

DEMOCRATIC ALLIANCE EASTERN CAPE PROVINCIAL CONSTITUTION

CHAPTER ONE

FOUNDING PROVISIONS AND POLITICAL

PRINCIPLES

(as amended on 14 November 2009)

1.1 NAME AND FUNCTIONAL DEFINITION

1.1.1 The name of the Party is the Democratic Alliance.

1.1.2 The Democratic Alliance is a political party that will register for and participate in elections and in political activities in the National, Provincial and Local spheres of government in the Republic of South Africa;

1.1.3 The Democratic Alliance is a Federal Party and this Constitution governs the activities of the Party in the Eastern Cape Province.

1.2 VISION, PRINCIPLES AND PROGRAMME OF ACTION

1.2.1 The Party's vision, principles and programme of action are set out in the Federal Constitution;

1.2.2 The Party's vision, principles and programme of action are amended only in accordance with the Federal Constitution;

1.2.3 The Democratic Alliance of the Eastern Cape will periodically formulate its unique vision and programme of action provided that they do not contradict the Party's vision, principles and programme of action as set out in the Federal Constitution.

1.3 LEGAL PERSONALITY

1.3.1 The Democratic Alliance as a Federal Party is a body corporate with perpetual succession;

1.3.2 The Party is capable of suing and being sued in its own name and it may own, purchase, sell, hire, lease, mortgage, pledge or in any other way acquire, alienate or deal with movable and immovable property and may perform all legal activities authorised by the Provincial Constitution as well as legal activities normally associated with a body corporate;

- 1.3.3 The Party shall only be legally bound in the exercise of its competencies by a person or persons authorised by a resolution of the competent formation of the Party, provided that: -
- 1.3.3.1 A Constituency Committee, or Regional Structure shall be competent to act on behalf of and legally bind the Party or open a Bank account, only if such competency is granted by this Constitution or if such Committee or Structure is authorised, in writing, by the Provincial Executive to act;
 - 1.3.3.2 The Provincial Executive shall be competent to act on behalf of and legally bind the Party but only to the extent necessary to exercise the functions and achieve the goals of the Party at provincial level, subject however to budgetary constraints and financial limitations which the Federal Executive may impose from time to time;
 - 1.3.3.3 No other member or formation of the Party other than as set out above may act on behalf of and legally bind the Party.
- 1.3.4 The Chairperson of the Federal Executive or an office-bearer from the Province authorised by him or her represents the Party in all legal proceedings by or against the Party;
- 1.3.5 All monies received and collected in the name of the Party vest in the Party itself;
- 1.3.6 Income and assets of the Party are not distributable to members or office bearers except as reasonable compensation for services rendered.

CHAPTER TWO
GENERAL ORGANISATIONAL PRINCIPLES OF THE PARTY

2.1 GENERAL STRUCTURE OF THE PARTY

- 2.1.1 The Party consists of members who are organised in and function democratically through the organisational formations of the Party;
- 2.1.2 The organisational formations of the Party are set out in the Federal Constitution and in this Constitution, and consist of formations at Federal, Provincial, Regional and Branch level;
- 2.1.3 At local level the Party establishes branches with democratically elected Branch Committees, and strives to establish a branch in every municipal ward within the Province;
- 2.1.4 Branches are the basic organisational units of the Party and every member of the Party must be a member of a Branch and must exercise his or her rights and privileges as a member through his or her Branch and its elected representatives and delegates;
- 2.1.5 The Party must establish constituencies as organisational units above the branches. Such constituencies must be delimited taking local circumstances into account and must cover all of the wards within the geographical area concerned.
- 2.1.6 Where constituencies have been delimited and allocated by the provincial structures concerned after consultation with the branches in the area, a democratically elected constituency committee assumes responsibility in terms of the Provincial constitution.
- 2.1.7 Regional structures and elected regional committees may be established for one or more constituency. These structures assist with the organizational function of the Party.
- 2.1.8 At Provincial level the Party establishes a Provincial Congress, a Provincial Council and a Provincial Executive Committee;
- 2.1.9 The Party is assisted and supported by the Democratic Alliance Women's Network, the Democratic Alliance Youth, the Association of Democratic Alliance Councillors and other bodies which function in terms of their respective Constitutions, provided that such Constitutions do not contradict this Constitution or the Federal Constitution;

2.1.10 Formations in the Party have the authority, powers and functions as set out in this Constitution and in the Federal Constitution.

2.2 NOMINATION OF CANDIDATES

- 2.2.1 The Federal Council must adopt nomination regulations for the selection of candidates to public representative bodies in all spheres of government.
- 2.2.2 Those regulations must make provision for provincial and local variations to suit the circumstances of the provinces. Detailed written grounds must be supplied motivating variations by the province and/or local formation concerned.
- 2.2.3 The Provincial Executive must adopt Provincial variations to the nomination regulations as required from time to time.
- 2.2.4 Regulations for the nomination and selection of candidates for the National Assembly must provide for provincial lists only.

2.3 VOTING

- 2.3.1 Subject to the provisions of this Constitution, voting at meetings of all bodies of the Party is by a show of hands, unless a secret ballot is required by the person presiding or by one-tenth of the members present;
- 2.3.2 Decisions at all meetings are taken by a majority of members present and voting, provided that:
 - 2.3.2.1 a teleconference shall only be regarded as a meeting if a quorum of the participants is present and if notice of such a teleconference has been given to the members; and further provided that, where a secret ballot is requested, voting shall take place at a special meeting called thereafter;
 - 2.3.2.2 the Federal Council may, in exceptional circumstances, allow distance voting by a member not present at the relevant meeting in cases of meetings of Federal structures of the Party, but who has heard the deliberations; and
 - 2.3.2.3 the presiding officer at a meeting has a casting as well as a deliberative vote.
- 2.3.3 The membership of the Party is audited on 31 May or such other date as the Federal Council from time to time decides. A member of the Party who is a member on the audit date is entitled to vote at all meetings of the Party subsequent to that date until the next audit date. Members who join

the Party or renew their membership after the audit date, shall be entitled to vote at all meetings 30 days after the date of joining or renewal.

