



The 2024 General Election: New Candidates; Three Ballots; Old Worries

1. Introduction

On 29th May South Africans will vote in what is increasingly being regarded as the most significant national and provincial elections since the first democratic vote in 1994. By definition, all truly free and fair elections are important – they are the key means whereby the people choose who will govern on their behalf – but there are various reasons for assessing these elections as more weighty and consequential than most of the previous six have been.

For one thing, there is an ‘end of era’ feeling about them. For the first time, the question regarding the governing African National Congress is not what the size of its outright national majority will be, but whether it will be able to retain a majority at all. Linked to this, at provincial level, the speculation is about which provinces it will lose control of, rather than how comfortable its hold will be outside of the Western Cape.

There is also a growing sense of decline in the nation’s wellbeing. The economy has failed to bounce back from the COVID-19 trough, and the national debt is consuming more and more revenue, leading to shortages of funds for just about everything – social development, policing, the justice system, municipalities, infrastructure maintenance, etc. Government’s management of major state enterprises including Eskom, Transnet, SAA, the SABC, and the various water boards has been atrocious. Very little has been achieved to undo the damage caused by state capture, and there is not much indication that rampant corruption is being successfully tackled.

Voters this time around will be faced with prob-

ably a greater choice than ever before. A number of new parties will be contesting. Some of them, such as ActionSA, achieved some success in the 2021 local government elections; some, like the Patriotic Alliance, have performed well in by-elections in parts of the country; others, the brand new MK party being the most prominent, are performing well in opinion polls. And, for the first time, voters will be able to elect independent candidates to both the national and the provincial legislatures.

But these elections will also be different in practical terms. Most notably, there will be three ballot papers, rather than the previous two. And it will be easier for citizens who find themselves out of the country on election day to vote, since the Electoral Court has ruled that honorary consulates, and not just embassies and high commissions, must be available for expatriate voting.

Finally, it is worrying that some politicians are seeking to undermine confidence in the Electoral Commission (IEC). All serious observers regard the IEC as one of the country’s most trustworthy and impartial public bodies, and its record of running elections is world class. Claims that it is biased or ‘captured’ should be dismissed for what they are – pre-emptive attempts to deflect blame for a party’s underperformance.

This Briefing Paper will deal with issues surrounding independent candidates, the three ballot system, and concerns about violence and the undermining of the Electoral Commission. A subsequent paper will look at the new parties that have entered the race, the likelihood of coalitions nationally and provincially, and the possible overall outcome of the vote.

2. Independent Candidates

In June 2020 the Constitutional Court ruled that the prohibition against independent candidates standing in national and provincial elections was unconstitutional, and it gave Parliament two years to amend the Electoral Act accordingly. Eventually, after considerable dithering and the granting of extensions, the necessary amendments were adopted, though not without further recourse to the courts regarding such matters as the number of signatures that an independent candidate needs to secure for nomination, and the size of the deposit he or she must provide in order to participate in the election.¹

The fact that the underlying pure proportional representation (PPR) electoral system has been retained has resulted in an unintended outcome – any votes received by an independent candidate in excess of the number needed to secure a seat in the legislature will be divided between the parties that earn seats in that legislature. Arguably, this defeats the object of having independent candidates since it may be assumed that the voters who choose them do so precisely because they prefer them to the parties on offer.

The reason for this anomaly is fairly simple. If, for argument's sake, 20 million people vote, and there are 400 seats in the National Assembly, 50 000 votes secure a seat. An independent candidate can occupy only one seat, so if he or she gets 100 000 votes the 'surplus' of 50 000 cannot be used to earn them another seat. Neither can the candidate transfer those votes to another candidate – to do so would in effect be to make the two candidates a party in all but name. Similarly, the candidate cannot transfer the votes to an existing party – that would dishonor the intentions of that candidate's voters and unfairly advantage the party concerned. But our PPR system demands that there must be no wasted votes, and no empty seats in the legislatures, and so the somewhat messy compromise that has been reached is that the surplus votes will be divided proportionately among the parties.

In fact, all this may turn out to be somewhat academic, since very few independent candidates have actually registered to run. Nationally, only six names will appear on the regional ballot papers (the purpose of the regional ballot will be dealt with below). There are no independents registered to run for the National Assembly from the Eastern Cape, KwaZulu-Natal, the North West

or the Northern Cape. The Western Cape, Mpumalanga and the Free State have one each, Gauteng three and Limpopo four. However, one independent, Louis Liebenberg, has registered to run from four provinces (Free State, Gauteng, Limpopo and Mpumalanga) and another, Lehlohonolo Ramoba, has registered in Gauteng and Limpopo.²

At provincial level the number is, similarly, six.³ There will be two independent candidates running for seats in the provincial legislatures of Gauteng and Limpopo, one in each of the Free State and KwaZulu-Natal, and none in any of the remaining five provinces. Since one of the candidates is standing for both the National Assembly and the Limpopo provincial legislature, this means that there will be a total of eleven independents across the country, and it is highly unlikely that more than two or three of them will reach the threshold of votes needed to earn a seat.

