

# The 1994 and 1999 Electoral Process/Systems: Promoting Democracy in South Africa

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## Abstract

*South Africa's general elections of 1994 was a unique occurrence in the country's history, having for the first time enfranchised the majority of the country's citizens. The 1999 elections advanced this process of democratizing the South African polity. This article examines the electoral systems that were applied to two elections, as well as the role of the Independent Electoral Commission in connection with those two elections. It argues that the legal and institutional frameworks established by the relevant laws ensured free and fair elections; but above all they advanced the democratization process.*

## Introduction

South Africa has just undergone its second democratic elections since 1994 with the second elections having been held on 2 June 1999. The 1994 general elections can be considered a unique occurrence in the country's history. Proof of this was the fact that millions of people could, for the very first time, exercise the right to vote in the country of their birth; that white voters had to bid farewell to the well-known and well-tried Westminster systems with its electoral divisions, and that an independent body had to supervise the entire electoral process. The 1999 elections could be regarded as a continuation of the democratic process in South Africa and as such, the election campaigns conducted by the various parties would differ from that of the 1994 elections. The majority of electoral systems draft a set of political rules in connection with the following: (i) the method of voting; (ii) elections and political parties; (iii) candidates; and (iv) election results. Concerning the election of 27 April 1994 all aspects referred to in (i)–(iv) were addressed and covered by the Electoral Act, No. 202 of 1993 and for the election of 2 June 1999, by the Electoral Act, No. 73 of 1998. The electoral systems used in the 1994 and the 1999 elections will be discussed as well as the role of the Independent Electoral Commission in the 1999 elections. The entire voting process and the allocation of the seats in the two elections will also be discussed.

## 2. Requirements for Free and Fair Elections

The role of free and fair elections in democratic societies, needs to be evaluated against the following: “free elections are certainly not all there is to democracy; in every modern nation that is generally called democratic, free elections are ... the basic device that enables the people to control the rulers. In short: no free elections, no democracy.” (Ranney 1992: 167).

Against this background, the basic element of democracy, namely elections, has to meet the following requirements to qualify as democratic elections:

- the whole adult population has the right to vote for the nominated candidates;
- elections regularly take place within the prescribed periods, e.g., every five years;
- no substantial group in the adult population is deprived of the opportunity to form a political party or to nominate candidates;
- all the seats in the most important legislative chamber may be contested and are usually contested;
- election campaigns are being conducted with acceptable fairness so that violence, intimidation or the law do not prevent candidates from putting across their viewpoints and qualifications and also that voters can hear and discuss the viewpoints of their candidates; and
- votes are cast without hindrance and in secrecy; they are counted and reported in an honest way; the candidates who receive the required proportion of votes as laid down in the law, are declared chosen and fill their positions until a new election takes place. (Macridis 1986: 78).

Before the *day of the election* itself and for the election to be declared “free”, the following requirements need to be adhered to:

- Freedom of movement. It is essential that candidates and organizers of all political parties have uninhibited access to voters at all places and in all the parts of the country;
- Freedom of speech. Candidates must without inhibition, be allowed to state the viewpoints of their political parties as well as criticizing the policy and actions of their opponents;
- The right (freedom) of organizing meetings. Parties and candidates must enjoy the right to organize and hold meetings without the exclusion of individuals.
- Freedom of association. The freedom to associate with any party and policy without fear of intimidation or discrimination to oneself;
- The absence of unfair and discriminatory restrictions on the participation of political parties and candidates in the election;
- Equal franchise. All adult citizens who conform to the laid down electoral regulations must enjoy the right to vote for a party or candidate of his/her choice. All votes exercised will carry equal weight. (Wessels 1999: 11).

Before the *day of the election* itself and for the election to be declared “fair”, the following requirements need to be adhered to:

- The presence of an Electoral Act and Election Regulations that do not provide any special favours to any political party or group;
- The existence of a common voters' roll free from any discriminatory principles;
- The creation of an independent electoral commission who will accept responsibility for the election in its entirety;
- The existence of equal opportunities for political parties and independent candidates to stand for election;
- The presentation of an unbiased voter education programme that will not be abused to gain an unfair political advantage for specific political parties;
- An orderly election campaign based on a Code of Conduct that will be adhered to by all political parties and candidates and where the rules count the same for all parties;
- Equal and unbiased access to the public media;
- An unbiased allocation of state funding to political parties who are participating in the election on an official basis;
- No misuse of state funding and government institutions by the ruling party for election purposes (Wessels 1999: 11).