2.3.4 In the case of Inaugural General Meetings of Branches, the Constituency Committee, or the Regional Management Committee may determine an appropriate date for the closing of membership lists for newly established branches which may not be less than 21 (twenty one) days before that Inaugural General Meeting.

2.3.5 Save as otherwise provided for in this Constitution, all elections of persons to office must be by the voting system as approved by the Federal Constitution.

2.4 POLICY

2.4.1 Policy at a national level is determined as provided for in the Federal Constitution;

2.4.2 The Provincial Congress may adopt policy on matters that are within the competence of the Provinces in terms of the Constitution of South Africa provided that such policy must not contradict the Vision and the Principles of the Party or a policy decision of the Federal Congress or Federal Council;

2.4.3 When the Provincial Congress is not in session, the Provincial Council, the Provincial Leader and the relevant caucuses may formulate policy where no policy has been stated or where the stated policy is not clear or needs to be specifically applied, expressed, amended or expanded in accordance with clause 1.2 of this Constitution.

2.5 STANDARDS OF CONDUCT OF PARTY MEMBERS

2.5.1 All Party members are subject to the discipline of the Party and submit to the provisions of this constitution in regard to rules on conduct and to the disciplinary procedures set out in Chapter 9 of the Federal constitution.

2.5.2 All Party members submit to the right of the Party, subject to 2.5.5, to remove any public representative from office on the grounds of incompetence, inefficiency or incapacity.

2.5.3 Any member, including a public representative, is guilty of misconduct if he or she:

2.5.3.1 publicly opposes the Party's principles or repeatedly opposes published party policies, except in or through the appropriate Party structures;

- 2.5.3.2 deliberately acts in a way which impacts negatively on the image or performance of the Party;
 - 2.5.3.3 acts in any manner whatsoever which results in him or her being found guilty of a serious criminal offence by a court of first instance;
 - 2.5.3.4 fails to carry out his or her duties or responsibilities according to standards set by the Federal Council of the Party or of the relevant Provincial Council as embodied in the applicable Code of Conduct, or to standards required by any statutory rules of conduct required by the public office he or she holds;
 - 2.5.3.5 brings the good name of the Party into disrepute or harms the interests of the Party;
 - 2.5.3.6 acts in a manner that is unreasonable and detrimental to internal to internal co-operation within the Party;
 - 2.5.3.7 unreasonably fails to comply with or rejects decisions of the official formations of the Party;
 - 2.5.3.8 submits or attempts to commit membership fraud in any way;
 - 2.5.3.9 contravenes any of the explicit decisions or regulations for the appropriation of Party finances;
 - 2.5.3.10 collects money on behalf of or in the name of the Party or any of its structures without depositing such money in a bank account opened and operated in terms of procedures approved by the Federal Finance Committee and/or operates a bank account in which Party money is deposited without the approval of the Federal Finance Committee or a structure of the Party authorizes by it;
 - 2.5.3.11 in any election for office mobilizes or attempts to mobilize discrimination against or opposition to any person on the grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth.
- 2.5.4 A public representative may be removed from office on the grounds of incompetence, inefficiency or incapacity, but only in terms of the procedures laid down in Chapter 9 of the Federal constitution.

2.5.5 Subject to 3.5, disciplinary action against any public representative or any member which results in that member's membership being terminated or his or her privileges being curtailed, can only be taken in terms of Chapter 9 of the Federal constitution.

CHAPTER 3 MEMBERSHIP

3.1. QUALIFICATIONS

- 3.1.1. Every person wishing to become a member of the Democratic Alliance must:
- 3.1.1.1. be 16 years of age or older, provided that persons younger than 16 may be enrolled as Junior Members if the Constitution of the Democratic Alliance Youth provides for this category of member;
 - 3.1.1.2. be a citizen or a permanent resident of South Africa;
 - 3.1.1.3. subscribe to the Vision, the Principles, the Programme of Action and the Mission Statement of the Party;
 - 3.1.1.4. agree to abide by the constitution of the Party;
 - 3.1.1.5. apply in writing to become a member of the Party, by signing the prescribed membership application form;
 - 3.1.1.6. personally pay the annual membership subscription and comply with any other conditions set by the Federal Executive. What constitutes personal payment will be regulated by the Federal Executive from time to time.
- 3.1.2. Membership takes effect when a person complies with the requirements for membership as set out in clause 3.1.1.
- 3.1.3. A person may enrol as a member at any time during the year subject thereto that
- 3.1.3.1. a member who enrolled on or before 30 September of any year, remains a member until 31 May of the next year; and
 - 3.1.3.2. a member who enrolled on or after 1 October of any year will be regarded as having enrolled in the next year and he or she remains a member through that next year and until 31 May of the year thereafter.
- 3.1.4. Any member who fails to renew his or her membership on or before the due date resumes membership only from the date upon which he or she pays the annual membership subscription and is subject to the 30 day requirement referred to in clause 2.3.3.

- 3.1.5. A donor to the Party whose donation in that year exceeds the annual membership subscription, and a public representative whose compulsory contribution to the Party in that year exceeds the annual membership subscription, need not pay the annual subscription.
- 3.1.6. The Party may provide for life membership of the Party as an honour given at the discretion of the Federal Council.