Despite these low numbers, however, the presence of independents has led to a major change in the ballot system that has been used up to now, and one that could potentially cause much confusion and uncertainty.

3. The Three Ballots

In previous national and provincial elections voters have been given two ballot papers – one for the National Assembly, containing the names of parties contesting at national level; and one for the legislature of the province where the voter resides, containing the names of the parties contesting for that province's legislature. Thus, a straightforward system consisting of a national ballot and a provincial ballot.

When it was ruled that independent candidates could stand in these elections the IEC became concerned that, if enough of them registered, the national ballot paper could become awkwardly long. There are already 52 political parties on the national ballot⁴ and if, for example, 30 or 40 independent candidates were also to stand, the ballot paper would have to be printed on two pages, or back-to-back, or on a sheet a metre or more in length. The physical handling of such ballots, including the need to use far larger ballot boxes, poses major logistical challenges, and an unwieldy paper increases the chances of voter confusion and spoiled votes.

It was therefore decided to create a third ballot

paper, the regional ballot. It will contain the names of both independent candidates and political parties standing for election to the National Assembly from the respective provinces. The national ballot paper will, as before, contain only the names of parties contesting nationally, but the provincial ballot paper will now contain both parties and independents contesting for seats in the respective provincial legislatures.

(In our system, the 400 National Assembly seats have always been divided into two halves – 200 reserved for parties’ provincial-to-national lists and the other 200 for their national lists. This was to help ensure that all sectors had some representation in the central Parliament; parties were forced to put up candidates from various parts of the country and thus from different language and ethnic groups, from both rural and urban areas, etc. Each national ballot was counted twice. The first count would determine how many national votes – and thus seats – each party earned in each province. For example, Gauteng, as the most populous province, sends 48 people to the National Assembly; a party winning 25% of the national vote in Gauteng will thus earn 12 seats. This calculation is carried out for all the provinces until all 200 of the provincially-designated seats are filled. At that point, though, there will usually be some small statistical variances caused by fractions of a per cent. To resolve these, and thereby ensure overall proportionality, the national ballots are counted a second time and the other 200 seats are awarded to parties in strict proportion to their national support. Now, instead of counting the same national ballot twice, it has been physically split into two, officially called the ‘national regional’ and the ‘national compensatory’ ballots, but the end result will be the same – half the seats will be filled by people whose names appear on parties’ provincial-to-national lists plus independents; and the other half will be filled by people whose names appear on parties’ national lists.)

3.1. Possible confusion

While the new system is perfectly workable, the mere fact that people will be faced with three papers instead of two is likely to cause confusion. Added to this, the unfortunate, though perhaps unavoidable, use of the word ‘regional’ will no doubt result in some voters mistaking this ballot for the provincial ballot. Such confusions will play out at the voting stations, which is

where a smooth, swift and orderly process is most wanted. Regrettably, there has been a dearth of voter education about the three ballot system, and it is all too easy to imagine huge numbers of voters needing assistance to tell one paper from another, or calling for replacement ballots because they have made their marks incorrectly.

Such technical hitches, if they are widespread enough, may undermine public confidence in the election process, and could well be exploited by parties that underperform. At best, we can expect that the three ballot system will add significantly to the time that each voter takes to move through the voting station, and thus to the length of the waiting queues.

3.2. Split voting

There is also a potential problem regarding split voting. In the 2019 election there was evidence that some voters split their votes by choosing Party X on the national ballot, but Party Y on the provincial ballot. This can still happen (and is a perfectly legitimate way of voting) but if voters split their votes by choosing Party X on the regional ballot, and Party Y on the national ballot, they will effectively cancel out their votes, since both votes ultimately go towards the proportional strength of the parties in the National Assembly. The same will not happen, though, if a voter chooses an independent candidate on the regional ballot, and a party on the national ballot – because only parties will be affected, positively or negatively, by the votes cast on the national ballot.

3.3. Resources

Although there is not much time left before the elections, it is still worthwhile to circulate reliable information about them, especially the mechanics of the new voting system. There are various options in this regard.

Civics Academy, an online educational initiative run by the Hanns Seidel Foundation, offers a wide range of animated videos explaining all aspects of the election process, and it has recently released one dealing specifically with the three ballot system – see <https://civicsacademy.co.za/how-do-you-vote-in-national-and-provincial-elections/> All *Civics Academy* videos can be downloaded free from the organisation’s website <https://civicsacademy.co.za/> and used to

educate voters, especially those who may be voting for the first time.

