



Correcting Overseas Voting: Toward Relevant Access for South Africans Abroad
Locating Voting Stations Where South Africans Truly Reside
October 2024

Key Points:

1. **Primary Reform Required - Locations:** Shift the basis of overseas voting stations in the Electoral Act to align with where South Africans actually reside in substantial numbers, rather than where South African foreign missions are located. The current system, hastily implemented in 2009 following a court case, overlooked 14 major locations, disenfranchising an estimated 150,000 South Africans.
2. **Timing 2026 -** This amendment must be made through the standard electoral change bill and act amendment process in the lead-up to the 2026 local election. If it isn't, and it becomes part of the 2029 amendment process, then the government and the IEC will once again say, 'it is too late to implement now
3. **Secondary Issue 1 - Addresses :** The overseas voters roll currently does not capture address of the voters, and this needs to be rectified for proper voter roll registration and appropriate voting station provision
4. **Secondary Issue 2 - ½ Value :** Overseas votes count for only half the value of votes in South Africa, as overseas do not receive a regional ballot. This discrepancy should be addressed.

Introduction

In 2024, South Africa reached a new milestone for voting rights with the IEC's launch of an online registration system for citizens abroad. This development is significant due to the logistical challenges in large countries, such as the United States and Australia, where people previously had to travel long distances to register and vote. For instance, South Africans in Perth needed an 8-hour return flight to Canberra just to register. Despite this progress, further reforms are necessary to secure the voting rights of South Africans abroad, primarily by increasing the number of voting stations in locations with large South African populations. Data shows high numbers of South Africans in the

United Kingdom, Europe, and Australia, with the Australia Bureau of Statistics revealing over 215,000 citizens in Australia alone. Thus, ensuring South Africans can vote without incurring high costs and long travel hours is crucial, reflecting the ongoing evolution of South Africa's political and electoral landscape.

The 2009 Court Case

The 2009 court case that established the right of South Africans living abroad to vote in national elections was **Richter v Minister for Home Affairs**. In this landmark case, a South African citizen, Mr. Richter, who was living abroad, challenged the Electoral Act of 1998, which did not allow South Africans residing overseas to vote unless they were registered as voters in South Africa and fell into specific categories (such as being government officials or their families posted abroad).

The **Constitutional Court of South Africa** ruled in March 2009 that all South African citizens living abroad have the right to vote in national elections, regardless of their reason for being abroad. The court found that sections of the Electoral Act were inconsistent with the Constitution, which guarantees the right of citizens to vote.

This ruling led to changes in the law, ensuring that South Africans abroad could participate in national elections, starting with the 2009 general election. However, it didn't extend to provincial or local elections, which could only be voted on by residents in South Africa.

Our Position - Reform the Electoral Act

The Democratic Alliance (DA) Abroad demands that voting stations should be provided to relevant overseas locations on a fair basis. According to the Independent Electoral Commission (IEC), voting districts in South Africa are delimited to minimise voter inconvenience and assist in logistical planning. Urban voting districts typically contain around 3,000 voters within a 7.5 km radius, while rural districts accommodate around 1,200 voters within a 10 km radius. The DA Abroad demands that the Electoral Act be amended and updated to apply a similar principle fairly to South Africans abroad, per the 2009 court case. The 2024 national and provincial elections showed that thousands

of eligible voters abroad could not vote due to a lack of voting stations in cities with large South African populations. See Appendix A for a list of voting locations not currently serviced.

Evidence and Global Data

Global data indicates a trend of South Africans clustering in certain countries. In New Zealand, the 2018 census reported 71,382 South Africans, with the largest populations in Auckland (36,759), Waikato (6,936), and Wellington (6,435). In Australia, the 2021 census recorded 214,790 South Africans, concentrated in Greater Sydney (39,564), Greater Perth (38,793), and Greater Melbourne (27,056). The United Kingdom's 2021 census showed South Africans more dispersed, with significant numbers in Greater London and South East England. These patterns highlight the need for more voting stations in regions with high South African populations.

Comparative Analysis and Case Studies

The need for more accessible voting options for expatriates is evident globally. The UK recently extended the maximum period of overseas residence eligibility for voting from 5 to 25 years to increase participation among British citizens abroad. Spain's external voting system, introduced in 1978, acknowledges historical emigration after the Civil War. Indonesia allocates external votes from Malaysia and Singapore to specific electoral districts in Jakarta, addressing integration challenges. Estonia's e-voting system, in place since 2005, has enhanced accessibility and transparency, with over 51% of votes in the 2023 parliamentary elections cast online.

