

NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO. 840

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## INTERNAL QUESTION PAPER 8 OF 2018

**840. Mrs A M Dreyer (DA) to ask the Minister of Home Affairs:**

(1) With regard to the decision by the Electoral Commission of South Africa (IEC) not to allow South Africans living abroad the right to vote on the provincial ballot paper, what are the relevant details of all legal opinions received by the IEC that informed the decision;

(2) can he provide Mrs A M Dreyer with copies of (a) all legal opinions and (b) the minutes in respect of the decision? NW925E

**REPLY:**

(1) The special voting dispensation on the provincial ballot is regulated in terms of section 33A of the Electoral Act 73 of 1998. This aspect of the electoral scheme was passed into law by the Parliament of the Republic ahead of the 2014 general elections. The key consideration of Parliament is that there is no nexus between ordinary residence outside of the Republic and a province inside of the Republic. Crucially, the nexus on the national ballot is established by the subsistence of citizenship on the part of those ordinarily resident outside of the Republic.

(2)(a) There is no legal opinion that the Commission procured on this matter.

(2)(b) The relevant extract of the Commission meeting is hereto attached is attached as Annexure **A**.

**ANNEXURE A**

 **EXCERPT FROM COMMISSION MEETING OF 21 SEPTEMBER 2012**

After a deliberation on the above, the meeting APPROVED the followingrecommendations from the Committee:

1. South African citizens applying to vote abroad should be allocated to the national voters’ roll at the last known physical address of the voter in South Africa.
2. That South African citizens abroad should be required to produce both a valid South African passport and a valid South Africa identity document when registering abroad.
3. That no provincial ballot will be issued to overseas voters and other voters casting their vote outside their province of ordinary residence.
4. That voting abroad will only take place in South African missions.

The meeting AGREED that the Chairperson should approach the Leader of Government Business in Parliament.