

Voting Rights Organisation of South Africa

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COMPREHENSIVE REVIEW OF THE SOUTH AFRICAN LOCAL GOVERNMENT ELECTIONS HELD IN 2016 AUGUST 1, 2 AND 3

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1. Executive Summary

The Voting Rights Organisation of South Africa (VORIOSA) wishes to congratulate, applaud and commend the Independent Electoral Commission of South Africa (IEC) for having successfully pulled this massive 2016 August Local Government Election project through, notwithstanding some minor operational glitches which in our view had no negative bearing on the election results. Generally, the polling stations were well managed, resulting in a great atmosphere throughout the voting process. We therefore are satisfied that there was a coherent will and commitment by the IEC and other stakeholders to ensure peaceful and transparent elections and that we can safely say that the 2016 August Local Government Elections in South Africa were free, fair and credible.

We had 105 observers spread across four provinces of South Africa, namely; Gauteng, Mpumalanga, Free State and Limpopo and managed to visit 315 polling stations from the 1st to the 3rd of August 2016. VORIOSA is indebted to its volunteer patriots who unreservedly participated in the observation of these elections braving the cold weather and spent long hours in order to contribute to building a better South Africa by being there to enable the citizens to exercise their right to choose their preferred governments. Our volunteer observers created an environment for neutral, unbiased, free and fair elections in partnership with all stakeholders involved.

We also wish to commend the political parties for the peaceful elections and the people of South Africa for taking part in this important democratic process that has shown the world and Africa, in particular, how electoral democracy should be conducted. In many instances, party agents were generally cooperative and allowed the voting process to conclude with no or minimum interruption.

As accredited observers, we are of the opinion that the results of these elections are a true reflection of the will of the people of South Africa. However, we were disappointed with the voter turnout percentage and wish to reiterate that it is important that the citizenry be educated about the significance of participating in the formation of governments. Our report summarises our findings and the recommendations for consideration by the IEC and other stakeholders with the intent to improve and enhance the electoral process in the country.