*On election day* and for the election to be declared "free", the following requirements must be adhered to:

- Everybody must have the opportunity to participate in the election with fairness being the qualifying factor. For an election to qualify as "fair", the following requirements must be adhered to on election day:
- Uninhibited access to all election venues for representatives of political parties, accredited international observers and the media;
- The right to exercise one's vote in secret without fear of retribution or reprisal for the choice exercised;
- A simple and efficient design of the ballot paper, which will leave no doubt with the voter on how to vote;
- The provision of proper polling stations, which allow for secrecy and safe transportation of the ballot papers to the counting stations;
- Unbiased provision of assistance to handicapped voters;
- A proper and above board system must be in place for the counting of the votes;
- Spoilt and invalid ballot papers must be dealt with in a circumspect manner;
- Proper control measures must be in place to ensure that the ballot papers are transferred safely to the counting stations;
- Unbiased protection of the polling stations (Wessels 1999: 11).

*After election day*, the following requirements have to be met for an election to qualify to be "free":

- A proper system must be in place where objections can be lodged regarding the voting and the election results.

*After election day*, the following requirements have to be met for an election to qualify to be "fair":

- The official and speedy announcement of the election results;

- All complaints lodged, must be handled in an unbiased manner;
- Unbiased reporting by the media with regard to the election results;
- The acceptance of the election results by all involved parties;

Finally, for an election to be certified as free and fair, the views of the independent national and international observers need to be taken into consideration (Wessels 1999: 11).

### **3. Democratic Electoral Systems**

According to Reeve (1992: 7),

what kind of electoral system is employed plays an important part in determining who or what is chosen in an election, and, beyond that, any policy decisions in which those elected are involved. At the level of the national political system, the electoral system determines important outcomes. It does so directly in that who is elected under one system may not be elected under another system.

Electoral systems have a dramatic impact on politics in many nations as they not only determine how many seats each party wins in parliament but also can shape the type of campaign parties use. There are mainly three methods:

- Plurality system;
- Majority system;
- Proportional representation.

#### **3.1 Plurality system**

This system is also known as the first past the post (FPTP) or winner takes all system and was in use in South Africa until the 1994 elections. The system usually functions in coherence with territorially demarcated single member constituencies (Rose 1983: 30). In this system, the candidate or party with the largest number of votes wins, even if the proportion of the total vote taken by the winning candidate is small (Reeve 1992: 67).

The main source of criticism against the plurality system is according to Bogdanor (1938: 4), that it is a mechanism of disproportional representation: the candidate who is first-past-the-post (that is the largest share of the vote in a constituency), whatever his share of the vote, just as the winner in a horse race is the horse that runs faster than every other horse in that particular race. In a single member constituency with three candidates standing, it is in this case possible for a candidate to win an election with 34% of the vote.

The classic illustration from South African history is the 1948 elections when the NP/Afrikaner Verbond received 42% of the vote but won 79 seats whilst the United/Labour Parties received 52% of the vote but only managed to receive 71 seats (Faure 1999: 2)—a clear result of the inadequacies of this system.

#### **3.2 Majority System**

The objective of the majority system is to eliminate the possibility that a candidate

can win an election with a minority vote. A candidate only wins a seat if he/she obtains an absolute majority of the votes cast in the constituency, i.e., at least one more than 50% of the total number of votes cast. In this system, success depends to a large extent on the party's ability to enter into alliances with like-minded parties (Wessels 1994: 151–152).

### 3.3 *Proportional Representation*

With reference to proportional representation, Rose (1983: 34) says:

In a proportional representation electoral system, a general election is principally a means of representing popular preferences. An election is meant to produce as close as possible a match between a party's share of the vote and its share or representation in the national parliament. The election is an end in itself and not, as in plurality systems, a means to the end of forming a single party government.

Proportional systems attempt to provide for a fit between the votes cast and the share of the seats (in a Parliament) accorded to each Party (Reeve 1992: 67).

Under proportional electoral systems, two variations exist, namely, the *single transferable* and the *list system*. The *single transferable* vote emphasizes the personal rather than the territorial principle and is "therefore an electoral system aiming to bring about proportionality by providing preference voting in multimember constituencies" (Wessels 1994: 153).

In South Africa, use since 1994 was made of a system of proportional representation based on the party list system. According to Reynolds (1993: 107):

by using the party list system in small multimember constituencies, proportionality in Parliament is ensured and a geographical link is maintained between the electors and the elected. The ability of voters to discriminate between candidates of the same party is allowed for in the method of choosing the elected candidate.

The party list system was implemented with party lists on national and regional levels, as well as the proportional allocation of seats on national and regional levels. In an election run on the list system—as was the case in South Africa—each party receives a specified percentage of the total number of votes. The quota refers to that part of the total number of votes that a party must win to be entitled to one representative (Wessels 1994: 153).

