



Desktop Review Report on IEC Voter Participation

Report Prepared for

The Electoral Commission (IEC)

Head Office

Election House

260 Walker Street, Sunnyside

Pretoria, 0001

Tel: (012) 428 5700

Fax: (012) 428 5863

Kivulu, M. wa Ndletyana, M. & Davids, Y.

Human Sciences Research Council (HSRC)

Centre for Socio-Economic Surveys

Knowledge Systems Group

HSRC RESEARCH OUTPUTS

5800

March 2009

All correspondences regarding this report should be directed to Dr. Mcebisi Ndletyana, tel. 012 302 2459 or Dr Mbithi wa Kivulu 012 302 2541

Pretoria Office

134 Pretorius Street, Pretoria, 0002, South Africa. Private Bag X41, Pretoria, 0001, South Africa.
Tel: +27 12 302 2532 Fax: +27 12 302 2535

Cape Town Office

Plum Park Building, 69-83 Plum Street, Cape Town, 8001, South Africa.
Private Bag X9182, Cape Town, 8000, South Africa. Tel: +27 21 466 7804 Fax: +27 21 461 1255

Durban Office

750 Francois Road, Inguthuko Junction, Cato Manor, Durban, 4001, South Africa.
Private Bag X07, Dalbridge, 4014, South Africa. Tel: +27 31 242 5400 Fax: +27 31 242 5401

TABLE OF CONTENTS

Background	3
Independent Electoral Commission: Legislative Framework and Functions	3
1994 Elections: Lessons for the future	7
Lack of a voters' roll	7
Inadequate conflict resolution mechanism	8
Poor counting and verification methods	8
1999 and 2004 Elections: Progressive Improvements	9
Compilation of the voters roll	10
Delineation of voting stations	10
Training of staff and logistical/election material	11
Counting and verification	12
Conflict Resolution	12
Turn-out	13
Voter Education	14
Policy Implications for 2009 Elections	14
References	16

Background

The vibrancy of a democratic society rests, *inter alia*, on the ability of the citizenry to select a government of their choice from a multiplicity of political associations that are able to canvass freely for votes among the electorate. To this end, voters require unfettered access to information about each political party. This demands a free press that can publish anything newsworthy to enable voters to make an informed choice, and that is accessible to all contending political parties to inform the electorate of their policies and political manifestos. And, voters, first-time voters especially, require education about the voting process to ensure that they cast their votes meaningfully, as opposed to spoiling them unwittingly through ignorance.

However, even in a society where the aforementioned conditions exist, the electorate still need to be assured of the integrity of their votes. In other words, voters need to have confidence that the outcome of the elections truly expresses their will. Thus the electoral process, as stipulated in the principles adopted by the countries within the Southern Africa Development Co-operation Region¹, should be run by a specially constituted election management body. Such a body should be independent of any political organisation or government, and be manned by individuals whose independence and integrity is beyond question. The SADC region further notes that adequate financial resources should also be allocated to such bodies to ensure that they function efficiently.

Independent Electoral Commission: Legislative Framework and Functions

South Africa's national elections, beginning with the landmark elections of 1994 to the 1999 and the 2004 elections, have been run by the Independent Electoral Commission (IEC). Temporarily established in December 1993 to administer South Africa's first non-

¹ Principles for Election Management, Monitoring and Observation in the SADC Region, Electoral Institute of Southern Africa, 2004.

racial elections, the IEC only became a permanent body in 1996 following the adoption of a new and permanent constitution, Act 108 of 1996². In other words, the IEC was established by a constitutional stipulation – Chapter 9, Section 194 – as one of the “state institutions supporting democracy”. Subsequent legislation addressed specifically to the IEC, prescribed its functions, among others, as follows:

- Managing any election;
- Promoting conditions that enable free and fair elections;
- Promoting knowledge of sound and democratic electoral processes;
- Compiling and maintaining a voters’ roll through registering eligible voters;
- Providing voter education; and
- Registering parties³.

Another piece of legislation – i.e. Act 73 of 1998 – provided even further details on the specific functions of the IEC. Among others, this Act stipulated that the IEC was to:

- Undertake logistical arrangements for the elections, including information systems and materials, staffing and conflict management; and
- Manage voting and counting, verify and announce the results.

