

Voting Rights Organisation of South Africa

8 Friedman Street | Kempton Park | 1619

PO Box 1404 | Kempton Park | 1620

Tel— +2711 026 7386 | Email: info@voriosa.org



VORIOSA OBSERVATION REPORT OF THE SOUTH AFRICAN LOCAL GOVERNMENT ELECTIONS HELD ON THE 1ST OF NOVEMBER 2021

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1. EXECUTIVE SUMMARY

The Republic of South Africa held its Local Government elections (LGE) on the 1st of November 2021, whilst the special votes were concluded on the 30th and 31st of October 2021. Elections are a perquisite for democratic governance since it is through them that the citizens of our country elect people that represent them. This right is guaranteed in the Constitution and citizens are supposed to be allowed to do so in an environment that is free, and fair coupled with the utmost secrecy for the voters to express their will.

Our organization, The Voting Rights Organisation of South Africa (VORIOSA), participated in these elections as observers following its accreditation by the Electoral Commission of South Africa (IEC) in terms of the Electoral Act, 1998. In these elections VORIOSA observed in five (5) provinces in South Africa namely, Gauteng, Mpumalanga, Limpopo, Free State and North-West. This report therefore presents VORIOSA's overall findings and assessment of the 2021 LGE. On election day, our teams visited over 100 polling stations both in urban, township and rural areas, and it is based on this direct observation of the elections, voting and counting process that we conclude that the 2021 LGE truly reflects the will of the voters and that these elections, despite the glitches observed, were credible, free and fair.

The glitches observed included inadequate training, suspicious staff recruitment criteria, voters turned away, lack of consistency, poor logistics and the low voter turnout. Despite being a young democracy, South Africa has without fail championed this democratic path and successfully constituted government(s) of the people over the years. This wouldn't have been possible without one of our astute Chapter 9 institution, the IEC. We therefore would like to congratulate the IEC for a job well done despite all odds. We arrived at this conclusion having regard to the fact that there is no perfect election and that it our wish that the IEC will make the necessary improvements and adjustments to future elections as per our recommendations below.

We also like to acknowledge all stakeholders who contributed to making these elections a success, namely, the political parties and independent candidates who participated and contributed to the peaceful elections. All these participants have once again put democratic South Africa on the map demonstrating that ours is a true democracy that is maturing. Lastly, we wish to appreciate and thank the true South African patriots who made time to go and vote. We also wish to register our disappointment that the majority of our citizens erred by abdicating their responsibility to go constitute a government of their choice. We hope they will take future elections seriously in the future and appreciate the need to exercise their right to vote.

2. DIFFICULT ELECTION FOR ALL

The 2021 LGE 2021 were indeed unique and very difficult for everyone involved. The impact of Covid 19 which can be characterized as 'an act of God' took the world by storm and created a lot of uncertainties and challenges leading to the elections, especially due to the unpredictable nature of the virus and its waves that kept breaking out across the world. The disruption caused by the pandemic is catastrophic to the extent that even the richest countries in the world could not contain it regardless of how much resources they have at their disposal. Our government, as was the case around the world, imposed a lot of restrictions and limitations on its citizenry in a bid to curtail the spread of the virus making all types of situations that resulted in people gathering as super spreader events. This had a direct bearing on the environment under which the 2021 LGE took place. For instance, the IEC in executing its mandate needed to guard against turning the elections into a super spreader event. Thus, ensuring the safety of the voters became paramount. The IEC therefore had to implement additional measures to comply with the Covid protocols. Political parties, on the other hand, were mostly concerned with campaigning and wanting to utilize traditional way which included massive rallies and door to door. Voters were also faced with the risk of being infected with the virus in events leading to and on the election day whilst exercising their right to select a government of their choice.

The Moseneke's report which recommended that the elections be postponed did not help the situation as its rationale and findings were flawed. The retired Judge disregarded some of the compelling submissions made by many stakeholders regarding this issue, which included our organisation. The presumption advanced that political parties would not be able to campaign freely and that the elections would as a result be seen not to be free, and fair was short sighted, incorrect and unjustifiable. The circumstances required that all political parties use creative ways and modern technology to reach their supporters like what happened in other countries was ignored. An impression was created that South African democracy has a different definition and meaning and that other countries that held their elections during the pandemic did not have free and fair elections. Such a narrative is wrong and cannot be sustained.

Again, there was no guarantee that by postponing the elections by three months, suddenly, the elections held at that time would be free and fair. The mere fact that even the scientists could not predict precisely what would happen next with the covid virus was sufficient to reject the Moseneke report. The vaccination argument in terms of reaching herd immunity was a weak one, as this depended on enough supplies of the vaccines and the cooperation of the citizens to get vaccinated.