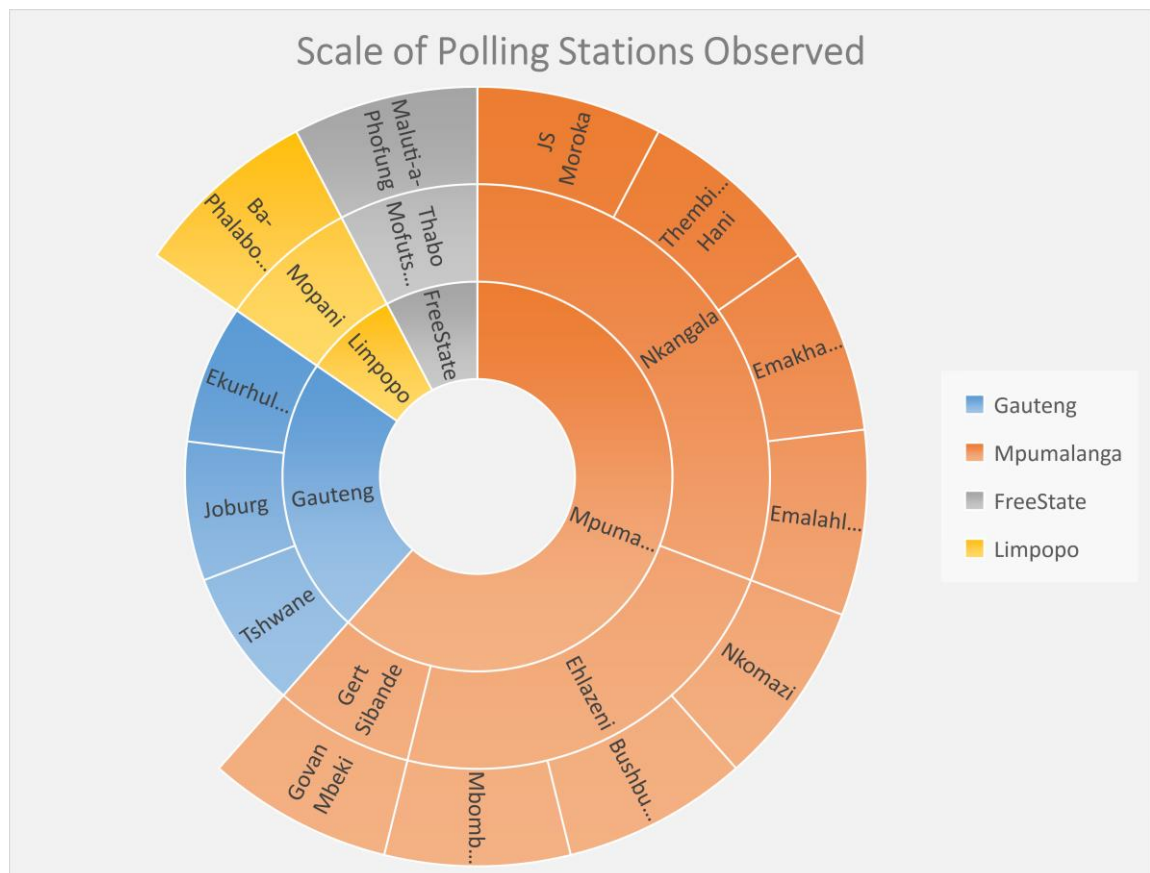
2. Our Brief

The Voting Rights Organisation of South Africa (VORIOSA) was accredited in terms of the Electoral Act, 1998 (Act 73 of 1998) to observe the August 2016 Local Government Elections, the 5th of such municipal elections since the advent of democracy in South Africa. Consequently, the VORIOSA's election observers participated in the following activities:

- Observation of the voting process at voting stations including:
 - Viewing and sealing of empty boxes before voting began;
 - Addressing of comments and questions to the presiding officers; and
 - Speaking freely with the voters outside the voting stations.
- Observation of the counting of votes at voting stations including:
 - Recording of the election results after the counting had been completed at counting stations.
- Taking of notes and writing of issues on all aspects of the voting and counting processes

3. Areas Observed

Observers were deployed in their numbers to observe whether or not the 2016 local government elections were credible, free and fair. There were 105 observers spread across four provinces of South Africa, namely; Gauteng, Mpumalanga, Free State and Limpopo. A total of 315 polling stations were visited by our observers from the 1st to the 3rd of August 2016.



4. Observation Findings

- Polling Stations Set Up

The IEC must be commended for establishing many polling stations at convenient places in most wards. This ensured that there were no unnecessary long queues and voters in those places were thrilled about this. However, in some instances voters were inconvenienced by having to walk between their usual voting stations and their new ones back and forth. According to the Presiding Officers the cause of this was as a result of changes in the demarcation of wards.

Delayed opening of stations by unprepared officers also happened, for instance in Sunnyside (Pretoria), Kempton Park and some few stations in Bushbuckridge.

The layout and sizes of some stations were such that the secrecy of the ballot was compromised. In some places in Bushbuckridge, Barberton, Tembisa and Joburg Park, some voters complained that the ballot booth was put too close to the officials and party agents to an extent that the voters concerned felt that they were not able to mark their ballot papers in secret without those officials seeing how they were voting.

In Qwaqwa (Free State), voting was interrupted as tents flew due to the windy weather and voting had to be continued at a home of one of the residents who offered his home. A tent was also blown away in Barberton.

Generally, the polling stations were well managed, resulting in a great atmosphere throughout the voting process.

- Voter Turnout

In the majority of voting stations there was good traffic of voters but the number of casted ballots remained relatively low to the registered voters as per the stations' voters' rolls. Of particular concern was that young people who bothered to vote were generally few.

It is immensely worrying that there are millions of eligible South Africans who neglect their responsibility to register and participate in the formation of a government. Worse still, even those that had registered for this local government elections continued to stay away from the polls, which made the voter turnout to be lower than expected.

There is also a concern that political analysts in the country continuously justify low voter turnout for local government elections on the basis that it is a trend internationally forgetting that South Africa is a young democracy and not as developed as those countries that we are being compared with.

- Conduct by Voters

Irrespective of challenges that frustrated voters at some polling stations ranging from confusion with wrong stations, wrong queues, long queues, scanners not working, delayed opening of stations, no ballots papers in certain areas, etc. the voters were exemplary and steadfast and it was impressive to see so many people cooperating with officials and waiting patiently in order to cast their votes at the polling stations.

