

REPUBLIC OF SOUTH AFRICA

ELECTORAL MATTERS AMENDMENT BILL

*(As introduced in the National Assembly (proposed section 75); Explanatory summary of the Bill
and prior notice of its introduction published in Government Gazette No. of)*

(The English text is the official text of the Bill)

(Mr JS Malema, MP)

[B 2026]

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend—

- the Electoral Commission Act, 1996, so as to provide for a new definition; to provide for automated voter registration by compiling and maintaining a database for eligible voters using technology in cooperation with the Department responsible for the management of the population register, and the transfer of that information to the voters' role at the relevant time; to prohibit a commissioner from disclosing information obtained from the Department responsible for the management of the population register; to require the publication and tabling of a report on automated voter registration and a report on the compilation of the voters' roll before an election is held; to require the tabling of the report published after the end of an election; and to empower the Commission to make regulations related to the implementation of automated voter registration;
- the Identification Act, 1997, so as to require information on certain declarations by a court that affect the status of a person to be submitted to the Director-General; to require information on certain detentions or release from detention to be submitted to the Director-General; to provide for the inclusion of certain court orders and detentions, or release from detention, to be included in the population register; to provide for the transfer of certain information related to eligible voters

to the Electoral Commission; and to empower the Minister to make regulations providing for the processes and procedures required for an automated system to transfer information to the Electoral Commission;

- **Electoral Act, 1998**, so as to provide for a new definition; to provide for automated voter registration by compiling and maintaining a database for eligible voters using technology in cooperation with the Department responsible for the management of the population register, and the transfer of that information to the voters role at the relevant time; to provide that automated voter registration does not require an identity document or temporary certificate or an application for such document or certificate; to require a person whose details were included in the voters role from the database to confirm, or correct details related to, their place of residence; to provide for the situation where a person failed to confirm or correct their place of residence; to require the chief electoral officer to notify a person whose details were included in the voters' roll by using information from the database, of such inclusion, and to provide them with information of any further requirements that they must comply with to be able to vote; to require the chief electoral officer to notify a person whose details were not included in the voters' roll by using information from the database, of such decision to not include their details despite that person having turned 18 years old; to provide for electronic publication of the voters' roll and notification of such publication to be provided by the chief electoral officer; to provide for a voter whose name was added to the voters' roll from the database to vote in an election; to provide for further offences related to undue influence and impersonation; and to provide for a code regulating automated voter registration; and
- **Local Government: Municipal Electoral Act, 2000**, so as to provide for a voter whose name was added to the voters' roll from information contained in the database to vote in an election; to provide for a person whose name should have been added from information contained in the database, to make a declaration in order to vote; and to provide for further offences related to undue influence and impersonation; and

to provide for reporting, time frames for implementation, and consideration of the impact of the Bill; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 51 of 1996, as amended by section 6 of Act 22 of 2014, section 1 of Act 4 of 2021 and section 33 of Act 14 of 2024

1. Section 1 of the Electoral Commission Act, 1996, is hereby amended by the insertion before the definition of “chairperson” of the following definition:

“ “database” means the database to store information for automated voter registration, contemplated in section 5(1)(dA);”.

Amendment of section 5 of Act 51 of 1996, as amended by section 94 of Act 117 of 1998, section 1 of Act 1 of 2019 and section 34 of Act 14 of 2024

2. Section 5 of the Electoral Commission Act, 1996, is hereby amended—

(a) by the insertion in subsection (1) after paragraph (d) of the following paragraph:

“(dA) compile and maintain a database of every person who is 16 years old or older and who will be an eligible voter once that person turns 18 years old by utilising data and information furnished by the Department responsible for the management of the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997);”;

(b) by the substitution in subsection (1) for paragraph (e) of the following paragraph:

“(e) compile and maintain voters’ rolls by means of a system of registering of eligible voters by utilising the database, as well as available data and information furnished by voters, as prescribed;”; and

(c) by the substitution in subsection (1) for paragraph (i) of the following paragraph:

“(i) develop and promote the development of electoral expertise and technology in all spheres of government, including technology to enable the automatic

transfer of information from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to the database;”.

Amendment of section 9 of Act 51 of 1996

3. Section 9 of the Electoral Commission Act, 1996, is hereby amended by the substitution in subsection (2) for paragraph (e) of the following paragraph:

“(e) may divulge **[any such]** information contemplated in paragraph (d) or received from the Department responsible for the management of the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to any third party save in the course and scope of his or her official functions;”.

Amendment of section 14 of Act 51 of 1996

4. Section 14 of the Electoral Commission Act, 1996, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) In this subsection—

(i) “proclaimed day and date of voting” means proclaimed under section 17 or 18 of the Electoral Act, 1998 (Act No. 73 of 1998); and

(ii) “voters’ roll” means the national common voters’ roll compiled in terms of section 5 of the Electoral Act, 1998 (Act No. 73 of 1998).