## 4. The Electoral System Used for the Election of 27 April 1994

Elections were held for a parliament comprising of a Senate consisting of 60 indirectly elected members; 10 per province nominated in terms of the relative strengths of the parties represented in the provincial legislature; and a National Assembly consisting of 400 members; 200 members elected on a national basis in terms of national party links and 200 members elected on a regional basis in terms of regional party lists. The threshold for the National Assembly is 0,5%.

In compliance with section 40(1) of the Constitution of South Africa, No. 200 of 1993, the National Assembly was elected in accordance with the system of proportional representation, which provides that the number of seats a party is entitled to in parliament is directly related to the support it receives in an election. Thus a party that wins 20% of the votes in an election will correspondingly also be entitled to 20% of the seats in parliament. In order to promote the nationwide distribution of seats, half of the members of the National Assembly (200) were elected on a national list and the other half (200) on a regional list. Votes were cast in favour of political parties and not candidates.

#### ***4.1 Parties that participated in the 1994 Elections***

Nineteen parties participated in the 1994 elections and appeared on the ballot paper in the following order:

|  |        |
|--|--------|
| * Pan Africanist Congress of Azania                                | PAC    |
| * Sports Organization for Collective Contribution and Equal Rights | SOCCER |
| * The Keep it Straight and Simple Party                            | KISS   |
| * Vryheidsfront/Freedom Front                                      | VF-FF  |
| * Women's Rights Peace Party                                       | WRPP   |
| * Worker's List Party  | WLP    |
| * Ximoko Progressive Party   | XPP    |
| * African Muslim Party   | AMP    |
| * African Christian Democratic Party                               | ACDP   |
| * African Democratic Movement                                      | ADM    |
| * African Moderates Congress Party                                 | AMCP   |
| * African National Congress  | ANC    |
| * Democratic Party   | DP     |
| * Dikwankwetla Party of South Africa                               | DPISA  |
| * Federal Party  | FP     |
| * Luso-South African Party   | LUSAP  |
| * Minority Front   | MF     |
| * National Party   | NP     |
| * Inkatha Freedom Party  | IFP    |

*Votes cast*—19,553,498 million.

#### **Allocation of Seats in the National Assembly**

| <i>Party</i> | <i>Votes</i> | <i>Percentage</i> | <i>Seats</i> |
|--------------|--------------|-------------------|--------------|
| ANC          | 12,237,655   | 62.8              | 252          |
| NP           | 3,983,690    | 20.4              | 82           |
| IFP          | 2,058,294    | 10.5              | 43           |
| FF           | 424,556      | 3.3               | 9            |
| DP           | 338,426      | 1.7               | 7            |
| PAC          | 243,478      | 1.3               | 5            |
| ACDP         | 88,104       | 0.5               | 2            |

Thus, only seven out of the nineteen parties that participated in the election, managed to gain representation in the National Assembly.

## 5. The Electoral System Used for the Elections of 2 June 1999

The Constitution of South Africa, No. 108 of 1996, contained no detailed prescriptions with regard to the electoral system that should be used for the election of the central and provincial legislatures of the country. The 1996 Constitution stipulates that the 1999 election must be conducted in terms of the electoral system specified in Schedule 2 of the Interim Constitution. The implication of this according to Faure (1999: 10) "is that the 1999 elections will use the same system as the one used in 1994" and with regard to the National Assembly, elections will be conducted in terms of an electoral system that:

- \* is prescribed by national legislation;
- \* is based on the national common voters' roll;
- \* provides for a minimum voting age of 18 years;
- \* results, in general, in proportional representation (Faure 1999: 11).

Elections were held for a parliament consisting of a national assembly of no fewer than 350 and no more than 400 members. The final Constitution provided for a second chamber of parliament, namely, the National Council of Provinces, which represents the provinces to ensure that provincial interests are taken into account in national government. The NCOP—consisting of 90 delegates in the form of a single delegation from each of the nine provinces and each delegation consisting of ten delegates—replaced the former Senate when the 1996 Constitution was adopted and came into operation on 4 February 1997 (Faure 1999: 11; Reynolds 1999: 20). The threshold was 0.25%.

### 5.1 Parties that Participated in the 1999 Elections

The following sixteen parties participated in the 1999 elections:

- |  |       |
|--|-------|
| * Abolition of Income Tax and Usury Party  | AITUP |
| * African Christian Democratic Party       | ACDP  |
| * African National Congress                | ANC   |
| * Afrikaner Eenheids Beweging              | AEB   |
| * Azanian People's Organization            | AZAPO |
| * Democratic Party                         | DP    |
| * Federal Alliance                         | FA    |
| * Inkatha Freedom Party                    | IFP   |
| * Minority Front                           | MF    |
| * New National Party                       | NNP   |
| * Pan Africanist Congress of Azania        | PAC   |
| * The Government by the People Green Party | GPGP  |
| * Socialist Party of Azania                | SOPA  |
| * United Christian Democratic Party        | UCDP  |
| * United Democratic Movement               | UDM   |
| * Freedom Front                            | FF    |

*Votes cast*—16,228,142 million.

