INTRODUCTION

In 2014 South Africa held its fifth general election since the end of Apartheid and the inauguration of inclusive democracy in 1994. As was the case in previous years, the elections were generally regarded as free and fair and resulted in another overwhelming majority for the incumbent African National Congress (ANC). However, despite the apparent satisfaction with the current electoral system, there have been repeated calls for reform.

This brochure provides background information about the way in which South Africans elect their national parliament and about the main alternatives that have been proposed. The brochure aims to give the participants to the UCT Deliberation Day on Electoral Reform in South Africa an objective overview of the strengths and weaknesses of all the options and takes no position in the debate.


Outline

1) Introduction
2) Origins of the current electoral system
3) Considering electoral reform
4) The three main alternatives
5) Conclusion
THE ORIGINS OF THE CURRENT SYSTEM

During Apartheid, members of the South African national parliament were elected in *single-member districts using plurality*. In other words, each electoral district elected one member of parliament. The seat would go to the candidate with the most votes. With this type of electoral system, it is quite common that candidates win their seat with only a minority of the votes. At the national level, this leads to high disproportionality. Disproportionality is measured as the difference between the vote share and the seat share of each party. Especially small parties without strong local support suffer from plurality in single-member districts. This type of electoral system is sometimes seen as unfair. Because there can be only one winner in each district, the votes for other candidates are “wasted”. It has two main advantages. First, plurality elections in single-member districts help to produce a clear winner of the national elections. Second, because each constituency has its own member of parliament, there is a strong connection between voters and their deputies.

Under Apartheid, only white South Africans had the right to vote. This changed for the 1994 national elections, which for the first time gave all South Africans of voting age a chance to elect their parliament. This was done under a completely new electoral system. The Interim Constitution Act of 1993 established that South Africa would adopt a *closed list proportional representation system*. Under this system, each voter has one vote, which is cast for a party. The order of the candidates on the party list is determined by the political parties and candidates are elected on the basis of their place on the list. For example, if a party wins seven seats, then the 

numbers one to seven on that party’s list get into parliament. For the purpose of allocating seats to parties, the whole country operates as one gigantic electoral district. In this way, the seat share of a party closely matches its vote share, resulting in high

Source: [http://www.accuratedemocracy.com/a_primer.htm](http://www.accuratedemocracy.com/a_primer.htm)
proportionality. Hence, the name of this electoral system: proportional representation.

The present electoral system is the result of negotiations between the outgoing Apartheid government of president F. W. De Klerk and his party, the National Party, the ANC, and several other stakeholders. The main objective of all participants was to create an electoral system that would result in an inclusive and stable nation. In light of the injustices and discrimination of the Apartheid regime, it was vital that the new political system would be home to everybody.

Most people expected the ANC to win the elections regardless of the type of electoral system implemented. The real question was what would happen to the smaller, opposition, parties. There was broad agreement on the need to have a parliament that was representative of all the interests, identities, and voices in society. This was all the more important as South Africa was and is characterized by sharp cleavages based on race, ethnicity, religion, language, culture, ideology, and socio-economic position. Thus, South Africa adopted the most inclusive and proportional electoral system in the world. Seven parties won representation in the first democratically elected parliament and, following the Interim Constitution, a Government of National Unity was formed with the three main parties.

CONSIDERING ELECTORAL REFORM

With the 2004 elections approaching and without a permanent electoral system, the Cabinet established a commission in March 2002 “to draft the new electoral legislation required by the Constitution” (ETT 2003: 1). This Electoral Task Team (ETT) was chaired by Frederik Van Zyl Slabbert, a former leader of the liberal opposition in parliament. The ETT did consultations with all South African political parties and solicited the input of a broad range of experts. The ETT published its report in January 2003. The majority recommended that the electoral system should be reformed before the 2009 elections. A minority of the ETT’s members preferred to continue with the existing electoral system. Everybody in the ETT agreed

A sample ballot paper of the parties competing in the RSA 1994 election.
Source: [http://aceproject.org/electoral-advice/archive/questions/replies/705395426](http://aceproject.org/electoral-advice/archive/questions/replies/705395426)
that proportional representation was the right electoral system for South Africa. Everybody also agreed that the electoral system adopted in 1993 had performed very well in terms of inclusiveness, fairness, and simplicity – three core values that all members shared and that go back to the Constitution.