(b) The Commission shall before the end of January of the year in which an election is due to be held, publish a report on—

(i) the operation and performance of the automated voter registration system contemplated in section 23(1)(bA), (bB), (bC) and (bD); and

(ii) any trends identified with regard to the operation and performance contemplated in sub-paragraph (i).

(c) The Commission shall no later than 30 days after the proclaimed day and date of voting in that election publish a report on the compilation of the voters’ roll for that election.

(d) The report on the compilation of the voters' roll contemplated in paragraph (c) must—

(i) contain information for the period from the proclaimed day and date of voting of the previous election, to the date of the report; and

(ii) include clear and measurable information on the following:

(aa) The operation of the automated voter registration system contemplated in section 23(1)(bA), (bB), (bC) and (bD);

(bb) the total number of persons whose information was included in the database;

(cc) the total number of persons whose information was transferred from the database to the voters' roll;

(dd) the total number of persons whose details were stored in the database, but whose details the chief electoral officer refused to include in the voters' roll, despite that person having turned 18 years old, and the reasons for refusal of each person so refused;

(ee) the number of persons contacted and methods used to notify persons in terms of section 12(1)(aA) and (aB) of the Electoral Act, 1998 (Act No. 73 of 1998); and

(ff) responses received on the notifications contemplated in sub-paragraph (ee), as well as the methods applied to elicit responses from persons who did not respond.

(e) The reports contemplated in paragraphs (b) and (c) must be tabled in the National Assembly within seven days of publication.

(f) The Commission shall as soon as possible after the end of an election publish a report thereon.

(g) The report contemplated in paragraph (f) must be tabled in the National Assembly within seven days of publication thereof.”.

Amendment of section 23 of Act 51 of 1996, as amended by section 6 of Act 4 of 2021

5. Section 23 of the Electoral Commission Act, 1996, is hereby amended by the insertion in subsection (1) after paragraph (b) of the following paragraphs:

“(bA) processes and procedures to ensure the secure transfer of relevant information from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to the database upon an eligible voter turning 16, and thereafter as other relevant information pertaining to that voter becomes available;

(bB) the information required to be transferred from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997) to the database;

(bC) the compiling and maintaining of the database;

(bD) processes and procedures to ensure the secure transfer of the requisite information related to a person who has become an eligible voter, from the database to the voters’ roll;”.

Amendment of section 2 of Act 68 of 1997

6. The following section is hereby substituted for Section 2 of the Identification Act, 1997:

“Utilising of information for purposes of Act

2. (1) For purposes of this section, “Mental Health Care Act” means the Mental Health Care Act, 2002 (Act No. 17 of 2002).

(2) The information contained in the population register which existed immediately prior to the commencement of this Act, as well as the information contained in any document kept by the Director-General under any law, which are appropriate for the compilation and maintenance of the population register referred to in section 5(1), shall be utilised by the Director-General for that purpose.

(3) Where a court issues an order related to a person contemplated in section 3 that either—

(a) declares that person to be of unsound mind or mentally disordered, or that rescinds or nullifies an order declaring that person to be of unsound mind or mentally disordered; or

(b) detains that person, or releases that person from detention, under the Mental Health Care Act, for any reason,

the Registrar or the Clerk of the court must send a copy of that order to the Director-General to be used in the compilation and maintenance of the population register referred to in section 5(1).

(4) When a head of a health establishment contemplated in the Mental Health Care Act, or a Review Board contemplated in the Mental Health Care Act, for any reason detains a person contemplated in section 3, or releases that person from detention, under the Mental Health Care Act, that head of the health establishment, or Review Board, must notify the Director-General of such detention or release, in order for that information to be used in the compilation and maintenance of the population register referred to in section 5(1).”.

Amendment of section 8 of Act 68 of 1997

7. Section 8 of the Identification Act, 1997, is hereby amended by the insertion after paragraph (e) of the following paragraphs:

“(eA) details of any order by a court that either declares him or her to be of unsound mind or mentally disordered, or that rescinds or nullifies an order declaring him or her to be of unsound mind or mentally disordered;

(eB) details of any order by a court detaining him or her, or releasing him or her from detention, under the Mental Health Care Act, 2002 (Act No. 17 of 2002);

(eC) details of any detention of him or her, or releasing him or from detention, under the Mental Health Care Act, 2002 (Act No. 17 of 2002), received from the head of a health establishment, or a Review Board, contemplated in that Act;”.

Amendment of section 21 of Act 68 of 1997

8. Section 21 of the Identification Act, 1997, is hereby amended by the addition after subsection (3) of the following subsection:

“(4) The details of a person referred to in section 3, who has attained the age of 16 years and who shall be an eligible voter once that person turns 18 years old, shall be transferred to the Electoral Commission contemplated in the Electoral Commission Act, 1996 (Act No. 51 of 1996), in accordance with automated voter registration processes and procedures contemplated in section 22(2A), for inclusion in a database of such persons.”.

