

APPENDIX: SOUTH AFRICA

DEMOGRAPHICS AND ELECTION ADMINISTRATION

South Africa is a republic with a population of 49 million.¹ More than 23.1 million people, or 77% of the voting eligible population, are registered to vote.² 17.1 million people, or 74% of registered voters, turned out to vote in the April 2009 parliamentary elections.³

The first post-apartheid elections were held in 1994. Because a voter roll did not exist at that time, voters were allowed to cast ballots anywhere in the country.⁴ After 1994, the Constituent Assembly drafted a new Constitution guaranteeing the right of every adult citizen to vote.⁵ This was followed by the Electoral Commission Act of 1996, which created the Independent Electoral Commission (IEC), a national election agency that is accountable to Parliament.⁶ This agency is in charge of administering elections and compiling and maintaining a national voter roll.⁷

VOTER REGISTRATION

Registration and voting in South Africa are voluntary. The compilation of South Africa's first voter list in preparation for the 1999 elections was a widely publicized, historic event. The IEC conducted massive voter education and voter registration drives over the course of designated "registration weekends." Over nine days in November 1998,⁸ January 1999, and March 1999,⁹ more than 18 million people became registered to vote by visiting their local polling station or municipal election office. Eligible citizens presented their national IDs, which were electronically scanned using handheld devices called "zip-zips," and their personal information was uploaded into a database at municipal election offices.¹⁰ These databases were consolidated to create what is now known as the South African National Common Voters' Roll. This registry contains the name, address, and national ID number of everyone who is registered to vote.¹¹

Adding New Voters

Voter registration remains much the same since initial efforts for the 1999 election. New voters must register in-person by visiting a polling station or municipal election office,¹² and providing their national ID book or a temporary identity certificate.¹³ A bar-coded sticker is added to each registered citizen's ID book as proof of registration.¹⁴ South African citizens may pre-register to vote when they are 16 years old; once they turn 18, they are placed on the official voter roll.¹⁵ Voter registration information collected at the municipal level is electronically transferred to the head election office to be verified and added to the national voters' roll.¹⁶

Although individuals may register to vote at any time by visiting their municipal election office, the vast majority of voter registration activity takes place during well-publicized weekend voter registration drives that are coordinated by the IEC.¹⁷ During these drives, the IEC opens and staffs all polling locations and election offices to process first-time registrations and updates to existing registrations. The agency recruits and trains thousands of workers to conduct and publicize these drives in over 19,000 locations around the country.¹⁸

In advance of the April 2009 elections, South Africa held two registration weekends in November 2008 and February 2009 to increase the number of registered voters. Voter registration activity is generally greater during the first weekend: 1.1 million voters visited their polling station or municipal election office during the November 2008 registration weekend.¹⁹ Ultimately, 23.1 million South Africans were registered for the elections held in April 2009 — an increase of approximately 2.5 million voters over the 2004 national elections.²⁰

In 2004, the government's voter registration outreach included targeted door-to-door registration by election officials and volunteers in areas affected by the re-drawing of voting districts.²¹ The objectives of the targeted registration included correcting the registrations of voters who appeared in the wrong segment of the voters' roll and increasing registration in areas that had low registration rates based on census-estimated voting age population figures.²² The federal election authority also conducted targeted outreach to register incarcerated persons, offering registration services in 242 prisons.²³

Updating Existing Voter Entries

Voters must notify election officials of any changes in name or address; they are encouraged to do this by visiting their municipal election office or polling station during one of the nationwide registration drives described above.²⁴ In addition, voting district boundaries are occasionally re-drawn. When this occurs, election officials notify voters of the change, and the voters are required to re-register so that their names appear on correct segments of voter roll (those which will be used in their local polling places).²⁵

The chief electoral officer is required to notify any voter who has been removed from voter list with the reason for removal.²⁶ Voters have the opportunity to appeal a removal to the Electoral Commission.²⁷

FILLING GAPS AND CORRECTING INACCURACIES IN THE ROLLS

The national election agency is required to make a copy of the voter roll available for public review in its head office during office hours.²⁸ Provincial and municipal voter rolls similarly

must be made available for inspection at the times and places determined by the chief electoral officer, as published in the Government Gazette.²⁹ In addition, voters may verify their registration status on the federal election agency's website.³⁰

The final voter list to be used for an election must also be made available for public inspection at the IEC's main and branches offices, as well as municipal election offices.³¹ If a voter notices that her name does not appear on the final voter list for the election, they may apply to have their names added to the voter list with the provision of proof of their attempt to register, among other things.³²

PRIVACY CONSIDERATIONS

Voter information recorded on the voters' roll is limited to each voter's name and national identity number.³³ Individuals may "de-register" if they choose, by requesting the national election agency to remove their names removed from the national voter roll.³⁴

For a prescribed fee, individuals may request and obtain a certified copy of the voters' roll.³⁵ Registered political parties contesting elections are also entitled to copies of the rolls that includes voter addresses upon payment of a prescribed fee.³⁶ This version of the voter list may only be used for election purposes by the political parties.³⁷