3.2. REFUSAL OF MEMBERSHIP

- 3.2.1. The Executive of a Constituency or a Regional or Provincial Executive may refuse to accept the membership of any person other than a public representative of the Party who joined the Party in accordance with 3.1.1 within 15 days of the payment of the membership subscription by such a person, in the case of a constituency refusal, 30 days in the case of a regional refusal and 60 days in the case of a Provincial Executive refusal.
- 3.2.2. A person whose membership was refused in terms of 3.2.1, may appeal that decision to the Provincial Executive, or, if the decision was taken by the Provincial Executive, to the Federal Executive. The decision of the Provincial or Federal Executive, as the case may be, is final.
- 3.2.3. Public representatives from other parties may only be accepted as members of the Party with the prior approval of the Federal Executive or a person designated by the Federal Executive, after consultation with the Provincial Executive concerned: provided that the Branch Executive must also be consulted in respect of a local government representative.

3.3 MEMBERSHIP SUBSCRIPTIONS

- 3.3.1 The Federal Council determines from time to time the minimum membership subscription of the Party and the due date for payment. That minimum will be uniform for all members;
- 3.3.2 A Provincial Council or Provincial Executive may request an additional voluntary surcharge from members living in that province.
- 3.3.3 A branch may request additional voluntary annual subscriptions over and above the membership subscription prescribed by the Federal Council or Provincial Council or Provincial Executive.
- 3.3.4 A member may pay the membership fee for his or her spouse(s), partner, child, parent or dependent(s) living at the same address. Sponsored membership in any form or for any person or class of persons other than in terms of this clause or of clause 3.1.1.6 is not allowed.

3.4 DUAL MEMBERSHIP

A member or category of members of the Party may also be a member or members of another party or parties approved by the Federal Council for the period and on conditions determined by the Federal Council.

3.5 TERMINATION OR SUSPENSION OF MEMBERSHIP

- 3.5.1 Apart from clause 3.6, the membership of any member, including that of a public representative may only be terminated by a provincial executive and only after an enquiry in terms of Chapter 9 of the Federal Constitution.
- 3.5.2 The Party membership of a public representative who is removed from office in terms of clause 2.5.4 is not affected by that removal.
- 3.5.3 A Provincial Executive or the Federal Executive may suspend a Party member from any or all of the activities of the Party, pending the institution of a disciplinary enquiry in terms of Chapter 9: provided that a caucus may suspend a caucus member from all or any caucus activities, pending such an enquiry.

3.6 CESSATION OF MEMBERSHIP

3.6.1 A member ceases to be a member of the Party immediately when: -

- 3.6.1.1 He or she has submitted his or her written resignation or publicly declared his or her resignation;
- 3.6.1.2 His or her membership has been terminated in terms of clause 3.4;
- 3.6.1.3 He or she stands as a candidate against an official candidate of the Party in any public election or works in an election against a Party candidate;
- 3.6.1.4 He or she becomes a member or remains a member of another political party other than one approved under the Federal Constitution.
- 3.6.1.5 fails to renew his or her membership on or before the date stipulated in clause 3.1.3
- 3.6.1.6 canvasses other Party members to join or support another Party;
- 3.6.1.7 canvasses other Party members to resign from the Party;

- 3.6.1.8 is found guilty of any offence listed in Schedule 6 or 7 of the Criminal Procedure Act;
- 3.6.1.9 is in default with the payment of any compulsory public representative contribution for a period of two months after having being notified in writing that he or she is in arrears and fails to make satisfactory arrangements or fails to comply with such arrangements for payment of the arrears.
- 3.6.2 A member, who ceases to be a member of the Party, loses all privileges of Party membership and, if that member is a public representative, he or she also loses the office which he or she occupies by virtue of his or her membership, with immediate effect.
- 3.6.3 A statement under oath or affirmation by the member's branch, Regional or Provincial Chairperson supported by at least one further statement by a member of the relevant executive that such member's membership has ceased in terms of clause 3.5.1, shall be sufficient grounds for the Provincial Executive to take steps envisaged in clause 3.7.2.

3.7 ONLY MEMBERS CAN SERVE

- 3.7.1 Only party members can serve on the representative and other structures of the Party and be public representatives of the Party.
- 3.7.2 If the membership of a public representative is terminated in terms of clause 3.5.1 or if a public representative ceases to be a member of the Party by virtue of clause 3.6.1, the relevant Provincial Executive, as the case may be, must notify the relevant authorities of the vacancy which has arisen.

CHAPTER 4 STRUCTURES AT BRANCH LEVEL

4.1 OBJECTIVES AND FUNCTIONS OF BRANCHES

4.1.1 The basic organisational units of the Party are the branches. The Party will strive to establish and maintain a branch or branches for every local government ward in South Africa.

4.1.2 Branches are established to:-

4.1.2.1 Manage and direct the affairs of the Party;

4.1.2.2 Communicate the principles and policy of the Party to the public;

4.1.2.3 Mobilise the public in support of the programme of action of the Party;

4.1.2.4 Participate in the process of democratic selection of candidates for the Party, and

4.1.2.5 Articulate and serve the interests of members of the Party and voters in their areas of jurisdiction.

4.2 MEMBERSHIP OF BRANCHES

4.2.1 Members of the Party belong to branches and exercise their voting rights as members in branches, or through representatives elected by branches;

4.2.2 Members belong to the branch established for the ward or voting district within which they live (see paragraph 4.2.3 for exception). Where no branch has yet been established in a ward, the Constituency Committee must allocate the members, in consultation with such members, to the closest branch where it is practical and functional for them to be included as members;

4.2.3 A member may apply to the Provincial Executive to join a branch other than the branch within the area in which he or she lives. The Provincial Executive shall approve the application only if there are exceptional circumstances and that such a decision is in the interest of the Party;

4.2.4 A member of the Party can be a member of only one branch. Public Representatives may attend and speak at all branches in the area of jurisdiction which they represent or which has been allocated to them, but they are entitled to vote only in the branch of which they are members;

4.2.5 A Public Representative may join any branch within the constituency or ward for which he or she is responsible, even if he or she does not live within that area, provided that he or she must advise the Provincial Head Office of such choice.