*Fairness:* “All votes should be of equal value”; *Inclusiveness:* “Given the demographic, ethnic, racial and religious diversity of the South African voting population, every attempt should be made to allow the widest possible degree of participation by various political preferences”;  *Simplicity:* “The system has to be accessible to practically every voter, easy to understand and easy to participate in” (ETT 2003: 16-17).

Disagreement focused on the fourth value, *accountability*. Because officials are accountable to the parties they represent, rather than to the voters, accountability is weakened. The closed list system means that deputies depend for election and re-election on the party leadership. Seats in parliament belong to a party, not to deputies. Thus, a party can take the seat away from a member of parliament who becomes too independent or critical. There is no direct relationship between members of parliament and voters.

There was a broad consensus about the diagnosis of the problem with accountability, but not about the solution. The majority of the ETT thought that accountability of members of parliament to voters could be strengthened through electoral reform. The minority of the ETT was doubtful about the possible gains and followed a “don’t fix it if it ain’t broke” logic.

The opinions found within the ETT mirror those in society. In the only survey on electoral reform, from 2002, the majority of South Africans indicated they were satisfied with the performance of the electoral system. However, only 60% of respondents felt that the system allowed for individual representatives of government to be held accountable (Mattes and Southall 2004: 53).

Problems associated with lack of accountability are corruption, poor service delivery, lack of responsiveness to citizens’ opinions, low voter turnout, and the danger that voters become disillusioned and politically alienated, seeking other, more disruptive, means to influence policy making.
The government has implicitly recognized the need for some kind of constituency service, funding constituency work of parties in parliament. There are about 350 “Constituency Offices” around the country where members of the public can approach elected representatives and ask for help. However, most South Africans do not know who their constituency representative is.

Since the recommendations by the ETT, several other proposals for electoral reform have been launched. Some suggestions come from opposition parties such as COPE, the DA, and Agang. Others come from academics and non-governmental organizations such as My Vote Counts. In the bibliography, you can see a list of reports on the continuing debate. These proposals have two things in common: 1) All proposals for electoral reform embrace the four core values that any electoral system in South Africa should have: inclusiveness, fairness, simplicity, and accountability; 2) All proposals try to strengthen accountability. The proposals differ in the balance that they seek between the four core values and in the details of the favoured electoral system. The next section will look systematically at the three main alternatives for South Africa.

MAIN REFORM OPTIONS

1) The ETT majority proposal: PR in districts of different size
2) Democratic Alliance: PR in districts of two sizes
3) Mixed-member Proportionality (MMP)
The ETT majority proposal: PR in districts of different size

The ETT majority recommendation envisioned an electoral system using proportional representation in districts of different size. 300 members of the National Assembly would be elected using proportional representation in 69 multi-member districts, following the boundaries of district councils. The small multi-member districts would elect between three and seven members of parliament, strengthening the link between voters and representatives. Another 100 members of the National Assembly would be allocated from a closed national list also based on proportional representation. The overall result was expected to be highly proportional and the system could work equally well with one vote or two votes. For the long term, the ETT majority recommended that open lists should be used allowing voters to vote not just for parties but for candidates. Open lists are regarded as another means to improve accountability and encourage more citizens to vote because they have more choice.

**BENEFITS**

- It complies with the principles of fairness and inclusivity.
- It maintains proportionality.
- Constituencies encourage constituency representation.
- The more direct link between voters and members of parliament should make representatives more accountable.

