

## LESSONS FROM SOUTH AFRICA'S 2019 ELECTIONS

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### Key points

The ANC's 50-50 policy ensured that 50% of its candidate list for National Assembly seats were women. This contributed significantly to the improved participation of women in the National Assembly and other political structures, as the party wins a majority of seats during elections.

South Africa's electoral regulations advance the participation of vulnerable groups in the electoral processes. Special voting provisions enable voters such as those with physical infirmity, disability, pregnancy and voters who may be on election duties or simply can't vote at their voting station on election day to apply for special voting.

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### Introduction

The May 2019 national and provincial elections in South Africa had been regarded as the country's most competitive since 1994 when they emerged from apartheid rule. It was the country's sixth since this period. On the table for grabs was the 400-member National Assembly and membership into the nine provincial legislatures. South Africa has a Proportional Representation (PR) system. Voters do not directly vote for candidates but political parties represented on the ballot paper. After the elections, the Independent Electoral Commission (IEC) uses the proportion of votes a party gets in the polls to determine the number of seats they get in the National Assembly. Ultimately, the political party that wins the majority of seats in the National Assembly gets to form the national government. The country has a parliamentary system of government with the President elected by the National Assembly. The elections involved approximately 26.7million registered voters, some 22, 924 voting stations, and 48 contesting political parties at the national level<sup>1</sup>.

The main political parties that contested the elections included the ruling African National Congress (ANC), led by the then incumbent President Mr. Cyril Ramaphosa. The ANC has a long history of political control in post-apartheid South Africa. Having played an instrumental role in dismantling the apartheid regime, the party has consistently enjoyed widespread political support among South Africans, and has won every national election since 1994. Over the past decade though, the party had lost some grounds electorally. A number of factors are believed to have accounted for that – a growing disillusion among the populace with the political system; unemployment; the economy; corruption and corruption allegations; internal power struggles; broken promises, and poor service delivery. Ahead of the elections, there was a sense that the ANC would lose some grip on power. Exactly how much power it could lose was the question.

On the opposite end of the political divide was the Democratic Alliance (DA)- the second largest and official opposition political party. The DA's nationwide appeal is quite limited and the party has typically garnered less than 25% of votes in past National Assembly elections. It is perceived to have its core constituency among white South Africans.

<sup>1</sup> There are more registered political parties in South Africa but 48 contested for the National Assembly elections. The number of political parties who contested for the provincial legislatures varied from one province to the other.

Other relatively smaller political parties in the contest included the much younger and far-left Economic Freedom Fighters (EFF) party formed in the year 2013 and led by former ANC youth leader Mr. Julius Malema who had fallen out with the ANC. The politics of Mr. Malema injected into the electoral atmosphere some sense of excitement and political competition and threatened to reduce the influence of the ANC. At its first attempt in 2014, the EFF won 6.35% of the total vote share in the national elections—the third highest and out-performed many much older political parties.

Ahead of the elections, the main issues which shaped the political discourse included the economy, land reforms, public service delivery, race, and corruption, among others. Unlike other parts of the continent, the political atmosphere in the days leading up to the elections was not tensed, as though the entire destiny of the country depended solely on that one activity—elections.

Although the elections in the rainbow nation have long concluded, there are valuable lessons from its conduct for the rest of Africa. Generally, the elections were smooth, took place in a calm atmosphere devoid of significant political tension and had very few logistical challenges. For example, according to the IEC, less than 10% of voting stations opened after the official opening time of 7am. Admittedly, the elections were not problem-free and there was some form of protests by a group of smaller political parties about the credibility of the polls. In the end, the final outcomes of the elections as announced by the IEC seemed acceptable to most South Africans. They accepted the verdict, moved on with their lives. The streets in the immediate post-election environment appeared business-as-usual. A chapter in the country's life had concluded. The elections mattered to many South Africans, but it was not seen as a 'do-or-die' affair. Not many election-related incidents were recorded. This picture is often not the case in many other African countries. Against this background, it is important to highlight some of the positive aspects of the conduct of the elections and the lessons they provide in election management on the continent.

### **Voter registration and voter verification**

Many African countries spend quite a significant proportion of election budgets on voter registration and voter verification processes, and this may be understandable. Voter registration and verification processes are quite critical to electoral outcomes. In countries where there are no reliable national identification systems or civil registers, voter registration and verification processes have been subjected to intense political disputes and tension, sometimes over who is eligible to register and vote, and who isn't. South Africa's voter register is compiled on a continuous basis and voters. Eligible South Africans can simply apply to register at a local office of the Commission. Citizens can register as early as age 16 except they can only exercise the right to vote at age 18. Continuous voter registration takes place till the period when the President proclaims the date for an impending election, which is just few months to that polls. The IEC also complements continuous voter registration with special nation-wide voter registration drives to boost citizens' participation in elections. Such registration drives take place at voting stations and are thus closer to citizens.



