Electoral reform and South Africa

*A defining feature of modern democracies is regular 'free-and-fair' elections –elections that are seen as legitimate by the general populace. In modern representative democracies, as far as most decisions and decision-making is concerned, citizens participate indirectly through elections.[1] Voters "**choose parties or individual candidates**, [thereby] authorizing them to make decisions on behalf of the collectivity [my emphasis]"[2], for a set amount of time. 'Collectively', citizens therefore authorize and legitimize the state's ability to make certain decisions for all, and to use coercion to enforce them.*

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When it comes to selecting political representatives, an electoral system is a cheap and stable way to place, and to remove people in power – compared to alternatives like military coups, or civil war.[3] In the end, the electoral system expresses *distributions* of individual preferences by *aggregating* (i.e. adding-together) individual political preferences across the entire voting population.[4] Although no individual *interest* can prevail as society's *interest* – because society is composed of multiple (often clashing or irreconcilable) interests – it is possible to identify dominant voting patterns.[5] The relationship between individual interests and political preferences is complicated, and I will not discuss it here.[6] I will simply say that every electoral system will produce winners and losers, and some interests and preferences will prevail over others. This is unavoidable. Regular elections, in theory, balance this out over the long-term and although individual interests and preferences are subject to certain compromises, the policy direction pursued by those in power cannot fall too far out of sync with general or dominant preference distributions without consequences – electoral or otherwise.[7]

A particular electoral system might emphasise or de-emphasise certain distributions of preferences, depending on *what* may be voted upon, *how* it is voted upon, and what the *aggregation* rules are. Electoral design – along the dimensions of ballot structure, district structure, and electoral formula – is thus no trivial matter.

While an electoral system is only "…**one square**[8] of an interrelated patchwork of government systems, rules and points of access to power"[9], it is the configuration of the system that "…can shape the coherence of party control of government, the stability of elected governments, the breadth and legitimacy of representation, the capacity of the system to manage conflict, the extent of public participation, and the overall responsiveness of the system."[10] And, because an electoral system also affects the pay-offs in competitive politics, it affects the way political actors campaign and respond to issues, and how they are ultimately held to account.

There is no perfect or un-biased electoral system; there are always trade-offs to be made in modifying, for instance, the ballot structure, or the electoral formula. The question is: Which biases are we, as a society, willing to live with?

Democratic South Africa

South Africa's electoral system was carefully considered during the transition to democracy. As a newly democratic country, millions of new voters were to join the political process. The challenge faced by the participants at the Convention for a Democratic South Africa (CODESA) was to select an appropriate electoral system for a divided and highly unequal society in the process of a delicate transition.[11] South Africa took a pragmatic and accommodative approach to negotiating the sharp divisions created by the Apartheid regime, bringing together many contradictory interests for the sake of stability and making many uneasy compromises.[12]

Previously, South Africa used a Westminster-style, constituency-based system which excluded most inhabitants of South African. Given the social geography of the time, the system severely distorted preference distributions among voters – culminating in the National Party's rise to power in the 1948 Parliamentary elections.

This rural/urban split meant that much fewer votes were needed to win a constituency seat in rural areas than in urban areas. In addition, South Africa also saw a clear division in social geography: National Party (NP) support was highly concentrated in rural areas, and United Party (UP) support in urban areas.

During this time, South Africa used a Single Member Plurality (SMP) system with Single Member Districts (SMD). In such a system, contenders win a district if they have the most votes relative to other contenders in the district, and the winner-takes-all. This system rewards a large majority in Parliament to the winner of the most districts – an 'artificial' majority, since it does not reflect the popular vote (i.e. the votes across the country as a whole).[13] One benefit of a first-past-the-post system like this, in theory, is that government becomes both more *responsive* – a small swing in district wins translates to a big change in the composition of Parliament – and more *effective* – government is able to pursue unpopular policies with minimum resistance in Parliament, for a time. The South African context – and a country's context is crucial – provided for a particularly perverse result.