**Allocation of Seats in the National Assembly**

| <i>Party</i> | <i>Votes</i> | <i>Percentage</i> | <i>Seats</i> |
|--------------|--------------|-------------------|--------------|
| ANC          | 10,601,330   | 66.35             | 266          |
| DP           | 1,527,337    | 9.56              | 38           |
| IFP          | 1,371,477    | 8.58              | 34           |
| NNP          | 1,098,215    | 6.87              | 28           |
| UDM          | 546,790      | 3.42              | 14           |
| ACDP         | 228,975      | 1.43              | 6            |
| FF           | 127,217      | 0.80              | 3            |
| UCDP         | 125,280      | 0.78              | 3            |
| PAC          | 113,125      | 0.71              | 3            |
| REST         |              |                   | 5            |

Thus, only thirteen out of the sixteen parties that participated in the election, managed to gain representation in the National Assembly.

According to Reynolds (1999: 204), the number of seats won under different electoral systems would have looked as follows:

|               | <b>No<br/>threshold</b> | <b>Proportional<br/>1%<br/>threshold</b> | <b>Systems<br/>5%<br/>threshold</b> | <b>Majoritarian<br/>FPTP</b> | <b>Semi-proportional<br/>Parallel systems</b> |
|---------------|-------------------------|--|-------------------------------------|------------------------------|---|
| <b>ANC</b>    | 266 (66%)               | 276 (69%)                                | 291 (73%)                           | 300–310 (76%)                | 285–290 (72%)                                 |
| <b>DP</b>     | 38 (9%)                 | 40 (10%)                                 | 41 (10%)                            | 25–30 (7%)                   | 31–34 (8%)                                    |
| <b>IFP</b>    | 34 (8%)                 | 36 (9%)                                  | 38 (9%)                             | 35–40 (9%)                   | 34–37 (9%)                                    |
| <b>NNP</b>    | 28 (7%)                 | 28 (7%)                                  | 30 (7%)                             | 20–25 (5%)                   | 24–26 (6%)                                    |
| <b>UDM</b>    | 14 (3%)                 | 14 (3%)                                  | –                                   | 4–6 (1%)                     | 9–10 (2%)                                     |
| <b>ACDP</b>   | 6 (1%)                  | 6 (1%)                                   | –                                   | –                            | 3 (1%)  |
| <b>FF</b>     | 3 (1%)                  | –  | –                                   | –                            | 2 (0,5%)                                      |
| <b>UCDP</b>   | 3 (1%)                  | –  | –                                   | –                            | 2 (0,5%)                                      |
| <b>PAC</b>    | 3 (1%)                  | –  | –                                   | –                            | 2 (0,5%)                                      |
| <b>Others</b> | 5 (1%)                  | –  | –                                   | –                            | 1 (0%)  |
| <b>Total</b>  | <b>400 (100%)</b>       | <b>400 (100%)</b>                        | <b>400 (100%)</b>                   | <b>400 (100%)</b>            | <b>400 (100%)</b>                             |

An analysis of the above-mentioned table would indicate the following:

- If the election had been held under the FPTP single member constituency systems, the number of ANC seats would have risen from 266 of the 400 seats (66%) to between 300 and 310 (at least 75%). In turn, the number of opposition seats would have shrunk by one-third and also led to the exclusion of eight



parties. As such, "the large seat bonus for the ANC and the reduced number of opposition party seats would have diminished the capacity of the main opposition parties, including the Democratic Party, to fulfil their democratic duty of challenging government policies and laws" (Laurence 1999: 32).

- If a threshold of 1% had been imposed, the ANC's tally would have risen to 276 (69%) and resulting in seven smaller opposition parties failing to reach the qualifying quota.
- If a threshold of 5% had been imposed, the ANC's tally would have risen to 297 (73%), resulting in another two opposition parties, viz., the UDM and the ACDP failing to reach the qualifying quota (Laurence 1999: 32).

## **The Independent Electoral Commission**

Here, attention will be given to the following: Powers, duties and functions of the Independent Electoral Commission; the composition of the Independent Electoral Commission; the Electoral Court; the compiling of the voters' roll; voter education; and the voting procedure to be followed on the day of the elections.

