

# FAQ

## Introduction

Diaspora voting is a critical part of inclusive democratic participation, ensuring that citizens living outside their home country have a say in national governance. In The Gambia, the issue of diaspora voter registration and participation has been the subject of legal rulings, legislative debates, and constitutional interpretations. This FAQ provides clarity on diaspora voting, the legal framework, and the recent decision to remove Clause 14 of the Elections Bill 2021, which has raised concerns about the disenfranchisement of Gambians abroad.



# FAQ

## 1. What is diaspora voting?

Diaspora voting allows citizens living abroad to register and vote in national elections (presidential, parliamentary, and referenda) without being physically present in their home country.



# FAQ

## 2. Why should Gambians abroad vote?

Gambians abroad are citizens with a constitutional right to vote, as guaranteed by Section 39. They also contribute to the economy through advocacy, remittances, and investments. Ensuring their right to vote strengthens representation, accountability, and democratic participation.



# FAQ

## 3. What does the Constitution say about diaspora voting?

The 1997 Constitution guarantees every Gambian's right to vote (Section 39). However, the absence of a registration process effectively restricts diaspora voting.



# FAQ

## 4. What does the Elections Act say about voter registration for Gambians in the diaspora?

The Elections Act mandates the Independent Electoral Commission (IEC) to maintain a register of diaspora voters. It also allows Gambians born in a constituency to register, even if they reside abroad.



# FAQ

## 5. What did Clause 14 of the Elections Bill 2021 propose?

Clause 14 aimed to operationalize diaspora voter registration by requiring the IEC to register Gambians abroad, establish voting rules in consultation with the Inter-Party Committee and Cabinet, and set criteria for selecting foreign voting locations, appointing election officers, and overseeing elections. It replaced Sections 11 and 141 of the Elections Act, providing a clearer framework for implementing diaspora voting.



# FAQ

## 6. What did Clause 14 of the Elections Bill 2021 propose?

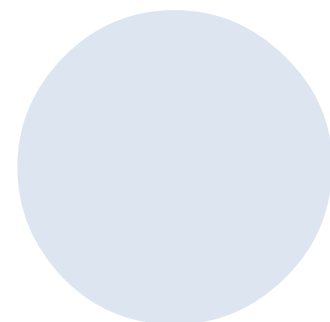
On March 4, 2025, the National Assembly voted 25-14 to remove Clause 14, citing the need for diaspora constituencies and resource constraints. However, Section 39 of the Constitution guarantees diaspora voting, and Clauses 12 and 13 already allow voter registration. The MSDG Project had also outlined a framework for diaspora constituencies, showing readiness for implementation.



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## 7. How does Clause 14 relate to the Constitution?

The Constitution grants diaspora voting rights, but no registration mechanism exists. Clause 14 aimed to establish this framework. Its removal leaves the right intact but unenforceable.



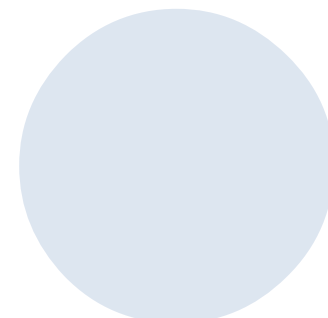


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## 8. Would the implementation of a registration legal framework and rules for diaporans to vote abroad require constitutional amendments to take effect?

No. Section 39 of the Constitution guarantees diaspora voting, but it lacks an implementation framework. Clause 14 sought to establish this framework, ensuring Gambians abroad could register and vote, making it consistent with the Constitution rather than contradictory.



# FAQ



## 9. How do other countries handle diaspora voting?

Senegal, Côte d'Ivoire, Nigeria, and South Africa allow diaspora voting through embassies, online platforms, or dedicated constituencies. Globally, 151 out of 216 countries permit external voting in some form.