Amendment of section 22 of Act 68 of 1997

9. Section 22 of the Identification Act, 1997, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The Minister must make regulations to develop the processes and procedures required for an automated system to transfer information from the population register to the Electoral Commission contemplated in the Electoral Commission Act, 1996 (Act No. 51 of 1996) upon an eligible voter turning 16, and thereafter as other relevant information pertaining to that voter becomes available.”.

Amendment of section 1 of Act 73 of 1998, as amended by section 1 of Act 18 of 2013, section 7 of Act 4 of 2021, section 1 of Act 1 of 2023 and section 30 of Act 14 of 2024

10. Section 1 of the Electoral Act, 1998, is hereby amended by the insertion after the definition of “counting officer” of the following definition:

“ “database” means the database to store information for automated voter registration, contemplated in section 5(1)(a);”.

Substitution of section 5 of Act 73 of 1998

11. The following section is hereby substituted for section 5 of the Electoral Act, 1998:

“National common voters' roll

5. (1) The chief electoral officer must compile and maintain—

(a) a database of every person who is 16 years old or older and who will be an eligible voter once that person turns 18 years old; and

(b) a national common voters' roll.

(2) The database must be compiled by utilising data and information furnished by the Department responsible for the management of the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997).

(3) The details of a person contained in the database must be added to the national common voters' roll upon that person attaining the age of 18 years if they are eligible to vote.”.

Amendment of section 6 of Act 73 of 1998, as amended by section 2 of Act 34 of 2003 and section 2 of Act 18 of 2013

12. Section 6 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A)Notwithstanding subsection (1), the Department responsible for the management of the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), must ensure the secure transfer of relevant information of [A] a person [of] from that population register for inclusion in the database, when they turn 16 years [or older may apply for registration but, if the application is successful,] old and who will be an eligible voter once that person turns 18 years: Provided that—

(a) it is not a requirement that the person is in possession of an identity document or a temporary certificate contemplated in subsection (2), nor is it a requirement that the person must have applied for an identity document, at the time that the information is being transferred; and

(b) the [applicant’s name] person’s details must be stored in the database and may only be placed on the voters’ roll once the [applicant] person reaches the age of 18 years.”.

Amendment of section 7 of Act 73 of 1998, as amended by section 93 of Act 27 of 2000, section 3 of Act 34 of 2003, section 3 of Act 18 of 2013 and section 6 of Act 1 of 2019

13. Section 7 of the Electoral Act, 1998, is hereby amended—

(a) by the substitution for the heading of the following heading:

“[Applications] Process for registration as voter”; and

(b) by the insertion after subsection (2) of the following subsection:

“(2A) (a) A person whose details were included in the voters’ roll in terms of section 5(3), must as soon as possible thereafter, but before the proclamation of an election date as contemplated in section 24(1A), confirm the place where they are ordinarily resident, in the prescribed manner, or correct such details in the manner contemplated in section 9.

(b) In the event that a person whose details were included in the voters’ roll in terms of section 5(3), fails to confirm or correct the details of the place where they are ordinarily resident, the information transferred from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to the database, alternatively section 38(8), applies.”.

Amendment of section 8 of Act 73 of 1998, as substituted by section 4 of Act 34 of 2003 and amended by section 4 of Act 18 of 2013 and section 7 of Act 1 of 2019

14. Section 8 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) If satisfied that a person's application for registration contemplated in section 7 complies with this Act, the chief electoral officer must register that person as a voter by making the requisite entries in the voters' roll.

(b) When a person whose details are stored in the database turns 18 years old, the chief electoral officer must register that person as a voter by making the requisite entries in the voters' roll if they are eligible to vote.”.

Amendment of section 12 of Act 73 of 1998

15. Section 12 of the Electoral Act, 1998, is hereby amended by the insertion in subsection (1) after paragraph (a) of the following paragraphs:

“(aA) whose details were included in the voters’ roll in terms of section 5(3), which notice must include—

- (i) the details for that person recorded on the voters’ roll;
- (ii) confirmation that the voter is duly registered and eligible to vote in the next election, and the relevant voting station where that voter may do so;
- (iii) an alert to the voter—

(aa) to confirm the place where they are ordinarily resident as contemplated in section 7(2A) or to correct such details in the manner contemplated in section 9; and

(bb) to ensure that they have applied for, and obtained, an identity document as they will be required to produce their identity document to the presiding officer, or a voting officer, at the voting station, before they will be entitled to vote at that voting station; and

- (iv) an assurance that, save for the matters contemplated in sub-paragraph (iii), no further steps are required of the person in order to be eligible to vote;

(aB) whose details were stored in the database, but whose details the chief electoral officer refused to include in the voters’ roll in terms of section 5(3), despite that person having turned 18 years old;”.