4.3 AREA OF JURISDICTION OF BRANCHES

4.3.1 The area of jurisdiction of a branch is: -

4.3.1.1 The entire municipal ward if there is only one branch in the ward;

4.3.1.2 As many voting districts as the Provincial Executive may direct if there is more than one branch in a ward;

4.3.1.3 A combination of wards if the Provincial Executive deems it not possible to establish and maintain a branch in each ward.

4.3.2 The Provincial Executive may allow more than one branch in a ward but no branch may be smaller than a voting district. The purpose of forming more than one branch per ward is for the promotion of the organisational objectives of the Party or for the convenience of the members of the Party in the ward only and does not entitle the branches to more or additional representation in higher structures than there would have been had there been only one branch in the ward.

4.4 REPRESENTATION OF BRANCHES

4.4.1 Where there is more than one branch in a ward, the representation to other structures of the party will be allocated between the branches within the ward proportionately on the basis of membership numbers in each of the branches as to 50% of the representation and the remaining 50% on the basis of the most recent election results in the voting district or districts concerned.

4.4.2 If the branches in a ward are jointly entitled to fewer representatives to higher bodies than the number of branches, or if that representation must be shared between branches, the representatives will be elected using a proportional voting system approved by the Federal Council by delegates from the branches involved at a combined branch meeting held at a date time and venue approved by the Constituency Committee. Each branch will be represented at that meeting by a number of delegates determined by the Constituency Committee on the basis of the membership of each branch.

4.4.3 The entitlement of a branch to representation to other structures of the Party is determined by the status of that branch as at the last audit date as provided in clause 2.3.3.

4.5 FORMATION OF BRANCHES

- 4.5.1 A branch may only be formed with the prior approval of the Constituency Committee; the branch area of jurisdiction must be determined at the same time. Approval for the formation of a branch must not be unreasonably withheld.
- 4.5.2 A branch may only be formed if there are at least 25 (twenty five) members within the area of jurisdiction of the branch;
- 4.5.3 A branch ceases to exist if its members drop below 25 (twenty five) as certified by the membership audit, or if a general meeting of the branch, of which notice was given to all members of the branch, decides to dissolve the branch, or if the branch fails to hold an annual general meeting before the date determined and consistent with procedural regulations determined by the Provincial Council in terms of clause 2.6;
- 4.5.4 The members of the branch are in such an event transferred to an adjoining branch as determined by the Constituency Committee.

4.6 BRANCH MEETINGS

- 4.6.1 Each branch must annually before the date determined by the Provincial Council, at a General Meeting elect office bearers, committee members and representatives, using the single transferable voting system of the Federal Constitution;
- 4.6.2 A Constituency Committee may instruct a Branch Committee which has failed to convene an annual general meeting to do so and if it fails to do so within 21 (twenty one) days, the Constituency Committee must convene such a meeting;
- 4.6.3 When a new branch is about to be formed or an existing branch is to hold an annual or special general meeting, 14 (fourteen) days notice of the date, time and venue and the nature of the business on the agenda must be given to all members of the branch residing in the ward, to all public representatives of the Party responsible for the area and to the office of the Constituency Committee;
- 4.6.4 The 14 (fourteen)-day notice period may be waived by the Provincial Executive in exceptional circumstances subject to procedures set out by the Provincial Council;
- 4.6.5 The quorum for an inaugural meeting and for an annual general meeting will in all cases be thirteen (13) members.

4.6.6 A person designated by the Constituency Committee in the case of inaugural meetings and the serving chairperson in all other cases, shall preside at meetings of the branch;

4.6.7 The chairperson of a Branch Committee must call a general meeting of the Branch within 21 (twenty one) days if one-fifth of the members of the Branch so request in writing;

4.7 ELECTION OF BRANCH COMMITTEES

4.7.1 The Branch must elect at its inaugural meeting and thereafter at each Annual General Meeting a Branch Committee consisting of: -

4.7.1.1 A Chairperson;

4.7.1.2 A Deputy Chairperson;

4.7.1.3 A Secretary; and

4.7.1.4 A number of additional members as determined by the meeting.

4.7.2 The Branch must also elect its delegates and representatives to the higher formations of the Party, using the single transferable voting system as set out in the Federal Constitution.

4.8 POWERS AND DUTIES OF BRANCH COMMITTEES

Branch Committees: -

4.8.1 Have the right to accept or refuse the application for membership of any person other than a public representative of the Party, provided that a prospective member refused membership by a Branch Executive may apply to the Constituency Committee for membership and for allocation to a branch, provided further that the decision may be appealed to the Provincial Executive, whose decision is final;

4.8.2 Must meet on a regular basis, but not less than twice annually, at times, dates and venues determined by the Chairperson;

4.8.3 Manage and guide the activities of the Party within their area of jurisdiction and ensure that the programme of action of the Party is implemented as far as possible;

4.8.4 Give effect to the decisions of higher formations of the Party;

4.8.5 Report to the Constituency Committee and, when so required, to other higher formations of the Party on activities and on local ideas and opinion;

- 4.8.6 Assist the public representatives of the Party in implementing the policy and the programme of action;
- 4.8.7 Communicate with members of the Party and the broader public in order to mobilise support for the Party;

CHAPTER 5 CONSTITUENCIES

5.1 DELIMITATION OF CONSTITUENCIES

- 5.1.1 A Provincial Executive must, in consultation with the Chief Executive Officer of the Party and after due consultation with the Party structures and the incumbent Members of Parliament and Members of the relevant Provincial Legislature, demarcate Constituency boundaries.
- 5.1.2 A constituency must be an area capable of being administered as a unit and must consist of one or more adjacent local municipalities, or, in the case of metropolitan areas or large municipalities, of adjacent wards, forming one geographical area.