**PITFALLS**

- It has not been tried in another country.
- It might be slightly less proportional than the current electoral system.
- The small constituencies will encourage politics on a regional basis, compromising nation building.
- The new electoral system encourages accountability but does not guarantee it.
- It is less simple than the current one.
The DA’s proposal: PR in districts of two sizes

In 2013, Member of Parliament (MP) James Selfe of the Democratic Alliance (DA), introduced a Private Member Bill. He proposed 100 constituencies that would each elect 3 MPs using proportional representation. These 300 MPs would be joined in the National Assembly by another 100 MPs elected from a national list, again using proportional representation.

The main motivation for the proposed reform was to increase accountability. Selfe expected that the new electoral system would encourage individual candidates to base their campaigns on their own merits instead of hiding behind a party label. Voters would still vote for party lists, but in the small multi-member constituencies would have a better idea of who the candidates are. In return, parties would select candidates who are well known and highly regarded in their community. The expected benefits and pitfalls thus mirror those of the ETT majority proposal:

**BENEFITS**

- It complies with the principles of fairness and inclusivity.
- It sticks to proportionality as a method and principle.
- Constituencies encourage constituency representation.

**PITFALLS**

- The more direct link between voters and members of parliament should make representatives more accountable.
- It has not been tried in another country.
- It will most likely be less proportional than the current electoral system or the ETT majority proposal, because proportionality is difficult to achieve in very small districts.
- There will be costs in changing.
- The demarcation of constituency boundaries may turn political, especially since all districts are of the same size, lacking the flexibility of the ETT majority proposal.
- The new electoral system encourages accountability but does not guarantee it.
- It is less simple than the current one.
Mixed-member proportionality (MMP)

The proposal for a mixed-member proportional system has two sources of inspiration: 1) The German electoral system for federal parliament; 2) The South African electoral system for elections to most of the local councils. The basic idea is the same: half of the members of the assembly are directly elected in single-member districts using plurality; the other half is elected from party lists using proportional representation.

Germany shows that it is possible to secure overall proportionality if the two parts of the electoral system interact. Imagine that voters have two votes: one for their constituency candidate and one for the national party lists. The vote for the national party lists determines how many seats each party gets in parliament. The votes for the direct elections in the single-member district then merely decide how many of a party’s deputies will be local and how many will be national. Here is an example: Based on the party vote, a party is entitled to 30 deputies out of the 400. Fourteen of its candidates won their local seat, so they are in. The remaining sixteen deputies are simply the numbers one to sixteen on the national list.

Mixed-member proportional electoral systems have become increasingly popular around the world, because they seem to combine the best of both worlds: the constituency representation associated with plurality elections in single-member districts and the inclusiveness of an overall proportional result. Italy, Lesotho, Mexico, New Zealand, and Venezuela all changed to MMP or a similar system. Italy has in the meantime changed its electoral system again.

**BENEFITS**

- It complies with the principles of fairness and inclusivity.
- The results are fully proportional.
- Local communities have “their own” member of parliament.
- The direct link between voters and members of parliament in the district gives a strong incentive to representatives to be more accountable.
- It allows for independent candidates.
- It has been adopted around the world.
The experience with directly elected (ward) councillors in South Africa so far has been disappointing. There is no evidence that the direct election of (ward) councillors at the local level in South Africa has improved service delivery.

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CONCLUSION

This brochure has provided background information on South Africa’s electoral system and the debate about its reform. It has deliberately focused on the main alternatives and main choices confronting South Africans. There are many other aspects that are important but could not be addressed, for example floor-crossing legislation, recall of elected representatives, party primaries, an electoral threshold to keep the smallest parties out of parliament, or party finance reform. Also, electoral reform is not the only means for increasing accountability within South Africa’s political system. Some commentators have called for a strengthening of civil society and a change in political culture.

Still, President Nelson Mandela back in 1999 already pointed at the connection between accountability and electoral reform, saying that “we do need to ask whether we need to re-examine our electoral system, so as to improve the nature of our relationship, as public representatives, with voters” (quoted in Louw 2014: 21-22).
SOURCES CONSULTED AND CITED