Amendment of section 14 of Act 73 of 1998

16. Section 14 of the Electoral Act, 1998, is hereby amended—

- (a)** by the substitution for the heading of the following heading:

“[General registration of voters] Compilation of voters’ roll”;

- (b)** by the substitution for subsection (1) of the following subsection:

“(1) The Commission must, for the compilation of the voters’ roll [contemplated in section 5], conduct a general registration of voters and ensure the addition of the details of a person contained in the database, upon that person attaining the age of 18 years if that person is an eligible voter.”; and

(c) by the substitution in subsection (2) for paragraph (e) of the following paragraph:

(e) the chief electoral officer must give notice of the periods during which, and the venues where, including details of electronic publication, a provisionally compiled voters' roll will be available for inspection;”.

Amendment of section 16 of Act 73 of 1998, as amended by section 5 of Act 34 of 2003 and section 8 of Act 4 of 2021

17. Section 16 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A copy of the voters' roll as it exists at any time ~~must~~ be available for inspection—

(a) during office hours at the Commission's head office, and the provincial and municipal segments of the voters' roll must be available for inspection at the times and venues mentioned in a notice published by the chief electoral officer in the *Government Gazette*; and

~~(b) electronically, as prescribed: Provided that information provided may not constitute the unlawful processing of personal information in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).~~”.

Amendment of section 24 of Act 73 of 1998 as amended by section 10 of Act 1 of 2019

18. Section 24 of the Electoral Act, 1998, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) Except where this Act otherwise permits, only a voter who applied for registration prior to the proclamation of an election date, and a voter whose details were included in the voters' roll in terms of section 5(3), may vote in the election concerned.”.

Amendment of section 87 of Act 73 of 1998, as amended by section 16 of Act 1 of 2019

19. Section 87 of the Electoral Act, 1998, is hereby amended by the insertion in subsection (1)(a) after subparagraph (i), of the following subparagraphs:

“(iA) to not confirm the place where they are ordinarily resident as contemplated in section 7(2A);

(iB) to deregister as a voter;”.

Amendment of section 88 of Act 73 of 1998

20. Section 88 of the Electoral Act, 1998, is hereby amended by the insertion after paragraph (a), of the following paragraphs:

“(aA) may provide confirmation of the place where a voter is ordinarily resident as contemplated in section 7(2A) in the name of any other person, whether living, dead or fictitious;

(aB) may apply to deregister as a voter in the name of any other person, whether living, dead or fictitious;”.

Amendment of section 99 of Act 73 of 1998 as amended by section 15 of Act 4 of 2021 and section 16 of Act 1 of 2023

21. Section 99 of the Electoral Act, 1998, is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) In order to promote free, fair and orderly elections, the Commission must compile and issue a code regulating automated voter registration contemplated in section 5(2) and (3), which code must make provision for amongst others—

(a) secure recordal of information transmitted from the Department responsible for the management of the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997);

(b) data protection of information stored in a database and on the voters’ roll;

(c) processes related to the notification of voters whose details were included in the voters’ roll in terms of section 5(3), as contemplated in section 12(1)(aA);

(d) processes related to confirmation of the place of ordinary residence contemplated in section 7(2A); and

(e) electronic publication of the voters' roll as it exists at any time.”.

Amendment of section 103A of Act 73 of 1998 as inserted by section 22 of Act 34 of 2003

22. The following section is hereby substituted for section 103A of the Electoral Act, 1998:

“Conciliation in disputes and complaints

103A. The Commission may attempt to resolve through conciliation any electoral dispute or complaint about an infringement of **[the] a Code, including a code regulating automated voter registration contemplated in section 99(2A),** brought to its notice by anyone involved in the dispute or complaint.”.

Amendment of section 6 of Act 27 of 2000, as amended by section 18 of Act 1 of 2019

23. Section 6 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the substitution for subsection (1A) of the following subsection:

“(1A) Except where this Act otherwise permits, only a voter who applied for registration prior to the proclamation of an election date, and a voter whose details were included in the voters’ roll in terms of section 5(3) of the Electoral Act, may vote in the election concerned.”.

