# ELECTORAL REFORM – TIME TO DO IT PROPERLY

**MARIUS ROODT**

# Table of Contents

---

# Introduction

Electoral reform has generated increasingly heated debate in South Africa in recent years. There is a growing acknowledgement that our current system has reached its sell-by date and needs some level of reform.

While there has been some reform of South Africa's electoral system since 1994, much of it has been half-baked and half-hearted. The limited electoral reforms introduced most recently resulted from a Constitutional Court order rather than from parliamentary or government initiative, which perhaps helps explain why reform to date has been done inexpertly and reluctantly, as covered further below.

Nonetheless, electoral reform is imperative. South Africa faces a crisis of falling voter turnout and by extension, declining democratic legitimacy on the part of the elected government. While growing disenchantment with formal politics has multiple causes, failing responsiveness on the part of the political system is presumably a significant contributor.

In this sense, electoral reforms that lead South Africans to reengage with the electoral and democratic process are desirable. This paper argues that such reforms should not be placed on the backburner or done in a half-hearted fashion. Electoral reform deserves to be taken seriously. It is perhaps not an exaggeration to say that the fate of South Africa's democracy depends on proper electoral reform.

As Professor Sithembile Mbete has pointed out, the post-1994 electoral system was designed after South Africa had effectively emerged from a low-level civil war. The context is significantly different now, and this must be taken into account when choosing an electoral system.

With that in mind, this paper assesses South Africa's existing electoral system, examines proposals for change, and reviews various electoral systems abroad. It has a strong focus on how constituencies work and whether they can make government and elected officials more responsive.

The experience of countries which have used constituencies is examined, as is the question of what mechanisms exist to make sure that such mechanisms do strengthen democracy. The study also examines alternative electoral systems for South Africa and assesses their suitability for this country.

The paper includes views from experts from various fields and across the political spectrum on the electoral system and the likely efficacy of interventions such as constituencies. Public views of the electoral system are also examined, based on representative polling conducted by the IRR in April 2025. The report further contains a modelling approach that illustrates the hypothetical outcome of alternative electoral systems, using 2024 election data as a foundation.

Other phenomena, such as electoral thresholds and the rise of smaller and community-based parties, are also examined, especially in the context of how South African politics is evolving. Furthermore, the paper considers whether internal party democracy should be legislated for and what effect that could have on South African politics.

The paper concludes with a recommendation of which electoral system South Africa should implement to maximise accountability, openness, and responsiveness, all with the aim of ensuring that democracy in South Africa is sustainable and works for all the people in the country.

# Historical context

The electoral system South Africa adopted in 1994 – a system of closed-list proportional representation (PR) at the national and provincial levels – was intended as an interim solution. It was favoured for being suitable for "democracies with deep social divisions", as South Africa was (and still is). It was also selected for its "inclusiveness, its simplicity, and its tendency to encourage coalition government".[1]

At first, the African National Congress (ANC) opposed the PR system. Having initially favoured a more traditional first-past-the-post system, the party subsequently decided to support a PR system, partly because it became clear in the early 1990s that it would win an election fairly easily, no matter what electoral system was in place. In addition, it was assumed that a closed-list PR system "would also help party elites maintain discipline over backbenchers".[2]

One of the significant advantages of this system is that there is a very close correlation between the proportion of the vote that each party receives and the proportion of seats that it is awarded in Parliament. It is also a constitutional requirement that South Africa uses an electoral system which "results, in general, in proportional representation."[3] According to the Gallagher Index, which measures how proportionate an electoral system is, South Africa's electoral system is the best in the world when it comes to matching actual votes cast to seats awarded in Parliament.[4]

However, despite the high fidelity of proportional representation, the system contains a number of flaws. Members of Parliament (MPs) are not elected from geographical constituencies. Instead, their chances of being sent to Parliament depend on how high they are on their party's list of candidates.

These lists are controlled by the respective party leadership. This means that MPs are often reluctant to challenge the party line, potentially to the detriment of voters. An example that comes to mind is how few ANC MPs spoke out against former President Jacob Zuma's excesses.

It has also been argued that the current system has resulted in voter apathy, with the proportion of people voting in each election on a declining trend. This is covered in greater detail below.

The system South Africa adopted in 1994 had no legal threshold of entry to Parliament (though there is a practical one given the number of available seats, equivalent to 0.25% of total votes cast). In contrast, most countries which use PR require parties to gain a certain level of support, commonly 5% or even higher. The lack of a threshold would ensure that parties at the extremes secured parliamentary representation. The thinking was that given their involvement in parliamentary democracy, they would moderate their more extreme views.

By way of illustration of the low threshold, consider the example of GOOD. In 2024 it secured a solitary Parliamentary seat with only 0.18% of the vote, winning fewer than 30,000 votes out of 16 million cast. This issue of a low barrier to entry to Parliament and other legislative bodies will be discussed extensively below.

There have been a number of abortive attempts at electoral reform. The first of these was the Van Zyl Slabbert Commission Report in the early 2000s. The findings of the Van Zyl Slabbert Commission are provided in some detail below. Despite its recommendation that the system be changed, a decision was made to retain the PR system – this being the minority opinion of the commission.

In 2017, former PPresident Kgalema Motlanthe also called for electoral reform. Motlanthe had chaired a "high-level panel" which looked at the efficacy of post-apartheid legislation. The High-Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change (to give it its full name) raised questions about the effectiveness of Parliament and found a lack accountability to the public. In its report, the panel called for electoral reform: it recommended that Parliament amend the Electoral Act "to provide for an electoral system that makes MPs accountable to defined constituencies in a proportional representation and constituency system for national elections."[5]

However, in June 2018 the weaknesses in the current electoral system were once again brought to the fore when Chief Justice Mogoeng Mogoeng noted that independents should be allowed to stand for Parliament or provincial legislatures, but that this was not possible given our electoral system. The enjoyment of this right had not been proscribed by the Constitution. It was just not facilitated by legislation, said Mogoeng at the time.

Another court challenge was brought in April 2019 in the Western Cape High Court, shortly before the May general elections. The case was brought by, amongst others, the New Nation Movement and a person claiming to be a Khoi leader, Chantall Revell, the latter wanting to stand as an independent parliamentary candidate. The applicants had approached the courts because they claimed that electoral laws were invalid.

The basis of their argument was that although the Constitution stated that "every citizen has the right to stand for public office and if elected, to hold office", one had to be a member of a political party to do so. The applicants argued that this right was limited because individuals had to be a member of a political party to be a candidate for Parliament or a provincial legislature.[6]

Judge Siraj Desai, who heard the case, dismissed the application, noting that nowhere in the Constitution did it say that "standing for office must include standing for such office as an independent candidate". He also said granting relief would have serious implications for the national election, scheduled for the following month.

Subsequently an appeal was granted for the matter to be heard by the Constitutional Court. The matter was heard in June 2020, and the Constitutional Court found in favour of the applicants. It agreed that independents should be allowed to stand in national and provincial elections. The Court found that certain aspects of the Electoral Act were unconstitutional. In his judgment, Justice Mbuyiseli Madlanga said: "It is thus declared that insofar as it makes it impossible for candidates to stand for political office without being members of political parties, the Electoral Act is unconstitutional."[7]

Madlanga noted that the right of freedom of association included the right to not associate with other individuals. Madlanga noted in his judgment that forcing people to be members of a political party in order to stand for Parliament "may be overly restrictive to the free spirited, it may be censoring to those who are loathe (sic) to be straight jacketed by predetermined party positions. In a sense, it just may at times detract from the element of self, the idea of a free self, one's idea of freedom". The Court gave Parliament 24 months to amend the Electoral Act.

An electoral reform panel was constituted by the then Minister of Home Affairs, Aaron Motsoaledi. While a majority report from the Ministerial Advisory Committee (MAC) recommended the implementation of single-member constituencies with a parallel top-up list (similar to the system used at municipal level) a minimalist reform was instead adopted. This effectively kept the current electoral party-list system, but allowed independents to appear on ballot papers, along with parties.

In theory it was a system which had multi-member constituencies – with the provinces acting as these constituencies – but in reality this was the existing electoral system with some cosmetic changes. The primary change was that voters would now get two ballots – a "national" ballot and a "regional" ballot. This second ballot would function as the ballot for the region – province – which was acting as a multi-member constituency. It was on this ballot that independents could stand for the National Assembly.

There were a number of serious problems with this measure, not least the logical absurdity of having individuals compete with parties for seats. For example, having individuals on a proportional representation ballot is a contradiction in terms precisely because an individual is limited to occupying a single seat, irrespective of the number of votes obtained. An independent could win a number of votes which would have secured a party two or more seats, but as an independent by definition can only take up one seat, any other votes cast for the independent would be wasted, something the PR system was designed to minimise.

While it complied with the letter of the Constitutional Court's judgement, this modest reform did not comply with its spirit, nor did it satisfy growing public demands for a better system. Nonetheless, the amended Electoral Act was signed into law by President Cyril Ramaphosa in April 2023[8] was the system under which the 2024 election was held – despite its obvious logical and other problems.

However, there is now once again an opportunity for real electoral reform. But what could it look like?

# Electoral system proposals

This section provides an overview of various electoral systems along with an assessment of their strengths and weaknesses. In order, the systems described are:

- Single-member constituencies with parallel PR top up
- The Van Zyl Slabbert proposal
- The single-transferable vote system
- The Lekota and Maimane proposal
- The Democratic Alliance (DA) proposal
- The first-past-the-post system
- Other systems

## 1.1 Single-member constituencies with parallel PR top up

What would it look like if the electoral system used at the municipal level were applied for elections to the National Assembly and provincial legislatures?[9] This could be constituted as a system which has 200 single-member constituencies and a parallel number of top-up seats, also 200. This would produce a total of 400 seats in the National Assembly, the maximum permitted by the Constitution.

How would the top-up system work? For argument's sake, assume there is an election. A certain party's candidates have won in 120 constituencies across the country, thereby securing 120 seats in the National Assembly outright.

The share of all votes the party has received is 50% (the sum of all its own list votes and constituency votes, divided by all list and constituency votes cast in the country). This means it is entitled to a total of 200 seats in the National Assembly. Its 120 constituency seats are therefore topped up by adding 80 list seats.

Under this system, the country would be divided into 200 individual constituencies of roughly equal population. No constituency would cross provincial or metro municipality boundaries. Outside of the metros, constituencies would mostly be contained within district councils, with a few exceptions requiring the combining of adjacent district councils to form a pooled constituency.

The particular adjustments would also take into account possible changes to the composition of provincial legislatures, and the formulas used to determine the numbers of National Assembly seats to be allocated to each province.

The most immediate perceived benefit of single-member constituencies would be a much closer connection between constituency MPs and the voters in their constituency, and indirectly between voters and parties.

While constituency elections would not guarantee the much sought-after "accountability" of MPs, they would at a minimum increase the likelihood that elected representatives would feel more accountable to their voters. In contrast, under the current party list system, the accountability of MPs is highly attenuated, and is moderated through party leaders' control of the lists. Under a constituency system party leaders would still exercise a considerable amount of control over constituency MPs by offering or withholding resources, for instance during an election campaign.

A second benefit would be that the system would mostly mirror that of local government and would thus be familiar to voters. Where the proposal from the Ministerial Advisory Committee (MAC) differs from the system used at local government is that the constituency ballots will not be added to the proportional representation ballots to calculate the overall representation in the respective legislatures.

This is an exceptionally important distinction, pointing to the potential need to revise the current local government system. If constituency ballots do not count as part of the proportional representation totals, then political parties do not need to field candidates in every constituency (as they do not lose votes from not fielding a candidate).

While some larger parties may field candidates in all or most constituencies, as a matter of principle, it would free small- and medium-sized parties from the burden of campaigning in constituency elections where they have no realistic prospect of winning. Importantly, this would mean that ballots would be much shorter in constituency elections. Elections with a few local candidates would be more meaningful and provide a greater incentive and better prospects for strong local independent candidates to contest.

A number of countries use some version of this system, notably Germany, New Zealand, and Lesotho. There was much debate in New Zealand in the 1980s and early 1990s around moving from a Westminster first-past-the-post system to an multi-member proportional (MMP) system.

As two New Zealand political scientists, Elizabeth McLeay and Jack Vowles, noted: "MMP is neither the best nor the worst of all possible worlds: it is a halfway compromise that delivers more representation for marginal or minority groups than FPP would deliver, but less than under pure proportional representation."[10]

In addition, while MMP can reduce the advantages of FPTP and PR systems, it also helps mute the various problems of each system.[11]

However, one problem with mixed systems is that two "classes" of MP form – those elected directly from constituencies and those elected from party lists. In New Zealand when that country's electoral system was being reformed in the 1990s, to move away from FPTP to MMP, most sitting MPs did not want to become list MPs, as they felt they would have less freedom from centralised party apparatuses. Many believed that list MPs would be little better than party functionaries.[12] (There is at least some anecdotal evidence that this is also the case at municipal level in South Africa, where there are differences between PR and ward councillors.)

In addition, research from Germany showed that the two classes of MPs also viewed their roles differently. For example, constituency MPs would be more committed to serving their constituents and talk of ensuring that all voters in that particular district were represented. By contrast list MPs would be more concerned with policies or specific interest groups.[13]

Research conducted into the differences between list and constituency representatives in New Zealand, Wales, and Scotland[14] found that there was little difference in how committed the two different types of legislators were to constituency work, with "evidence of a strong orientation to constituency work by both constituency and list members".

The MMP system seems to have a number of strengths and relatively few weaknesses. Given that it was also the system chosen by the majority report in Minister Motsoaledi's MAC this is a system which must be seriously considered.

## 1.2 The Van Zyl Slabbert proposal

In 2002 the government decided to appoint a commission to investigate whether South Africa needed a new electoral system. The pure party-list proportional system used since 1994 had initially been envisaged only for the first election following the adoption of the final Constitution in 1996. Frederik van Zyl Slabbert, erstwhile leader of the opposition in the apartheid Parliament (who left organised white parliamentary politics in the mid-1980s due to frustration with the system), was appointed to chair the Electoral Task Team (ETT) which would investigate a new electoral system for the country.

The ETT released a majority report which proposed dividing the country into 69 multi-member constituencies. Each constituency would consist of between three and seven members, and 300 MPs would be elected from these multi-member constituencies. At the same time, 100 MPs would be allocated via party lists to ensure proportionality.