Based on the aforementioned legislative frame-work, the IEC owes a principal responsibility not only to the ordinary voters, but also to the contesting political parties. Eligible voters have to be registered and, educated on how to cast their votes properly, have easy access to polling stations, and cast their votes with minimal inconvenience to their persons and comfortable that the ballot is secret and will be counted as reflected. Political parties, as beneficiaries of the votes cast, have similar interests to the voters. But more than that, they have a stake in the independence of the electoral staff, in ensuring that voters are not intimidated to vote for one party against their will and want to be reassured that the IEC has an effective and partial conflict resolution mechanism to mediate over any disputes that may arise among themselves.

² Lodge, T, et al, (2002) *Compendium of Elections in Southern Africa*, Kempton Park, EISA

³ Electoral Commission Act, 51 of 1996.

The electoral process, therefore, is divided into three phases: pre-polling, polling day and post-polling. During each phase, the IEC has a particular set of responsibilities to ensure that the electoral process is free and fair. In short, the IEC has to undertake the following at different phases to ensure that indeed the election is free and fair⁴:

Free	Fair
Pre-polling Phase	
<ul style="list-style-type: none"> • Freedom of movement • Freedom of speech • Freedom of assembly • Freedom from fear in relation to elections and campaigns • No obstacles to stand for elections • Equal and universal suffrage • 	<ul style="list-style-type: none"> • A transparent process • No obstacles to inclusion in the voters roll • Impartial treatment of political parties • Equal opportunities for political parties to stand for elections • Non-partisan voter education programme • An observance of the code of conduct by political parties • An equal allotment of public funds to political parties
On Polling day	
<ul style="list-style-type: none"> • Opportunity to participate in elections 	<ul style="list-style-type: none"> • Access to all polling stations for representatives of political parties, accredited local and international observers and the media • Secrecy of the ballot • Absence of intimidation of voters • Clear design of ballot papers • Impartial assistance to voters • Proper counting procedures • Effective pre-cautionary measures when transporting election material • Impartial protection of polling stations
Post-Polling Day	
<ul style="list-style-type: none"> • Mechanism to settle complaints 	<ul style="list-style-type: none"> • Expeditious announcements of results • Impartial treatment of any Complaints

⁴ This is derived from the Elklit and Svensson checklist of free and fair elections, but only confined to the specific functions that the IEC is mandated to undertake: See "What makes elections free and fair" *Journal of Democracy*, 8 (3), 1997.

*This is derived from the Elklit and Svensson checklist of free and fair elections, but only confined to the specific functions that the IEC is mandated to undertake: See "What makes elections free and fair" **Journal of Democracy**, 8 (3), 199*

Since the initial 1994 national and provincial elections, the IEC has had to manage two more national elections, one in 1999 and another in 2004⁵. Throughout the three national elections, the IEC largely operated in different contexts and thus faced varying challenges. As the result, the organisation has performed unevenly. But, and most importantly, the IEC has been adjudged by observers, both local and international, to have delivered free and fair elections, in all three instances albeit to varying degrees.

What is crucial for our purpose here is to determine the nature of the challenges with which the IEC is confronted in fulfilling its functions; the causes behind such challenges; and whether or not the organisation has subsequently adopted new measures or policies to pre-empt such challenges from recurring or has addressed them adequately as and when they did arise in the subsequent elections. The purpose of the study, as noted earlier, is to enable the IEC to assess itself with a view to improving its performance, where necessary. Continuous self-introspection and innovation is paramount for any organisation to achieve optimal results, especially one such as the IEC, which operates within an ever changing environment that throws up varying challenges each time.

To measure the level of innovation by the IEC and indeed its performance, it goes without saying that one must adopt a comparative perspective. That is, one must compare how the organisation performed in relation to each election with specific reference to the functions that the IEC is required to undertake in each phase of the electoral process, as noted above.

⁵ The IEC has also managed three rounds of local elections: 1996, 2000 and in 2006. But, this study examines its performance and preparedness in relation to the national elections as directed by the focus of this particular study.

1994 Elections: Lessons for the future

The 1994 elections is the starting point in our comparative analysis. It was the very first non-racial, democratic elections that the newly created IEC was tasked to manage. It is noteworthy to point out, from the very onset, that the manner in which the IEC managed and administered the 1994 election was less of a commentary on the efficiency (or otherwise) of this institution. If anything, the embryonic IEC was thrown into unknown territory, and, more seriously, subsequently strangled by the complexities of a polarised, distrustful and violent society that was just beginning a transition towards a peaceful and democratic order.