Amendment of section 7 of Act 27 of 2000

24. Section 7 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A person whose name does not appear on the certified segment of the voters’ roll for a voting district and who claims to have applied for registration as a voter in that voting district, or whose details should have been added to the national voters’ roll in accordance with section 5(3) of the Electoral Act for that voting district, before or on the date of publication of the notice in terms of which the election was called, may submit to the Commission, at the address of the Commission’s local representative, or to the presiding officer of the voting station for that voting district—

(a) a sworn or solemnly affirmed statement on a prescribed form containing the following particulars:

- (i) The full name, identity number and date of birth of that person;
- (ii) that person’s finger print;

- (iii) the address where that person ordinarily resides;
 - (iv) a declaration that the address is situated within the area of that voting district;
 - (v) a declaration that that—
 - (aa) person applied for registration as a voter in that voting district before or on the date of publication of the notice; or
 - (bb) person's details should have been added to the national voters' roll in accordance with section 5(3) of the Electoral Act for that voting district before or on the date of publication of the notice; and
 - (vi) a request that that person's name should be included in the certified segment of the voters' roll for that voting district; and
- (b) where the person made a declaration contemplated in paragraph (a)(v)(aa), proof that that person applied for registration as a voter in that voting district before or on the date of publication of the notice."

Amendment of section 67 of Act 27 of 2000, as amended by section 21 of Act 1 of 2019

25. Section 67 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the insertion in subsection (1)(a) after subparagraph (i), of the following subparagraphs:

- "(iA) to not confirm the place where they are ordinarily resident as contemplated in section 7(2A) of the Electoral Act;
- (iB) to deregister as a voter;".

Amendment of section 68 of Act 27 of 2000

26. Section 68 of the Local Government: Municipal Electoral Act, 2000, is hereby amended by the insertion after paragraph (a), of the following paragraphs:

- "(aA) may provide confirmation of the place where a voter is ordinarily resident as contemplated in section 7(2A) of the Electoral Act in the name of any other person, whether living, dead or fictitious;
- (aB) may apply to deregister as a voter in the name of any other person, whether living, dead or fictitious;".

Amendment of laws

27. The law specified in Schedule 1 is hereby amended to the extent indicated in the third column thereof.

Effective law

28. (1) For purposes of this section—

- (a) “**AVR system**” means the automated voter registration processes and procedures required for an automated system to transfer relevant voter information from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to the database contemplated in the Electoral Commission Act, 1996 (Act No. 51 of 1996);
 - (b) “**Commission**” means Electoral Commission established by section 3(1) of the Electoral Commission Act, 1996 (Act No. 51 of 1996);
 - (c) “**database**” means the database to store information for automated voter registration, contemplated in section 5(1)(dA) of the Electoral Commission Act, 1996 (Act No. 51 of 1996);
 - (d) “**Electoral Commission Act**” means the Electoral Commission Act, 1996 (Act No. 51 of 1996);
 - (e) “**population register**” means the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997); and
 - (f) “**voter**” means a voter as defined in the Electoral Act, 1998 (Act No. 73 of 1998).
- (2) The purpose of this Electoral Laws Amendment Act, 2026, is to—
- (a) increase voter turnout to 70 per cent by 2034;
 - (b) reduce the number of persons who are not registered in the voters’ roll as contemplated in section 5 of the Electoral Act, 1998 (Act No. 73 of 1998), to a maximum of 10 per cent unregistered eligible voters, by 2029; and
 - (c) decrease the cost of drives to raise awareness about voter registration and correction of voter information, by 60 per cent from costs spent on such drives for the 2024

elections by 2029, and by 80 per cent from costs spent on such drives for the 2024 elections by 2034.

(3) The AVR system and the compiling of the database must be completed and implemented within 12 months of the date of commencement of this Electoral Laws Amendment Act, 2026.

(4) (a) The Minister responsible for the Department that maintains the population register must table a report in the National Assembly within six months of the commencement of this Electoral Laws Amendment Act, 2026, and thereafter every six months until the AVR system has been fully implemented and tested for at least 12 months.

(b) The report contemplated in paragraph (a) must set out the progress made in developing and implementing the part of the AVR system to be used by that Department and must confirm whether any data has been transferred during that reporting period.

(5) (a) The chief electoral officer appointed in terms of section 12(1) of the Electoral Commission Act must table a report in the National Assembly within 12 months of the commencement of this Electoral Laws Amendment Act, 2026, and thereafter every six months until the AVR system has been fully implemented and tested for at least 12 months.

(b) The report contemplated in paragraph (a) must—

- (i) set out the progress made in developing and implementing the part of the AVR system that will be used by the Commission;
- (ii) set out the progress made in compiling the database; and
- (iii) confirm whether any data has been received during that reporting period.

(6) The Commission must, within one year following the conclusion of a national and provincial election, and within one year following the conclusion of a local election, table a report in the National Assembly containing an analysis of the voter registration, voter turnout and costs for the relevant election.

(7) The report contemplated in subsection (6) must compare—

- (a) the information tabled in the National Assembly on voter registration contemplated in section 14(3)(a) and (c) of the Electoral Commission Act, and any other information related to registration of voters in that election, including applications for

voter registration, with information related to registration of voters in two previous relevant elections;

- (b) voter turnout of the relevant election with information related to voter turnout in two previous relevant elections; and
- (c) costs related to campaigns to raise awareness and encourage registration as a voter for that relevant election.