The election itself was administered by the Independent Electoral Commission, which had been established in terms of Chapter 9 of the Constitution of South Africa and the Electoral Commission Act, No. 51 of 1996. Under the powers vested in it by section 100 of the Electoral Act, No. 73 of 1998, the Commission set out the regulations for the election in a special Government Gazette (*Regulation Gazette*, No. 19951 of 14 April 1999).

The Electoral Commission Act, No. 51 of 1996 made provision for the following:

the establishment of an Electoral Commission to manage elections for national provincial and local legislature bodies; and to make provision for the establishment, composition and the powers, duties and functions of an Election Court.

The vision of the Electoral Commission was as follows: "to strengthen the constitutional democracy through the delivery and management of regular free and fair elections in which every voter is able to record his or her informed choice." (IEC: 25 May 1999)

## **Powers, Duties and Functions of the Electoral Commission**

The functions of the commission entail amongst others, the following:

- (a) manage any election;
- (b) ensure that any election is free and fair;
- (c) promote conditions conducive to free and fair elections;
- (d) promote knowledge of sound and democratic electoral processes;
- (e) compile and maintain voters' rolls by means of registering of eligible voters by utilizing data available from government sources and information furnished by voters;
- (f) compile and maintain a register of parties;

- (g) establish and maintain liaison and cooperation with parties;
- (h) promote voter education; and
- (i) declare the results of elections for national, provincial and municipal legislative bodies within seven days after such elections.

### **Composition of the Independent Electoral Commission**

The commission will consist of five members, one of whom will be a judge, appointed by the president with the term of office of a member of the commission being seven years. The president shall designate a chairperson and vice-chairperson from amongst the members of the commission. The chief electoral officer shall be the head of the administration of the commission. The chairperson of the Independent Electoral Commission was Mrs Brigalia Bam with her four commissioners being Professor Herbert Vilakazi, Judge Ismail Hussain, Ms Thoko Mpumlwane and Mr Fanie van der Merwe. The chief electoral officer since 1997 was Professor Mandla Mchunu. (*The Star* 11 June 1999: 14).

### **Electoral Court**

The Electoral Court enjoys the same status as that of the Supreme Court and its composition is as follows: a chairperson, who is a judge of the Appellate Division of the Supreme Court and two other judges of the Supreme Court; and two other members who are South African citizens. Appointment is done by the president upon the recommendation of the Judicial Service Commission. The powers, duties and functions of the Electoral Court included amongst others, the following:

- (a) The Electoral Court may review any decision of the commission relating to an electoral matter;
- (b) The Electoral Court may hear and determine an appeal against any decision of the Commission only in so far as such decision relates to the interpretation of any law or any other matter for which an appeal is provided by law;
- (c) The Electoral Court may determine its own practice and procedure and make its own rules; and
- (d) The Electoral Court may determine any matter that relates to the interpretation of any law referred to it by the commission.

### **Compilation of the Voters' Roll**

The compilation of a voters' roll can be regarded as the most logistically complex task that confronts electoral managers all over the world. The role itself is the linchpin of electoral management. It determines who may vote and where, and therefore, plays a critical role in establishing voter eligibility, a balance in the distribution of voters among wards and constituencies, and fairness and transparency in the conduct of elections and their outcomes. It is also a vital logistical and management tool for electoral administration in the location, establishment, staffing and provisioning of voting stations. (*Saturday Star* 18 April 1998: 8)

A common voters' roll, which is designed to include every South African citizen

over the age of eighteen years, is enshrined in the South African Constitution, No. 200 of 1996. The basis for a common voters' roll lies in the founding principles of the South African Constitution which states: the Republic of South Africa is one, sovereign, democratic state founded on the following values:

- (a) human dignity, the achievement of quality and the advancement of human rights and freedoms;
- (b) non-racialism and non-sexism;
- (c) supremacy of the constitution and the rule of law; and
- (d) universal adult suffrage, a national common voters' roll, regular elections and a multiparty system of democratic government, to ensure accountability, responsiveness and openness.

A common voters' roll furthermore, ensures integrity, credibility, fairness and quality of elections through the prevention of fraud and duplication. A document is provided which can be inspected and which makes allowances for the reconciliation of ballot papers and the final count. (*The Star* 24 November 1998: 8).

The situation in South Africa before 1994 at the stage of the country's first democratic elections, only so-called apartheid rolls existed. In 1994, no common voters' roll existed. People who voted did so simply on the strength of their identity documents and on an electoral official's ability to verify or accept a voter's credentials. People could vote where they liked, which meant that, while all votes cast for the national government went into a single central pool, no control was exercised where votes at the provincial level could be exercised. People who lived in one province could vote in another and have their vote counted towards that other province's tally, meaning that election results could have been skewed. (*Saturday Star* 18 April 1998: 3).

