

CONSTITUTIONAL LAW – STUDY GUIDE ANSWERS
CHAPTER 8

CHAPTER 8:

1. Section 43 – The highest legislative authority in the Republic on the national level vests in Parliament.

Section 42(1) – Parliament consists of the National Assembly and the National Council of Provinces.

2. **Representative government:** the persons who are members of parliament must be representative of the people and must be elected by the electorate. Methods to ensure a representative government are the protection of the right to vote, the right to regular elections, the right to form political parties and the right to engage in political activities.

Responsible government: this means that cabinet/executive authority can only remain in power with the support of parliament (or at least that the cabinet is held accountable toward the voters) and also that there are various methods of control over the government. Examples of these methods of control are: motions of no-confidence, question time, commissions of enquiry and institutions like the Public Protector.

3. Country A: one house of parliament

Country B: two (or more) houses of parliament

When a state's population is very large and diverse, like that of country B, it may be necessary to have more than one parliamentary house, since this would lead to better representation for the population, more thorough consideration of matters before parliament and alleviation of the parliament's workload.

If a state's population is small and homogenous, like that of country A, it may not be necessary to have more than one parliamentary house.

4. The following limitations can be set on an individual's parliamentary right to vote:

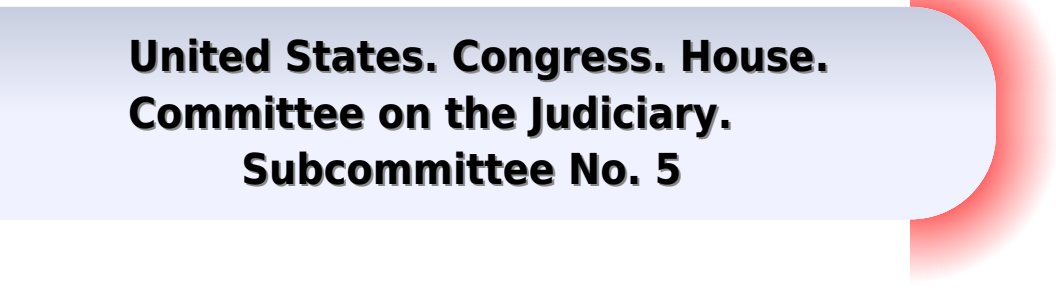
- Fraudulent registration application
- Mentally incompetent
- Not resident in the voting district
- Not registered as a voter
- No bar-coded ID

These limitations will have to comply with section 36, while the limitation on the voting age of 18 years does not need to comply with this section.

Imprisonment is no longer a reasonable limitation on the right to vote – the section in the Electoral Act that made provision for prisoners to be excluded, was declared invalid by the court in *Minister of Home Affairs v NICRO*.

American Constitutional Law Study Guide

**United States. Congress. House.
Committee on the Judiciary.
Subcommittee No. 5**



American Constitutional Law Study Guide:

Unveiling the Power of Verbal Art: An Mental Sojourn through **American Constitutional Law Study Guide**

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