Short title and commencement

29. This Act is called the Electoral Laws Amendment Act, 2026 and comes into operation on a date determined by the President by proclamation in the *Gazette*.

Draft No 2

SCHEDULE 1

LAWS AMENDED

(Section 27)

No. and year of Act	Short title	Extent of amendment
Act No 17 of 2002	Mental Health Care Act, 2002	1. The amendment of section 13 by the substitution for subsection (2) of the following subsection: “(2) Despite subsection (1), the head of the national department, a head of a provincial department or the head of a health establishment concerned may disclose such information, <u>where required by legislation, or if failure to do so would seriously prejudice the health of the mental health care user or of other people.</u>”. 2. The amendment of section 42— (a) by the deletion in subsection (1) at the end of paragraph (a) of the word “and”; and (b) by the insertion in subsection (1) after paragraph (a) of the following paragraph: “(aA) <u>Director-General contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to be used in the compilation and maintenance of the population register; and</u>”.

		3. The amendment of section 48 by the substitution in subsection (4) for paragraph (b), of the following paragraph: (b) in writing, inform the State patient, the Registrar concerned, <u>the Director-General contemplated in the Identification Act, 1997 (Act No. 68 of 1997),</u> and the official <i>curator ad litem</i>.”.
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Draft No 2

MEMORANDUM ON THE OBJECTS OF THE ELECTORAL MATTERS AMENDMENT BILL, 2026

1. INTRODUCTION

The Electoral Act, 1998 (Act No. 73 of 1998), currently requires eligible citizens to take proactive steps to register as voters. While registration is permitted from the age of 16, it remains a voluntary process dependent on individual initiative and on voter registration drives and initiatives organised by the Independent Electoral Commission (IEC). This has led to large-scale exclusion, particularly of young people.

Since the advent of democracy in 1994, South Africa has witnessed a steady and troubling decline in voter turnout. In addition to administrative barriers related to registration to vote, service delivery failures, corruption scandals, and persistent unemployment contribute to a perception that voting does not lead to meaningful change. National participation fell from 73.5% in 2014 to just 58.6% in 2024. At local government level turnout has collapsed to below one-third of eligible voters. For many citizens, especially the youth, disengagement is not apathy but rather a conscious withdrawal from a system seen as unresponsive.

This disengagement is compounded by low levels of registration. In 2014, 23,03 per cent of eligible voters did not register. Of the approximately 43.2 million South Africans who were eligible to register in 2025, only about 27.6 million appear on the voters' roll – 36,11 per cent did not register. South Africa's median age is just 28 years according to Census 2022, yet despite representing the largest demographic share, young citizens are the least likely to be registered, creating a generational gap in political participation. A further factor contributing to low electoral turnout is high levels of migration. Constant movement makes it difficult for young, working-age South Africans to update their registration details, leading to further exclusion.

These trends represent a profound challenge to the legitimacy and inclusiveness of South Africa's democracy. A shrinking electorate undermines the principle of universal suffrage and risks producing election outcomes that do not reflect the will of the majority. Systematic

under-registration of young people ensures that their concerns are underrepresented in policymaking.

The IEC has sought to address these challenges through registration weekends, awareness campaigns, and digital registration platforms. However, these efforts are costly and insufficient. Digital registration platforms are an administrative improvement, but it does not address the structural causes of under-registration. It remains a voluntary, self-initiated process that presumes access to digital devices, affordable data, functional connectivity, and a level of administrative awareness that many eligible voters do not have. Online registration improves convenience but does not significantly expand the pool of registered voters.

The Bill proposes a systemic intervention that shifts the burden of registration from individual initiative to the state, using existing population data to ensure inclusion. Automated Voter Registration turns the focus from large-scale, repetitive registration drives to continuous voter education and roll maintenance. Currently, significant resources are spent close to elections on registering people whose information are already on record with state but have not taken the administrative step to register. This creates bottlenecks, last-minute surges, and costly registration weekends that are driven by time pressure rather than effective engagement. Automated Voter Registration allows the IEC to focus on sustained voter education, communication, and address confirmation using existing systems and drives as support, rather than as tools for first-time inclusion.

International comparison shows that countries with Automated Voter Registration systems show higher levels of registration completeness, improved equity in voter rolls, and greater participation among groups typically under-represented, such as youth and the poor. South Africa, with its advanced civil registration and identity systems, is well-placed to adopt this reform.