For the second democratic elections that were to be held on the 2 June 1999, the Independent Electoral Commission took that:

... everyone intending to vote in the election the decision ... must register on Friday, Saturday or Sunday (27, 28 and 29 November 1998) to be included on a new National Common Voters' Roll. A National Common Voters' Roll was a constitutional imperative, it was a valuable tool for electoral planning and an invaluable aid to electoral legitimacy (Hills 1998: 1).

The following information would be contained on this voters' roll: the surname, first names and identity number of every voter in each voting district. All South Africans of eighteen years or older at the time of the election, would be entitled to vote and would be able to register if in the possession of a bar-coded South African identity document or a temporary registration certificate<sup>1</sup> showing that an application had been made for the new identity document. People would be allowed to vote only in the area in which they had registered, namely, where they normally resided. At each registration centre, an official would make sure that the person wishing to register was in the possession of the correct identification document and was registering in the correct district. Thereafter, the person would have to fill in a

registration form which on completion, would be handed to an official who would have the enumerator area recorded on it and the contents of the form validated. Each person's identity document would then be scanned onto a computer satellite network to confirm identification against the National Population Register and to ensure that no duplication occurred on the new National Common Voters' Roll. A registration receipt would be recorded on the identity document and on the application form. The completed form would be handed in and filed. (Hills 1998: 1). According to the then Deputy President Thabo Mbeki, "South Africans who registered and voted on Election Day, would be exercising their constitutional right to help determine the country's destiny." (Hills 1998: 1) The registration cut-off date was Friday, 5 March 1999 with the Independent Electoral Commission's next task being to audit and check the voters' roll before releasing it for public scrutiny in April. The reason behind this step is clarified by Brigalia Bam, the chairperson of the Independent Electoral Commission as follows: "the roll has to be inspected ... so everyone—individuals, politicians, everybody—has to be satisfied with it." (Sulcas 1999: 2).

### **Voter Education**

Another of the functions allocated to the Independent Electoral Commission, was that of voter education and for the elections of 2 June 1999, great emphasis was placed by the Independent Electoral Commission on voter education by making use of 92 non-government organizations, the democracy development directorate of the Independent Electoral Commission held 2,500 voter education workshops countrywide. Messages carried across by the directorate, included the role of the voters' roll, the secrecy of the vote, the electoral code of conduct, the rights and obligations of citizens during the election period, voting procedures and how to lodge complaints. The democracy development directorate selected voter education agents from the NGO sector with due regard to their expertise and understanding of the provincial complexities of the country. (Naidu 1999: 14).

### **Logistic Support Provided by the Independent Electoral Commission**

No analysis of the 1999 elections would be complete, without a brief look at the administrative and support services required to hold a successful election. The administration and support services of the Independent Electoral Commission played an essential role in assisting the electoral operations. Administrative and support services cover democracy development, financial management, legal services, communication and information, support services, including procurement, documentation services, office services and transport services. (Naidu 1999: 14)

A vital section of the administration and support services was the information technology (IT) function. The Independent Electoral Commission developed an integrated suite of computer applications, which played a vital role in supporting the various management processes, for example, the creation of applications for voter registration system, electoral staff system, party registration system, candidate

management system and results verification system. The voter registration system was used to consolidate and verify all voter registration information from 15,000 registration stations using 25,000 bar-code scanners.

In total, the system received and processed 160,370 files, which resulted in the registration of 18.17 million voters. These records were then, over a three-week period, validated against the National Population Registration. Use was made of the results verification system to consolidate and verify results from each of the more than 14,500 polling stations that was received by fax, telephone and the wide area network. All exceptions identified were logged and dealt with by the election centre which was housed in a 12,000m<sup>2</sup> hall at the international showgrounds in Pretoria and a total of 30,000 results captured at 445 sites across South Africa. Finally, the IT department also developed a website to provide election results to the world. (Naidu 1999:14)

On voting day, the Independent Electoral Commission made use of 14 650 voting stations. On election day, 96,597 pencils, 58,373 ballot boxes, 5,986 sticks of sealing wax, 9,597 voting compartments and 50,000,000 ballot papers were allocated to voting stations. In all, 45,671 forms of various types were distributed among the voting stations. Other items distributed by the Independent Electoral Commission included 87,900 candles, 103,348 chairs and tables, 222,024 armbands for staff, 40,116 armbands for observers and presiding officers, 246,965 ballpoint pens, 2,012,722 paper clips, 107,769 rulers, 1,002,649 rubber bands and 29,300 toilet rolls (Naidu 1999: 14).<sup>2</sup>

## **Voting Procedures and Voting Process**

On 2 June 1999, the polling stations stayed open from 7 a.m. to 9 p.m. for voters to cast their provincial and national votes. *The voting process worked as follows:*