5.2 CONSTITUENCY REPRESENTATIVES

- 5.2.1 The Provincial Executive in consultation with the combined caucus of the members of Parliament and the members of the Provincial Legislature must, after having demarcated constituencies in accordance with clause 5.1.1, allocate one Member of Parliament or one Member of the Provincial Legislature, to a constituency as the Constituency Representative.
- 5.2.2 The Constituency Representative is the political leader in that constituency and is directly responsible to the Provincial and Federal leadership for the proper political functioning of the constituency and the branches within the constituency.
- 5.2.3 The Constituency Chairperson works with the political head and operational leadership to achieve the political and operational objectives in the constituency.

5.3 CONSTITUENCY COMMITTEES

- 5.3.1 Each Constituency shall have a Constituency Committee.
- 5.3.2 Each Constituency Committee shall comprise of;
 - 5.3.2.1 The Member allocated to the constituency in 5.2.1.
 - 5.3.2.2 All municipal councillors serving in the constituency
 - 5.3.2.3 delegates from branches, numbering three times the number of branches in the Constituency area with a minimum of ten (10); and

5.3.2.4 the chairpersons or their elected alternates of the Women's network_and the Youth network if these structures are active and functioning

5.3.3 When a constituency is to hold an inaugural or annual general meeting, a notice indicating the date, time and venue of the meeting and the nature of the business to be transacted must be given to all of the duly constituted branches in the constituency, to all public representatives of the Party serving in the Constituency, and to the office of the Provincial Executive. At least 14 days notice is required before such a meeting may be held.

5.4 ALLOCATION OF BRANCH DELEGATES

5.4.1 The delegates referred to in paragraph 5.3.2.3 above shall be allocated to branches on the basis that 50% are allocated on the basis of audited membership and 50% on list votes cast for the Party in the last election of an National nature;

5.4.2 When allocating the delegates based on membership the chairperson from every constituted branch of the party in the constituency or his or her elected representative shall be an ex-officio member of the constituency and the number thereof shall be deducted from the delegates allocated on the basis of membership;

5.4.3 The remaining delegates shall be allocated based on the number of members of the party in the branch as a percentage of the total membership in the whole constituency in the wards where the party has branches. Any fractions shall be allocated to the Branches in the sequence of the highest fraction;

5.4.4 Delegates calculated on the basis of votes will be allocated to each branch based on the proportion of DA votes cast within the area of jurisdiction of each branch as defined in paragraph 4.3 as a proportion of the total number of votes cast in the municipal area in the wards where the party has branches;

5.4.5 Calculations to determine the number of delegates referred to in 5.4.2. , 5.4.3 and 5.4.4 above shall be made as set out in Annexure A thereto.

5.5 FUNCTIONS OF CONSTITUENCY COMMITTEES

Constituency Committees must: -

5.5.1 Stimulate growth of the Party by encouraging membership drives and the establishment of Branches;

5.5.2 Oversee and support Branches in the performance of their functions;

- 5.5.3 Ensure that all public representatives are supported in providing service to the voters;
- 5.5.4 Ensure that Branches comply with the administrative requirements concerning membership lists, annual general and other meetings;
- 5.5.5 Take steps to encourage the growth of the party in general and in particular amongst communities where the Party has traditionally enjoyed less support;
- 5.5.6 Embark on fundraising drives within the parameters of provincial policy and guidelines;
- 5.5.7 Where appropriate ensure that proper financial control and bookkeeping practices as prescribed by the Provincial Finance Committee are followed;
- 5.5.8 Participates in drafting an annual programme for the constituency and all its branches;
- 5.5.9 Shall be responsible for such functions and activities as laid down in the Federal Constitution and, from time to time, such other duties and responsibilities as laid down by the Provincial Executive.

5.6 CONSTITUENCY EXECUTIVE COMMITTEES

- 5.6.1 The management of a Constituency Committee vests in a Constituency Executive Committee.
- 5.6.2 Executive Committees are elected at the inaugural meeting of the Constituency Committee and thereafter annually by and from amongst the members of the relevant committee. A Executive Committee shall consist of: –
 - A Chairperson;
 - 5.6.2.1 A Deputy Chairperson;
 - 5.6.2.2 A Chairperson of Finance;
 - 5.6.2.3 A Chairperson of Fundraising;
 - 5.6.2.4 A Secretary;
 - 5.6.2.5 The constituency Member of Parliament or Member of the Provincial Legislature;
 - 5.6.2.6 Two councillors, elected by the councillors using the voting system as set out in the Federal Constitution.

- 5.6.2.7 Additional members not less than three (3) elected by the Council from amongst its members using the voting system of the Federal Constitution.
- 5.6.3 Executive Committees may allocate specific portfolios and responsibilities to members of the Committee;
- 5.6.4 Executive Committees deals with the day-to-day management of the Party, provided that the Executive Committees shall report in full to the Constituency Committee at every meeting of the Constituency Committee.

