List Committees (April 2013)	Training of List Committees, briefing of structures and setting up capacity (May 2013)	Nominations process (1st July -25th August 2013)
Appointment of Provincial list administrators	National workshop to train provincial and national list committees after strategy workshop	All nominations are generated from ANC branches, League and Alliance structures participate in this process.
Finalise review of public representatives process	Distribute List Guidelines booklets to all ANC, League and Alliance structures	Branches to convene BGM's, with quorum of 50+1 %of members in good standing to nominate. BEC's should ensure that they inform local structures of the Leagues and Alliance of the BGMs.
	Set up capacity in provincial office to manage list process	BEC to submit nomination form with BGM attendance register to regional and provincial office.
		Provincial List Committees receive nominations from branches and audit to see whether they meet the requirements.

STEP 4: 26 Aug to 20 Sept	STEP 5: 21 Sept to 13 Oct	STEP 6: 14 to 24 October
Prepare for Provincial List Conference (1)	Provincial List	Prepare provincial lists for submission to the National List Committee
Provincial List Committees consolidate the nominations from branches into three draft lists. Prepare for provincial list conference	Run provincial list conferences	Forward three approved lists from province to the National List Committee not later than 24 th October 2013, with copies of candidate CV's.
Ensure that candidates fill in CV form		
Circulate nominations and 1 paragraph CV two weeks before the Provincial List conference		

STEP 7: November 2013	STEP 8: November 2013
Preparations for National List Conference:	National List Conference
The National List Committee consolidates nominations from provinces before the National List Conference:	Ballot for National to National list
National to National list: Consolidate nominees from provinces (200 names per province) using formula. Ensure that all candidates meet the criteria set out in par. 26. Ensure that the overall list meets the criteria set out in par 29	Presentation and adoption of Provincial to national and Provincial legislatures lists. Circulate lists from National List Conference to structures
National List Conference 7 th or 11 th November 2013 (<i>to coincide with NEC calendar</i>)	List Appeal Process Deadline for lodging of all appeals by structures - 19 th November 2013
Province to National lists and Provincial legislature lists: Ensure that all candidates and lists meet the criteria in par. 26	Appeals committee consider and rule on appeals -1 week Lists finalised, including deployment of Premier Candidates (30 th November 2013)
Appoint List Appeals committee	