On entering the polling station, a voting list controller will ask the voter for a green bar-coded identity document or a temporary identity document. The controller will make sure that the photo in the identity document corresponds to the person whose identity document he/she is holding and that the number in the identity document corresponds with the Identity Number on the voting register. Once satisfied, the person's name will be crossed out from the voting register and then the voter will proceed to the marker. The task of the marker is to check whether any ink marks are visible on the hands of the voter and if that is not the case, will mark the left hand thumb of the voter so that the voter cannot vote twice. On proceeding to the next stage where, after it has been ascertained that his/her left hand thumb has indeed been marked, the voter will receive two ballot papers—ballot paper one for the National Assembly where nineteen parties are contesting the election and ballot paper two for the Provincial Legislature. Both ballot papers will carry the official stamp of the Independent Electoral Commission at the back and the difference between the two ballot papers will be explained by an Electoral Official. This person will also show the voter how to fold the ballot papers

after the choice had been made. The voter will then proceed to a cubicle where the crosses are made and the ballot papers folded in such a manner, that the vote remains a secret. The voter then proceeds to the ballot boxes where an Electoral Official will first make sure that the ballot papers carry the official stamp of the Independent Electoral Commission before the ballot papers are placed by the voter into the ballot boxes for the National Assembly and the Provincial Legislature respectively. After this, the voter must leave the polling station immediately (*Die Volksblad* 2 Junie 1999: 6).

*Vote counting worked as follows:*

After the closure of the polling station at 9 p.m., the vote counting begins. Should there be a security problem, or if there is no electricity at a polling station, the votes will be transported to a central point for counting. Each polling station caters for about 3,000 voters, so counting should take 2–3 hours. A counting officer and staff count both the provincial and national ballots. At least two agents from different political parties must be present to ensure fairness. When the count is complete, the party agents sign the results slips and the counting officer goes outside and announces the results to the public. The results are then pinned to the door of the polling station. Then, the results are phoned in to the Election Centre in Pretoria and tape-recorded. The counting officer goes to the local electoral offices (LEO) and faxes the results through to the Election Centre. The results are inputted onto a computer at the LEO and sent to the Election Centre via the wide area network. If all three sources agree, and the result is verified, it will be included in the final result. After receiving the initial, collated and verified votes from each polling station around the country, all the results are put onto a main computer. The final result is then announced. Legally, there are seven days to declare the final result. Disputes have to be resolved by the Electoral Court before 9 p.m. on 9 June 1999 (Warder 1999: 10).

## **Funding of Political Parties**

In terms of the Public Funding of Represented Political Parties Act of 1997 every financial year money is shared out to parties already represented in the national parliament and provincial legislatures. This Act also brings to life section 236 of the Constitution, which stipulates that to enhance multiparty democracy, legislation must provide for the funding of political parties participating in national and provincial legislatures on an equitable and proportional basis (Sawyer 1999: 10). Thus in terms of the constitution, the state has to provide such funds for the running of parties; this has to be done on the basis of proportionality and equity, and its purpose is to enhance multiparty democracy (*The Star* 3 September 1998: 3).

After the Public Funding of Represented Political Parties Act was passed, a special multiparty parliamentary committee decided on a formula based on their understanding of the concept of equitable and proportional. Thus, in accordance to this formula, more than R52 million has been allocated in 1999 alone. The African

National Congress (ANC) received R30.6 million; the New National Party (NNP) received R10.1 million; the Inkatha Freedom Party (IFP) received R5.6 million; the Freedom Front (FF) received R1.9 million; the Democratic Party (DP) received R1.7 million; the Pan Africanist Party received R1.1 million; the African Christian Democratic Party (ACDP) received about R953,470; and the Minority Front (MF) which is only represented in the KwaZulu-Natal legislature, received R719,740. New entrants to the political field have to pay the following deposits up front: to contest the national election will cost each party a deposit of R9,000 and an additional R10,000 for each province contested (Sawyer 1999: 10).

## **Were the Elections “Free and Fair”?**

The final step in any election process to ensure the promotion of democracy is the declaration of the elections, as “free and fair”. This is where the part played by national and international referees and observers is of crucial importance.

According to a survey undertaken by the Human Sciences Research Council on 6 June 1999, the overwhelming majority (96%) of voters believed that the elections that were held on 2 June 1999, were “free and fair” More than two-thirds (68%) of voters did not think that there had been any problem with the 1999 elections. Among the voters who had identified problems, the following were the most frequent complaints raised: long queues (6%); the need to register for the elections (5%); delays at the Department of Home Affairs with the issuing of identity documents (3%); perceived inefficiencies with the registration process (2%); and names not appearing on the voters’ roll (2%) (HSRC 1999: 1). According to Dr Yvonne Muthien, executive director at the HSRC and responsible for the survey,

a striking feature of the survey, particularly with regard to the free and fairness of the elections, was the insignificant differences between race groups. This signals a high degree of national consensus—across the racial and party political divide—in the legitimacy of the election process (HSRC 1999: 1).

