

NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO. 1777

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## INTERNAL QUESTION PAPER 19 OF 2018

**1777. Mr M Waters (DA) to ask the Minister of Home Affairs:**

(1) Whether (a) public servants and their families and (b) members of the SA National Defence Force living and/or working abroad have been able to cast their ballots for both the national and provincial elections since 1994; if not, (i) on what date did the issuing of the national and provincial ballots change, (ii) what was the reason for the change and (iii) what legal provisions informed such a decision; if so, what address was used to determine which provincial ballot was issued to each individual;

(2) Whether he has found that the decision is constitutional and does not amount to disenfranchisement? NW1934E

**REPLY:**

1. (a) and (b) In 1994 all South Africans abroad were only issued a national ballot.
2. In preparation for the National and Provincial Elections of 1999, the Electoral Act 73 of 1998 established limited categories of temporarily absent voters who could vote outside the Republic.

One such category was absence from the Republic on government service or membership of the household of the person so being absent. The head office of the government department or entity in the Republic of such a person or members of his household was regarded as the place of ordinary place of residence. This category of voters was issued both a national ballot as well as a provincial ballot.

A 2003 amendment to the Electoral Act extended voting abroad to those on temporary absence from the Republic for the purpose of a holiday, business trip, attendance of tertiary institution, educational visit or in an international sports event. In all cases it was required that voter inform the Chief Electoral Officer of their intention to vote abroad.

In 2013 the regulatory framework was again amended to extend voting outside the Republic to all eligible South Africans and an international segment of the voters’ roll was established. All voters outside of the Republic are now treated in the same manner in that only a national ballot is issued for voting outside of the Republic**.**

1. The initial limitation to the categorisation of voters who qualify to voting abroad was found to be unconstitutional in the Richter Judgment (Richter v The Minister for Home Affairs and Others 2009). For this reason, the legislation was amended to open voting outside of the Republic to all eligible citizens.