The *Daily Maverick* has produced a comprehensive overview of the manifestos of all the main parties, as well as a set of 'Frequently Asked Questions' about all aspects of the elections – see <https://www.dailymaverick.co.za/elections-2024/> This page is regularly updated with the latest developments and newly-launched manifestos.

The IEC itself has an excellent website containing all the information a prospective voter may need – <https://www.elections.org.za/pw/> Given that there is a lot of misinformation and fake news floating around, it is a good idea to consult the IEC website in order to find accurate and reliable information. The IEC has published a fact sheet on the three ballot system, which is reproduced at the end of this Briefing Paper.

Lastly, from the within the faith community the Catholic Bishops' Conference has released a Pastoral Letter on the elections which considers the state the country is in and seeks to help voters discern how to use the vote to bring about improvements – <https://adct.org.za/wp-content/uploads/2024/03/SACBC-Pastoral-Letter-on-2024-Elections.1.pdf>

4. Concerns

South Africa has been blessed with a history of elections that have been not only free and fair but, with minor exceptions, peaceful. We do experience what could be termed political violence in the form mainly of the murder and attempted murder of councillors, a particular scourge in KwaZulu-Natal and parts of Gauteng. But these crimes clearly have to do with competition for positions, and often the victims and the perpetrators are members of the same party. Inter-party violence is relatively unusual.

However, given the unrest sparked by the imprisonment of Jacob Zuma in July 2021, and the fact that he has now returned to active politics in the new MK party (officially listed as uMkhonto WeSizwe), there is understandable concern that his supporters may turn to violence, especially if the party fails to meet the unrealistically high goals it has set for itself – including that it will win the fabled two-thirds majority. Indeed, some of its leaders have quite openly threatened violence – “there will be anarchy...”, “there will be riots...”, “there will be no elections...”; all these in

reaction to the possibility, now discounted, that due to objections from the ANC the MK party might have been ruled ineligible to run by the Electoral Court.⁵

To its credit, the senior leadership of the MK party has condemned such rhetoric,⁶ though whether that will be enough to keep its supporters from taking to the streets if the results disappoint them is another matter. But the party has not withdrawn its insinuations of bias against the IEC,⁷ and this presents possibly a greater danger than do fulminations and hot air about anarchy and riots. Understandably, South Africans are susceptible to believing the worst about state agencies, and politicians are not slow to take advantage of this. As Prof. Pierre de Vos has noted, all three of the largest parties have attacked the IEC's integrity when it suited them,⁸ but none has ever substantiated their complaint. Many smaller parties have also conveniently blamed the IEC for their failure to make the kind of impact they dreamed of.

As News24's Adriaan Basson has put it, contrary to some politicians' expedient accusations, “the IEC and the Constitutional Court are arguably the country's two strongest state institutions. Both have a proud history of 30 years of independent, professional service to the people of South Africa. The IEC has overseen multiple national, provincial and local elections with the highest integrity and accountability. It is an institution run by professional accountants, lawyers, systems engineers and auditors.”⁹

Willfully undermining public confidence in the IEC, without being able to produce real evidence, is a disservice to democracy and a short-sighted political tactic; in the end, it can solely benefit those parties which are interested only in gaining power, regardless of how they get it.

5. Conclusion

These national and provincial elections will be our seventh. All of them have been conducted on time and in accordance with constitutional and legislative procedures. All of them have been free and fair and have delivered credible results which have been accepted by the overwhelming majority of parties, and international observers have expressed satisfaction with them.

There is no reason to expect that this year's elections will significantly differ, save for concerns about possible delays and confusion

caused by the three ballot system. Even that, if it happens, will be something that affects the efficiency of the process rather than the trustworthiness of its outcome.

As the Bishops put it in their Pastoral Letter,

“this gives us reason to give thanks that we have maintained our democratic right to go to the polls and freely choose our leaders.” And the best way of retaining this right into the future is to ensure that as many eligible voters as possible exercise it on 29th May.

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1 See <https://cpl0.org.za/briefing-paper-559-the-people-shall-govern-the-slow-road-to-electoral-reform-by-mike-pothier/>

2 The full list of parties and independents running for the National Assembly can be found at <https://www.elections.org.za/pw/Documents/Parties-and-Independents/NPE%202024/National%20Regional%20Parties%20and%20Independents%20-%20Alphabetic%20Order.pdf>

3 See <https://www.elections.org.za/pw/Documents/Parties-and-Independents/NPE%202024/Provincial%20List%20of%20Parties%20and%20Independents%20-%20Alphabetic%20Order.pdf>

4 <https://www.elections.org.za/pw/Documents/Parties-and-Independents/NPE%202024/National%20Compensatory%20-%20List%20of%20Parties%20-%20Alphabetic%20Order.pdf> In 1994 there were only 19 parties on the national ballot paper.