Manuel Álvarez-Rivera (2010) explains how a provision in South African electoral law – which found its basis in a 1909 report by J. P. Smith to the British Royal Commission on electoral systems[14] during South Africa's Union – meant that urban constituencies could be 'overloaded' with fifteen percent more voters and rural constituencies could be 'underloaded' by the same percentage.[15] This rural/urban split meant that much fewer votes were needed to win a constituency seat in rural areas than in urban areas. In addition, South Africa also saw a clear division in social geography: National Party (NP) support was highly concentrated in rural areas, and United Party (UP) support in urban areas.[16]

Gouws and Mitchell (2005) recount how in 1948, under this system, the NP/Afrikaner Alliance came to power with 42 percent of the vote and won 79 seats (52 percent) in Parliament. In contrast, the UP/Labour party won the popular vote with 52 percent, but was rewarded with only 71 seats (46 percent) in Parliament.[17]

For a democratic South Africa, the design of the electoral system had to take into account the systems of government in place, as well as the racial, ethnic, political, and socio-economic divisions created by the Apartheid system, and how these might impact a range of factors including district structure, voting patterns, and stability. The natural choice was a Proportional Representation (PR) system. A PR

system maximizes inclusivity and emphasises broad representation by establishing large multi-member districts and filling seats with reference to the *proportion* of votes a party receives. This means that votes are not excluded (or 'wasted'), as in a winner-takes-all system – all votes are taken into account, and even small parties have a chance to gain representation.

In South Africa's National elections[18], citizens cast a vote for a single party of their choice; the country is divided into 10 large multi-member district regions: 9 corresponding to the 9 provinces (with a total magnitude of 200 seats, ranging from 5 to 48 seats in each region[19]), and 1 national district for the country as a whole (with a magnitude of 200 seats). Seats on the National Assembly are allocated in direct proportion to the number of votes a party received.

With the fifth democratic election behind us, it is clear that the current PR system has proven robust. But has the South African context changed enough to start considering the question of electoral reform more seriously?

Electoral Reform

The issue of electoral reform again received some attention in the run-up to the 2014 elections; but it has been a regular one around election time.

In 2002 Cabinet resolved that an Electoral Task Team should be established to "draft the new electoral legislation required by the Constitution" for the upcoming 2004 elections.[20] This process produced the 2003 Report of the Electoral Task Team (the 'Van Zyl Slabbert Report'), which suggested a number of changes to electoral system including a 'mixed' system. The 'mixed' system proposed to transform the 9 multi-member 'regional'[21] districts already in existence (1-tier of the National Assembly) into 69 smaller multi-member districts with closed lists. Each district constituency would therefore end up with 3-7 MPs representing their district. The Assembly seats were then to be split so that 300 seats are filled with reference to regional constituency winners, and the

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100 seats (the other tier of the National Assembly) would be filled proportionally, with reference to national votes. These recommendations were never adopted – it was too close to the General elections at that point, but many argued (including participants in the Report itself) that there was no reason for reform at the time. The Van Zyl Slabbert Report still remains alive in the electoral reform debate today.

In 2009, an Independent Panel Assessment of Parliament also emphasised a need for electoral reform – echoing concerns raised by the Van Zyl Slabbert Report. In 2013 the Democratic Alliance submitted a Private Member's Bill to Parliament calling for electoral reform, to allow for constituency-based representation.[22] Later that year, Dr Mamphele Ramphele stated that AgangSA's 'first order of business' would be electoral reform, with similar concerns.[23]

However, the relationship between voters and representatives, and the perceived issues around it, has been around since the very beginning of our democracy. In 1999, in the last sitting of the first democratically elected Parliament, President Nelson Mandela raised the point:

"…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."[24] [My emphasis]

Design

In choosing or modifying an electoral system, a country must choose one set of biases over another. As mentioned before, no electoral system is without trade-offs. The following account of electoral systems is, by no means, a comprehensive overview – its purpose is merely to illustrate some aspects and components of electoral systems, and how they fit together.[25]

Some considerations to take into account when choosing or modifying an electoral system are:

• **Decisiveness** – does the system produce a clear winner, relative to other competitors?;
• **Effectivity** – does the system empower winners to make decisions once elected?;
• **Stability** – will the result be considered legitimate by a large enough majority? Does it take into account inter-religious or ethnic conflict?;
• **Representivity** – does the system ensure that minorities are included? Does the system promote a demographically representative assembly? Does the system ensure that all regions are represented?;
• **Proportionality** – is the result 'fair'? Do the electoral rules enable a result that corresponds to vote share?; and
• **Accountability** – to what extent can voters influence the composition of assemblies? What is the reach of their veto power?

Electoral systems can be compared and modified along three broad dimensions[26]:

A system may choose to allocate seats only to parties who pass a certain formal threshold, or impose no threshold at all.