- Conduct by Election Officials

Election officials did conclude the voting tasks in all voting stations successfully and had allowed everyone who was standing in the queues to vote. However, the level of pressure during the main election and counting day was evident in some stations and this revealed that some election staff members were not up to speed with their responsibilities. The following shortcomings were identified:

- There were generally no common strategies utilised in dealing with long queues at the different polling stations. In some stations, the presiding officers subdivided the voters roll and created substations. In others none of that sort was done making people queue for a very long time. In some cases, before the stations could open, some officials were seen inducting some staff members on the day of the election, and indication that there had been no briefing or training of some of the staff members.
- Some officials did not wear their IEC uniforms and their involvement in the election process was suspicious. Some party agents were not issued with tags and it was confusing to see such people partaking in the electoral process with proper identification. Furthermore, in some stations party agents had party agents' stickers with names of the parties they represented whilst in some stations party agents had stickers that were marked 'Party Agent', another indication of poor training of electoral officers on procedures to be followed.
- In other few areas, mostly rural, our observers were initially not allowed to enter the voting stations, despite them wearing the required observation bibs and accreditation cards. At times our observers were confused to be the IEC staff and would be asked to sign as IEC staff. In some stations, some presiding officers did not know that there was a diary to be signed by observers and party agents.
- It was also reported that a presiding officer in one station in Bushbuckridge allowed people to vote for more than an hour though he had not received the voters roll.
- Some voters raised concerns in polling stations in Bushbuckridge that some of the presiding officers and other officials were related to the ward candidate in that area calling into question how IEC election officials are appointed to their positions.
- Some officials made comments during counting of the votes that indicated

that they were not neutral or unbiased.

- Conduct by Political Parties and Political Party Agents

Party agents were deployed at most polling stations, by mainly, the bigger parties such as the ANC, DA and the EFF. Representation of the other smaller parties was generally non-existent. Most party agents displayed their tags issued by the IEC, however in certain areas our observers were concerned that some party agents had no tags but were allowed to represent their parties. Party agents remained part of the voting process and the counting and they were allowed to have their oversight with no hindrance.

It was reported that in the early hours of the voting on 3 August 2016 in areas of Bushbuckridge, tensions and fights were evident between members of the ANC and the EFF, which culminated in the intervention of the peace officers.

Political parties with their parties' regalia had their tables set outside the boundaries of the voting stations in an acceptable distance. There were, however, concerns relating to the voters roll or some list that the ANC members had where they checked voters on the list outside the polling station before they could enter the station to cast their votes. This happened in Germiston and in Bushbuckridge and presiding officers in those areas indicated that they had no knowledge of such lists.

Generally, the political parties and party agents cooperated with the IEC officials and also among themselves, a good indication of tolerance and a maturing democracy in the country. Political parties are also commended for their robust and vibrant campaigning and their encouragement of voters to participate in the elections save for some noticeable negative campaigning and some attempts to polarize the country.

- Ballot Boxes and Ballot Papers

There was lack of consistency or uniformity in dealing with ballot boxes. Some stations would have one ballot box at a time in which all marked ballot papers were put. In other words, a voter would put all his/her ballot papers into that one ballot box after voting and once full, the presiding officer would make available a second ballot box. The biggest challenge with this approach came when the counting had to be done since ballot papers had to be sorted first before any counting could start. This wasted a lot of time and perhaps explains why some stations took the whole night counting votes.

Meanwhile, in other stations, provision was made for each category of the ballot papers to be put in appropriate ballot boxes. In those stations there would be two or three ballot boxes at a time depending on whether or not the area was a metro or a rural province.

Other challenges relating to the ballot papers were the following:

- Ballot papers were not sent to some polling stations on time; and
- There was poor reconciliation of ballots received, utilised, spoiled and those that were cancelled.

Notwithstanding this, there were no signs of abuse or irregularities in relation to the unutilised ballots at the different polling stations.

- Special Votes

There were allegations and concerns in the rural areas of Bushbuckridge where about 100 elderly citizens were given transport to go to the polling station by the ANC in order for them to cast their special votes whilst they were not registered as such. The Presiding Officer correctly refused to allow the elderly to vote on that day and this caused some confusion and dissatisfaction by the elderly who threatened not to come to vote on the 3rd of August.

There were also some allegations by the Bushbuckridge Residents Association (BRA) that some ANC people had collected IDs of senior citizens on grounds that they were going to apply for special votes on their behalf and that such IDs had not been returned to the elderly.