For example, in the proposed system Ekurhuleni would be divided into five constituencies, with two constituencies having three seats and three constituencies having four seats. Cape Town would also be split into five constituencies, and each would return four members to Parliament. By contrast, the much less densely populated southern Free State (including Bloemfontein/Mangaung) would consist of one constituency with seven representatives.

The ETT also considered that the individuals elected from the multi-member constituencies be put forward through an "open list" process. This would mean, for example, that parties would put forward their seven candidates for a particular constituency. Voters would then have the option of voting for their favoured candidates, and would not be restricted to voting for candidates from a single party. In a three-member constituency, a voter could select a DA candidate, an ANC candidate, and an independent as their three preferred representatives in Parliament.

However, the ETT also warned that, given South Africa's levels of literacy at the time, an open-list method of electing candidates would not be feasible in the short to medium term. But as South Africa achieved close to full literacy in 2018 (when 97.1% of adults were literate), it is not clear that this is still a valid concern, or whether it ever was.[15]

Because of these literacy concerns, the ETT opted against an open list system. Instead, it recommended that a voter simply vote for a party, effectively accepting their candidate slate for a particular constituency wholesale (which resembles what happens in South Africa's current system). In the final proposal, the country would elect 300 members from 69 multi-member constituencies on closed lists and an additional 100 from another closed national list, to ensure proportionality.

The ETT also suggested a similar system to elect provincial legislatures. Each province would have a number of multi-member constituencies alongside closed party lists to ensure proportionality. For example, Gauteng would have 16 multi-member constituencies, returning 48 members in its provincial legislature, with an additional 25 seats being awarded on a proportional basis. Other provinces would have their legislatures split similarly. However, the closed-list proposal by ETT does not make any provision for independents to stand, as voters would still vote for a party, rather than individuals, to represent them.

Conversely, if an open list system was adopted then this problem would be solved. Instead of simply endorsing a party's slate, voters could select the individuals that they would like to represent them in Parliament and could also vote for individuals from different parties. It should also be noted that the Van Zyl Slabbert Commission considered the MMP system but decided it would not be suitable.[16]

Multi-member constituencies would be regions or districts with enough voters to elect between three and seven members of the National Assembly. For ease and simplicity, existing metro municipality and district council boundaries would be used. Metros would have between one and three constituencies each, while District Councils would, in general, constitute a multi-member constituency. In a few cases District Councils would be combined, due to sparser populations.

Constituencies would not cross provincial or metro boundaries, and only cross District Council boundaries where they need to be combined. The same constituency boundaries would be used for provincial legislature elections, although the numbers of MPLs elected in each constituency would vary, due to the relative differences in the numbers of members of provincial legislatures This would happen more in the smaller provinces, due to the minimum size of a provincial legislature being 30 members. The numbers of registered voters in each constituency would be reasonably balanced, although there would be some variations.

Having distinct proportional representation ballots to balance out overall representivity in each election would remove any potential problems arising from variations in sizes of constituency and would largely eliminate any concerns over gerrymandering, as any gerrymandering advantage would be cancelled out by the proportional representation top-up. The primary advantage of multi-member constituencies is that each district /constituency would have MPs and MPLs that reflect the overall voter choices in the particular area. In each constituency, it is near certain that more than one party would be represented, which would create a greater local connection between voters, and their elected Members of Parliament. The demarcation of multi-member constituencies is a relatively straightforward process, employing the principles described above.

However, without allowing for an open-list system in elections for multi-member constituencies many of the problems which exist in our current system will simply be replicated in each constituency. The same issue of allowing independents to stand and the implicit benefit which parties get from standing in a party system against independents receive will still exist, as will the issue of when a seat becomes vacant.

Furthermore – and this is a point raised by a number of the experts interviewed – is that a multi-member system would lessen accountability, with the "buck" never stopping with any one representative. Instead, it would be a system of collective responsibility at a small scale.

A system of multimember constituencies with closed lists would not solve the problems that currently exist within our system.

But how could an open-list system work in multi-member constituencies?

Two versions can be considered. For example, in a four-seat multi-member constituency, voters could receive either one ballot or four ballots.

In the first version voters would be presented with the four candidates from each party and would cast their one ballot to vote for one candidate. When the ballots are counted, all the votes for a party would be combined to determine how many seats the party would secure. If a party did well enough to win two of the four seats, the two party candidates with the most votes would be considered elected. It can lead to competition within a party, but internal party competition will always occur, including in closed list systems.

In an open-list multi-member system where a voter gets four votes, they could vote for candidates from across parties. For example, someone could vote for two candidates from one party and two other candidates, who each represent a different party. Hypothetically (depending on the rules of the election) it would also be possible to give all four votes to one candidate if they so wished (this is known as cumulative voting).

Similar to the one-vote-per-voter system, the total votes for parties are calculated and this determines how many seats they are entitled to, with the candidates with the highest number of personal votes being considered elected.

An open-list system for multi-member constituencies would solve many of the problems that are found in the closed-list version. However, the same problem that occurs with independents in South Africa's current system would occur – if an independent wins enough votes to occupy two seats for example, those additional votes would be "wasted" as, by definition, an independent can only occupy one seat.

## 1.3 Single-transferable vote

The single-transferable vote (STV) system is a fairly complex one, which nonetheless retains a link between a constituency and representatives in the legislature. In this system, candidates in multi-member constituencies are ranked, resulting in an outcome which is proportional. It is used in a number of countries around the world at various levels. These countries include Australia, Malta, Scotland, and Ireland, with the latter using the system to elect members to the Dáil Éireann, the lower house of the Irish Parliament. Most other countries which use the system use it to elect members to regional or local bodies.

In this system, voters in each multi-member constituency rank the candidates from most-favoured to least-favoured. Voters can rank as many or as few candidates as they like – they can simply put a 1 next to the name of only a single, favoured candidate, or rank all candidates from their favourite to least favourite. To get elected, each candidate must meet a quota – the quota is determined by the number of positions available for representatives in the constituency and the number of votes cast. Any candidate that has been ranked Number One more times than the quota is elected. However, instead of being "lost", any votes for a candidate falling short of the quota are transferred to the voter's next-favoured candidate. If, after the first round of counting, nobody has met the quota, the candidate who was ranked first the fewest times is eliminated and their votes are distributed to each voter's second candidate.

The advantages of this system are that it remains broadly proportional and it retains a link to a geographic constituency. However, it is complex and might not succeed in a South African context. Furthermore, it does not always reflect proportionality accurately. Examples comes from the elections held in the Irish Republic in2020 and 2014. In that country, legislators are elected from multi-member constituencies (39 in 2020, 43 in 2024), each with between three and five members.

In 2020, Sinn Fein won 24.5% of the vote – the largest portion – and was awarded 37 seats in the 160-member lower house of the Irish Parliament. Fianna Fail came second with 22.2% of the vote, but with 48 seats. In 2024, Sinn Fein won 19% and 39 seats, with Fine Gael securing 21% and 38 seats – winning a higher proportion of the vote than Sinn Fein but fewer seats. Fianna Fail, meanwhile, received 21.9% of the vote, only a little higher than its rivals – but received 48 seats. The remaining seats were split between other smaller parties and independents. Unlike in most other countries, independents in Ireland play an important role, partly because of the electoral system. However, 16 of the 160 seats in the 2020 election were held by independents. This is equivalent to 10% of the seats in the legislature, not a significant deviation from the proportion of the vote that independents won in the election.

Other countries use a similar system, where candidates in single-member constituencies are also ranked and votes are then distributed when a candidate fails to meet a certain threshold. This system is also called instant run-off voting (IRV) and could be described as a hybrid system of FPTP and the single-transferable vote system. It is notably used in elections for the Australian House of Representatives and in London mayoral elections. However, this system has a low level of proportionality and generally has all the disadvantages of FPTP without its simplicity.

It lends itself better to elections for an executive position, such as a mayor or other leadership position, as it ensures that the person elected will have been the second choice of a relatively large number of people, potentially resulting in less polarisation. However, when this system is used to elect a legislature, there is often as little proportionality as in the FPTP system. For example, in the last Australian election, the Labour Party won just over 60% of parliamentary seats with 35% of the vote, while the Greens won 12% and got only one seat, showing how IRV does not lead to significant proportionality.

While the STV system could be suitable for South Africa it is somewhat complex and should not be considered at present.

## 1.4 Lekota and Maimane proposal

Mosiuoa Lekota, President of the Congress of the People (COPE), and Mmusi Maimane, former leader of the DA and currently head of Build One South Africa (BOSA), combined forces in August 2020 to suggest a new electoral system, which would also allow independents to stand, while combining elements of proportional representation and a constituency-based system.[17] The constituencies proposed would be based on South Africa's 52 districts, with each constituency returning a certain number of representatives depending on the size of the population in each district.

By way of illustration, they suggested that Cape Town would be entitled to 20 of the 300 constituency seats, or 6.7% of total seats. This is relatively close to the proportion of the population of the country that lives in Cape Town. The city has about four million residents, meaning that about six percent of South Africa's 60 million people live there. They further proposed reducing the number of parliamentary seats to 350. The constituencies would return 300 MPs, while 50 would be allocated by party depending on how each party performed on the national ballot. In the Lekota-Maimane proposal, elections would be in the nature of an open list STV system. Using this system "allows voters to cast their votes for a candidate even when that candidate is on the list of a political party".

In elections for the National Assembly, each voter would receive two ballots – one for the election from the constituency to the National Assembly, and another for a political party – to help ensure proportionality. The system they propose is similar to the STV system in that excess votes for a candidate who has reached the threshold in a particular constituency to be elected to Parliament are redistributed to other candidates.

However, each candidate would nominate other candidates to receive their surplus voters. Candidates would be expected to tell voters prior to the election who their surplus votes would be allocated to. This system resembles the Irish approach, but instead of allowing voters to decide on their second and third choices, this decision is left in the hands of the politicians. This simplifies the voting system significantly, but also keeps power in the hands of politicians. Nevertheless, it is a significant improvement over the current system, where voters have no say over which individual will represent them in Parliament.

The Lekota-Maimane proposal includes a number of other suggestions, among them, reducing the number of seats of the provincial legislatures, requiring women to make up at least one-third of all parties' nominated candidates, and using voting machines. They also suggest that each parliamentary candidate "must at the time of nomination publish a personal manifesto setting out how and to what extent the candidate is committed to making real and visible the rights enshrined in Chapter 2 of the Constitution in order to engender optimal belief in the founding document of our democracy among citizens".

## 1.5 DA proposal

In 2013 the DA proposed a new electoral system, in the form of a private member's bill.[18] The DA's proposal was similar to that of the Van Zyl Slabbert Commission. It also called for 300 MPs to be elected from multi-member constituencies, with an additional 100 MPs from a top-up list to ensure proportionality. However, instead of having multi-member constituencies with a varying number of representatives in each, there would be 100 constituencies, each returning three members. The number of constituencies in each province would depend on population size, ranging from 24 in Gauteng to two in the Northern Cape.

In the DA proposal, parties would submit a list of five candidates for each constituency whose names and logos would appear on the ballot paper, although voters would still vote for a party, rather than candidates. It is not clear why each party would be required to put forward five names for a constituency when there are only three representatives in each constituency.

Furthermore, voters would still have little control over which individual represents them in Parliament and would still simply be endorsing a party list presented to them. The proposal also has no mechanism to allow independents to run, unless voters are presented with an open list, rather than a closed one, with the DA proposal suggesting the latter.

## 1.6 First-past-the-post system

There is no danger that South Africa will revert to a pure FPTP system. The Constitution after all, says that any electoral system in the country must result – "in general" – in proportionality. What proportionality exactly means has not yet been tested, but is it clear that proportionality is simply not achievable under FPTP – as a New Zealand political scientist, Jack Vowles, said of FPTP – "power is given to minorities who think they have a majority."[19]

Setting aside its constitutional incompatibility for the sake of argument, should some consideration be given to a first-past-the-post system? It has been suggested that it would eliminate the need for thresholds and bring stability to the democratic and electoral system. But is this true?

For example, some argue that PR systems may see parties (especially larger ones) tacking to the centre, leading to what has been called the "tyranny of the median voter" and making reform more difficult than in winner-takes-all FPTP systems.[20]

However, it is clear that this advantage doesn't necessarily exist in FPTP systems – extremists don't automatically disappear. Instead, they often exist as factions in the big parties[21] (in FPTP systems two large parties almost always emerge – a phenomenon known as "Duverger's Law").

It is clear that a FPTP system is not suitable for South Africa and it does not merit serious consideration. It keeps minority views out of the system while simultaneously – perhaps paradoxically – not preventing extremists from securing representation. An electoral system without some form of proportional representation would be inappropriate for South Africa and its many and diverse political groupings – and that is without even taking into consideration the constitutional requirement for proportionality.

## 1.7 Other systems

Several other systems are used around the world, but these would not be suitable for a number of reasons, mainly because they would not be proportional or are too complex. These include the two-round system used in France or the block-voting system used in Singapore. These kinds of electoral systems have many of the same problems that FPTP has, for example, and can result in highly disproportional results.

In addition, there is no need – as the saying goes – to reinvent the wheel. As shown above, many electoral systems that have been used around the world, such as MMP, could work well in South Africa, and would effectively be an "off-the-shelf" system which could fit into the South African context without too much modification.

The next section of this paper will discuss a number of more technical issues such as thresholds and the overall efficacy of constituencies, as well as public views of the electoral system.

# Thresholds

The issue of parties with low levels of support is increasingly a phenomenon in many of our municipalities. The low threshold of support needed to secure representation on a municipal council sees smaller parties with low levels of support manage to secure seats (often with only a fraction of a percent of popular support). They often play kingmaker roles and have influence far out of proportion with their actual levels of support. This is a growing cause for concern because of South Africa's increasingly fractious politics, where multi-party coalitions rather than parties with majorities becoming the norm.

These micro-parties have not only played kingmaker roles, or more often, been used by bigger parties. For example, members of micro-parties were elected to the mayoralty of a number of our biggest cities, including Johannesburg, Tshwane, Ekurhuleni, and Nelson Mandela Bay.