ENDNOTES

- ¹ Estimated for July 2009. U.S. Central Intelligence Agency, *The World Factbook—South Africa*, <https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html> (last updated May 14, 2009).
- ² Institute for Security Studies, *Voter Turnout Key to South Africa's 2009 Elections*, Mar. 23, 2009, available at <http://www.polity.org.za/article/voter-turnout-key-to-south-africas-2009-elections-2009-03-23>.
- ³ Robyn Dixon, *ANC Wins South Africa Elections, But Loses Some Ground*, LOS ANGELES TIMES, Apr. 26, 2009, available at <http://articles.latimes.com/2009/apr/26/world/fg-south-africa-vote26>.
- ⁴ Anthony Lemon, *The General Election in South Africa, June 1999*, 20 ELECTORAL STUDIES 331, 332 (2001).
- ⁵ Mosotho Moepya, *South African Voter Registration Case Study* (presentation at the third joint EU-UNDP-IDEA Training on Effective Electoral Assistance, Oct. 24, 2007), available at http://www.ec-undp-electoralassistance.org/index.php?option=com_docman&task=doc_download&gid=44&Itemid=.
- ⁶ Electoral Commission Act, 1996, §§ 3,4 (S. Afr.).
- ⁷ *Id.* § 5(1)(e).
- ⁸ SouthAfrica.info, *South Africa: Register to Vote!*, Feb. 6, 2009, <http://www.southafrica.info/about/democracy/iec-190908.htm>.
- ⁹ South African Web, *South African Elections '99—Notice Board*, available at <http://www.saweb.co.za/election/board.html>.
- ¹⁰ Moepya, *supra* note 5.
- ¹¹ E-mail Correspondence with Brian Heuvel, Electoral Matters, Independent Electoral Commission (Apr. 20, 2009) (on file with the Brennan Center).
- ¹² Electoral Act 7, 1998, § 2(1)(a) (S. Afr.). If a person is unable to apply in person due to physical disability, she may apply to be visited by a registration officer at her home to complete a registration form and provide ID. *Id.* § 2(1)(b). A copy of the form to request a visit is available as Appendix 2 of the Regulations Concerning the Registration of Voters, at: http://www.elections.org.za/Documents/iec-a6_voters.pdf.
- ¹³ Independent Electoral Commission, *How to Register. What You Need to Know*, http://www.elections.org.za/Why_register.asp [hereinafter IEC How to Register]. A copy of the voter registration form is available as Annexure A of the Regulations Concerning the Registration of Voters, at: http://www.elections.org.za/Documents/iec-a6_voters.pdf.
- ¹⁴ *Id.*; Independent Electoral Commission, *Voting Questions and Answers*, http://www.elections.org.za/Voting_FAQ.asp.
- ¹⁵ Electoral Act 73, 1998, § 6(1A) (S. Afr.).
- ¹⁶ The federal election agency has posted a graphic that illustrates the voter registration process from start to finish at: <http://www.elections.org.za/electoral.asp?KSId=3&KId=2>.
- ¹⁷ For the 2004 elections, registration weekends were held in November 2003 and January 2004. Independent Electoral Commission, *2004 Elections: Report on the National and Provincial Elections*, at 26 (2004), available at <http://www.elections.org.za/papers/143/iec.pdf> [hereinafter 2004 Election Report]. These registration weekends helped to expand the voter rolls from 18,172,751 in 1999 to 20,674,936 in 2004. *Id.* at 9.
- ¹⁸ See Bathandwa Mbola, *South Africa: Voter Registration Opens 8 November*, BUA NEWS, Sept. 17, 2008, available at <http://allafrica.com/stories/200809180023.html>.
- ¹⁹ Nthambeleni Gabara, *Over 1 Mil People Visited Voter Registration Stations*, BUA NEWS ONLINE, Nov. 9, 2008, <http://www.buanews.gov.za/news/08/08110914451001>.
- ²⁰ Independent Electoral Commission, *Registration Statistics as on 20 Feb 2009*, <http://www.elections.org.za/Statistics1.asp>; *More Than 23-Million Registered to Vote*, MAIL & GUARDIAN

ONLINE, Feb. 11, 2009, <http://www.mg.co.za/article/2009-02-11-iec-more-than-23million-registered-to-vote>.

²¹ 2004 Election Report, *supra* note 17, at 9.

²² *Id.* at 24.

²³ *Id.* at 26-28. Prisoners who are serving sentences with the option of a fine are eligible to vote. They are registered at their last residential address before going to prison. Electoral Act 73 of 1998 s. 7 (S. Afr.).

²⁴ Electoral Act 73, *supra* note 15, § 9. A copy of the prescribed form to notify election officials of a change in name or address is available as Appendix 5 of the Regulations Concerning the Registration of Voters, at: http://www.elections.org.za/Documents/iec-a6_voters.pdf.

²⁵ IEC How to Register, *supra* note 13.

²⁶ Electoral Act 73, *supra* note 15, § 12. *See also* Electoral Act 7, *supra* note 12, § 5.

²⁷ Electoral Act 73, *supra* note 15, § 13. *See also* Electoral Act 7, *supra* note 12, § 6.

²⁸ Electoral Act 73, *supra* note 15, § 16.

²⁹ *Id.* The Government Gazette is an official government publication for the dissemination of information regarding government actions and activity.

³⁰ The web portal requires voters to provide their national ID number. It is available at: <https://www.elections.org.za/amregister/amregister.aspx>. Alternatively, voters may call or SMS the national election agency with their ID number to check their registration status.

³¹ Electoral Act 73, *supra* note 15, § 24.

³² *Id.* § 24A.

³³ Electoral Act 7, *supra* note 12, § 10.

³⁴ The IEC has a prescribed form for requesting removal from the voter list, available as Appendix 6 of the Regulations Concerning the Registration of Voters, at: http://www.elections.org.za/Documents/iec-a6_voters.pdf.

³⁵ Electoral Act 73, *supra* note 15, § 16(3). *See also* Electoral Act 7, *supra* note 12, § 8.

³⁶ Electoral Act 73, *supra* note 15, § 16(3).

³⁷ *Id.* § 16(4).