In some few areas it was noted that presiding officers allowed people to cast their special votes despite them not being registered as such.

- Results, Complaints and Objections

There were no serious irregularities relating to the voting or the counting and thus there were no complaints or objections that we witnessed except for party agents disagreeing with the accuracy of the results after counting. In such instances the counting officers conducted recounts of the ballots until all party agents were satisfied. Results slips were completed and signed off by party agents.

5. Conclusion

In conclusion, it is our view that:

- The IEC was impartial in its handling of these local government elections having regard to the thousands of polling stations and staff members they had to manage;
- Political parties had the freedom to organise, assemble and express their views publicly;
- Party agents of political parties had the opportunity to observe all aspects of the electoral process;
- The polling and the counting of votes was generally conducted very well.

In view of the above, we are thus confident to pronounce that the 2016 Local Government Elections in South Africa reflected the will of South Africans and that democracy in South Africa is not only vibrant but it is maturing. Thus, the 2016 August Local Government Elections in South Africa were indeed free and fair.

6. Recommendations

VORIOSA has formulated recommendations indicated below following our observation of the 2016 local government elections. Our set of recommendations integrate our observation team's experience as well as areas of weaknesses identified during these elections. These recommendations are offered respectfully to the IEC, government, political parties, civil society organizations and the South African citizens.

a. Lack of consistency in polling stations set up

The IEC should consider standardising the setup of all election venues and during briefing sessions of its staff ensure that appointed staff members role play the required set up requirements to ensure that the marking of ballot papers by a voter is indeed done in secret away from the officials and party agents. The stations should be spacious enough to promote the secrecy of the ballot and where tents are used consideration should be made on their sizes. Strategies to deal with long queues such as the subdivision of the voters roll and the creation of sub-stations should be discussed with all appointed officials and be encouraged to apply such methods in all the congested stations. The IEC could also deploy staff to monitor whether the set up requirements have been complied with prior to the main voting day.

b. Improvement of staff training

The IEC as the custodian of the election processes should consider empowering the election staff who presides and man the stations during elections. Among other things, inform them about the role of observers, the diaries that observers and other officials have to sign when visiting polling stations.

c. Appointment of Competent Election Staff

A transparent and credible criterion by which election staff members are recruited, selected and appointed should be put in place. Further, where possible conflict of interest is identified in the appointment of staff members, such staff members should be screened further.

d. Voter Turnout Percentages and Voter Apathy

We would like to implore the IEC to consider showing the following voter turnout percentages in the future:

- In relation to those voters who had registered to vote; and
- In relation to those who are eligible to vote as per the Home Affairs figures.

By so doing South Africans will know how serious voter apathy is in the country and attempts could be made by all concerned including government and the international community to arrest this situation.

It is our view that enough is not being done to educate citizens about the importance of participating in the formation of a government. As a country we run the risk that one day we would have a government elected by a minority which will call into question the legitimacy of such a government. Educating the voters about electoral democracy, government structures and its operation as well as the significance of exercising one's civic duty and responsibility should be pursued vigorously especially for those citizens in rural and township areas. It is also not defensible to accept that internationally, local government elections are not as popular as provincial and national elections whereas our country is not as developed as those countries. Further, it is inconceivable for people to understand what is handled at provincial and national level when they cannot comprehend bread and butter issues at local level that affect their lives daily. Our people lack education to understand the structures of government and why it is important for them to participate in all elections. The IEC can partner with civic society organisations to implement proper voter education or partner with learning institutions to implement skills programmes on the importance of electoral democracy and the right to vote.

Voter education should be rolled-out on a continuous basis, including periods outside the election calendars.

e. Electoral Reforms at Provincial and National Levels

There is need for South Africa to overhaul its electoral system especially in relation to provincial and national elections. The current structure of local government does promote accountability as the electorate tend to know who their councilors are in their wards.

It is our considered view that a hybrid electoral system which consists of a constituency based system and a proportional representation could be more suitable for South Africa's provincial and national elections as the shortcomings of each system get offset by the strengths of the other system. The IEC and Government could facilitate a discussion relating to these proposed reforms on our electoral laws in favour of hybrid electoral system which we believe would be ideal for a maturing constitutional democracy like ours.