In addition, micro-parties have often been induced to leave governing coalitions and help parties in opposition secure power in municipalities. As Professor Susan Booysen, writing in The Conversation, says of some micro- and small parties: "Party politics is not about proportionality or size of constituency. Brute kingmaker power, even on the basis of one or two council seats, rules supreme: importance is estimated in terms of value to the bigger parties that need to top up sub-50% vote proportions."[22]

This has led to a number of proposals for thresholds, set at a fairly low level such as one percent, for municipal elections (i.e. a party would have to secure at least one percent of the vote to secure representation in a municipal council).[23]

It might be trite to point this out, but thresholds generally benefit larger parties. For example, in the last German election, held in February 2025, the Union (the alliance between the Christian Democratic Union and its Bavarian sister party, the Christian Social Union) won just over 30% of the vote. However, because several parties, including the liberal Free Democrats, narrowly failed to meet the 5% threshold, the Union's overall share of seats was higher. In the Bundestag, the Union secured 33% of the available seats. Similarly, other parties which cleared the threshold won a slightly higher proportion of seats than their popular vote share. This kind of distortion is inevitable if an explicit threshold (rather than implicit or de facto one as exists now) is put in place, which means perhaps any threshold in South Africa should be set at a fairly low level, for example about one percent.

However, even a relatively low threshold like that will still result in distortions. Work done by Paul Berkowitz, a writer and data analyst, shows how thresholds in South Africa's metro municipalities would help bigger parties.

For example, if a 1% threshold had been set in Johannesburg, the ANC would have won 96 of the 270 seats available on the municipal council. On a 2% threshold it would have won 99. In reality the party secured 91 seats. The DA would also have benefitted, seeing its seat count rise from 71 with no threshold, to 77 with a 2% threshold. Smaller parties would see smaller increases – the PA won eight seats without a threshold and would only have got one additional seat with a 2% threshold, while the IFP would have remained at seven seats, with or without a threshold.[24]

Something similar would happen in Tshwane. With no threshold the DA won 69 seats, the ANC 75 seats, ActionSA secured 19 and the FF+ 17. With a 2% threshold the ANC and DA would each have won four more seats while the FF+ and ActionSA would have been awarded one additional seat.[25]

With a threshold the possibility thus exists that a party could fail to win a majority of the popular vote, yet manage to win a majority of council seats. This is almost the situation in eThekwini – with no threshold the ANC holds 96 of the council's 224 seats, on a 2% threshold this jumps to 109, just short of a majority. And in the metros where one party did win a majority – Cape Town, Mangaung, and Buffalo City – these majorities only increase.[26]

However, the above is inevitably speculative. If a threshold did exist it could change voting patterns, as voters are more reluctant to vote for a party which might miss the minimum level of support needed to secure representation in the legislature. We could see the formation of electoral pacts or alliances, as has happened in Israel.

In that country, with its threshold of 3.25%, smaller parties which might struggle to reach the threshold individually often join forces. An example is the so-called Joint List in Israel, which saw four Arab parties join forces and submit a "joint list" of candidates to cross the threshold. The constituent parties still have different views on certain matters, such as the "two-state solution" in Israel.[27]

Parties from the other side of the Israeli ideological spectrum did something similar as part of a deal orchestrated by the country's Prime Minister, Benjamin Netanyahu. Ahead of the 2021 Israeli elections, a number of far-right Israeli parties formed a joint list – the Religious Zionist Party – so as to avoid splitting their vote and ensure that together they crossed the 3.25% threshold to get into the Knesset.[28]

A South African academic and writer, Jonny Steinberg, has argued that the low implicit threshold in South Africa has made it easier for extremist parties to emerge. Steinberg argues that a high threshold (he suggests considering a threshold as high as 15%) would force parties to find some sort of middle ground. He argues: "Our low-threshold system of proportional representation pretty much rules out head-to-head two-party competition. For it is a system that constantly stimulates the extremes, inviting a multitude of small parties with limited reach to grow. The major parties will have ill-tempered minnows forever nibbling at their flanks, eating at their vote share, tearing their policy agenda in different directions."[29]

He argues that this will force parties to tack to the centre and "aggregate a broad array of voter interests".[30] He has also argued elsewhere that a two-party first-past-the-post system would also lead to parties which "aggregate as wide a range of interests as possible".[31] (Steinberg had also, however, previously argued that a constituency system would result in "extreme and distasteful politics" emerging in this country.)[32]

However, work done by the British Electoral Reform Society found that proportional representation did not result in more extremist parliaments than ones which were first-past-the-post: "It is simply untrue to suggest that proportional representation inherently leads to 'more extreme' parliaments or governments. While it may lead to greater representation of non-'mainstream' parties, those that are viewed as unsavoury or extreme are largely excluded from power."[33]

Some have argued that thresholds are inherently undemocratic because they disenfranchise voters and "could close down the electoral space".[34] But in the 2024 national elections over 300,000 voters were cast for parties which failed to make it into Parliament. Nobody would argue that those people had their democratic rights infringed because the party they voted for failed to make it to Parliament.

Terry Tselane, a former IEC commissioner, while speaking at ERCP hearings at Emperor's Palace in 2024, came out vehemently against thresholds. He argued that all votes must count and the value of a vote cannot be diminished through thresholds.

While the possibility of thresholds should be considered it should be a last resort. It does disenfranchise some voters and also clashes with constitutional rights such as the freedom of association.

# Constituencies

Serious electoral reform in South Africa would likely result in MPs elected from geographical constituencies. But are there actual advantages to constituencies? Or would they be an intervention done only for show?

Constituencies had their advantages, even under apartheid. As political scientist Roger Southall notes: "Nonetheless, for all the obvious flaws of the pre-1994 electoral systems, they had offered a direct connection, via geographic constituencies, between the voters and individual representatives which was broken with the adoption of the PR system in 1994, and there are indications that the loss has been sorely felt. (In this regard, it is worth recalling that racially restricted franchises meant that the electorates for constituencies, for whatever the fora, were relatively small, allowing for fairly close connections between representatives and voters; a proximity which was probably enhanced by the rural nature of much of South African society, not least in the sense that it facilitated the survival of small town, face-to-face election campaigning until the very end of apartheid)."[35]

Research conducted by Afrobarometer in 2018 found that – unsurprisingly – people in African countries with first-past-the-post systems were more able to identity their legislative representative than those in proportional representation systems. According to Afrobarometer, nearly 90% of Kenyans could correctly identify their parliamentary representative.[36]

In Lesotho – which uses a mixed system – nearly 60% of respondents could identify their parliamentary representative.

In South Africa, by contrast, only three percent of respondents could. This is unsurprising because while MPs are assigned a constituency in theory this does not work particularly well in practice.

In addition, Afrobarometer found that Africans living in countries which used PR systems were more likely to protest than those living in countries with some sort of constituency system. On average 12% of respondents who lived in PR-system countries had protested, against 8% of those living in FPTP countries (the same proportion as those living in countries using mixed systems). Of the PR systems South Africa had the highest proportion of people who had participated in a protest, at 18%.[37]

But what is the efficacy of constituencies in other countries? Is there any evidence that these lead to better outcomes, and stronger links between public representatives and their constituents?

Writing in 2015 the then-Chief Electoral Officer, Mosotho Moepya, argued: "There is also a questionable link between accountability and a constituency system. The reality of experience in South Africa's municipal elections and by-elections over the past 15 years shows that the theoretical link between directly voting for a candidate and accountability and performance is tenuous at best. Statistics of by-elections in South Africa show that in over 85 percent of by-elections to date the party has retained its seat calling into question any real consequence for non-performance."[38]

A statistic that should be noted is that since the 2021 local government elections and the end of April 2025, only 75% of seats in municipal by-elections were successfully defended, a 10-percentage-point decline compared to Moepya's assertion. This could indicate that South Africans are more willing to punish parties and politicians for non-performance.

By contrast, the Council for the Advancement of the South African Constitution (CASAC) felt that single-member constituencies would result in greater responsiveness, stating: "Constituency representatives are an obvious mechanism for the collation of societal grievances or inputs on proposed legislation or policy."[39] CASAC also argues that single-member constituencies would require that MPs "pay attention to the desires and concerns of their constituents if they wish to be re-elected". In addition, it argues that MPs elected through constituencies will be "more powerful and will not be vulnerable to arbitrary removal from Parliament by party officials". It is not clear that this will be the case, although CASAC says that to help protect MPs they should not, for example, lose their seat if they have their party membership removed.

Even if some element of a constituency system is introduced to improve responsiveness, it will probably not be sufficient to shift these dynamics significantly. A parallel change in South African political culture is also needed. Research conducted by the University of the Free State with focus groups in Sebokeng in southern Gauteng found that most respondents did not know who their ward councillor was. In addition, respondents said that ward councillors would assist people who were members of their political party (in this case the ANC) rather than the wider community. The study was done to investigate the phenomenon of violent protects, with respondents saying that a more visible ward councillor would have helped prevent them.[40]

Lack of communication between ward councillors and constituents has also been identified as a key issue. In places where ward councillors communicate regularly with their communities, satisfaction with the ward councillor is generally higher.[41]

It is an open question whether constituency MPs would be any more responsive than many ward councillors, especially given the fact that constituency MPs would have very large numbers of people in their constituencies, far greater than the number of people ward councillors represent. They would also inb all probability still depend on party political machines for their incumbency. That said, MPs would like deal with higher-level issues than ward councillors, but it still begs the question if they would be responsive in any way.

There are relative low levels of trust in local councillors by communities. According to an Afrobarometer study released in 2024, using data collated in 2022, respondents were evenly split over whether their local councillor would listen to their concerns. However, only about a quarter of respondents said that they had contacted their councillor in the preceding year, either a "few times" or "often", to raise issues. Nearly 60% said they had never contacted their councillor. Nearly two-thirds said they either disapproved or strongly disapproved of how their councillor had done their job in the previous few months.[42]

Trust in elected representatives overall is fairly weak in South Africa. Another study done in 2021, also by Afrobarometer, found that only 24% of respondents trusted their local council. Of all the institutions respondents were asked to rate their level of trust in, this was the lowest, alongside opposition parties. Some 38% trusted the President, 28% Parliament, and 27% trusted their provincial premier.[43] Local councils are arguably the level of government which communities have the closest and most contact with, and these low levels of trust do not seem to mean that constituency-linked MPs will necessarily pay more attention to the needs of their constituents.

In constituency systems there have also been some innovations to try ensure that voters have a say in how their representatives behave outside of elections. For example, the UK passed the Recall of MPs Act in 2015. This allowe people in a constituency to recall an MP under three circumstances – if they had a conviction in the UK which saw them ordered to be imprisoned or detained; a suspension from the House of Commons for more than ten days; and making false parliamentary allowances claims. However, this is not in itself alone to trigger a recall election. At least ten percent of registered voters in the constituency must sign a recall petition. If this threshold is reached then it automatically triggers a by-election.[44]

The sitting MP is allowed to stand as a candidate again.

Since this mechanism was introduced in the UK it has been triggered six times. In one of those the threshold of 10% was not reached, meaning the sitting MP was not recalled and retained his seat. In four of the other five instances the MP resigned their seat and in three of those four instances another party other than the incumbent won the by-election. In the final instance the recalled MP decided to fight the by-election was but was defeated.[45]

This small sample from the UK shows that this recall provision does act as a watchdog mechanism for MPs to be held to account by voters between general elections.

However, laws allowing these types of recall elections of people sitting in national legislatures are relatively rare. There have been attempts to introduce them in a number of countries which use some form of constituency system, such as Canada, Germany, India, and New Zealand but these movements have generally failed to build up much momentum.

There are mechanisms for recalling certain elected officials in the United States and Switzerland, and there is a recall mechanism for mayors and members of some state legislatures in Germany, but not at the national level.

It is an open question whether constituencies result in more responsive public representatives. In the British House of Commons, the so-called "Mother of Parliaments," even with that country's long tradition of parliamentary democracy there is concern that party discipline is strong, and it is difficult for MPs to go against the party line. An analysis from the London School of Economics argues that MPs most often vote "on 'whipped' partisan lines. Party cohesion has weakened, but is still exceptionally high by cross-national standards. Committee scrutiny of legislation via partisan whipped bill committees (with inexpert MPs) is always ritualistic, ineffective and normally of very little value."[46]

Would South African constituency MPs necessarily be any more effective than British MPs? And another, perhaps deeper and more philosophical question: should MPs always vote according to their constituents' wishes?

Research conducted in the United Kingdom found that on "free" votes – those where these was no party whip – MPs would often vote for what they believed their constituents wanted, rather than what the MP's preferred view was.

The free vote on reforms to the upper house of the British Parliament, the House of Lords, serves as an example. The proposal was that at least some of the members should be elected, rather than being appointed or acquiring their seats through hereditary peerages, as is now the case.

Research done on MPs' personal preferences on this matter was then compared to how they had voted in this free vote. It was found that in constituencies where the Liberal Democrats were fairly strong, MPs were more likely to have voted for the House of Lords to be reformed, even if their personal view was different. This is because House of Lords reform has been a policy position of the Liberal Democrats for some time now. As research from the London School of Economics (LSE) notes: "This finding suggests some MPs facing tough re-election races against Liberal Democrat opponents may have used their votes on these divisions to appeal to Liberal Democrat voters."[47]

The LSE goes on: "If MPs voted to express their constituents' interests over their own on an issue like House of Lords reform, then one could expect them to express their constituents' interests on more politically-charged (sic) issues. If the issues at stake were sufficiently important to MPs' careers, MPs could conceivably vote to express their constituents' interests in defiance of the party whip."[48] MPs representing more socially conservative constituencies have also been found to be more likely to vote "along their constituents' views".

Research in the UK has also shown that – unsurprisingly – most voters want their representatives to vote for their interests. However, it was found that of the candidates who were standing in the 2015 and 2017 British general elections, about two-thirds believed that MPs should "prioritise their own judgement over the views of their voters when these are in conflict."[49]

It also found that male candidates were more likely than female candidates to believe that their own judgement over that of their constituencies. This was also the view among incumbents (those who already held seats) as well as those who were not career politicians.[50]

This issue became particularly stark during the Brexit referendum in that country – the vote over whether the UK should leave the EU. It is estimated that about three-quarters of British MPs voted to "remain", but the referendum result was 52:48 in favour of "leave".