Outcome requirements

To ensure fair voting opportunities for South Africans abroad, the DA Abroad calls for the following:

1. **Make Voting Stations available where South Africans are actually based:**
Establish more voting stations in regions with high South African populations.
2. **Amend the Electoral Act in the amendment process for the 2026 election.**
This amendment must be made through the standard electoral amendment

process in the lead-up to the 2026 local election. If it isn't, and it becomes part of the 2029 amendment process, then the government and the IEC will once again say, 'it is too late to implement now'.

3. **Enhance Online Registration:** Improve the online registration system to record the addresses of overseas voters, so that this data can be used to determine the correct distribution of overseas voting stations.

Conclusion

South Africa's political and electoral evolution requires ongoing efforts to ensure all citizens can exercise their voting rights. While the online registration system is a significant step forward, increasing the number of voting stations and amending the Electoral Act are crucial to securing South Africans' voting rights abroad. These measures will help protect their constitutional rights and reflect the nation's commitment to democratic principles.

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Appendix A


	Country	Location	Registration potential	High Density Target	Current / Not Serviced	# of Locations un-serviced
	Total from Focus Areas		263,200	36		14
	from Remaining Worldwide Areas		10,306	105		0
	Total		273,506			
A. Focus Areas						
1	Australia	Perth	40,000	Yes	Un-serviced	1
2	Australia	Sydney	10,000	Yes	Un-serviced	2
3	Australia	Melbourne	5,000	Yes	Un-serviced	3
4	Australia	Canberra	1,000	Yes	Current voting station	
5	Australia	Brisbane	5,000	Yes	Un-serviced	4
6	Australia	Adelaide	5,000	Yes	Un-serviced	5
			66,000			
7	New Zealand	Wellington	20,000	Yes	Current voting station	
8	New Zealand	Christchurch	20,000	Yes	Un-serviced	6
9	New Zealand	Auckland	20,000	Yes	Un-serviced	7
			60,000			
10	UK	London	40,000	Yes	Current voting station	
11	UK	Bristol	5,000	Yes	Un-serviced	8
12	UK	Edinburgh	5,000	Yes	Un-serviced	9
13	UK	Birmingham	5,000	Yes	Un-serviced	10
			55,000			
14	Ireland	Dublin	5,000	Yes	Current voting station	
15	France	Paris	5,000	Yes	Current voting station	
16	The Netherlands	The Hague	5,000	Yes	Current voting station	
17	Portugal	Portugal	2,500	Yes	Current voting station	
17	Portugal	Faro	2,500	Yes	Un-serviced	11
19	Switzerland	Geneva	2,000	Yes	Current voting station	
20	Switzerland	Berne	1,000	Yes	Current voting station	
21	Germany	Berlin	5,000	Yes	Current voting station	
22	Germany	Munich	5,000	Yes	Current voting station	
			33,000			
23	Canada	Vancouver	5,000	Yes	Un-serviced	12
24	Canada	Toronto	5,000	Yes	Current voting station	
25	Canada	Ottawa	200	Yes	Current voting station	
26	Canada	Calgary	5,000	Yes	Un-serviced	13
			15,200			
27	USA	Texas	3,000	Yes	Un-serviced	14
28	USA	Los Angeles	3,000	Yes	Current voting station	
29	USA	New York	3,000	Yes	Current voting station	
30	USA	Chicago	3,000	Yes	Current voting station	
31	USA	Washington DC	3,000	Yes	Current voting station	
			15,000			
32	UAE	Dubai	5,000	Yes	Current voting station	
33	UAE	Abu Dhabi	5,000	Yes	Current voting station	
34	QATAR	DOHA	5,000	Yes	Current voting station	
			15,000			
35	MAURITIUS	PORT LOUIS	4,000	Yes	Current voting station	
			4,000			
36	ISRAEL	TEL AVIV	10,000	Yes	Current voting station but closed due to wa	

Reference

Datasources summary showing South African diaper population overseas

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 2019 and 2024 Overseas Voter Turnout SHARED DO NOT DELETE.xlsx

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