



*Southern African Catholic Bishops' Conference*  
**PARLIAMENTARY LIAISON OFFICE**



**Submission to the  
Portfolio Committee on  
Home Affairs**

**on the**

**LOCAL GOVERNMENT: MUNICIPAL  
ELECTORAL AMENDMENT BILL (B22 – 2015)**

**16 October 2015**

## **1. Introduction**

The Catholic Parliamentary Liaison Office of the Southern African Catholic Bishops' Conference welcomes the opportunity to comment on this legislation. South Africa has an excellent history since 1994 of running well-managed, free and fair elections, and it is appropriate that Parliament should, from time to time, examine electoral legislation and where necessary amend it.

## **2. Proposed changes**

Most of the proposed amendments in the present Bill are of a detailed and technical nature. They appear to be aimed at ensuring greater efficiency and, as such, they are to be supported. We do, however, have some concern about two of the amendments.

### ***2.1. 'Identity document'***

The envisaged change to the definition of 'identity document' should not be allowed to result in the effective disenfranchisement of an eligible voter. By excluding 'temporary identity certificate' from the definition, it seems possible that someone who has lost their identity document, and who cannot obtain a new one in time to vote, will be disadvantaged.

If it is the case that a new identity card can be issued as quickly as a temporary identity document, then this objection falls away. However, we note that s 16 of the Identification Act 68 of 1997 still makes provision for the issuing of temporary identification certificates.

### ***2.2. Issue of new ballot papers***

According to the Memorandum, Clause 5 of the Bill seeks to allow a new ballot paper to be issued to a "voters who change their minds about who to vote for after marking the ballot paper but prior to placing it in the ballot box." We support this provision. It is easy to make a mistake when completing a ballot paper, and it is also quite possible that a voter will have second thoughts after having made their mark. This amendment will accommodate both such scenarios.

However, we are concerned that the wording of s 49 of the principal Act, even with the word "accidentally" removed, does not adequately convey the intention expressed in the Memorandum. It is still possible to interpret s 49 restrictively as referring to ballot papers that have been marked

in a way that does not disclose a clear choice; a mark outside the required box, or a mark that covers two parties, for example.

It must be borne in mind that this provision will have to be interpreted and applied by voting officers there and then, and that they may be subject to considerable pressure from party agents and observers, as well as from individual voters. The provision therefore needs to be absolutely clear and without ambiguity.

We suggest that, in order to leave no room for doubt that the voter is permitted to request a new ballot paper simply because he or she has changed their mind after validly marking their first ballot, the following wording should be included in the amendment to s 49 after the words “wishes to vote”:

“ , or if the voter, having marked the ballot paper, changes his or her mind about whom he or she wishes to vote for, ”

Such wording clearly accommodates the ‘change of mind’ situation.

### **3. Conclusion**

We wish the Committee well in its deliberations, and we would be happy to make an oral presentation should the Committee think it necessary.

For further information please contact:

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