However, under the system used in South Africa, MPs and members of provincial legislatures (MPLs) are far less likely to vote for their constituents' issues than according to their party's instructions, if these two are in conflict. There is a strong structural reason for this: in South Africa MPs and MPLs are elected from party lists and not constituencies, so they do not have "constituents" per se. Representatives are notionally assigned to constituencies, but they do not represent them the way British MPs do. The party-list system ensures that there is even stronger party discipline than in the British system, where MPs rarely rebel against the party line, although this does still happen occasionally.

As Roger Southall, Emeritus Professor in Sociology at the University of the Witwatersrand, has argued, MPs in South Africa have to make a Faustian deal to succeed: "If they want to progress politically, they have to follow the party line, even on occasions where they disagree with party policy."

In South Africa only very rarely have there been even small-scale rebellions in the National Assembly by MPs opposed to their party line. Probably the most notable in recent South African history was when a handful of ANC MPs voted against the party line in a vote-of-no-confidence against former President Jacob Zuma in 2017.[51] But as Southall says, given South Africa's party-list system, this is to be expected. Voters do not directly elect MPs. "They simply vote for a party. Under this system MPs are allowed minimal scope for conscience," says Southall.[52]

Southall argues that this is part of the reason why the ANC rejected the Van Zyl Slabbert proposals, as they would give MPs more space to rebel and go against the party line. He also says that South African voters would like their MPs to sometimes vote their conscience. He states: "Voters understand the need for party discipline. Yet as the vote of no confidence also shows, they also want MPs to have the courage to rebel."[53]

In addition, most of the experts interviewed for this project were of the opinion that constituencies would go at least some way to ensuring some increase in accountability.

The existence of constituencies could also contribute to changing the incentives which exist in our politics. Having MPs directly elected would not only bring national government and Parliament closer to communities, but incentivise MPs to raise local issues. While MPs currently have a constituency that they represent in theory, this is not true in reality. If MPs were elected from geographical constituencies there would be a strong incentive to raise local issues in Parliament.

For example, MPs could talk about infrastructure issues or a lack of adequate policing in their constituency. As it stands now, MPs are often little more than voting cattle, with little incentive to truly raise issues of importance.

Any real electoral reform must include constituencies where there is real accountability and a connection between an MP and their constituents. Without constituencies – preferably single seat constituencies – there will continue to be a significant disconnect between voters and their representatives, with severe consequences for the sustainability of South African democracy.

# Importance of independents and community-based parties

But can South Africa break the stranglehold of the party-political system if independents can run? While independents can now stand in national and provincial elections, they are severely disadvantaged by our electoral system, which effectively expects individuals to compete with parties on a party-list proportional system, a logical absurdity.

In general independents do not do well in national parliamentary elections. The party machinery which most candidates have often outcompetes whatever resources are available to an independent.

In some countries – notably Ireland and Australia – independents have performed well in recent elections. In the 2024 Irish election independents accounted for ten percent of the 160-member Dail Eireann, the Irish lower House of Parliament. A number of independents are part of the governing coalition which also includes two of Ireland's biggest and oldest parties, Fine Gael and Fianna Fail.

In the last Australian election but one, held in 2022, independents won 10 of the 151 seats available in the lower house of the Australian Parliament, the House of Representatives. A number of these were what are called "teal" independents in Australia, generally supporting green environmental policies and socially liberal policies, such as support for LGBTQ rights. In the most recent election in Australia, held in May 2025, independents lost a seat, despite increasing their vote share by two percentage points, an artefact of the Australian election system.

But in South Africa, especially in local government elections, small, local-interest, or community-based parties have emerged, which have performed well in some municipalities. Particularly since the 2021 local government elections many of these parties have secured significant support and are sometimes in government.

Nevertheless, independents did perform well in 2021. In that local government election, independent candidates as a whole won 3.5% of the ward vote (independents can't stand on the PR ballot), securing 52 seats in municipalities across the country.[54] In 2016 independents had won 2.3% of the ward vote and 27 seats.[55]

However, it has been a different story at the national and provincial level.

In last year's election six candidates stood on the regional ballots, which elected representatives to Parliament. None performed very well, with Zackie Achmat's doing the best, with 10,000 votes cast for him in the Western Cape, far short of the necessary number of votes needed to secure a seat. It was a similar story with regard to independents standing for provincial legislatures, with six independents standing in various provinces.

All fared poorly, with the exception of a candidate in KwaZulu-Natal. There, a comedian, Thanasagren Rubbanathan Moodley, also known as KC, managed 0.4% of the vote. He finished with 12,000 votes, just behind the National Freedom Party's 19,000, which was enough for one seat in the province's legislature.

And while independents did relatively well in the local government elections of 2021, so did smaller, and community-based parties, often holding the balance of power in municipalities, with their allegiance frequently shifting between the DA and ANC.[56]

For example, in Maluti-a-Phofung (Harrismith) the MAP 16 Civic Movement (MAP 16) won nearly 30% of the vote in the 2021 local government elections, giving it 20 seats on the 70-seat town council.

There were similar breakthroughs in other parts of the country too. In Lekwa (Standerton) the Lekwa Community Forum won 20% of the vote, and six seats on the 30-member council. Following the election the LCF and EFF formed a coalition, with the LCF securing the mayorship and speakership.

Elsewhere in Mpumalanga, the Middelburg and Hendrina Residents Front won 10% of the vote, giving it seven of the 68-seats on the local council.

In the Northern Cape, the Siyathemba Community Movement (SCM) almost emerged as the single largest party, winning nearly 40% of the vote in the eponymous municipality, just behind the ANC's 44%. This was also the first election in which the SCM had stood, making its achievement of almost being the largest party even more remarkable. It might also have been helped by being part of Mmusi Maimane's Build One South Africa, which in the 2021 local government poll was supporting independent candidates and community movements in various places around the country.[57]

Results like these were replicated across the country, and this is likely to accelerate in the future. Community or locally based parties have found themselves in local government in every corner of South Africa. They have often played the role of kingmakers but "often in incoherent blocs".[58]

There has been a similar phenomenon in metro councils, particularly eThekwini.

In the 2021 LGE 24 parties won seats on the 231-seat eThekwini council, of which nineteen did so with less than 1% of the vote.

## Number of parties in metro councils
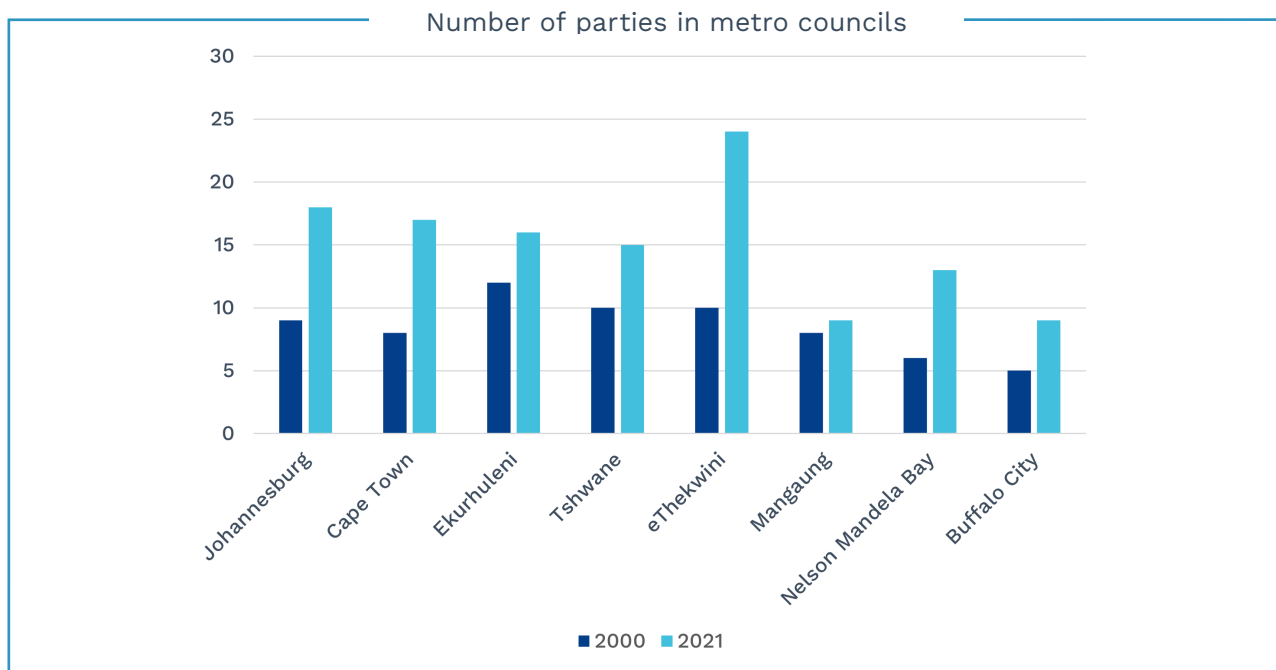


Arguably the success of these local parties is because voters want to support parties that focus on local issues – a circumstantial piece of evidence in support of more constituency-based elements in provincial and national elections.

The emergence of smaller parties represents a broader shift away from the bigger parties which have dominated our politics over the last fifteen years or so. In 2014 the combined vote share for the ANC, DA, and EFF was 90.7%. In 2019 this fell to 89.1%, and in 2024 it tumbled further, to 71.5%.

At the same time after the last national election eighteen parties were represented in Parliament, the most ever in a South African Parliament. After the 1994 election only seven parties did well enough to secure seats in the legislature.

In the provincial legislatures there was something similar. Eight parties won enough support to secure a seat in a provincial legislature in 1994 while in 2024 eighteen parties managed to do so. In all provinces except KwaZulu-Natal, more parties were represented in the provincial legislature in 2024 than in 1994.

## Number of parties in provincial legislatures, 1994 and 2024
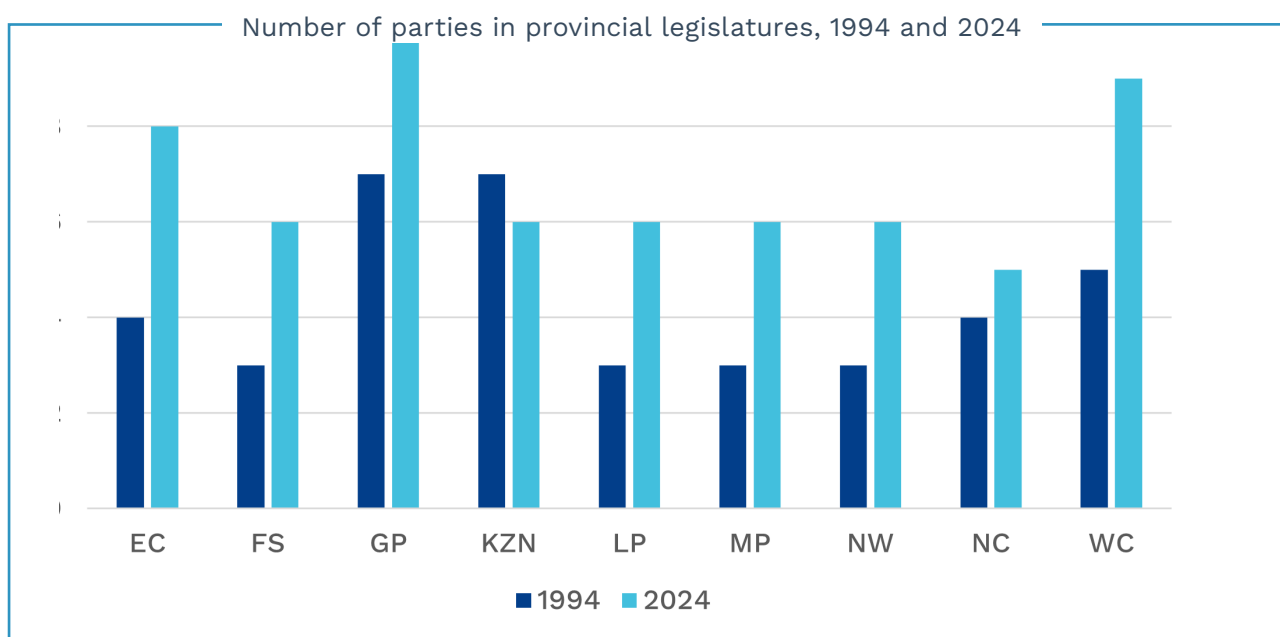
There was a similar phenomenon in local government elections with regard to the trend against the Big Three parties – in 2016 the combined tally for the big three parties had been 89.5%, in 2021 it fell to 77.5%.

It is clear that two things are happening here. Firstly, ANC hegemony is ending, but secondly this vacuum is not being filled by another hegemonic party. Rather, voters are abstaining or going to smaller parties.

This splintering of the vote was always quite likely given South Africa's highly proportional electoral system and its rather low barriers to entry. This is likely to continue, especially without any legislative interventions to prevent this, such as the introduction of thresholds.

# Importance of political parties

Much has been made of the power of party bosses in South Africa but parties play an important role in politics. They often act as information aggregators – someone knows generally what the DA or EFF represent. The power they have over MPs and representatives can also be important in ensuring that policies a voter selected are protected – for example, if someone voted for the FF+ because of their stance against expropriation without compensation the FF+ should have the right to discipline a representative who votes for that policy. Simply put they are a "necessary feature of democratic life".[59] Or as it has been put elsewhere, they are the "workhorses of democracy".[60]

An argument can also be made that weak political parties are worse for democracy than strong ones. This is an argument particularly pertinent to the United States, where it has been argued that the relative weakness of political parties has allowed extremists to gain influence in both major political parties. While interventions such as partisan primaries were aimed at ensuring more internal democracy and bringing the political process closer to the "people", this has not been the case. According to Protect Democracy, a non-partisan group in the United States which aims to push back against authoritarian tendencies in that country, primaries "disregarded the organizing and connecting role political parties played. Over time, primaries have also hampered the functionality of government by weakening party leaders' ability to meaningfully vet candidates for office – leading to fewer candidates with experience and 'posturing over legislating.'"[61]

Protect Democracy also argues that weak parties can lead to extra-parliamentary and unelected and unaccountable bodies playing the role of political parties, which has its own set of problems.[62]

In addition, political parties can act as a bulwark against corruption and the influence of monied interests. For example, an independent politician or someone who is a member of a micro-party with only a few members in a legislature could be more susceptible to outside influence that someone who is a representative of a larger, well-resourced party.