5.7 MEETINGS

- 5.7.1 Constituency Committees shall meet at least twice per annum;
- 5.7.2 Executive Committees shall meet at least every 2 (two) months.
- 5.7.3 The Constituency Executive and Constituency Committee must meet whenever the Constituency representative or the Chairperson of the Constituency so determines, or when at least one half of its members request a meeting.
- 5.7.4 The majority of the members of the Constituency Committee, or of the Constituency Executive as the case may be, constitute a quorum of that committee.
- 5.7.5 If a Constituency Committee fails to implement decisions of the Provincial Executive, and further fails to comply with a notice to correct the default within 30 days, the Provincial Executive may take corrective measures to ensure the compliance by the constituency with the requirements of the Provincial Executive.

CHAPTER 6
REGIONS AND REGIONAL MANAGEMENT COMMITTEES

6.1 DEMARCATION OF REGIONS

- 6.1.1 A region is established for two or more constituencies as determined by the Provincial Council provided that, unless the Provincial Council in exceptional circumstances decides otherwise.
- 6.1.2 The Provincial Council must take into account geographical factors and membership concentrations when grouping together such constituencies.

6.2 REGIONAL MANAGEMENT COMMITTEES

- 6.2.1 A Regional Management Committee is established for each Region.
- 6.2.2 A Regional Management Committee consists of
 - 6.2.2.1 All constituency Members of Parliament and constituency Members of the Provincial Legislatures of that Region;
 - 6.2.2.2 One Councillor delegated by each constituency in the Region;
 - 6.2.2.3 The Chairperson and two delegates from each constituency in the Region.
- 6.2.3 The Regional Management Committee shall elect from amongst themselves a Chairperson and Deputy Chairperson.
- 6.2.4 Secretarial and Administrative support to the Regional Committee shall be provided by the Administrative Structures of the Party.
- 6.2.5 The Regional Management Committee may from time to time appoint sub-committees to manage particular projects and activities and may, for that purpose, appoint any member from a constituency in the Region to such a sub-committee.

6.3 FUNCTIONS OF REGIONAL MANAGEMENT COMMITTEES

Regional Management Committees

- 6.3.1 must co-ordinate joint ventures in the Region at the request of the Constituencies, particularly in respect of fundraising projects and election campaigns;

6.3.2 must provide organisational structures and organisational services for the purposes of such joint ventures; and

6.3.2 may, subject to clause 1.3.3 of the Provincial Constitution, open bank accounts and enter into contracts for the purposes of such joint ventures.

6.5 MEETINGS

6.5.1 Regional Management Committees shall meet at least four times per year.

6.5.2 If a Regional Management Committee fails to meet or fails to pursue its functions, the Provincial Executive must take over the functions of the relevant Committee in terms of this Chapter.

CHAPTER 7
PROVINCIAL STRUCTURES: CONGRESS, THE PROVINCIAL COUNCIL AND THE
PROVINCIAL EXECUTIVE

7.1 PROVINCIAL CONGRESS

7.1.1 Subject to the limitations imposed by the Federal Constitution, the Provincial Congress is the supreme governing body of the Party in the Province;

7.1.2 Congress meets once every second year. A Special Congress must be convened if requested by two thirds of the Provincial Council members or by a petition signed by at least 10% of the members of the Party in the Province.

7.2 COMPOSITION

Congress comprises of: -

7.2.1 All serving members of the Provincial Executive elected at the previous Congress;

7.2.2 All Members of Parliament and the Provincial Legislature;

7.2.3 Local Government Councillors 4 times the number of the Members referred to in clause 7.2.2, elected by all the Councillors in the Province by a voting system that has been determined by the Provincial Council in consultation with the Association of Democratic Alliance Councillors; subject to the provisions the voting system of the Federal Constitution;

7.2.4 Delegates from the Constituency Committees 3 (three) times the total number of delegates referred to in clause 7.2.2 and 7.2.3 allocated to each constituency as set out in paragraph 7.3;

7.2.5 The Chairperson or his or her elected alternate and an additional delegate from the ADAC, Democratic Alliance Women's Network and from the Democratic Alliance Youth if the relevant Structures are active and functioning;

7.2.6 Other persons without voting rights invited by the Provincial Executive with the concurrence of at least two-third of the members.

7.3 ALLOCATION OF DELEGATES TO CONSTITUENCY COMMITTEES

- 7.3.1 The delegates referred to in clause 7.2.4 shall be allocated to Constituency Committees on the basis of 50% audited membership and 50% list votes cast for the Party in the last election of a National nature;
- 7.3.2 When allocating the delegates based on membership, the chairperson from every Constituency Committee or his or her elected representative shall be an ex-officio delegate to the Provincial Congress and their number shall be deducted from the delegates allocated on the basis of membership. The remaining delegates shall be allocated based on the number of members of the Party in the area of that constituency as a percentage of the total membership in the province;
- 7.3.3 Delegates on the basis of list votes cast will be allocated to each Constituency Committee based on the proportion of DA list votes cast within the area of that Constituency as a proportion of the total number of DA list votes cast in the province in the last election of a National nature;
- 7.3.4 Calculations to give effect to the allocation of delegates refer to in paragraph 7.3.2 and 7.3.3 are set out in Annexure A thereto.

7.4 ELECTION OF CONSTITUENCY COMMITTEE DELEGATES TO PROVINCIAL CONGRESS

- 7.4.1 Each constituency is allocated its equitable share of delegates in term of 7.3;
- 7.4.2 The Constituency Committee shall allocate its delegates to the branches, using 50 % membership and 50 % votes cast, in its constituency to directly elect its delegates based on the system as laid down in the Federal Constitution;
- 7.4.3 The delegates allocated to the branches based on membership and votes cast, shall be elected in two separate processes;
- 7.4.4 If a delegate cannot attend the congress then the Committee of the branch to which that member belongs, shall select an alternate. If no Branch Committee exists then the Constituency Executive Committee shall do the election.