The **ballot structure** determines *what* citizens cast their vote for, and *how* they vote. Voters could vote for a party, or an individual, or both. Votes may be ranked in order of preference – they may be 'ordinal' (as in the Single Transferable Vote (STV) system used in Ireland, for example) – or one choice may be selected among others – it may be a 'categorical' vote. Voting may take place in one stage or in multiple stages – it may be once-off, or there may be multiple rounds (such the Two-Round System (TRS) used by Brazil and France in their presidential elections).

Determining a **district structure** entails deciding how many *districts* there are, and the number of seats per district – what is called the district 'magnitude' – and this may be more or less inclusive. Districts may be single member districts where the winner-takes-all (as in a first-past-the-post system), or multi-member districts where all votes are taken into account (as in a proportional representation system).

The **electoral formula** determines how votes are calculated, included or excluded, and converted into seats on the assembly. Seats may be awarded *proportionally* as a percentage of total vote share, or by an artificial majority as percentage of districts won by plurality (a 'relative' majority not an 'absolute' majority), or it may be a *mixed* system, incorporating elements of both. A system may choose to allocate seats only to parties who pass a certain formal threshold, or impose no threshold at all. Seats may be allocated based on vote quotas determined by a variety of specific formulas

(a Droop quota or a Hare quota, for instance), after such a process is exhausted, allocation may incorporate other ways of filling seats (a 'largest remainder' method or a 'highest averages' method – the D'Hondt, or Sainte-Laguë methods, etc.)[27].

There are infinite variations of electoral systems that can be designed, depending on how these components are configured and combined.

Each one of these dimensions entails different trade-offs – as does the configuration of the electoral system generally.[28] For example, a system where voters must choose a **political party** to represent them may sever the link between individual representatives and voters, diminishing the voters' say in which *individual* represents them, but is likely to generate a representative and proportional assembly (the case of South Africa, for instance). While a PR system in which no party gains a big enough share of the vote, or parties fail to form strong enough coalitions, will produce an assembly that is too fragmented to be effective (Bulgaria is a good example[29]). Conversely, a system in which voters must select **an individual** to represent them might increase the ability of voters to hold such an individual personally accountable, but generates an assembly that is less representative, and disproportional, but freer to pursue policy objectives (the British system, for instance). A mixed-system might strike a healthy balance – but involves its own trade-offs (the German system, for example).

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Hence, one might ask some questions about the complexity of the ballot, or the magnitude of districts, or the fairness of the electoral formula. And then one might want to ask questions about inclusivity, proportionality, responsiveness, representation, efficacy, accountability, etc.

Accountability

Regarding calls for electoral reform in South Africa, a common theme throughout has been the issue of the accountability of representatives – specifically the direct *personal* accountability of representatives to a specific constituency.

One might want to ask then, whether a closer link between individual representatives and their districts/constituencies would encourage greater accountability. This is not clear.

Despite the absence of something like direct *personal* accountability, there are, nonetheless, accountability mechanisms in place for representatives. First, MPs are accountable to their parties, and despite political agendas and the incentives of furthering one's career within the party structures, political parties themselves cannot be said to completely disregard the preferences of their voter base (since they rely on their votes). Secondly, MPs are expected, outside of their Parliamentary duties, to report to constituencies during 'constituency periods' on a regular basis.[30] During constituency periods Members of Parliament (MPs) and Member of the Provincial Legislature (MPLs) have a duty to be available to the public, to help solve problems, and to inform citizens of matters in Parliament.[31] There are about 350 Parliamentary Constituency Offices (PCOs) around the country.[32] These operate

on a provincial level – which means that the constituencies are quite large. It is a clear attempt to incorporate a constituency element into the current system. The effectiveness of this initiative is open to debate. But already it is clear that the issue of accountability is not so straight-forward. Furthermore, a productive conversation could be had about accountability outside the topic of electoral reform. Broader electoral topics, like party funding for instance, might be addressed.[33]

It is important to remember that the electoral system – by giving people the power to vote representatives out of office – is only one accountability mechanism in a modern democratic system. Changing an electoral system is not a solution to solving general problems around accountability. The limits of electoral systems (i.e. what they can and cannot do) and electoral reform must be considered with the desired and appropriate objectives.

Concluding remarks

The 2014 election results invite closer scrutiny of both South Africa's political demography and political behaviour and preference patterns. Two trends are already clear: The disparity between the number of eligible voters and registered voters, and the steady decrease in African National Congress (ANC) support coupled with a steep rise in Democratic Alliance (DA) support.[34] An interesting development is the extent to which the ANC support-base has shifted away from urbanised, organised labour to rural and peri-urban 'outsider' constituencies.[35] It is not yet clear what the consequences might be for the upcoming Local government elections, and the 2019 General elections and how this might affect the South African context.