Furthermore, research has shown that countries with "durable" democracies are more likely to have strong and robust political parties. This also holds when it comes to the risk of democratic backsliding – strong and robust parties help to make this less of a risk.[63]

A healthy party system is one in which there are enough political parties to represent diverse interests and views but not so many that it becomes unclear where the buck stops. In a healthy system, parties are "institutionalised in a stable pattern" and most parties operate on a national level. This arguably describes the situation in South Africa, showing that in this aspect at least, democracy in this country is fairly healthy.[64]

Overall, political parties are important for the functioning of democracy and it is important that they are supported. Any electoral system must be one where the power of a political party is balanced – it cannot be so strong that no dissenting or alternate views are allowed, but must also not be so weak that it cannot act as a coherent entity and fulfil its role as expected.

# Ensuring strong internal democracy within parties

Something that is starting to be raised among thinkers and students of democracy and politics in South Africa is whether any thought needs to be given to legislation around how South African political parties are managed. Should legislative requirements be implemented to ensure that there is some level of internal democracy in a party and around how its finances, for example, are managed? And is there any correlation between a party's levels of internal democracy and how well it performs?

As Dr Sithembile Mbete notes South African political parties are essentially run as private members' clubs. People have more right to find out how much the CEO of a listed JSE company earns than what salaries political parties pay. It is a matter of public record who owns publicly listed companies, but a political party's finances can be opaque, with no legal requirement to have them opened to public scrutiny.

This is also in a context where very few South Africans trust political parties (in 2021 only about a quarter of South Africans trusted what was then the sole governing party and opposition parties).[65] In addition, for a company to be listed on the JSE it has to fulfil a number of strict requirements to ensure that it and its finances are managed well. However, there is no such requirement for political parties, even though people elected to Parliament and various legislatures often have access to powerful positions and significant budgets.

Furthermore, represented political parties are also given (sometimes substantial) amounts of taxpayer money to help fund their operations and hire staff. It is rational to expect some level of transparency of how these funds are spent.

This begs the question: should legislation dictate how political parties are managed internally? It has been suggested that if you believe that "the main function of political parties is not merely to contribute to a stable government but rather to extend opportunities of citizen participation" then you should also be more amenable to ensuring that there are high levels of internal party democracy.[66]

But what does it mean for a party to be internally democratic? Although the exact meaning of "internal party democracy" is contested,[67] most definitions agree that it hinges on whether members of political parties are free to nominate and elect leaders on a regular basis. In addition, transparency is an important aspect of internal party democracy, especially around issues of funding.[68]

Internal party democracy is also an important tool in helping to limit the power of internal party elites.[69]

As My Vote Counts, an NGO, argues: "They (parties) need to be seen as public institutions, that perform vital public functions, receive public funding, and should therefore be compelled to advance and promote democracy. They should have the ability to determine what this means, but there needs to be a basic, agreed upon level of democratic participation."[70]

Germany could be a model of how legislation can govern how parties manage themselves, with various laws in place which provide a framework for how parties should work.[71]

Requiring parties to have some sort of formal structure which meets certain minimum requirements could be another way of ensuring parties that enter formal politics are not frivolous, rather than the use of financial or other barriers, such as signatures.

But going by the above one could argue that very few South African parties meet a minimum standard of internal democracy.

And one could argue that the two parties which have been most successful in post-apartheid South Africa are the two with the most robust internal democracy – the ANC and the DA.

Since 1994 the ANC has had four leaders, the same number as the DA. However, as far back as 2009 the ANC was criticised for low levels of internal party democracy, apart from having internal elections.[72] In addition, there have been credible accusations of vote buying in internal ANC elections, which makes the robustness of the party's internal democracy questionable.[73]

The DA has also had four leaders since 1994. Tony Leon led the Democratic Party, having become the party's leader in 1994. He remained its leader when it merged with the New National Party (NNP) to form the DA in 2000. He served in the position until 2006, when Helen Zille became leader. Mmusi Maimane and John Steenhuisen are the two other people who have served in the post subsequently.

However, while the party has had healthy churn in its number of leaders, the party has been criticised for its highly centralised nature (despite ostensibly being a federal party) and how branches and ordinary members have been sidelined in the decision-making process.[74]The PAC has had numerous leaders since 1994, but the party has been wracked by internal power struggles. At various times different factions in the party have recognised different party leaders.

The VF+ has also had four leaders since 1994 and seems to have fairly robust internal systems of democracy, although it is likely hampered in growing significantly as it explicitly appeals to white Afrikaners (although in recent years it has been attempting to break out of this ghetto and become a party for all South African minorities).[75]

However, the two other parties which were first elected to Parliament in 1994 and which still exist – the IFP and ACDP – have had much lower leadership turnover. The ACDP is still led by its founding leader, Kenneth Meshoe, while the IFP has only had two leaders since 1994, Mangosuthu Buthelezi and Velenkosini Hlabisa.

The IFP's vote share grew to 3.9% in 2024, having also grown in 2019. This was after winning 10% of the vote in 1994, and outright control of KwaZulu-Natal, and then seeing its vote share slide to as low as 2.4% in 2014. At least some of that recovery may be attributable to Hlabisa's leadership.

The ACDP has had a steady decline, having reached a high-water mark of 1.6% of the vote in 2004. Since then it has never won more than 1% of the vote, finishing with 0.6% in 2024, slightly more than what it achieved in 2019.

Amongst South Africa's other major parties there are also low levels of internal democracy. The EFF has been led by Julius Malema since its founding over a decade ago, and he has never been challenged for the leadership of the party, with some analysts arguing that the party will not grow much more if it doesn't allow an internal democratic culture to emerge.[76] This came after the departure of key figures from the party, such as Floyd Shivambu, and the alleged barring of Mbuyiseni Ndlozi, from an EFF conference in 2024 (Ndlozi subsequently left the party to become a radio presenter).[77]

Criticisms of the party as one run as an autocracy by Malema have been long-standing, with reports from as long ago as 2014 characterising the EFF as an organisation without significant internal democracy.[78] These criticisms went back to when Malema was still a member of the ANC Youth League (ANCYL). In 2011 Malema was challenged as ANCYL leader by Lebogang Maile, now a prominent ANC politician in Gauteng. A discussion document circulating at the time – linked to Maile – accused Malema of dictatorial and centralising tendencies.[79]

The current third-biggest party in South Africa, the uMkhonto weSizwe Party (MKP), founded by former President Jacob Zuma, seems to have a similar lack of internal democracy, even more so than the EFF.

The party has not held any elective conferences and does not appear to be planning on holding any in the near future. Zuma was quoted as saying about elective conferences: "I am sure all of you know that today those who win, are those who have the money. Is that democracy? Do you know that there are Presidents who are Presidents because they have all the money but they can't do anything that is Presidential. It has become a corrupt business, where people take money to pay to elect so and so."[80]

The party's constitution makes no mention of elective conferences and vests all power in the President of the party – Zuma – with this position being "responsible for deployment and appointment, restructuring and removal of all national officials, members of the national high command including provincial conveners and coordinators."[81]

The party has already been wracked with infighting, with senior figures, such as Zuma's daughter, Duduzile Sambudla-Zuma, attacking the party's secretary-general, former EFF senior leader, Floyd Shivambu, on social media. Shivambu appeared to be headed for the exit door at the time of writing, in June 2025 . (he had decalred an intention to "consult" on possibly forming a new organisation). Two other senior leaders, deputy leader, John Hlophe, and parliamentary chief whip, Mzwanele Manyi, allegedly had a physical altercation.

While the party did well in the 2024 elections, its record in subsequent municipal by-elections has been fairly mixed. At the same time, polling from the Social Research Foundation has shown it at levels slightly below what it achieved in the 2024 poll, with about 12% of respondents saying they would vote for the party in polling done in February 2025, although this increased to 18% in a June 2025 survey.[82]

Of the two other parties which won more than one percent of the vote in the 2024 election (the Patriotic Alliance with 2.1% and ActionSA with 1.2%), both have been led by one leader since their founding – Gayton McKenzie of the PA and Herman Mashaba of ActionSA, with neither having elective conferences (although both have had policy conferences).

Finally, the UDM is one of South Africa's oldest parties formed after apartheid. It was formed in 1997 and stood in its first election in 1999, winning 3.4% of the vote. However, since then it has seen its vote share decline steadily in almost every election. In 2024 it won 0.49% of the vote, its second-worst showing, after the 0.45% it secured in 2019.

The UDM is another party which has had no change in leadership since its founding, with Bantu Holomisa having been its leader since the first elective conference in 1998. While internal struggles within the party have not been as pronounced as in other parties, its 2010 Eastern Cape provincial elective conference was marred by violence.[83]

More research would need to be done but there appears to be at least some correlation between the churn in a party's leadership and how well it performs in South African elections. It is likely that parties with high levels of robust internal democracy do better at attracting voters.

The possibility of legislating how parties manage their internal processes should be investigated. It could have a number of positive outcomes for South African democracy and could change incentives around how political parties function.

However, despite parties being expected to declare donations over a certain threshold, this has not occurred. It may be that parties such as MK and the EFF have not received donations above the legislative threshold, though this does strain credibility. (There have also been concerns that the ANC in particular is circumventing the dislosure requirment by receiving financial support via trusts.) There could be something similar if legislation is passed forcing parties to have a certain level of internal democracy and transparency in how they function – parties might simply ignore it, unless the legislation has teeth and these teeth are used.

But finally, it will come down to South African political culture and whether this can be changed.

# Public views on the electoral system and voter participation in the electoral process

There has not been much research on how South Africans feel about electoral reform. One of the few surveys was commissioned by the ETT to determine popular views around electoral reform.

The survey was conducted by the Human Sciences Research Council in July and August 2002, and spoke to 2,760 South Africans, Just over 70% of those polled felt that the post-1994 electoral system was "fair to all parties", with more than 80% of respondents saying that it helped include a multiplicity of parties.

In response to the question: "Does the voting system help voters hold the parties accountable for their actions" the proportion of people who replied in the affirmative was 68%, with 60% answering yes to a follow-up question – "Does the voting system help voters hold individual representatives of government accountable for their actions?"

The survey also showed that there was appetite for a constituency system, with 71% of respondents saying that they would prefer some sort of constituency system, for a number of reasons.[84]

In addition, there were relatively low levels of enthusiasm for independent candidates to be allowed to stand for elections. Only 42% said they would like to see independent candidates being allowed to stand in the 2004 election, with 12% saying they did not know. Tellingly, 56% of respondents said they would not even consider voting for an independent candidate in the 2004 poll, with 10% saying they were unsure.

This revealed a strong level of party-political support, further emphasised by another question. Only 28% of respondents said they preferred to vote for an individual over a party.

In addition, nearly three-quarters of respondents said that they would like to vote for a candidate from their local area.[85]

A large proportion of respondents were also in favour of directly electing the President, with 63% saying they would prefer this method. At the same time, of those who were in favour of a direct election of the President, 85% said this election should take place at the same time as the same time as parliamentary elections.[86]

Overall, there seemed to be broad support for proportional representation in some form. As Roger Southall and Robert Mattes note in an analysis of the polling: "Indeed, for the most part, people were happy with the present system."[87]

However, they do caveat this, saying that this support is "not consensual or widespread". They also point out that only about a fifth of respondents said they felt legislators "are interested in listening to their opinions or looking after their interests". Southall and Mattes say that these kinds of views could "turn into a cancer in the body politic that slowly eats away at public confidence in democratic institutions".[88]

They conclude by saying that the introduction of constituencies in some form in South Africa is a "necessary, even if not sufficient step to enhance politicians' accountability".

An Afrobarometer survey, conducted before the 2024 election on various aspects of democracy, found that only 48% of respondents approved of the reform of the electoral system to allow independent candidates, with 27% disapproving, and 20% having no opinion (5% said they did not know).[89]

Research conducted by the South African Institute of International Affairs (SAIIA) also found that South Africans wanted to vote for representatives from their community. SAIIA conducted a number of focus groups in Eastern Cape, North West, and Gauteng, with 309 people participating. While not a poll it did provide some insights into what voters think. Participants in one focus group in the Eastern Cape said: "People preferred a system that allowed them to directly elect leaders they knew and trusted, and who had a credible track record of delivery even without political power."[90]

The latest IRR survey shows something similar: most people would like to elect someone from their local community. When provided with the statement: "South Africans should be able to directly elect the best person from the constituency where they live as an MP to represent them in Parliament, even if the person they elect is not from a preferred party" just over 80% of respondents said that this should be the case. There was also strong support for some sort of a recall mechanism. When given the statement: "If an elected representative fails in their duty, the public should be allowed to collect and table in Parliament a sufficient number of signatures to force that representative to be recalled" nearly 90% of respondents said that this should be the case.

South Africans also want to be able to directly elect the President, and other executive positions, such as mayors and premiers, with over 80% of respondents saying they would like to do so. It should be noted, however, that directly electing the President would require a constitutional change, and this is not a step that should be taken lightly.

Thresholds were also popular among respondents, although less so than the other reforms mentioned above. Just under 60% of respondents agreed with the statement: "There should be a threshold for parties to get into Parliament. Small parties that get less than a certain percentage of votes should not be allowed into Parliament."

Somewhat paradoxically most respondents were fairly content with how the South African electoral system works. When respondents were asked whether they were satisfied with how they elected their representatives and would not seek change, over two-thirds said that this was the case. Furthermore, when asked whether our current voting system ensured accountability from MPs, again just over two-thirds agreed with that statement.

Without further research into these findings we will be reduced to speculation, but this can be informed speculation, given what other surveys and focus groups have found with regard to how South Africans feel about the electoral system. From the above it is clear that South Africans generally accept that electoral outcomes reflect the overall will of voters. However, given the high proportions of people who want to have some direct say in who represents them – whether MPs, the President, or other executive positions, such as mayors or premiers – reform which results in allowing South Africans a direct say in who represents them would be popular.

Directly electing leaders should be something that must be considered carefully in South Africa. Directly electing leaders could see an increase in politics based around personality, and detract from politics based around policies or programmes. In addition, in a country like South Africa, which has deep cleavages around race, region, and class, having a powerful directly elected President could be a drawback. In our current system (at least in theory) whoever is elected President (especially now that the country has entered an era of coalitions) needs to take into account the wishes and concerns of a large number of parties and interest groups. A directly elected President may not have to do that, and argue that their mandate comes directly from "the people" and there is little need for compromise when it comes to policies.

In presidential systems, the executive is also not answerable to the legislature, which can also harm accountability.