UNLIKE OTHER PARTS OF THE CONTINENT, THE POLITICAL ATMOSPHERE IN THE DAYS LEADING UP TO THE ELECTIONS WAS NOT TENSED

A person only uses his/her valid identification card or document or a temporary identity certificate issued by the Department of Home Affairs to register to vote. Also worthy of note is the fact that the IEC did not issue voter ID cards after registration. On election day, voters simply produce their national ID (which can be a green booklet, barcoded ID, smart card or temporary identity certificate) for verification by poll officials. At the polling station, the barcodes of such identity cards are scanned by a verification device popularly called 'zip-zap' machines to confirm voters' identity. This arrangement can cut down on costs especially for resource-scarce countries such as those in Africa.

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## Inclusion and Participation of marginalized groups in the Electoral Processes

South Africa's electoral regulations advance the participation of vulnerable groups in the electoral processes. Special voting provisions enable voters such as those with physical infirmity, disability, pregnancy and voters who may be on election duties or simply can't vote at their voting station on election day to apply for special voting. Special voting takes place ahead of the main election date and allows voters the convenience of skipping long election day queues and facilitate the exercise of their franchise irrespective of certain circumstances they could find themselves in. A voter who qualifies for special voting only needs to apply to take part in the exercise. During special voting, the Electoral Commission opens the majority of polling stations which means that such categories of voters do not travel long distances to cast their ballots but can cast their ballots at a voting station close to them. During the Special Voting window, the IEC allows for home visits where by poll officials visit the homes of some categories of special voters who may have difficulty visiting polling stations to cast their ballots. Such visits are accompanied by political party agents and observers, where possible. During home visits, the applicable electoral procedures such as voter identification and verification and the secrecy of votes are adhered to poll officials. Special voting provisions have been made to protect both the secrecy of votes and a transparent and accountable electoral process. To bolster the participation of young persons, the IEC conducted special registration drives on university campuses.

South Africa also allow diaspora voting. South Africans living outside of the country are given the opportunity to register and apply to vote outside of the country from the various South African missions abroad. For the 2019 elections, approximately 30,000 of such persons who applied were approved to take part in the elections and they did so from 121 South African diplomatic missions around the world<sup>2</sup>.

It is significant to further note that an impressive high number of females participated in the elections as poll staff. As high as 73% of the IEC's 189,000 election day poll staff were females. Many of them were presiding officers. This was highly encouraging for inclusive electoral processes. Globally, South Africa ranks high in terms of women's participation in leadership positions. In the aftermath of the election, the IEC indicated that 45% of the list of the 400 designated members of the 400-member National Assembly were women, from the previous figure of 42.7%. This reflects a progressive march towards inclusive politics up from 1994 when women's representation in the National Assembly stood at only 2.7% prior to the elections but jumped significantly to 27.7% after the country's first democratic elections. By the end of May 2019, President Ramaphosa had appointed a cabinet of 50% women. Worth noting is the fact that the country does not have a legislated quota system. Some political parties, particularly the ANC have adopted internal policies aimed at enhancing the participation of women and youth in politics and governance.



SPECIAL VOTING PROVISIONS ENABLE VOTERS SUCH AS THOSE WITH PHYSICAL INFIRMITY, DISABILITY, PREGNANCY ETC.

<https://www.thesouthafrican.com/soauth-africans-abroad/2019-elections-how-many-overseas-voters/>

The ANC's 50-50 policy for instance seeks to ensure that 50% of its candidate list for National Assembly seats are women. This has contributed significantly to the improved participation of women in the National Assembly and other political structures given that the party has been winning the majority of seats during elections.

### **Independent Audit of Election Results**

Voting processes may be smooth but the counting, collation and declaration of elections results can unmake elections. The IEC seemed to understand this situation very well. The Commission engaged independent audit firms whose job was to audit the election results at various levels including municipal and provincial levels, before results could be certified for aggregation. Personnel from the independent auditors were put on location at the municipal offices of the Commission as well as the various Results Operation Centers to audit election results after poll reconciliation by IEC staff. Although this seemed to have slowed down the result collation process due to the nature of the activity, it provided the necessary assurance to the IEC that it had done a thorough work. Ultimately, it spared the IEC and South Africans of any attempts to discredit the elections' outcomes on the basis of results reconciliation and this contributed to peaceful and credible outcomes.