5 See <https://www.dailymaverick.co.za/article/2024-03-05-iec-must-act-urgently-against-threats-of-electoral-violence-in-sa/>

6 <https://www.ewn.co.za/2024/04/03/mk-party-vows-to-expel-any-members-who-incite-violence>

7 <https://www.news24.com/citypress/politics/zumas-mk-party-guns-for-the-iec-calls-for-zondos-recusal-in-appeal-20240414>

8 <https://www.dailymaverick.co.za/article/2024-04-10-be-wary-of-political-parties-that-attack-the-iec/>

9 <https://www.news24.com/news24/opinions/columnists/adriaanbasson/adriaan-basson-protect-democracy-from-zuma-and-his-mkps-lies-20240415>



The Democracy & Governance Project of the CPLO is supported by the Hanns Seidel Foundation (HSF). The opinions and statements contained in CPLO's publications do not necessarily reflect the views of the HSF.

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2024 National and Provincial Elections

THREE BALLOTS

VOTING IN THE 2024 NATIONAL AND PROVINCIAL ELECTIONS

On the **29th May 2024**, South Africans will go to vote for a government of their choice for the next 5 years. They will do this by marking **X** on the party or independent candidate of their choice, on each of the 3 ballots to make their voice heard.



KNOW YOUR BALLOTS

The three ballot papers a voter will get on Voting Day are the following, the National Compensatory ballot, the National Regional ballot and the Provincial Legislature ballot:

National Compensatory Ballot

Contested by political parties ONLY.

National Regional Ballot

Contested by political parties and independent candidates for your region.

Provincial Legislature Ballot

Contested by political parties and independent candidates in your province.



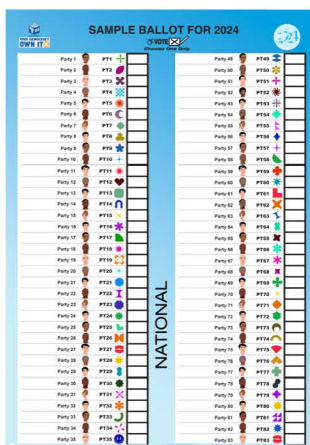
Remember, one ballot, one X mark!



WhatsApp "Hi" to 0600 88 0000

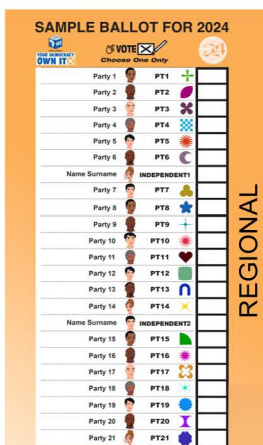


National Compensatory Ballot



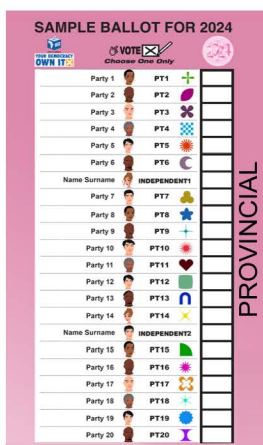
- This ballot is the same across the entire country.
- It features political parties ONLY, contesting for seats in the National Assembly.
- Each party will have its political party name, face of party leader, abbreviation of the party, the party logo and the box to make your **X** mark.
- This ballot will be a double or single column depending on how many political parties are contesting.
- A hole for the UBT for the blind and partially sighted.
- One ballot, one **X** mark!

National Regional Ballot



- This ballot is specific to your voting region and includes candidates running for the National Assembly who represent your area.
- You'll find both parties and independent candidates listed here.
- Each party will have its political party name, face of party leader, abbreviation of the party, the party logo and for Independent candidate; name of independent; face of the independent; and the word independent then the box to make your **X** mark.
- A hole for the UBT for the blind and partially sighted.
- One ballot, one **X** mark!

Provincial Legislature Ballot



- The ballot is unique to your province and includes parties and independent candidates competing for seats in your provincial legislature.
- For political parties: political party name; face of the party leader; abbreviation of the party; the party logo and then the box to make your mark.
- For independent candidates; name of independent; face of the independent; and the word independent then the box to make your **X** mark.
- A hole for the UBT for the blind and partially sighted.
- One ballot, one **X** mark!

To check your voter registration status, visit www.elections.org.za or SMS ID to 32810