

Portfolio Committee on Home Affairs - Electoral Amendment Bill

**Democratic Alliance,
Proposed Amendments,
Electoral Amendment Bill,
[B22 - 2013],
17 September 2013**

CLAUSE 4

Amendment of section 8 of Act 73 of 1998, as substituted by section 4 of Act 34 of 2003

Section 8 of the principal Act is hereby amended—

(a) by the deletion in subsection (2) of paragraph (f); and

(b) by the substitution for subsection (3) of the following subsection:

“(3) A person’s name must be entered in the voters’ roll only for the voting district in which that person is ordinarily resident and for no other voting district[.]: Provided that where that person is ordinarily resident outside the Republic, that person must provide the address at which they last resided in the Republic and that address is regarded as their ordinary place of residence in Republic.”.

CLAUSE 6

Substitution of section 33 of Act 73 of 1998, as amended by section 9 of Act 34 of 2003 and section 2 of Act 40 of 2003

6. The following section is hereby substituted for section 33 of the principal Act:

“Special votes in election for National Assembly

33. (1) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, if, on election day, that person cannot vote at a voting station in a voting district in which he or she is registered as a voter, due to his or her—

(a) physical infirmity or disability, or pregnancy;

(b) absence from that voting district while serving as an officer in the election; or

(c) being on duty as a member of the security services in connection with the election.

(2) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her absence from that voting district.

(3) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her intended absence from the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election, of his or her intention to vote.

(4) In an election for the National Assembly, the Commission must allow a person, who is outside the Republic, to apply for and cast a special vote if that person's name appears on the **relevant** segment of the voters' roll for persons who are in the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic.

(5) In an election for the National Assembly, the Commission must allow a person to apply for and cast a special vote if that person's name appears on the **relevant** segment of the voters' roll for persons ordinarily resident at a place outside the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote.

(6) Votes cast in accordance with subsections (4) and (5) shall be counted as votes cast nationally.

(7) The Commission must prescribe—

(a) the procedures for applying for special votes in an election for the

National Assembly; and

(b) the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.”.

CLAUSE 7

The following section is hereby inserted after section 33 of the principal Act:

“Special votes in election for provincial legislatures

33A. (1) In an election for the provincial legislatures, the Commission must allow a person to apply for and cast a special vote, prior to election day, if that person cannot vote at a voting station in the voting district in which he or she is registered, due to his or her—

(a) physical infirmity or disability, or pregnancy;

(b) absence from that voting district while serving as an officer in the election; or

(c) being on duty as a member of the security services in connection with the election.

(2) In an election for the provincial legislatures, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered, if that person cannot vote in that voting district on election day, due to his or her absence from that voting district on election day.

(3) In an election for the provincial legislatures, the Commission must allow a person to apply for and cast a special vote, prior to election day, in the voting district in which that person is registered if he or she cannot vote in that voting district on election day, due to his or her intended absence from the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election, of his or her intention to vote.

(4) In an election for the provincial legislatures, the Commission must allow a person, who is outside the Republic, to apply for and cast a special vote if

that person's name appears on the relevant segment of the voters' roll for persons who are in the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote outside the Republic.

(5) In an election for the provincial legislatures, the Commission must allow a person to apply for and cast a special vote if that person's name appears on the relevant segment of the voters' roll for persons ordinarily resident at a place outside the Republic, if that person notifies the Commission within 15 days after the proclamation of the date of the election of his or her intention to vote.

(6) Votes cast in accordance with subsections (4) and (5) shall be counted as votes cast provincially.

(7) The Commission must prescribe—

- (a) the procedure for applying for special votes in an election for the provincial legislatures; and
- (b) the procedure, consistent in principle with Chapter 4, for the casting and counting of special votes.”.

We reserve the right to introduce further amendments as deliberations proceed on the Electoral Amendment Bill.