### **Response to Electoral Credibility Concerns**

The management of electoral concerns from stakeholders are key to the success of any elections. South Africa's IEC appeared to attach a good deal of seriousness in respect of grievances presented before by its stakeholders. The disposition of Commission towards some electoral concerns were respectful and feedback was often rapid. At some point in time when the Commission's immediate responses to issues were seen to be unsatisfactory by some of its stakeholders, the Commission responded to additional pressure for more appropriate responses. For example, when several opposition political parties threatened to reject the outcomes of the elections because they wanted an independent audit of the possibility of multiple voting at some voting stations, the IEC invited the country's Statistician-General- an independent actor, to conduct an audit on the issue. This was after the IEC's won internal audit of the issues, of which the parties rejected. In the end, the report from the Statistician-General indicated there was only a negligible chance for multiple voting. But this was much healthier for the electoral environment.

The Commission reacted similarly to growing concerns about the quality of indelible ink used to mark voters, and which reportedly could be erased by some voters. The Commission sent samples of the ink to an independent body-the Council for Scientific and Industrial Research [CSIR] for further investigations. It was discovered that some batches of the ink supplied for the elections were faulty. This issue would likely inform procurement of ink for future elections. But perhaps, even more impressive about the IEC and its efforts to resolve matters was the swiftness with which it addressed some electoral concerns, whether there was formal or informal report from the public. Elections, particularly in parts of Africa can be fluid and situations can easily degenerate.



**50%/50%**

THE ANC'S 50-50 POLICY ENSURED THAT 50% OF ITS CANDIDATE LIST FOR NATIONAL ASSEMBLY SEATS WERE WOMEN.

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Seemingly minor acts can be subjected to undue politicization and used to cause tension. The rapid resolution of electoral concerns is therefore key to peaceful electoral outcomes and the reaction of key actors such as Election Management Bodies (EMB) and security agencies can be critical. South Africa's IEC got such situations really under control. The swiftness of the Electoral Commission in responding to some issues arising in the days leading up to the election, and on the election day itself was quite impressive. There were viral videos and photos on social media. These put the credibility of poll officials in doubt. One video featured a polling official allowing a political party agent to assist in the transfer of special voting ballots from the ballot box into the ballot jackets. In another, a poll official was seen transporting election materials unaccompanied. In these and other instances that came up on social media, the IEC responded to the issues by initiating swift appropriate action. Sometimes, sanctions were immediate. Some IEC poll staff were dismissed or relieved of their positions. Such reactions from the IEC left little room for unnecessary speculations about possible rigging plots. It also guarded the IEC against any impressions that it was covering up for the misconduct of its staff. This did not allow potentially disgruntled actors from taking undue advantage of the actions and inactions of IEC staff which the Commission could have limited control over. The IEC also did well by constantly reporting back to the public about the end of its investigations, through traditional and social media platforms.

The security forces also stepped into budding election-related situations and brought situations under control. Where necessary, some arrests were effected and relevant action initiated. There was a sense that people could not simply get away with their illegal actions, and this was critical to the electoral process.

## Mutual Respect Between Key Actors

South Africa's Electoral Commission has successfully managed several national and local government elections which have been seen as free, fair and credible. During the 2019 elections, it was obvious that the Commission enjoyed some level of trust among its stakeholders. The Commission run into some issues with its stakeholders, but was given some allowable space to do its work without actors such as political parties literally 'obstructing' its work. During critical activities such as votes aggregation and results auditing at the local offices of the Commission, one could observe instances when political party agents were out of sight even though they were welcomed to observe such processes.

Election management can be a difficult task for many EMBs and can be complicated by various factors. In many parts of Africa, relations between EMBs and key elections stakeholders such as political parties have been antagonistic and characterised by suspicions and mistrust, and sometimes subjected to partisan coloration. It was significant to note that South African political parties could raise their concerns about the credibility of the electoral processes with the IEC without necessarily tagging the Commission on partisan lines nor associating them with any rigging plot.