The IEC was administratively and logistically ill-equipped for the founding elections. As a result, it was beset by a myriad of problems, some not of its own making. The organisational problems included the following:

Lack of a voters' roll

Given the disfranchisement of blacks, South Africa did not have a voters' roll that included all its citizens. This meant there was no indication of how many citizens were eligible to vote and eligible voters were not tied to a particular voting station but could vote anywhere. No estimate could be made therefore of: how many voting stations would be required; what number of voters would show up at a particular voting station; and what level of voting material and equipment would be required⁶.

Predictably, numerous problems were experienced on the voting day. Voters complained of painfully long queues because voting stations catered for an inordinately large number of voters; voting stations ran out of material and some even opened late; and there were complaints of poorly trained (or biased) presiding officers. Logistical problems were

⁶ Reynolds, A (ed.)(1994), *Election 1994 South Africa*, David Phillip, Cape Town

further exacerbated by the late entry of the Inkatha Freedom Party (IFP) into the elections – just about a week before election day. This required that 549 more voting stations be established, the printing of nine million extra ballots, with the IFP listed on them, on the second day of the voting process and still be delivered on time to all the voting stations, including those situated in far-flung, remote rural areas; and further recruitment and training of about 12, 627 new staff. This was bound to be a seriously flawed operation⁷.

Inadequate conflict resolution mechanism

The mediation division was hopelessly ill-prepared to deal with the volume of complaints it received. Political parties complained of intimidation, especially in the so-called 'no-go areas' - reported at 165 nationally – for other parties. But, this was also an indication of the political volatility of the time; especially in KwaZulu-Natal⁸.

Poor counting and verification methods

The transportation of the ballot boxes from the voting to counting stations opened the possibility of fraud. They were tampered with *en route* to the counting stations. There was also not an efficient system to ensure a smooth and accelerated reconciliation process. As a result, some stations simply abandoned it, as they felt it was just taking painfully long, which meant that, where it had happened, fraud went undetected. And the fact that reconciliation could not be done, simply heightened complaints leading to results being announced much later than required, some ten days after voting was closed.

Despite the aforementioned problems, the 1994 elections registered successes in other areas. Of the estimated 22, 7 million eligible voters, 19 million voters cast their votes. This was a phenomenal turn-out, especially considering the high level of inconvenience

⁷ Reynolds, op cit.

⁸ Johnson, R W "The election, the count and the drama in KwaZulu Natal" in Johnson, R.W and Schlemmer, L (ed.)(1996) *Launching Democracy in South Africa*, Yale Univ. Press, London.

voters encountered. But, this had less to do with the IEC, reflecting the significance of the founding elections as an emancipatory moment for the formerly disfranchised, majority black population. The one noteworthy success for the IEC though was the low level of spoilt ballots, especially given that most voters were first-time voters. This showed that voter education had been a success⁹.

1999 and 2004 Elections: Progressive Improvements

The IEC fared much better in the subsequent two national and provincial elections. This was a result of both further policy elaboration on the specific responsibilities of the IEC and learning from the experience of the 1994 elections. As noted earlier, two pieces of legislation were promulgated both empowering the IEC to be wholly responsible for the elections and mentioning specific functions for which the organisation was to be responsible. The combined effect of the two laws, in other words, was to eliminate any doubt that the IEC was principally responsible for administering the elections (as opposed to some murmurs in 1997 that government wanted to control IEC funds through the Department of Home Affairs), eliminating any uncertainty and thus enabled the IEC to be focused on its mandate.

The IEC was now specifically responsible for compiling the voters roll, registering voters, providing voter education, demarcating voting districts and setting up a forum that would facilitate on-going interaction between itself, political parties and various levels of government. Indeed these areas and others, which were most problematic in the previous elections, were to receive urgent attention.