Voters were also asked whether they believed that anyone would know for which party they had voted for in the elections, 85% believed that their vote was secret whilst 12% did not believe that their vote was secret. The highest proportion of voters who believed that their vote was secret, were whites and coloureds both at 90%; blacks at 83% and Asians at 87%. On the question of intimidation, 99% of voters indicated that they were not forced or intimidated to support a specific party. Of the 1.2% of voters who did report being forced or intimidated to vote in a specific way, the larger proportion (0.9%) stated that this occurred before going to vote (*The Star* 11 June 1999: 15).

In total, more than 15,000 national and international observers were present on Election Day to ensure fair play. The biggest local organization deploying observers was the SA Civil Society Observer Coalition (Sacsoc)—a coalition of non-governmental bodies and religious groups—that deployed 10,000 observers on election day. Sacsoc works on a R4.9 million budget sponsored by the United

Nations Agency for International Development, the governments of Germany, the Netherlands and Canada and the South African companies De Beers and Anglo American. One international observer group, who had also been present during the 1994 elections, was the 14-member Commonwealth Observer Group chaired by Lord David Steel. A second international group from Southern African countries and Haiti had been coordinated by the National Democratic Institute (NDI) and officially hosted by the then Minister of Constitutional Development, Valli Moosa. The NDI delegation, comprising 35 officials and additional support staff, was deployed around the election's most highly contested areas, namely, the eastern Cape, the KwaZulu Natal Midlands and the Cape Flats. The government of Japan also sent six observers as well as donating R2 million for equipment for voting stations and voter education programmes. The United Nations coordinated a group of 150 observers with the approval of the Independent Electoral Commission (*The Star* 1 June 1999: 14).

The leader of the 40-member observer mission from the European Union, Senator Jan Scholten, declared on 3 June 1999, that the elections held on the 2 June 1999, had been "free and fair" and had set a high standard on which any country in the world would have been proud. Scholten stated further at a news conference, that his team wished to congratulate South Africa with the freedom with which the elections had taken place, noting the absence of censorship, intimidation, victimization, pressure to vote and limited access for people to exercise their vote. Furthermore, every effort had been made to ensure the integrity of the elections and the eventual election results (*Die Volksblad* 5 Junie 1999: 6). In conclusion, Scholten stated that:

... all matters taken into consideration, it is virtually impossible for any party to question the results. As far as we are concerned, the election was free and fair with fewer irregularities than had been the case with the 1994 elections. (*Die Volksblad* 5 Junie 1999: 6)

Other comments from international observers stationed in Mpumalanga, was that at the time of the next elections in 2004, South Africa would be recognized as one of the world leaders with regard to election technology. The observers were particularly impressed with the usage of modern technology such as satellite dishes, zip-zip machines and computers in the rural areas. Approval was also given for the way in which use was made of the Internet to forward results to the election centre through e-mail instead of doing it manually (*Die Volksblad* 5 Junie 1999: 6).

## Conclusion

The 1994 and 1999 general elections in South Africa have come and gone and if analysed against the international accepted requirements for "free and fair" elections, both the elections in South Africa have passed this test. The different electoral systems discussed, showed how usage of a specific electoral system can affect the outcome of an election, and especially, the allocation of seats. The setting up by the



South African government of an independent electoral commission that will accept responsibility for the election in its entirety ensured that the integrity of the electoral process would not be compromised. The Electoral Commission Act, No. 51 of 1996 made provision for the establishment of an Independent Electoral Commission with specific functions assigned to it, which would ensure "free and fair" elections. That these requirements were met, becomes clear with the announcement by both local and international observers, that the elections were free and fair.

## Notes

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1. The type of identity document, which should be used for voting purposes, became one of the controversial issues relating to the election. In the 1994 elections, any recognized South African identity document or any other form of identity document from the former bantustans were eligible for use. However, as a result of questions being raised concerning the authenticity of some of the identity documents, the argument was put forward that only the bar-coded green identity document should be considered. The bar-coded identity document was first introduced in the 1986 Identification Act, which specified that the old "blue book" should be replaced with the bar-coded identity document within five years of it becoming law. P. Dube, 1 September 1998, p. 9.
  2. The election centre was intended as a central election management platform combining the Independent Electoral Commission Election Day call centre, the results centre, the political party centre and the media centre in a single focal point of electoral activity.

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