The IEC scored its own goal when it accepted the Moseneke report and went ahead to make a frivolous and vexatious application to the Constitutional Court for the postponement of the elections. From the outset, commissioning the Moseneke report

was unnecessary, and the IEC should not have allowed itself to be intimidated by a few political parties. Our view is that the Moseneke report and the court application were a waste of valuable resources and time that were needed to focus on the preparations for the elections. We also hold the view that it was rather disingenuous of the IEC to have brought the matter to court as it had stated on several occasions that it was ready to conduct the elections. As, the Voting Rights Organisation of South Africa, we reject the notion that the IEC had short time to prepare for the election. The IEC cannot cause a conundrum and turn around to claim that it has been affected badly by its effects.

We, however, commend the IEC for having managed to regroup and pull off the elections following the court's ruling that elections should go ahead.

3. ELECTION DAY CHALLENGES

There were various challenges or glitches that were observed by our patriots across the five provinces where we observed the elections. Disappointingly, most of these challenges were repetitive as we have highlighted them in our previous observation reports in the 2016 Local Government Elections and the 2019 National Elections. Below is an outline of those challenges:

3.1. Inadequate training

- 3.1.1. In many voting stations, the IEC election staffs, especially the presiding officers, lacked the necessary skills and courage to confront issues at their stations. They were scared to address the voters whenever there were challenges, for instance, when the system was down the voters were left waiting in stagnant queues without any explanation of what was going on. This act angered voters who stood in the queues for a long time and often led to tension with the queue marshals. The presiding officers were generally reluctant to show leadership by going to talk to the voters about the system challenges experienced. This was an indication that there was inadequate training for the IEC election staff.
- 3.1.2. Even more worrying, was that some of the staff members who were working at some voting stations told us that they were only informed the previous day to come to work on Monday morning. Clearly, such staff members would not have been trained. Some of the IEC personnel looked lost and they did not have clear roles to play, they were generally aloof and conspicuously uninvolved. In some voting stations, the presiding officers confused the observers with IEC officials, and they did not even know which register observers should sign and would insist that observers sign under IEC officials.

3.2. Suspicious staff recruitment criteria

- 3.2.1. There is a dire need for the IEC to guard against appointing well-known people linked to political parties as presiding officers. This is very important to ensure that the IEC team is seen to be impartial and, more importantly, to eliminate the perceived bias that some voters might have regarding the involvement of such presiding officers.
- 3.2.2. During counting some IEC presiding officers and their teams battled to reconcile numbers. The staff lacked knowledge of simple arithmetic and they would omit and/or add numbers wrongly, and party agents had to assist them to correct the figures. This is totally unacceptable as the elections are about numbers and the IEC must make sure that at least there are some staff members in the team who are good with numbers.
- 3.2.3. During counting late at night, some of the staff members were exhausted and did not add any value. Perhaps the IEC should consider employing two sets of employees, those who assist in the voting and those who will focus in the counting, especially, for the big polling stations.

3.3. Voters turned away

At some voting stations voters were turned away for reasons including that they were not appearing on the voter's roll. Some of the voters would insist that they had been voting in the same station for ages. They would complain even to our observers about this and when our observers asked the presiding officers to relook the voters' roll, the voters' names were found, and those voters were thus allowed to vote. This was very concerning and disappointing as some voters who did not have the guts to challenge the IEC election staff, left without exercising their right to vote. We also found it to be mind boggling how someone who is picked up by the scanner at the instance of issuing ticket is not on the voters' roll. Again, this pointed to incompetency of some of the IEC staff as names were just not checked properly on the voter's roll.

3.4. Lack of consistency

- 3.4.1. There was no uniformity and consistency in the various voting stations, for instance, some voting stations would have one ballot box at a time where all marked ballot papers were stuffed whereas in some voting stations separate ballot boxes were used.
- 3.4.2. Some stations mostly in the Germiston area in Ekurhuleni insisted on people lowering their mask to check if their ID photos matched their faces. This was completely shocking and against the covid protocols that required everyone to have mask on covering the mouth and the nose in public.