7.5 ELECTION OF OFFICE BEARERS

7.5.1 The Congress elects a Provincial Leader, 2 (two) Deputy Leaders, a Chairperson, 3 (three) Deputy Chairpersons and a Chairperson of Finance and Fundraising;

7.5.2 The Chairperson acts as Chairperson of the Congress and of the Provincial Council as well as the Executive Committee with the Deputy Chairpersons as the deputies;

7.5.3 Each Deputy Chairperson shall assume a specific area of responsibility.

7.6 ELECTION OF PROVINCIAL DELEGATES TO THE FEDERAL CONGRESS

7.6.1 The Delegates to the Federal Congress referred to in paragraph 5.1.3.13 of the Federal Constitution shall be elected by a proportional voting system approved by the Federal Council;

7.6.2 The Local Government Councillors referred to in paragraph 5.1.3.10 of the Federal Constitution shall be elected by a proportional voting system in consultation with the Local Government Councillors in the Province.

7.7 COMPETENCY OF PROVINCIAL CONGRESS

The Provincial Congress takes decisions on all aspects of policy, organisation, finance and discipline, subject to the provisions of the Federal Constitution and subject to this Constitution.

7.8 PROVINCIAL COUNCIL

7.8.1 The Party establishes a Provincial Council;

7.8.2 Whenever the Provincial Congress is not in session, the Provincial Council is the governing body of the party in the Province;

7.8.3 The Provincial Council meets at least 4 (four) times per year;

7.8.4 The Provincial Council comprises: -

7.8.4.1 The Office Bearers elected in accordance with clause 7.5.1;

7.8.4.2 The Chairperson of the Democratic Alliance Women's Network or his/her elected alternate, if this Structure is active and functioning;

- 7.8.4.3 The Chairperson of the Democratic Alliance Youth or his/her elected alternate, if this Structure is active and functioning;
- 7.8.4.4 The Chairperson of the Association of Democratic Alliance Councillors or his/her elected alternate;
- 7.8.4.5 (two) 2 Members of Parliament elected by the members of Parliament;
- 7.8.4.6 (two) 2 Members of the Provincial Legislature elected by the members of the Provincial Legislature;
- 7.8.4.7 Councillors equal to the number of Members of Parliament, clause 7.8.4.5 and Members of the Provincial Legislature, clause 7.8.4.6, elected by the Councillors who are delegates to Congress in terms of clause 7.2.3 from amongst themselves;
- 7.8.4.8 8 (eight) persons elected by Congress using the voting system as set out in Annexure A of the Federal Constitution;
- 7.8.4.9 The Chairpersons of each Constituency Executive Committee or if he/she is already elected, an alternate member elected by the constituency committee from amongst themselves.

7.9 COMMITTEES OF THE PROVINCIAL COUNCIL

The Provincial Council may establish permanent sub-committees and committees and establish ad-hoc committees and assign to them functions, duties and powers consistent with this Constitution, but must establish an Executive Committee and a Provincial Finance and Fundraising Committee.

7.10 PROVINCIAL EXECUTIVE COMMITTEE

- 7.10.1 The Provincial Executive Committee comprises the members of the Provincial Congress referred to in clause 7.5.1. and the Chairpersons of DAWN, DAY and ADAC or their elected alternates;
- 7.10.2 The Provincial Executive Committee is responsible for the day-to-day management of the Party, and must report to the Provincial Council at each meeting.

CHAPTER 8

FINANCE AND FUNDRAISING COMMITTEES AND SUB-COMMITTEES

8.1 THE COMPOSITION OF THE PROVINCIAL FINANCE AND FUNDRAISING COMMITTEE

The Finance and Fundraising Committee consists of: -

- 8.1.1 The Provincial Chairperson of Finance who chairs meetings;
- 8.1.2 The Provincial Chairperson;
- 8.1.3 A Provincial Chairperson of Fundraising, co-opted by the persons referred to in 8.1.1 and 8.1.2 above in consultation with the Provincial Executive Committee; and
- 8.1.4 The Provincial Director or Responsible Staff Member.

8.2 FUNCTIONS AND RESPONSIBILITIES OF THE FINANCE AND FUNDRAISING COMMITTEE

The Finance and Fundraising Committee: -

- 8.2.1 Co-ordinates the financial affairs of the Party, including fundraising, in a prudent and responsible manner;
- 8.2.2 Invests and re-invests any funds;
- 8.2.3 Raises loans and overdrafts;
- 8.2.4 Makes recommendations to the Provincial Executive Committee in respect of donations, advances or loans to contracted staff and other structures of the Party, for such purposes and on such conditions as it determines;
- 8.2.5 Delegates to other formations of the Party some of its powers and duties;
- 8.2.6 Draws up an annual and medium term income and expenditure budget for the activities of the party, which must be tabled before and approved by the Provincial Council. The Committee reports to every meeting of Provincial Congress, Provincial Council and the Executive Committee.

8.3 THE COMPOSITION OF THE PROVINCIAL EXPENDITURE SUB-COMMITTEE

The sub-committee consists of: -

- 8.3.1 The Chairperson of Finance who chairs meetings;
- 8.3.2 The Chairperson of Fundraising;
- 8.3.3 The Provincial Chairperson;
- 8.3.4 The Provincial Director or Responsible Staff Member;
- 8.3.5 Two suitable persons co-opted by the committee in consultation with the Provincial Executive Committee.