2. OBJECTS OF THE BILL

The purpose of this Electoral Laws Amendment Act, 2026, is to introduce an automated voter registration process so as to—

- (a) increase voter turnout to 70 per cent by 2034;

- (b) reduce the number of persons who are not registered in the voters' roll as contemplated in section 5 of the Electoral Act, 1998 (Act No. 73 of 1998), to a maximum of 10 per cent unregistered eligible voters, by 2029; and
- (c) decrease the cost of drives to raise awareness about voter registration and correction of voter information, by 60 per cent from costs spent on such drives for the 2024 elections by 2029, and by 80 per cent from costs spent on such drives for the 2024 elections by 2034.

In this regard the Bill proposes amendments to the Electoral Commission Act, 1996 (Act No. 51 of 1996) ("Electoral Commission Act"), the Identification Act, 1997 (Act No. 68 of 1997) ("Identification Act"), the Electoral Act, 1998 (Act No. 73 of 1998) ("Electoral Act"), and the Local Government: Municipal Electoral Act, 2000 (Act No. 27 of 2000) ("Municipal Electoral Act").

3. CONTENTS OF THE BILL

- 3.1 Clause 1 amends section 1 of the Electoral Commission Act, by adding a definition for "database".
- 3.2 Clause 2 amends section 5 of the Electoral Commission Act, by extending the functions of the Electoral Commission to include compiling and maintaining tools to enable the Automated Voter Registration process. This includes compiling and maintaining a database to which information from the population register, contemplated in the Identification Act, is transferred with the use of technology. Part of compiling and maintaining the voters' roll would include transferring information from this database to the voters' roll, upon a person turning 18 years old.
- 3.3 Clause 3 amends section 9 of the Electoral Commission Act, by further requiring commissioners to also not divulge information received from the population register, contemplated in the Identification Act, to any third party, save in the course and scope of his or her official functions.
- 3.4 Clause 4 amends section 14 of the Electoral Commission Act, by requiring the Commission to publish and table in the National Assembly, a report on automated voter registration and the compilation of the voters' roll at specified times before elections. It

also specifies the content of such report. Clause 4 further requires that the report published after the end of an election must be tabled in the National Assembly.

3.5 Clause 5 amends section 23 of the Electoral Commission Act, to empower the Commission to make regulations related to the implementation of automated voter registration.

3.6 Clause 6 amends section 2 of the Identification Act, by stipulating the inclusion of information into the population register related to a court making or rescinding an order declaring a person to be of unsound mind or mentally disordered or that detains that person, or releases that person from detention, under the Mental Health Care Act, 2002 (Act No. 17 of 2002). Similarly, when a head of a health establishment or a Review Board contemplated in the Mental Health Care Act, 2002 (Act No. 17 of 2002), detains or releases a person from detention that information must be provided for inclusion in the population register.

This is to provide for section 8 of the Electoral Act, that prohibits persons who have so been declared or so detained from registering as a voter. Information about a person subject to an order so declaring or detaining, should thus not be transferred to the database. Conversely, upon that order being rescinded or the person being released, the information should be transferred to the database if that person is 16 years or older.

3.7 Clause 7 amends section 8 of the Identification Act, to include the information referred to in clause 6 into the population register.

3.8 Clause 8 amends section 21 of the Identification Act, to provide an exception to the requirement for secrecy related to the population register, so that details may be transferred to the database for purposes of the automated voter registration system.

3.9 Clause 9 amends section 22 of the Identification Act to empower the Minister responsible for the population register to make regulations related to the implementation of automated voter registration.

3.10 Clause 10 amends section 1 of the Electoral Act, by adding a definition for “database”.

- 3.11 Clause 11 substitutes for section 5 of the Electoral Act, to provide for the automated voter registration system. The clause requires the compilation and maintaining of a database, to which the information of every person who is 16 years old or older and who will be an eligible voter once that person turns 18 years old, must be transferred from the population register. It further provides for the transfer of the information in the database to the voters' roll, upon that person attaining the age of 18 if they are still eligible to vote.
- 3.12 Clause 12 amends section 6 of the Electoral Act, to provide for automated voter registration in addition to manual registration as a voter. It is also specified that information must be transferred from the population register even though a person is not in possession of an identity document or a temporary certificate. It is also not a requirement that the person must have applied for an identity document, at the time that the information is being transferred. These express provisions are necessary as the Identification Act in section 15 provides that an application for an identity card can only be made once a person has attained the age of 16.
- 3.13 Clause 13 amends section 7 of the Electoral Act, to substitute the heading of the section and to provide for confirmation or correction of the place of residency of a person whose name was included on the voters' roll through automated voter registration. It also provides for the application of residency information received from the population register, alternatively section 38(8) of the Electoral Act, in the event where such a person fails to confirm or correct such information.
- 3.14 Clause 14 amends section 8 of the Electoral Act, by providing for automated voter registration in addition to manual registration as a voter.
- 3.15 Clause 15 amends section 12 of the Electoral Act, by requiring the chief electoral officer to notify a person who was automatically registered as a voter of such automatic voter registration, the details captured and the relevant voting station where that voter may vote. It also requires the notice to request confirmation of the voter's place of residence and to alert them to the requirement of having a valid identity document before they will be allowed to vote. The clause also requires the chief electoral officer to

notify the person where the chief electoral officer refused to include the person's details in the voters' roll.