⁹ Piper, L, "Why Democracy costs Money: Lessons from Administration", in Piper, L (ed.) (2005) *South Africa's 2004 Elections: The Quest for Democratic Consolidation*, EISA, Kempton Park,

Compilation of the voters roll

The IEC compiled the first ever voters roll for democratic South Africa by embarking on a registration drive spread out over a period of three months, split into three waves: the first in November 27-29, 1998, another followed in January 29 – 31, 1999 and in March 1999. At the end South Africa had a voters roll consisting of 18, 342, 853 registered voters, which represented 79,25% of the total population of eligible voters.

Since 1999 the voters' roll was updated just before the 2000 elections and again before the 2004 elections over two weekends. This registration drive took the number of registered voters to 20, 674, 296 - an addition of 2,6 million voters since the 1999 elections – and reflected 77 per cent of all eligible voters¹⁰. This was an incredible success in facilitating conditions for citizens to cast their votes. And, the voters' roll is open to scrutiny by any political party or interested party, which reassures the public about the accuracy of the voters' roll. But, the rate of registration among young, first-time voters remained worrisomely low.

Delineation of voting stations

With the assistance of the Municipal Demarcation Board, the IEC allotted 14 650 voting stations in the 1999 national and provincial elections. This was a significant improvement to the previous experience. Queues were a lot shorter than previously. The problem of long queues, however, still persisted in some voting stations. Some queues, for instance, had a few hundred voters lined up, whilst others had up to 15 000 voters. The success in this regard was thus skewed.

¹⁰ Lodge, T. et al.(ed)(2002), *Compendium of Elections in Southern Africa*, EISA, Kempton Park

But, the 2004 elections saw a major improvement. The IEC increased the number of voting stations from 14 650 in 1999 to 16 966. This dramatically decreased the amount of time that voters spent in a queue to as little as two minutes in some voting stations.

Some stations, however, as noted by the IESEA observer team¹¹, had insufficient lighting. This could have adversely affected the quality of counting at the stations. In some stations ballot papers were not reconciled before counting. This could have been caused by either ignorance or time constraints as people felt too rushed to meet a deadline.

Training of staff and logistical/election material

The 1999 election saw a strong emphasis in recruiting competent staff to avoid the inefficiencies of the previous national and provincial elections. Teachers, for instance, because of their level of education and easy trainability, as well as the staff from previous elections, were recruited. Training was provided during the registration drive, ensuring that by the time of the elections, the officials were fairly competent in their duties.

A similar recruitment strategy, namely the employment of people who had worked during the previous elections, was used in 2004. Only new staff was trained, but all staff were subject to a test, for which they had to get 70 per cent pass in order to be employed. The idea was to ensure competency and efficiency.

There was, however, a problem of late-recruitment of staff. This most likely compromised the quality of training they were able to receive and their subsequent performance was less than satisfactory. A team of observers under the Electoral Institute of Southern Africa noted such problems as:

- Improper positioning of ballot booths;
- Confusion over the role of party-agents, some of which also assumed the role of election officials; and

¹¹ IESEA, *Election Observer Mission Report: South African National and Provincial Elections 12-14 April 2004*, IESEA, Kempton Park, 2004

- Confusion over suitable ballot boxes for different ballot papers. Some stations used the same ballot box for both ballot papers, whilst others used separate boxes.
- Confusion over ballot papers. Provincial and ballot papers were not clearly distinguished from each other.

Counting and verification

The 1999 and 2004 counting was done differently to the 1994 elections. Instead of being transported from a voting station to a counting station, ballot papers were counted in the voting station for both the 1999 and 2004 elections. Upon closure of the voting process, the voting station turned into a counting station. The results were declared locally before being transmitted electronically to the IEC headquarters, where they would be captured and entered into a database. Thus, as they filtered through, the process was open to scrutiny by both the media and political parties.

As a result of the innovations, the counting process was completed fairly quickly. Sixty-percent of the 2004 poll, for instance, was counted by 13:00 the next day. The verification process, however, took slightly long owing to errors resulting from staff fatigue. But, the results were audited by an independent group of auditors before being transmitted to the provincial level. This assured the accuracy of results.

Overall, the time it took from counting to announcing the results was quite short. The results were announced exactly on the fifth day after the voting day – two days quicker than legally required¹².

Conflict Resolution

The level of conflict dropped drastically in the last two national and provincial elections. They were 253 incidents in 2004 compared to 1, 114 in 1999. This reduction was

¹² Piper, L, op cit.

attributable to the training provided to the IEC staff on conflict management and the presence of conflict mediators. The involvement of political parties in quelling tension has also been instrumental in reducing conflict. This was credited to the level of interaction that the IEC has established between itself and the various parties to promote the success of elections.