NOTES
1   There are of course other ways, outside of competitive politics, to participate in (and to influence) the running of a country – the policy consultation process, lobbying, through the courts, referendums, or the media, for instance. Special interests are also pursued in other ways – buying influence.
2   Przeworski, 2010: 99
3   Przeworski (2003), refers to elections a cheap 'technology' for replacing rulers (p. 93)
4   Przeworski, 2010: 14
5   See Przeworski (1999)
6   It should be noted that there are problems with establishing anything like 'society's interest'. The proximity of individual preferences to general preference distributions becomes problematic. See Arrow (1951), but also Przeworski, 2010: 57-61.
7   See, for instance, Przeworski, 2003 Chapter 5: 'The state' (pp. 79-98)
8   The nature of a country's electoral system is also shaped by the structure of the Executive and the vertical distribution of power: Does a country have a parliamentary or a presidential system? (How is the head of the executive elected?); Is power concentrated centrally, or is it fragmented regionally – and are the regions uniform, or are some regions more dominant than others? South Africa has a parliamentary system – the president is chosen by the National Assembly. Furthermore, SA's power is concentrated centrally with relatively weak regional powers, despite exhibiting those characteristics usually associated with decentralized power (see Lijphart, 1999: Chapter 10): principally, a formal division between central and regional governments, additionally, a bicameral legislature, a written constitution, and a special 'constitutional' court.
9   New IDEA Handbook, 2008: 7
10 Diamond & Plattner, 2006: ix
11 http://www.sahistory.org.za/codesa-negotiations; Lodge (2003)
12 See Jung & Shapiro (1995)
13 Some benefits of a first-past-the-post system, in theory: Government becomes more responsive – a small swing in district wins translates to a big change in the composition of Parliament – but also that government is able to pursue 'unpopular' policies unimpeded, for a time. The South African context provided for a particularly perverse result.
14 See the 'cube rule' – the cube rule predicts that in a two party first-past-the-post system, as far as seat-allocation on the assembly is concerned, the winner will get significantly over-represented, while the loser will get under-represented.
15 Álvarez-Rivera, 2010: 10.
16 Gudgin & Taylor, 2012: 136, 137.
17 Gouws & Mitchell, 2005:355
18 Voters elect the national and provincial legislatures simultaneously during the General Elections. Voters are presented with two separate ballots – a national ballot, and a provincial ballot. 'National election' here refers to the national ballot and the national legislature.
19 http://www.gov.za/documents/download.php?f=210704
20 See the 2003 Report of the Electoral Task Team
21 These 'regions' correspond to the provinces, but they concern the national (and not provincial) legislature – hence the distinction between 'regions' and 'provinces'. Currently, SA is divided into 10 large multi-member district regions: 9 corresponding to the 9 provinces (with a total magnitude of 200 seats, ranging from 5 to 48 seats per region) and one national district (with a magnitude of 200 seats).
22 Selfe, 2013
23 http://www.bdlive.co.za/national/politics/2013/02/18/mamphela-ramphele-launches-new-party-political-platform
24 Re-quoted from Matshiqi, 2009: 1
25 I direct the reader to the New IDEA Handbook (2008); Gallagher & Mitchell (2005)
26 See Teorell & Lindstedt (2010); Horowitz (2006); New IDEA Handbook (2008); Gallagher & Mitchell (2005).
27 See Gallagher& Mitchell (2005), "Appendix A: The Mechanics of Electoral Systems" (pp. 579 - 597)
28 Norris, 1997: 297-312
29 See Andrew MacDowall's article in the Financial Times (Oct 6, 2014), "Bulgaria's election: lack of clarity threatens governability", URL: http://blogs.ft.com/beyond-brics/2014/10/06/bulgarias-election-lack-of-clarity-threatens-governability/
30 http://www.parliament.gov.za/live/content.php?Category_ID=29
31 http://www.pa.org.za/info/constituency-offices
32 http://www.parliament.gov.za/live/content.php?Item_ID=3881; http://www.pa.org.za/info/constituency-offices
33 See the work of the My Vote Counts campaign on the topic of party-funding and transparency: http://www.myvotecounts.org.za/

34 http://www.elections.org.za/content/Elections/Results/2014-National-and-Provincial-Elections--National-results/
35 De Kadt (2014); David Everatt (2014)

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