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Also quite significant was the IEC's management of electoral concerns from its public. First, the IEC utilized the Party Liaison Committees which, by law are required to be established at various levels-national, provincial and municipal, to engage parties on electoral matters. During the election week, the IEC utilised the Party Liaison Committees to engage the parties on their concerns about electoral process and provided feedback on measures it was taking to address some of the concerns brought before it. The Commission also deepened its relationship with stakeholders by creating an enabling environment for them to closely monitor its election-day phase operations and to engage. The IEC's elaborate Results Operations Centers (ROCs) which were set up in all provinces and at the national level made reasonable provisions (in terms of work space and facilities) for contesting political parties, the media and observer groups to monitor proceedings. This facilitated communication and dialogue at all times in the poll process.

Antagonistic relationships between EMBs and political parties, especially those in opposition can ruin the smooth running of elections. While increasingly EMBs on the continent have been adopting and utilizing platforms like party liaison committees to engage stakeholders on relevant issues, a lot still needs to be done to bolster trust and confidence in the electoral process. Transparency and open communication can be critical and the South African IEC had to respond these. On the day of the elections for example, some political parties but mainly opposition political parties, at the realization that there was no reliable mechanism to detect double or multiple voting, raised concerns about the credibility of the election outcomes. By the end of the polls, many of these parties had escalated their concerns to the level where they demanded an independent audit of the polls or an outright rejection of the poll outcomes. While the IEC indicated that its internal audits did not indicate any significant evidence on double voting, it had to respond to calls by the parties for an independent audit of the issues. Welcoming any information on wrongdoing, the Commission assured the public of steps it was taking to uphold the integrity of the polls. The Commission subsequently invited the country's Statistician-General to conduct an independent technical assurance process. The results from the independent audit showed negligible risks from double voting and this information was shared with the contesting political parties.

## Areas for Improvement

It would certainly be erroneous to create an impression that the 2019 South African general elections were without challenges-they weren't, and some aspects of the electoral process should improve. First, the inability of voter verification scanners (zip-zip devices) to detect multiple voting from different polling stations needs rectification. The situation nearly provided grounds for election dispute when some political parties threatened to reject the election outcomes on the basis of alleged and possible multiple voting. As well, some zip-zip scanners were found to be faulty and there were no back-ups to fall on. Secondly, although the extensive poll hours of 7:00am to 9:00pm can provide adequate time for voters to cast their votes, it appears to be an over-stretch. There is a high tendency for poll staff to be fatigued even when their job requires meticulousness. Thirdly, many polling stations had very high numbers (in excess of 1,000s) which created really long queues at voting stations.



HIGH TENDENCY FOR POLL STAFF TO BE FATIGUED AS A RESULT OF LONG QUEUES AT POLLING STATIONS.

The number of registered voters per voting stream should be cut down so that voters do not spend long periods of time queuing to vote or even avoid voting at all due to such long periods spent on voting. Ghana's efforts at cutting down on lingering long queues through the addition of polling stations contributed significantly to the smooth conduct of its 2016 elections.

Fourth, some polling stations ran out of some voting materials on election day because some voters rushed to certain polling stations they believed had shorter voting queues. Such voters sought to take advantage of the electoral provision that allows voters to vote at any voting stations. In the absence of a reliable mechanism to check double or multiple voting, the issue about the quality of indelible ink became a subject of concern to which the IEC had to address itself. It is estimated that 6million people within the country's youth bracket alone did not even register to vote, and this could be due to multiple factors. The IEC had also been faced with the challenge of complying with a 2016 court order to include in the voter roll the physical addresses of all voters, to which it pleaded for additional time. The court granted a request for an extension of the deadline. At the time of the elections, some 85% of registered voters had their physical addresses captured in the voter register. The Commission is expected to do this by end of November 2019. Another challenge to the elections was isolated incidence of violence, often communal protests over public service delivery protests.

## Conclusion

Africa continues to witness improvement in the frequency and regularity of elections but electoral processes are still undermined by multiple factors affecting overall integrity and outcomes of elections. As a result, the continent lower behind most regions of the world in overall levels of electoral integrity. While some countries may be performing better than others on electoral credibility, it has been that some challenges remain in certain dimensions of electoral integrity<sup>3</sup> for both well-performing and low-performing African countries. It is therefore imperative that countries across the continent learn useful lessons among themselves with the aim of improving performance. South Africa's 2019 elections highlight the fact that elections may be not be flawless but can still be well managed to exude trust and confidence. Efforts such as the proactive resolution of electoral issues, trust and mutual respect among key players, the inclusiveness of the electoral processes, the involvement of independent actors in the resolution of certain issues, and constant stakeholder engagement among others can be critical. It is critical for countries to learn from each other's experiences to strengthen election management and to consolidate democratic gains.

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<sup>3</sup> Electoral Integrity Initiative Report (2019) on Electoral Integrity Worldwide

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