Turn-out

Eighty-seven percent of registered voters cast their votes in 1999, but this declined by about 10 per cent in 2004 to 76%. A more worrisome issue is that the 2004 election turn-out represents 59 per cent of all eligible voters, implying that 41 per cent did not to exercise their right to vote. This was a dramatic contrast to the 1994 elections when 80 per cent of eligible voters were estimated to have cast their votes.

Voter Education

The IEC's voter education for the 1999 elections emulated the success rate of the previous elections. An exit poll conducted by the HSRC on voting day revealed that 96% of the voters found the voting procedures easy to understand¹³. This was despite the problems related to lack of sufficient funds for the voter education drives. Yet, no adverse impact was recorded in terms of voters' knowledge of the voting process as reported by the HSRC exit poll. This may have been a reflection of voters' growing familiarity with the voting process – given that it was a third election – and the access of voters to voter education programmes offered by non-government organisations and the media, in collaboration with the IEC.

Policy Implications for 2009 Elections

The IEC has shown itself to be innovative. Each election has been an improvement on the last, notably in areas of voter registration and education; accessibility of voting stations; transparency; counting and verification of votes; and conflict resolution. The commendations and numerous awards that the organisation has won thus far is testimony to good work¹⁴.

That said, there are areas that still require attention. These include:

- The low levels of youth participation in the electoral process: strategies must be developed to get the youth involved in the electoral process;

¹³ O'Donovan, M, "Election day exit poll" in Muthien, Y, (ed.) (1999) *Democracy South Africa: Evaluating the 2004 Elections*, HSRC, Pretoria.

¹⁴ The IEC has, for example, received a commendation from the Associations of Western European Parliamentarians for Africa for setting high standards in managing elections and also won, *inter alia*, the Computerworld Smithsonian Award and the National Productivity Institute Award for its use of technology to improve efficiency.

- The relatively low levels of participation among South Africans eligible to vote: it is not sufficient to be content with a high turn-out among registered voters. Measures must be taken to ensure that even a higher percentage of eligible voters do actually register and cast their vote;
- Voter versus civic education: There should be a shift from the present exclusive emphasis on voter education to civic education. The electorate should be informed of the importance of their responsibility towards creating a vibrant democracy, as opposed to limiting their activism to voting and thereafter becoming inactive. A civic oriented education is geared towards promoting civic culture that leads to an active citizenry, not only at election times, but also in-between to take up issues of public interest. Thus, voting becomes part of a broader civic culture, sustained by a deep belief in maintaining a healthy democratic society;
- Registration payment: The amount of money required from parties in order to register – R140 000 for national and R30 000 per province - in the elections is a potential impediment to promoting the emergence of small parties. Measures should be explored to encourage participation of small parties, which may be otherwise be excluded by the cost.
- Conflict resolution mechanism and security: The upcoming elections are likely to be held within a climate fraught with tension. This owes to the recent formation of a new party, the Congress of the People, which will reportedly mount a serious competition to the ruling African National Congress. Already, there have violent skirmishes between supporters of the two parties. Such incidents are likely to recur, even with a greater frequency, in the period leading towards the elections, which may also spark disputes over election results. It is crucial, therefore, that the IEC is alert to this possibility, not only in terms of its conflict resolution mechanism, but also with respect to increasing the visibility of security personnel to pre-empt the outbreak of violent conflicts.

References

- Principles for Election Management, Monitoring and Observation in the SADC Region, Electoral Institute of Southern Africa, 2004.
- Lodge, T, et al, (2002) *Compendium of Elections in Southern Africa*, Kempton Park, EISA
- Electoral Commission Act, 51 of 1996.
- Elklit, Jørgen & Palle Svensson (1997) "What Makes Elections Free and Fair?" *Journal of Democracy*, Vol. 8, No. 3, July 1997
- Piper, L, "Why Democracy Costs Money: Lessons from Administration" in Piper, L (ed.) 2004. *South Africa's 2004 Election: The Quest for Democratic Consolidation*, EISA Research Report # 12.
- EISA, Election Observer Mission Report - South African National and Provincial Elections: 12-14 April 2004.