3.5. Poor logistics

- 3.5.1. In some voting stations scanners were not working. It was mentioned that there was shortage of paper rolls or that there was only one scanner. This disrupted voting and the voters in some instances had to stand for a very long time unnecessarily.
- 3.5.2. Some several voting stations did not receive their uniforms timeously, this created confusion as people could not identify the election staff for queries, and most of the time voters would turn to observers to request assistance.
- 3.5.3. Despite the low voter turnout, there were couple voting stations that ran out of ballots papers. This was very surprising as there were relatively fewer voters who had casted their vote against the voters rolls and everyone battled to understand how it could occur that ballots got depleted. Voters in some stations had to wait for over 45 minutes whilst the IEC election staff tried to source ballot papers in order to sort out the mess.
- 3.5.4. Some of the voting stations failed to open on time and voters were inconvenienced as they stood in ques whilst no voting was taking place.

3.6. Low voter turnout – dwindling voters/ voter apathy

We have observed in many voting stations and noticed that the flow of traffic of voters visiting the voting station to cast their vote was very low and slow. There were, however, other areas where we experienced long ques especially in the suburban areas relative to the situation experienced in townships and some rural areas. It is therefore very concerning that voters abstained in their numbers and there could be several factors and reasons that resulted in such dwindling voters or voter apathy.

It is our view that the reasons for the shrinkage in the number of voters participating in the elections was due to lack of voter education. Our understanding of voter education is that it should include the reasons why people should participate in the formation of the government and not just how to how to mark the ballot papers. We also hold the view that the IEC failed to conduct voter education during this time around.

The number of spoilt ballots was also a concern and talks to the absence of voter education.

4. OVERALL ELECTION ANALYSIS

In a nutshell, and looking at everything in totality, we observed that the 2021 LGE occurred under very difficult conditions. Below is our analysis:

4.1. Transparency of the process

We commend the IEC for having conducted its affairs in a transparent manner. Every step of the election process was made accessible to the public through the

media. Activities leading to election, during elections and post elections were communicated with the public. The observers and party agents were allowed to monitor the election processes through to the counting and the results were broadcasted for all to see. Also, the IEC did not attempt to conceal where there were issues and irregularities.

4.2. Free campaigning

Generally, the political parties and independent candidates contesting for these elections had the opportunity to conduct their campaigns without hindrance and without being intimidated, save some minor incidents that were reported by the media which in our view were not widespread or material.

4.3. Privacy in voting

We can say with certainty that in almost all areas that we observed, voters were allowed space to cast their votes for the candidates and parties of their choice without interference from the IEC staff members and/or party agents. The voting booth were also setup in such a way that promoted privacy. The only challenges observed in this regard was with people with special needs and the elderly that needed assistance.

4.4. Integrity – only eligible voters were allowed to vote

Only voters who were registered and eligible to cast votes were allowed to vote. Also, the introduction by the IEC of the new machines appears to have enhanced the process as no incidents of double voting were observed or reported.

5. CONCLUSION

The 2021 LGE held in South Africa were conducted in an environment that was suitable for credible, free and fair elections to take place. The IEC administered the elections without bias and in an open and transparent manner, despite the challenges that we have alluded to above. We can therefore attest that indeed the 2021 LGE were a true reflection of the voters' will.

The Voting Rights Organisation of South Africa wishes to extend its profound gratitude to the IEC for pulling through this election project under the unprecedented difficult conditions of Covid 19 and also to thank all electoral stakeholders, especially, the citizenry who heeded the call to go elect governments of their choice. These are true patriots who understand and appreciate the hard earned right to vote in South Africa.

6. RECOMMENDATIONS

We further want to make the following recommendations based on our observation which we believe will lead to improvements for future elections in the country:

- We wish to encourage the IEC to consider recruiting apolitical candidates to serve as presiding officers and deputy presiding officers. This will help deal with perception by communities that those who are known to be aligned to certain political parties could have influenced the outcomes of the election in one form or another. Furthermore, the IEC should seriously consider appointing competent persons during elections who understand the basic principle of stakeholder management and basic arithmetic.
- The IEC should consider adopting a standard operation procedure that will be enforced for implementation across all the voting stations throughout the country. This will help address the inconsistencies at the voting station such as the use of each ballot box for each ballot paper, avoid the noncompliance with covid 19 protocols by asking voters to remove/lower their masks, etc.
- We also urge the IEC to consider empowerment of its election staff through proper training interventions. It must be remembered that the election staff are the IEC's face and thus they must be trained adequately to avoid repetition of some mistakes stated above. The IEC has for many years been considered one of the best Chapter 9 institutions in the country and the IEC must guard jealously against losing such prestigious status by doing what is right.
- Lastly, we urge the IEC and government at large to consider reviewing the time when elections should be conducted. We propose that the Constitution should be amended to enable both the Local Government Election as well as the National and Provisional to occur at the same time. This will serve costs and with proper voter education, the voters will not battle to vote for all these spheres of government at the same time.