

# The role of the IEC in the upcoming local government elections

The Independent Electoral Commission (IEC) is an institution established in terms of Chapter 9 of the Constitution and mandated to manage elections at all spheres of government, including local government. The IEC is a permanent body, unlike its predecessor, with its Head Office in Pretoria, 9 provincial offices and Local Electoral Officers (LEOs) at municipal level.

Exercising the franchise is essential to any democracy. It cannot, however, occur in a vacuum. While the actual casting of a ballot by the individual is often given the most exposure by all, it should be remembered that voting is the end product or culmination of a process. Preparing for an election thus necessitates proper planning and putting prerequisite structures in place well ahead of time. Intrinsic to the performance of the mandate of the IEC is maintaining the National common Voters' Roll, securing voting station venues, training and recruiting electoral staff and providing democratic electoral support.

The local government elections provide a new challenge to the IEC. The 1999 national and provincial elections have been declared as free and fair and this will no doubt be the IEC's aim again. It is imperative that the IEC delivers free and fair local government elections.

While legislative provisions regulating local government elections will not

differ much from the legislation that applied to the national/provincial elections held on 2 June 1999, the structure and representation of local government makes it unique. Most notably being the ward elections on the first-past-the-post-winner-takes-all principle, thus also allowing for independent (as well as party) candidates to stand for election in municipal wards.

The IEC has already drafted separate draft legislation with regard to local government elections, which has been circulated to political parties represented on the National Party Liaison Committee for comment. The draft will then follow the ordinary legislative process via the relevant Ministry.

It should be noted that one of the most successful structures created in terms of the current electoral legislation has been the various Party Liaison Committees (PLC), which operate at national, provincial and local level. The PLC operates on a continuous basis and serves as a valuable forum for information sharing and gathering between the IEC and political parties as well as between political parties themselves. The regulations regulating PLCs grant representation on the forum to registered parties that are represented in a sphere of government. It also allows for co-option and once an election is proclaimed, participants in an election are also accorded representation.

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## **Demarcation**

The demarcation process is the preserve of the Municipal Demarcation Board. The process is well on its way and once the setting of outer boundaries of new municipalities has been completed, the process of determining the inner boundaries or wards commences, and should be completed by 31 May 2000.

While the IEC is therefore not directly responsible for the demarcation process, it has a very real role to play in assisting the Demarcation Board, as reflected in the statutory obligation of the Board to consult with the IEC in the determination of ward boundaries.

The IEC divided the whole country into voting districts and continues to update the size and number of voting districts. This information is sent through to the Board. In the process of ward delimitation the Board has due regard, but is not bound to, the IEC voting districts – the idea being that one or more voting districts be used as building blocks to create a new ward.

It is also hoped that ward boundaries will therefore, for as far as possible, not cut across voting district boundaries. Where it does in fact happen, the IEC will effect the necessary changes to the affected voting district. One of the consequences of the cross-cutting of voting districts may be the re-registration of voters ordinarily resident in those particular wards.

## **Voter registration**

As a rule, voters who registered for the 1999 election and whose names appear on the Voters' Roll do not need to register again. It must be noted that persons must ensure that they are on the IEC national voters' roll as local municipal voters' rolls will not be used.

Persons who have not yet (or could not, for example due to being under age last year) had the opportunity to register may do so between now and the close of registration at

their local municipal offices. Persons who have subsequently changed address must also re-register – even if they have moved down the street. They must ascertain from their LEO whether their new address is in a new voting district.

Provision will also be made for a special registration period later in the year.

Given the nature of ward elections, it is imperative that persons ordinarily resident in that ward, vote in their respective ward elections. The Voters' Roll will be open to inspection by the public and political parties. Objections and corrections will be dealt with thereafter.

The IEC is currently nearing the completion of a project to capture the addresses of all the persons who registered for the 1999 election, with the aim of including these details on the Voters' Roll.

## **Registration of political parties**

The local government elections allow for first-past-the-post ward elections as well as for proportional representation. A party can therefore field a ward candidate and also submit a party list for proportional representation. Only parties that have been registered will be allowed to field candidates. An independent candidate need not register her/himself as a party to contest a ward election. However, such individual cannot participate in the proportional representation election.

Any organisation, group or association that satisfies the requirements can register itself as a party. The requirements for registration and for submission of candidates will be published in due course. One of these requirements will be that parties and candidates subscribe to the Electoral Code of Conduct.

## **Democratic electoral support**

As indicated above, the actual voting is the culmination of a process, and that process must occur within an environment that allows for informed decisions and respect for

the rights of others and in an atmosphere of political tolerance.

Voter education has been identified as one of the important areas that need more attention. It has indeed been one of the criticisms leveled at the IEC in the run-up to the 2 June 1999 elections.

Voter education will be structured in such a way so that it informs voters of the various election procedures, as well as on the structures, functions and responsibilities of new local authorities. It is a task that is not the sole responsibility of the IEC, and stakeholder partnerships have already been identified.

The IEC also takes its role in assisting to create the right environment for free political expression seriously. Political parties and candidates must subscribe to the Electoral Code of Conduct. In the run-up to the 2 June 1999 elections, the IEC created a conflict management system to deal with election related conflict situations. This involved the establishment of conflict management committees consisting of IEC officials, representatives from non-governmental organisations (NGOs) with experience in conflict resolution and mediation, and representatives from the security forces. The committees could deploy experienced mediators to conflict areas or potential conflict situations. The system also operated as an alternative to the formal civil and criminal courts in resolving disputes. The IEC is currently looking at ways of extending this system during the local government elections. Role players in these processes will include local communities, NGOs, community-based organisations (CBOs), faith-based organisations (FBOs), unions, political parties, community radio stations and the commercial media, municipalities and government departments.

**Michael Hendrickse**  
Deputy Director: IEC Provincial Office  
Western Cape