- 3.16 Clause 16 amends section 14 of the Electoral Act, by the substituting the heading of the section, and making provision for automated voter registration when compiling the voters' roll and for notice to be given of details related to electronic publication of the voters' roll.
- 3.17 Clause 17 amends section 16 of the Electoral Act by requiring electronic publication of the voters' roll subject to the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
- 3.18 Clause 18 amends section 24 of the Electoral Act, so that a voter whose details were added to the voters' roll by way of automated voter registration, may also vote in the election concerned.
- 3.19 Clause 19 amends section 87 of the Electoral Act, to provide for offences related to undue influence to extend to, compelling or unlawfully persuading a person to not confirm the place where they are ordinarily resident, or to deregister as a voter.
- 3.20 Clause 20 amends section 88 of the Electoral Act, to provide for offences related to impersonation to extend to confirming the place where a voter is ordinarily resident in the name of any other person, or to apply to deregister as a voter in the name of any other person.
- 3.21 Clause 21 amends section 99 of the Electoral Act, to require the Commission to compile and issue a code regulating automated voter registration. The clause also set out what the content of the code must include.
- 3.22 Clause 22 amends section 103A of the Electoral Act, to include the conciliation of an electoral dispute or complaint about an infringement of the code regulating automated voter registration.
- 3.23 Clause 23 amends section 6 of the Municipal Electoral Act, so that a voter whose details were added to the voters' roll by way of automated voter registration, may also vote in the election concerned.

- 3.24 Clause 24 amends section 7 of the Municipal Electoral Act, to extend the process that applies to voters who applied for registration as a voter and whose details are not appearing on the certified segment of the voters' roll for a voting district, to also apply to a voter whose details were added to the voters' roll by way of automated voter registration.
- 3.25 Clause 25 amends section 67 of the Municipal Electoral Act, to provide for offences related to undue influence to extend to compelling or unlawfully persuading a person to not confirm the place where they are ordinarily resident, or to deregister as a voter.
- 3.26 Clause 26 amends section 68 of the Municipal Electoral Act, to provide for offences related to impersonation to extend to confirming the place where a voter is ordinarily resident in the name of any other person, or to apply to deregister as a voter in the name of any other person.
- 3.27 Clause 27 provides for amendments to the Mental Health Care Act, 2002 (Act No. 17 of 2002), so as to provide for the submission of certain information to the Director-General responsible for the population register.
- 3.28 Clause 28 provides for the determination of the effectiveness of this Amendment Act and in this regard sets out the purpose of the Amendment Act. It also provides a timeframe for implementation of the automated voter registration and reporting on progress to do so. It lastly provides for reports to be tabled in the National Assembly containing an analysis of the voter registration, voter turnout and costs for the relevant election.
- 3.29 Clause 29 provides for the short title and commencement.

4. ORGANISATIONAL AND PERSONNEL IMPLICATIONS

The Bill requires the Electoral Commission to—

- develop processes and procedures to ensure the secure transfer of relevant information from the population register contemplated in the Identification Act, 1997 (Act No. 68 of 1997), to a database upon an eligible voter turning 16, and thereafter as other relevant information pertaining to that voter becomes available;

- compile and maintain the abovementioned database for storing the information of eligible voters who attained the age of 16, until they turn 18 years old; and
- develop processes and procedures to ensure the secure transfer of the requisite information related to a person who have become an eligible voter, from the abovementioned database to the voters' roll.

The Bill further requires the Minister of Home Affairs to develop the processes and procedures required for an automated system to transfer information from the population register to the Electoral Commission upon an eligible voter turning 16, and thereafter as other relevant information pertaining to that voter becomes available.

5. FINANCIAL IMPLICATIONS FOR THE STATE

The development of the above system will have financial implications. However, this would be offset against costly registration weekends.

6. DEPARTMENTS, BODIES OR PERSONS CONSULTED

None

7. PARLIAMENTARY PROCEDURE

- 7.1 The Member proposes that the Bill must be dealt with in accordance with the procedure established by section 75 of the Constitution since it contains no provisions to which the procedures set out in section 74 or 76 of the Constitution apply.
- 7.2 The Member is of the opinion that the Bill does not directly affect traditional or Khoi-San communities or contain any provisions pertaining to customary law or customs of traditional or Khoi-San communities. Furthermore that the Bill does not contain any provisions pertaining to any matter referred to in section 154(2) of the Constitution and therefore does / does not have to be referred to the National House of Traditional and Khoi-San Leaders in terms of section 39(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019).