Having directly elected executives in South Africa, whether at the national, provincial, or local level, would in all likelihood require a constitutional change – any constitutional changes must be considered very carefully and ought not be brought unless there is an extraordinarily compelling reason.

In addition, thought must be given to how South African voters and the public more broadly can become more involved in politics and the democratic process. As noted below by Roger Southall and elsewhere in this document, constituencies can be a way to get people energised and interested in politics again, and reverse the trend of declining voter turnout in South Africa.

As the table below shows, the proportion of people registering to vote and actually turning out at the ballot box is declining steadily in South Africa. In the 2024 election, overall turnout of registered voters was just below 60%, a figure not significantly out of sync with international norms. However, the proportion of eligible voters (South African citizens over the age of 18) was significantly lower, at below 40%. The figures for local government elections are even more stark – in 2021 only 46% of registered voters cast a ballot, with only 30% of all eligible voters doing so.

When put in terms of party support, the decline in participation by South Africans in democratic elections is even more stark. For example, only 23% of registered voters cast a ballot for the ANC, while only 15% of all eligible voters did.

It is clear from surveys conducted of the views of South Africans that many would prefer to vote for a local candidate or someone that represents actual communities, rather than the current system, where there is a disconnect between voters and their representatives. Even those who follow politics closely in this country would be hard pressed to tell you who their ostensible MP is.

As mentioned below, constituencies could also help bring local issues to the fore in the national legislature, which could also engage voters in electoral politics again. For example, the various infrastructure issues many communities around the country suffer from could benefit from being brought to the attention of the national legislature. While much is made of infrastructure collapse in South Africa's major cities (think of the coverage that Cape Town received when it faced Day Zero), many places around the country have faced more serious infrastructural issues. Having a "champion" in the national legislature who could bring these issues to the fore could go some way to changing how people view MPs.

Other matters could also be kept in the national spotlight. For example, an MP representing Alexandra in Johannesburg could raise the issue of the death of Collins Khosa in the national legislature (Khosa was beaten to death by SANDF troops during the Covid lockdown for drinking a beer in the yard of his home). It could be a powerful way of demanding accountability for a local MP to champion these kinds of causes, which are often forgotten in this country.

| Voter turnout in national, provincial, and local government elections, 1994-2024[91] | | | | | | |
|---|---|---|---|---|---|---|
| —National and provincial elections— | | | | | | |
| Year | Eligible voters | Total registered voters | Total votes cast | Votes as a proportion of total eligible voters | Proportion of eligible voters who did not vote | Proportion of registered voters who voted |
| 1994[a] | 22 709 152 | 22 709 152 | 19 533 498 | 86,0% | 14,0% | 86,0% |
| 1999 | 22 798 845 | 18 177 751 | 16 228 462 | 71,2% | 28,8% | 89,3% |
| 2004 | 27 436 898 | 20 674 926 | 15 868 558 | 57,8% | 42,2% | 76,8% |
| 2009 | 27 574 414 | 23 181 997 | 17 919 966 | 65,0% | 35,0% | 77,3% |
| 2014 | 31 434 035 | 25 318 713[b] | 18 654 771[c] | 59,3% | 40,7% | 73,7% |
| 2019 | 39 050 686 | 26 756 649 | 17 671 615 | 45,3% | 54.7% | 66,1% |
| 2024 | 41 631 020 | 27 672 264 | 16 291 516 | 39,1% | 60,9% | 58,9% |
| —Local elections— | | | | | | |
| 1995 | 16 590 000[d] | 12 720 000 | 6 200 000 | 37,4% | 62,6% | 48,7% |
| 2000 | 23 532 308 | 18 476 516 | 8 882 734 | 37,7% | 62,3% | 48,1% |
| 2006 | 25 364 801 | 21 054 957 | 10 186 795 | 40,2% | 59,8% | 48,4% |
| 2011 | 33 702 589 | 23 655 046 | 13 664 914 | 40,5% | 59,5% | 57,6% |
| 2016 | 36 198 776 | 26 333 353[e] | 15 296 711 | 42,3% | 57,7% | 57,9% |
| 2021[f] | 40 086 947 | 26 204 579 | 12 063 709 | 30,1% | 69,9% | 46,0% |

a In 1994 there was no voter registration, and permanent residents without South African citizen ship were allowed to vote. This was not the case in subsequent elections.
b As at 2 July 2014.
c Total votes cast in 2014 includes spoilt votes.
d Excludes voters in KwaZulu-Natal and parts of the Western Cape.
e As at 1 June 2016
f Total votes cast 2021 include spoilt votes.

The declining trends in voter turnout are a concern, with South Africans turning out in numbers below the global average in democracies, of about 70%. Collette Schulz-Herzenberg even characterises the decline in South African voter turnout as the "new democratic crisis".[92]

Reasons why people abstain are complex but in South Africa it could be linked to a growing disillusionment with democracy. A survey from the Human Sciences Research Council (HSRC) found in 2023 nearly 60% of South Africans were dissatisfied with it. Over 80% of respondents to an HSRC survey said that "disillusionment" was the reason that they would not vote, even though surveys find high levels of agreement with the notion that voting is a citizen's civic duty.

Says Schulz-Herzenberg: "It's about democracy; it's about the quality of the mandate we are passing over to our government. As that mandate shrinks, in other words, as less and less eligible citizens cast a vote and lodge their preferences and their interests, the quality of the mandate that we hand over to representatives in Parliament and the executive, hollows out. A mandate that comes from 60% of the eligible electorate is a lot stronger — and one could argue has more legitimacy — than a mandate that is coming from 40%, which is where we are now."[93]

Schulz-Herzenberg adds that there is a trust deficit and that many voters feel as if they do not have a political home. She notes that this is also part of a global phenomenon – that of "partisan de-alignment" with voters increasingly not feeling close to a political party. According to Schulz-Herzenberg in the early years of South African democracy nearly 60% of South Africans said they felt close to a political party, declining to below 40% just before the 2024 elections.[94]

Finally, she notes that without MK turnout would have been even lower, as the party drew many voters from the ANC who might otherwise have abstained because of their disaffection with the party. Of the various ANC breakaways, MK was by far the most successful in drawing away former ANC voters. Parties such as the EFF and COPE had managed to attract some ANC voters but not in the numbers MK did.

Perhaps tellingly the provinces with the highest voter turnouts were the ones with the most competitive politics. In the three provinces where the ANC was the biggest party but failed to win a majority – Gauteng and the Northern Cape – voter turnout was 61.9% and 61.5% respectively.[95]

In KwaZulu-Natal, where MK proved to be the most disruptive electoral force in post-apartheid electoral politics, turnout was highest out of the nine provinces, at 62.3%. Finally, the only other province to have turnout of above 60% was the Western Cape. It seems clear that voters are more energised in provinces where the ANC is weakest.[96]

A decline in voter turnout has other effects. Politicians might become less responsive to voter concerns, lessening accountability. Schulz-Herzenberg also says it can result in an overall crisis of legitimacy, with the government not accurately reflecting "the will of the people". Finally, she argues that it is up to political parties to make the correct choices in ensuring voters are energised and drawn into the political system.

Afrobarometer has also shown that while South Africans generally support democratic elections there is scepticism over whether they can change who is actually governing. A poll conducted in South Africa in 2022 found that 61% of voters felt that elections did not ensure that their views were reflected while 64% of respondents said that elections did not let voters remove unrepresentative leaders.[97]

This was despite nearly two-thirds (65%) saying that elections were the best way to select leaders.[98]

Concerningly, respondents also had little trust in the Electoral Commission (IEC), with 39% saying they had no trust at all in the body, and 25% saying they had "just a little" trust in it. Only 8% said they trusted the IEC a lot.[99]

These are clearly important matters. In a democracy one of the most important concepts is that governments have the "consent of the governed". But in a context of rapidly declining turnout people might no longer provide their "consent" to be "governed," especially if they feel elections do not result in any real change. In South Africa violent protests are common, and have been increasing in recent years – it could partly be because these protests are seen as a more legitimate way of making your voice heard.

In the long term this could pose a real threat to South Africa's democratic legitimacy. It is vital that people get involved in the democratic process. Electoral reform will not be the only way to do this, but establishing constituencies, for example, and having more responsive public representatives could go some way to achieving this.

At the same time some of the responsibility of getting the electorate voting and engaged with politics lies with political parties.

The minister of home affairs, Dr Leon Schreiber, has pointed out that voters also become more disengaged if they do not see improvements in their day-to-day lives as a result of voting.[100]

# E-voting

Another reform currently under consideration is that of electronic voting (or e-voting).

E-voting has a mixed record around the world, with some countries implementing it and later returning to using paper ballots. Currently the only country that collects and counts all its votes digitally is Brazil.[101]

The IEC has said that it is investigating the possibility of e-voting in South Africa for a number of reasons. These include the fact that increasing numbers of South Africans are now connected to the digital world, with about 75% of South Africans using the internet in 2022. The IEC also says that ballot papers are becoming increasingly unwieldy and more "cognitively demanding" for voters. It also argues that e-voting could result in fewer spoilt ballots, faster tabulation of votes, and "could also mitigate against low voter turnout, especially the low participation of young people, who tend to find paper-based voting tedious and prefer the shorter election periods that e-voting contributes to by streamlining and automating aspects of the voting process".[102]

The IEC also notes that a switchover to e-voting would come at a significant cost and would take some time to implement.[103]

Importantly the IEC notes: "Measures will be needed to address security, reliability and transparency concerns and to maintain confidence in the electoral process."[104]

An IEC-commissioned survey found that South Africans were generally unaware of e-voting, with 63% saying that they knew "nothing or very little".[105]

Respondents were also concerned about potential electoral fraud – 45% said this was a concern and just over half expressed worry that e-voting could be vulnerable to hacking.[106]

Positively a large majority (77%) said they would be more likely to vote if e-voting was implemented, with 83% of those aged between 18 and 34 saying that this would be the case.[107]

Any decision around e-voting must be approached with caution. The IRR has warned about the greater potential for fraud if e-voting is introduced in South Africa.

As the IRR wrote in its submission on the Electoral Amendment Bill in 2020, "traditional manual voting system are not entirely immune from irregularities. However, international experience confirms that the safeguards they provide are far stronger than those available under electronic systems. In particular, traditional voting systems are far more transparent because they provide a paper trail and can be observed at every stage.[108]

"By contrast, electronic voting systems, no matter how ostensibly secure, have proved themselves vulnerable to overt penetrations by actors wanting to discredit an election; to covert penetrations aimed at intimidating voters; and to surreptitious penetrations that can be used to secretly change an election result even as the poll's legitimacy is proclaimed."[109]

Dr Anthea Jeffery of the IRR has argued that an e-voting system will make it more difficult for the IEC to ensure its constitutional obligation to ensure that elections are "free and fair".[110]

Subsequently the e-voting provisions in the Electoral Amendment Act were removed, but it is clear that the IEC is still considering e-voting, given that it is now a primary policy focus of the organisation.[111]

In addition, in the 2024 election there were serious problems around the voter management devices (VMDs) that were used. There were reports that the failure of VMDs, particularly in some of the metros, resulted in long queues at voting stations, with anecdotal evidence showing that people left queues without voting because of the long wait.[112]

These VMDs had first been piloted in the 2021 local government elections and were still used in the 2024 poll, despite problems cropping up in the 2021 election.[113] The technical issues with the VMDs were also raised by election observers in the 2024 election.[114] There has been no official report on the failures of the VMDs with the IEC and the company which supplied the devices, Ren-Form, each blaming the other for the problems.[115]

Given the funding challenges the IEC faces, the problems which cropped up in the 2021 and 2024 elections, the digital divide which exists, especially between rural and urban South Africa, and the potential problems which exist around e-voting in general, this country should focus on other elements of electoral reform before looking to implement e-voting.

# Expert views

A number of experts from across the political spectrum were interviewed to determine their views on electoral reform and what system would be optimal.

The majority were in favour of some form of mixed system, with a single-member constituency system generally being favoured for its potential to improve accountability.

In general other interventions – such as recall petitions or the direct election of executive positions – were opposed by most, as set out below.

## 1.8 Daryl Swanepoel, CEO of the Inclusive Society Institute

Daryl Swanepoel is the CEO of the Inclusive Society Institute. The organisation has done much work on electoral reform in the past, with a paper brought out in 2020 arguing for a system very similar to that proposed by the Van Zyl Slabbert Commission, with 300 MPs elected from 66 multi-member constituencies (MMCs) and another 100 from PR top-up lists.

Each MMC would return between three and seven MPs, with the constituencies being created from existing metro municipalities and districts. Voters would receive a ballot paper with the names of all the political parties and independents standing in the particular constituency. It would be a closed-list system although the paper states that in time an open-list system could be implemented, as voters become more familiar with the electoral system.

No threshold is proposed as there will be something of a "natural" threshold in terms of seats awarded through the MMCs.

The proposed model would not change election results significantly, with an ISI paper stating that "the proposed system does not negatively (or positively) impact any party. It shows that the existing power ratios between parties would be maintained in the new system."[116]

The organisation also proposes that a similar system be implemented at provincial level.

Swanepoel argues that a mixed system with multi-member constituencies would be preferable over single-member constituencies as MMCs would result in a greater geographic spread of MPs. For example, with single-member constituencies it is highly unlikely that the DA, for example, would return any constituency MPs from Limpopo, with the vast majority of these MPs being from the ANC or potentially the EFF. However, in a system with multiple members representing constituencies there is a strong likelihood that at least some of the MMCs will return a DA member.

Swanepoel is opposed to thresholds, arguing that in a country like South Africa a threshold could restrict the participation of minorities, however those be defined, in politics.

Swanepoel is opposed to the direct election of those who head executives, such as Presidents, premiers, and mayors. He does argue that where the President of South Africa is restricted is in how many people from outside Parliament they can appoint to Cabinet. This means that the President can only draw from a talent pool made up of 400 people. As it stands only two people who are not MPs can be appointed to Cabinet positions. Swanepoel proposes allowing the President to appoint up to 20% of his Cabinet from people who are not MPs.

On constituencies Swanepoel is of the opinion that they would allow local issues to be brought to the fore where they would not have been in the past – MPs could elevate local issues to national attention.

## 1.9 Mike Waters , DA MPL

Mike Waters, a DA MPL in Gauteng and former DA MP, said that multi-member constituencies would result in nobody taking accountability.