8.4 RESPONSIBILITIES OF THE PROVINCIAL EXPENDITURE SUB-COMMITTEE

The Provincial Expenditure sub-committee: -

- 8.4.1 Prescribes financial procedures to be followed by formations of the party;
- 8.4.2 Opens and closes banking accounts and designates at least 2 (two) persons who have signing powers since 2 (two) signatories are required for any withdrawal or debit against these accounts;
- 8.4.3 Ensures that no Party structure obtains overdraft or loan facilities without prior permission of the Federal Executive;
- 8.4.4 Ensures that proper books of accounts are kept;
- 8.4.5 Annually appoints, in consultation with the Provincial Council, registered auditors;
- 8.4.6 Annually causes financial statements to be prepared and certified by the auditors within 6 (six) months after the end of the financial year;
- 8.4.7 Determines, in consultation with the Leader and the Provincial Chairperson, the remuneration of full-time or part-time employees of the Party.

8.5 THE COMPOSITION OF THE PROVINCIAL FUNDRAISING SUB-COMMITTEE

The Fundraising sub-committee consists of: -

- 8.5.1 The Chairperson of Fundraising who chairs meetings;
- 8.5.2 The Chairperson of Finance;
- 8.5.3 The Provincial Chairperson;
- 8.5.4 The Provincial Director or Responsible Staff Member;
- 8.5.5 Two suitable persons co-opted by this committee in consultation with the Provincial Executive Committee.

8.6 RESPONSIBILITIES AND FUNCTIONS OF PROVINCIAL FUNDRAISING SUB-COMMITTEE

The fundraising sub-committee: -

- 8.6.1 Is responsible for co-coordinating all fundraising events both local and provincial;
- 8.6.2 Monitors local and provincial fundraising;
- 8.6.3 Advises and ensures that the Party is actively raising funds;
- 8.6.4 Ensures that all Party structures are involved in raising funds for the Party;
- 8.6.5 Compiles an annual estimate of income for the consolidated provincial budget.

8.7 PROVINCIAL AUDIT COMMITTEE

- 8.7.1 The Provincial Council may establish a Provincial Audit Committee of suitably qualified persons;
- 8.7.2 The Provincial Audit Committee elects its own Chairperson and, in addition to such functions as the Provincial Council may ascribe to it, ensures, in conjunction with the Chairperson of the Provincial Finance and Fundraising Committee, that all structures of the Party follow generally accepted accounting practices.

CHAPTER 9
SENIOR OFFICE BEARERS AND CONSTITUENCY MEMBERS

9.1 THE LEADER

The Provincial Leader: -

- 9.1.1 Is the provincial spokesperson of the Party and is charged with ensuring that the image, the good name and the reputation of the Party is advanced and defended;
- 9.1.2 Has a meaningful role to play in the selection of candidates for the Party;
- 9.1.3 May appoint a person to act as Leader during his or her temporary absence or incapacity, provided that for any period in excess of 6 weeks the Provincial Council must appoint an acting Leader.

9.2 THE PROVINCIAL CHAIRPERSON

9.2.1 The Provincial Chairperson presides over Provincial Congress, the Provincial Council and the Provincial Executive; and

9.2.2 In consultation with the Leader: -

- 9.2.2.1 Assists with the overall promotion of the Party and mobilisation of support for the Party;
- 9.2.2.2 Is entrusted with and responsible for the organisation and administration of the Party, and for developing and maintaining a high degree of efficiency in the Party;
- 9.2.2.3 Ensures that decisions of the Provincial Council and the Provincial Executive are implemented;
- 9.2.2.4 May delegate any of these functions to other appropriate members of the Provincial Council.

9.3 ACCESS TO MEETINGS

The Leader and the Provincial Chairperson may attend the meeting of any council, committee or sub-committee established in terms of this Constitution, and may speak at all such meetings. The Leader shall be a member of every Electoral College, except where he or she is a candidate.

9.4 RESIGNATIONS, DEATH OR INCAPACITY

If any officer resigns, dies or becomes permanently incapacitated, a successor must be elected forthwith by the body which elected him or her, provided that if this is impracticable the Executive of that body may appoint a person to act until a successor can be elected.

9.5 CONSTITUENCY MEMBERS

The Provincial Executive must, in consultation with the combined caucus of the members of Parliament and the members of the Legislature, allocate constituencies to members as areas of responsibility.

CHAPTER 10 GENERAL

10.1 DISCIPLINARY COMMITTEE

10.1.1 The Provincial Council appoints bi-annually after the bi-annual Congress, a Provincial Disciplinary Committee consisting of 5 (five) members and 5 (five) alternates, in accordance with Chapter 9 of the Federal Constitution;

10.1.2 All disciplinary matters are dealt with in accordance with Chapter 9 of the Federal Constitution and in accordance with the Rules prescribed by the Federal Legal Commission.

10.2 WOMENS ACTION AND YOUTH

10.2.1 The women's action and youth action of the Party in the Province functions in terms of the Federal Constitution's references to the Democratic Alliance Women's Network and the Democratic Alliance Youth respectively;

10.2.2 The Provincial Council may, after consultation with the provincial structures of the women's action and youth action, prescribe rules for the better functioning of the 2 (two) institutions.

10.3 CAUCUSES

All public representatives are members of their relevant caucuses and function in terms of Chapter 8 of the Federal Constitution.

Caucuses, except caucuses with 3 (three) members or less, must submit Caucus Rules to the Provincial Council.

10.4 AMENDMENTS TO THE CONSTITUTION

The Party in the Province may not amend any clause in this Constitution that is derived from or is contained in the Federal Constitution and may not introduce any amendment that is in conflict with the Federal Constitution.

Any amendment to this Constitution must be adopted by a two-third majority of members present at a Congress after 1 (one) month written notice of the amendment has been given.

All amendments are subject to certification by the Federal Council.