A further problem that Waters raises is that in the current system, ordinary voters do not know who their MP is. While people are not elected from constituencies as in a traditional Westminster system, South African MPs are allocated constituencies which they, in theory, represent. However, Waters says it is difficult for MPs to make themselves known to their local communities, no matter how much work they do to appear in local papers, for example. Waters also believes that is important to have a link between constituencies and voters, and having single-member constituencies would go some way to ensuring that.

Waters also argues that this link would come to the fore – at municipal level voters generally know who their ward councillor is. He believes that this could be replicated at national level. Constituents would approach their MP for various issues, just as is the case now, where residents approach their local ward councillor over service delivery issues.

Furthermore, he believes such a system would work well at national level. He believes it has worked well at the local government level for the past quarter century and there is no reason why it should not work well at national level too.

Waters also believes that a constituency system would weaken party discipline to a degree and give elected representatives more latitude to speak up. However, he also says this cannot be a common occurrence – MPs belong to a party because they believe in its various stances and manifestos – but MPs should be allowed the freedom to disagree when their conscience tells them to. This is similar to the argument that Southall makes. If MPs were elected directly by voters they would be able to rebel against the party line more easily and more often.

For constituency MPs to have an impact however, they will also need to have resources. Waters notes that for constituency MPs to be able to do their jobs well, they will need to be supported by researchers and be able to do work properly in their constituencies. He notes that in the United States, Congressmen and -women, as well as their counterparts in the Senate, have "a whole team around them" as Waters puts it.

MPs will also need to deal with correspondence from their constituents. This in itself will be a large part of the job and resources would have to be made available for that. At the same time, Waters believes that there is scope for MPs to be more impactful, through interventions such as private members' bills.

Waters is also of the opinion that the ANC has been opposed to some form of constituency system because it would enhance individual accountability, which Waters believes the ANC would not favour.

Furthermore, Waters believes that having MPs elected from constituencies would expose MPs who are bad at their jobs or do not truly care about public service. This could go some way to strengthening the quality of public representatives.

Another reform Waters oroposes is holding elections for provincial legislatures on and national elections on different days. He believes national issues overshadow provincial ones and it would be healthier for the elections to be held on different days.

He does not believe that independents will have a particular impact in South African politics as it stands. He is of the opinion that South African politics needs to go some way to maturing before independents have much hope of breaking through, with most voters preferring to vote for someone linked to a political party.

However, he does believe that directly electing the President, premiers, and mayors could be beneficial – "the more direct democracy the better," says Waters.

He is also in favour of the principle of recall petitions – "I like them," says Waters. However, he sounds a note of caution, in that they can be abused by nefarious actors and can be used as a political weapon and frivolous motions must be guarded against.

He calls the issue of thresholds "vital" and believes they should be set at a level of between two and three percent. He believes that they are important because they would bring some stability to South African politics, pointing to the chaos that is now common in a number of South African municipal councils. "To get stability in a proportional system you need a threshold," he says. He also believes that it is something that has a good chance of being implemented.

## 1.10 Daryl Glaser, Professor, University of the Witwatersrand

Professor Daryl Glaser, of the University of the Witwatersrand, argues that the current electoral system, including the amendment that allows independents to stand, is flawed. Glaser speaks about the "logical neatness" of an issue; the current manner of including independents does not result in "logical neatness". He argues that the only way to truly allow independents to stand in a broadly proportional system is to use the STV system as is used in the Republic of Ireland. As noted above, the systems results in proportionality, in general, with independents generally doing fairly well in Irish election.

But as Glaser has written elsewhere: "It cannot have been the intention of the Constitutional Court, which was reluctant to dictate a preferred system, to require specifically STV."[117]

Glaser notes that the previous system had a number of advantages in that it provided "fairness, inclusivity and simplicity", but criticises a "deficit" on accountability. South Africa effectively operated on what Glaser calls the "party mandate of accountability" – a person votes for a party and the party carries out that mandate based on their manifesto and so on.

Glaser also says that the most recent debates around electoral reform have been overshadowed by the discussions around independents, with advocates for electoral reform often finding it difficult to be heard above the noise around the inclusion of independents.

Glaser further argues that while allowing independents to stand in elections recognises a core political right, their participation can often bring in new sets of problems. Independents often bring in a "personalistic and opportunistic" style of politics and may attract support on the basis of race or ethnicity if there is a lack of "policy cues" (such as a manifesto). He suggests that the relative success of Thanasagren Rubbanathan Moodley in the KwaZulu-Natal provincial election in 2024 could have been, at least in part, due to the fact that he received support from the Indian community, based on their shared ethnic and racial backgrounds.

He also notes that between elections MPs who belong to parties will have some level of discipline imposed by virtue of their membership of a political party. By contrast, independent MPs do not have that type of discipline, and there is nothing to stop them going "rogue" between elections and voting against policies they said they would support in their manifesto, for example.

In addition, Glaser also notes that South Africa generally has low barriers of entry for new participants in politics. Parties do not need a large share of the vote to secure a seat in Parliament, and independents who want to enter politics could simply form a party, negating many of the problems which became apparent with the modified electoral system. "It would make much more sense for them (independents) to have a list, to be part of a list of people who agree with them, so they could have more clout," Glaser points out. Elsewhere he writes: "South Africa's electoral system was already, and remains, highly open to newcomers."[118]

It could be argued that this is what Mmusi Maimane did – someone who pushed hard for the inclusion of independents but stood on a party platform (one he had founded admittedly). This helped get him to Parliament, along with a like-minded colleague. It is not certain he would have been elected if he had stood as an independent, but in this case he effectively stood as an independent with associates.

Nevertheless, Glaser notes that in general, independents do poorly around the world, with individuals struggling to compete with parties and their machinery.

He also argues that parties act as "information simplifiers" for voters – for example, most people have a rough idea of what the ANC or the DA stands for. In addition, opposition parties will often have what Glaser calls a "shovel-ready Cabinet" ready to go. Members of political parties, especially larger ones, will have served in shadow cabinets, and at least have some idea of how they plan to govern. With independents this may not be the case.

On the issue of electoral systems, Glaser has pointed to what some people see as advantageous, such as being able to ensure gender equity in a party's parliamentary candidates.

Glaser also notes that in general South Africans were satisfied with the old system, and there was no major clamouring for reform. He points to the survey carried out by Roger Southall and Robert Mattes in the early part of this century, where people generally favoured having representation closer to their community when asked about it.

In addition, Glaser says there may have been reluctance for real reform of the electoral system as there may have been concerns that there was too little time before the 2024 election to draw up coherent and sensible constituencies.

Glaser served on the MAC and supported the proposal that the system used at government level be ramped up to national and provincial level, with a mix of constituency and PR seats. He supported the proposal that there be more constituency seats than PR seats (somewhere between 250 and 260 constituency seats, even as high as 300 seats while preserving proportionality, with the remaining seats drawn from PR party lists). The one substantive difference would have been that unlike the local government electoral system, where votes cast for individuals in constituencies and PR votes are combined to determine the final allocation of seats, only the PR vote would be used to determine proportionality. Glaser notes this is the system used in Germany for elections to the Bundestag.

One drawback Glaser does mention is that in mixed systems, where some MPs are drawn from geographical areas and others from PR lists, a divide can occur between the two "classes" of MPs. Glaser says that it could be useful to draw the distinction in the public's mind between "local" MPs and "national" MPs.

However, while every electoral system has some trade-offs and no system is ever completely problem-free, Glaser points out that it is important for a system to have "representivity, accountability and simplicity".

On thresholds, Glaser says he was not previously a supporter but the chaos in some municipalities persuaded him that some sort of threshold would be necessary. However, he is not of the opinion that it should be a formal 1% or 2% threshold, but rather one that works on the issue of remainders.

In proportional representation systems votes are converted into seats using a quota – the minimum number of votes needed to secure a seat. Remainders are the leftover votes that do not quite add up to a full seat.

Hypothetically, let us assume there is a legislature of ten seats and 100,000 votes are cast. Party A wins 44,000 votes, Party B wins 30,000 votes, Party C 20,000, and Party D manages 6,000 votes. The quota for a seat is 10,000 (100,000 divided by 10 seats). Party A wins four seats on the quota, Party B three seats, and Party C two seats. Using the highest remainder system Party D wins the last remaining seat, even though it did not win enough votes for a full quota. Glaser suggests that in a system – instead of a formal threshold – only parties that have managed to do well enough to win a seat on the full quota can then also compete for a seat on the remainder method. Thus, in this scenario Party D would not be entitled to the seat, but it would rather go to Party A.

Glaser notes that stability is also an important component of a democratic system and this means that perhaps some form of threshold is desirable – this being one of the trade-offs that is always necessary in developing a functioning electoral system.

On potential direct elections for the President and other executive positions, Glaser is not in favour. As a student of comparative democracy Glaser says that in general, political scientists favour parliamentary systems over Presidential ones. The winner-takes-all nature of Presidential systems can often heighten tensions between opponents and raises the stakes significantly for elections. An example is that of Donald Trump who won less than 50% of the popular vote in the 2024 Presidential election (though outperforming his opponent) but has been issuing executive orders, for example.

Mayors could be directly elected at local government level, Glaser says, as there is not the same risk of power accumulation that would exist with a directly elected President, which is therefore a risk that could be considered.

On the issue of constituencies Glaser is not sure it will be a silver bullet for South Africa, but believes could go some way to increasing accountability.

## 1.11 Roger Southall, Emeritus Professor, University of the Witwatersrand

Roger Southall, a professor at Wits and an associate of the School of Oriental and African Studies in London, is of the view that constituencies are necessary in South Africa. While he also does not believe that they will be a silver bullet for the problems of accountability, he believes they will go some way to at least bringing in more accountability than currently exists in our party-list system.

Southall also warns of the risk of gerrymandering of constituencies and emphasises that any process to draw up constituencies must be done with proper procedures.

He is of the opinion that there has been broad reluctance to embrace electoral reform, especially within the ANC. However, he notes that there is currently perhaps enough "pushback" against the current system and that something could give in the next step in the reform process. However, Southall (like Glaser) points out that several people who were previously in support of a minimalist reform of the electoral system are included on the current electoral reform committee. This could mean that real reform is hampered.

On the issue of constituencies Southall says that the record of constituencies in South Africa (in the form of wards in local government elections) has been mixed. He says anecdotally that it does seem that ward councillors from the DA do seem to do a better job than those from the ANC, and it is likely that this would be replicated if constituencies were implemented in some form at national and provincial level in South Africa.

However, at the same time a primary system could result in MPs not being imposed on constituencies. Southall says in time some form of primary system could emerge within South African parties. Here he also sounds a note of caution, saying that a primary system can lead to local patronage networks which control party processes, along with the risk of pork-barrel politics.

In addition, a constituency system will also weaken the hold of party bosses. At the moment, for example, the ANC often uses Parliament as a place where it parks "deployed" ANC politicians until they get moved somewhere else. Mxolisi Kaunda, the former mayor of eThekwini, is now an ANC MP, after having had a disastrous run as the head of Durban. However, instead of being punished he was sent to Parliament – perhaps a promotion, perhaps a sideways move, but certainly not a demotion.

MPs elected from constituencies will be harder to remove by party bosses. Their removal could trigger a by-election with attendant costs, work, and uncertainty, giving MPs some more room to not always follow the party line. Southall also believes that this could give MPs some more clout while also weakening the power of party bosses, and that it does have the potential to improve the quality of MPs.

On thresholds Southall is in favour of a low threshold – perhaps of 1% – noting that there are sound instrumental reasons to implement a threshold and that thresholds are used by numerous democracies around the world which have proportional representation.

An issue Southall raises is that of declining participation in elections, saying that many South Africans feel "disempowered". He argues that if MPs are elected directly from constituencies and are able to push local issues in the national legislature, for example, people could see this as a significant change and become more involved.

While there are risks to introducing a constituency system these are outweighed by the advantages.

On the issue of recall petitions, Southall is not opposed to them but notes that they can be used for nefarious ends. He says with regard to recall petitions there need to be quite strong barriers so that petitions are not frivolous – having a low signature requirement to trigger a recall petition, coupled with social media, is what Southall calls a "standing invitation to political irresponsibility".

With regard to independents being able to stand in South African elections, Southall points out – as others have – that for independents to stand on an equal footing with candidates from political parties there need to be constituencies in some form, and that those who made the ruling at the Constitutional Court did not have sufficient knowledge of electoral systems.

However, he makes a similar point as Glaser and notes that the previous system did have relatively low barriers to entry – an individual could simply form a party and compete for Parliament.

## 1.12 Jeremy Seekings, Professor at the University of Cape Town

Jeremy Seekings is a professor at the University of Cape Town who has done much work on elections around Southern Africa, but in recent years particularly in Botswana and Zambia. Seekings has a number of particular insights into Botswana, where the Botswana Democratic Paty (BDP), which had governed the country since independence in 1966, was voted out of power, not only losing its parliamentary majority but winning only four of the 61 directly elected seats.

As an aside, the Botswana election result shows the weaknesses of the FPTP electoral system as the BDP won 30% of the vote but only six percent of the directly elected parliamentary seats.

Botswana, which uses the Westminster FPTP system, also saw political parties use a primary system to elect their candidates. This could have contributed to instability and may have played a role in the BDP's very poor performance. Seekings notes that while all the major parties used the primary system to elect candidates, the instability was most pronounced within the BDP. He says BDP primaries were an "extraordinary source of division".

Seekings notes that politicians who were defeated in primaries would often leave the party and join other parties. They would campaign against their original party, where they had failed to secure the constituency nomination, and work to undermine the party's chances. He believes this played at least some role in how poorly the BDP did.

Seekings also notes that in another southern African country which uses the FPTP system, Zambia, there is quite a pronounced problem of floor-crossing. He says in any system where there is a constituency system this will need to be managed, and there must be regulations around floor-crossing.

Seekings also notes that while no systematic research has been done on candidate selections in South Africa there does seem to be anecdotal evidence that rivals within the ANC try to undermine each other, with popular protests being organised by ANC members to undermine an ANC councillor or candidate.

Seekings notes that there has to be a balance between the representation of voters at the constituency level and the need for parties to remain strong, coherent forces. He says: "If parties get very weak, then I think the democratic process is really undermined. Parties play a really important role in aggregating preferences and packaging issues into programs. If we don't have strong parties, democracy is very weak." He says that generally speaking, democracy in some African countries is weak because parties are weak, something that can be exacerbated by the constituency system.

He is of the opinion that while there is a perception in South Africa that parties are too strong, the issue really is that party leaders are too strong.

He says MPs do need to have some discipline about how they vote, and this is part of the issue of strong parties. There has to be a balance between the accountability of MPs to their constituents and party discipline, with Seekings saying the British whip system works fairly well. As he notes, parties help to aggregate "preferences and interests at national level".

On South Africa's electoral system, Seekings says that he has been of the opinion for some time that it is a "disaster" and that some form of mixed system would be optimal, where some MPs are elected from constituencies while others are elected from a parallel list to ensure proportionality.

While there are problems with constituencies, as noted above, Seekings is of the opinion that having constituencies could re-energise South African politics and see turnout increase. He says: "With some kind of constituency representation which gives voters real influence, you're likely to seek much more energetic campaigning at the local level, around local issues. So I would imagine that it would increase turnout, it would reduce passivity."

He goes on to say that with some sort of constituency system there would be more campaigning around local issues and there would be a stronger focus on constituency services. In addition there would also be more focus on service delivery issues. This would only increase the responsiveness of representatives.

On the issue of recall petitions, Seekings is tentatively in favour. He suggests they should be "fairly easy to initiate, but with a high bar to conclude". As an example, incumbents should not be prevented from standing in the subsequent by-election.

On the issue of direct elections of executive positions, such as the President and so on, Seekings is not in favour, and prefers a Westminster-type system with parliamentary oversight of the executive.

On thresholds Seekings, is in favour but with a fairly low threshold of between one or two percent, and not as high as five percent.

Thresholds would also strengthen political parties and prevent fragmentation. Instead of a multiplicity of smaller parties (often ego-driven) which is increasingly the case in South Africa, there would be greater contestation within parties, and another argument for strong political parties in ensuring democratic stability.

In the interests of stability there is also a case to be made for lower levels of internal democracy. Seekings says there are arguments, which he believes are compelling, which say that party leaders should be elected through narrower caucuses. In the UK he points to the problem of having leaders of the two major parties, Labour and the Conservatives, being elected by party members, who are often activists and more ideological.

Finally, when it comes to implementing a new electoral system, Seekings says he is a fan of "simplicity" with a certain number of MPs elected from single-member constituencies and the balance from a parallel top-up list. He is of the opinion that multi-member constituencies or an STV system would be too complicated.

## 1.13 Graham Gersbach, DA PR councillor in Ekurhuleni and former DA MPL in Gauteng

In order to not only canvass the views of theoreticians we also spoke to Graham Gersbach, currently a PR councillor for the DA, who has also served as a ward councillor, and has been at the proverbial "coalface" of South Africa's politics and electoral system.

In terms of electoral reform, Gersbach is in favour of a system at national and provincial level similar to that used at the municipal level. Where he differs – and where others such as Professor Daryl Glaser are in agreement with Gersbach – is how to determine the overall seat count. While currently at municipal level the votes cast in the ward and for the top-up PR list are combined to determine the overall seat allocation, Gersbach believes that votes cast in the constituency should not be added to the PR vote for overall seat allocations, but the PR vote alone should be used to determine the allocation of top-up PR seats allocated.

Gersbach says: "I also believe single-member constituencies focus the minds of voters. If the ward or constituency candidate votes don't count towards the PR result, it will allow some voters to split their vote between a single candidate on one ballot and one party on the other ballot. It will also limit the parties contesting every single ward or constituency."

In addition, he supports single-member constituencies rather than multi-member constituencies, as there will be "no confusion as to who represents you". While he says multi-member constituencies will allow for greater representation of minority views, with most residents being able to find at least one representative whose views they align with, it will undermine accountability. He also says multi-member constituencies will probably also not need their boundaries redetermined as often as single-member constituencies.

He is also in favour of fairly low thresholds and holds a similar view to Professor Daryl Glaser, in that only parties which secure support without the largest remainder should be represented.

In addition, constituencies will mean "service delivery and constituents' interests become of greater importance to public representatives".

Gersbach also argues for greater federalism. He says that the high degree of centralisation of governance in metros often undermines ward councillors, and says that the sub-council system, like that used in Cape Town should be considered in other metros.

He is also of the opinion that the introduction of a constituency system will also see local issues becoming more prominent. He points to the example of the Richmond Park constituency in the UK as an example of where local issues affected elections to the national Parliament. Richmond Park is close to Heathrow Airport in London, and the expansion of the airport played a major factor in local campaigning in the constituency.

Gersbach is not in favour of recall petitions as he says this assumes a good understanding of the "limitations" which public representatives face.

## 1.14 Daniela Ellerbeck, FW de Klerk Foundation

Daniela Ellerbeck of the FW de Klerk Foundation argues that the current electoral system fails to meet three constitutional requirements – accountability, responsiveness, and openness. She also argues that it fails to meet four of the seven "guiding principles" for evaluating an electoral system.

She says these are:
- Inclusivity: Any proposed system must encourage wide and diverse public participation from all demographics to foster diversity of opinion and encourage representation of all. The current system, arguably, does not foster wide and diverse public participation when it comes to standing for public office. This is because members of the public who may wish to participate by standing for public office as individual candidates are discouraged from participating, inter alia by the fact that independents can only contest 200 seats and by the inequality in calculating election results. This also results in some voters, specifically those who vote for an independent candidate, not being represented in the legislature.

- Fairness: Any proposed system must ensure that, as much as possible, votes have equal value. The current system does not achieve its supposed purpose of making adequate provision for the participation of independent candidates in provincial and national elections. It results in a system in which votes cast for independent candidates have substantially less value than those cast for political parties. This also disturbs the constitutional requirement for proportionality insofar as votes cast for independent candidates will not result in their proportional representation in the National Assembly or provincial assemblies. The current system results in a high degree of wasted votes. This is due to an independent candidate only being awarded a single seat, even if they win more than one seat in a single region, or indeed, multiple regions. She says the De Klerk Foundation is of the opinion that a fairer system of competition would be for political party candidates to contest directly against individual independent candidates for a specific seat in the National Assembly or a provincial legislature. The Foundation submits that it speaks volumes that not one independent candidate was able to win a seat in the National Assembly.
- Accountability: Any proposed system must ensure elected representatives are answerable to citizens to explain their performance and justify their decisions. The current system falls short in ensuring that elected representatives are more accountable to the electorate than their party ("the accountability problem").
- Transparency: Any proposed system's processes for determining the allocation of seats must be clear to voters. The current system does not ensure greater transparency and responsiveness to the electorate, as evidenced by its inability to prevent State Capture. In this regard, former Chief Justice Zondo, in his report on State Capture (paras 259 through 263), raised the "problem" that Sections 86(1) and 128(1) of the Constitution allow for the executive to come to power through the legislature, which led to former President Thabo Mbeki being recalled by his party, which elected to replace him with former President Jacob Zuma, leading to State Capture occurring. Former Chief Justice Zondo opines that former President Zuma's coming to power under e.g. a Presidential system, where the head of government is elected directly by the citizens, may have been less likely.

She notes that there are advantages and disadvantages for any electoral system and notes several. In our current PR party-list system the advantages include encouraging a diversity of parties to be elected; it oftens results in coalition governments; and it is seen as the most suitable system to ensure the fair representation of majorities and minorities in the legislature. The disadvantages include the fact that elected representatives are appointed by their party, making them more accountable to their political party, than to the electorate.

The FPTP system has the advantage of making elected representatives directly accountable to their electorate, resulting in greater accountability. However, she notes that it has the disadvantage of  frequently producing parliaments that are not diverse with minorities often not being fairly represented and often gives rise to single-party governments.

The third system Ellerbeck examines is MMP. She notes that the advantages are that it is already the system used in South Africa's local government elections and combines proportionality with direct geographical representation. The disadvantages she notes are that it currently results in the votes for direct representatives counting less than the PR vote. This creates two classes of representatives in the legislature, with the PR representatives holding greater influence in practice.

She argues that the biggest problem with the current system is the lack of accountability. She notes that the Electoral Reform Consultation Panel highlighted that the public told them that, as voters, they feel powerless to hold elected representatives accountable. Elected representatives are experienced as being more accountable to their respective political parties than to the voters. The public time and again told the Panel that the current system is party-centric and disempowers voters.

Ellerbeck says the De Klerk Foundation is in favour of a mixed-member system, with 250 MPs elected from single-member constituencies and 150 from party lists. She says that this system ensures both direct links between voters and the candidates running for that constituency's seat and overall proportionality. It allows independent candidates to compete fairly with political parties and enables voters to recall underperforming officials, increasing accountability and trust in the democratic system, which should boost voter turnout.

She is also of the opinion that type of system will go some way to helping prevent something like state capture occurring again "because it makes Parliament directly accountable to its electorate, thereby preventing it from ever being controlled by the Executive and failing to fulfil its oversight function again."

Ellerbeck also believes that in such a system voters will be able to recall representatives. She says this will "increase accountability and responsiveness, resulting in the public's trust being restored in the democratic system, which, in turn, will increase voter turnout."

Finally, she says: "The system, by having 250 representatives elected from single-member constituencies and 150 representatives from a single national multi-member constituency, results in overall proportional representation while allowing for independent candidates (to compete on a level playing field with political parties) and direct accountability to the electorate. This creates an inclusive and widely representative political system for our diverse society to ensure that everyone has a voice and is represented."

## 1.15 Wayne Sussman, independent electoral analyst

Sussman is of the opinion that the optimal electoral system for South Africa would be similar to what the country uses at municipal level, with proportionality as well as being constituency-based. He says that one of his concerns, however, would be that of gerrymandering, but that this is obviously not a problem unique to South Africa.

He also says that in a potential mixed system, MPs elected from a PR list should perhaps also be assigned a constituency. Sussman, who is particularly knowledgeable about local government, notes that in municipal councils, ward councillors have a far greater weight of expectations than PR councillors.

He says that electoral and voting systems need to be both fair and understandable to the public, otherwise voters feel "disinterested and disenfranchised". He uses the example of the National Council of Provinces and points out that even people with a deep interest in South African politics would likely struggle to explain how it works and how its delegates are elected.

Sussman says that having some form of mixed electoral system could bring Parliament "closer" to votes. He points out that most ordinary South Africans probably have some idea of how their local municipal council should function while the only time South Africans are "connected" to Parliament in any way is during the State of the Nation address and perhaps the National Budget.

On the question of constituencies, Sussman says that in the past, parties made a particular effort to provide MPs for particular areas, even though in our party-list system there are no officially designated constituencies.

Sussman also believes that single-member constituencies will be more effective than multi-member systems. Again he notes that it is key that the system is understood by those it is supposed to represent and a multi-member system may not do that. Says Sussman: "You want the system to make sense to the person, so they know who to contact, who represents them, what the mandate of the person is who was elected." He also says in a multi-member system some people may also "freeride" and fail to perform their share of the work.

On the issue of thresholds, Sussman appears to be somewhat in favour, with an eye on issues of functionality and stability. He notes the example of Marlon Daniels, who represents the Patriotic Alliance in Nelson Mandela Bay, where the party won one seat (out of 120) in 2016 and two in 2021. Daniels has been an influential kingmaker in the municipality and also brought the city's government down a number of times, as he switched his and his party's allegiance between different coalitions.

On directly elected executive positions, Sussman does not think it i a good idea. He states that people elected to an executive position could see themselves as being above the parties of which they are members, and the party acts as an important guardrail. In theory, political parties should be concerned with the views of the public, something that an individual elected to a position may not be as inclined to be.

With regard to independents, Sussman notes that the current system is not fair to them, but he believes that they will continue to struggle in South Africa even under a different system, particularly at a parliamentary level, though perhaps not so much at a local government level.

## 1.16 Ebrahim Fakir, independent political analyst

Ebrahim Fakir, an independent analyst, argues that an electoral system must take into account the nature of a society, as well as its context and history. This means at the time of the transition the PR system as adopted was sufficiently inclusive and representative but it did lose the aspect of direct accountability.

Fakir notes that this was ostensibly what was supposed to happen through constituency offices, but these offices often doubled up as party political offices, which alienated voters.

Fakir says while the PR system which was adopted by South Africa was "good because of its simplicity and all its other good virtues, such as inclusivity, representativity, direct, no wastage of votes, sufficient absorption of minority, not just interests, but minority views" it helped instil a strong level of party discipline, which hampered independent-minded public representatives at all levels of government.

The effect of the PR system has meant that MPs are not responsive to concerns from "a particular set of localities or a particular set of interests which might be germane to the areas in which they live," says Fakir.

He also argues that the current system has made it difficult to ventilate issues, again at all levels of government.

Fakir says that there are a number of systems which could be considered to replace the current pure-PR system, ranging from STV to alternative vote, but these introduce needless complexity into the system.

Fakir argues that the system that would work well for South Africa would be a mixed-member system but with a number of caveats. He is of the opinion that the number of MPs should be expanded to 600. He points to the example of the UK which has 650 MPs in Westminster and has a similar population to South Africa (according to latest figures from the World Bank the UK has a population of 68 million, while South Africa's is 63 million).[119]

However, this would require a constitutional change which is something that must be weighed up very carefully before committing to it.

Fakir says that there have been arguments that the public would be opposed to any increase in the number of MPs. However, he is sceptical of this view and says it has not been tested among the public either. At the same time, he says the argument of population sizes and sizes of parliaments (like the example of the UK and South Africa) could go some way to seeing people accepting the need to increase the size of the National Assembly in this country.

Fakir would have 400 MPs elected directly from constituencies along with 200 MPs elected on a separate ballot and with each ballot not influencing the other. However, what is unique about Fakir's proposition is that the MPs would have to be elected with outright majorities. Here he favours the French system used to elect MPs in that country where, if no candidate receives 50%-plus-one of the vote, a run-off between the top two candidates must be held.

In addition, while he acknowledges there are problems with runoffs – they can lead to voter fatigue and add costs to electoral administration and so on – he does not believe that the costs will be any more than any other electoral system. Furthermore, he does not believe that there will be a significant number of runoffs to begin with.

He says this will fulfil the Constitution's requirement for an electoral system which will result "in general" in proportional representation. In addition, ensuring that each MP is elected by a majority of voters will mean that each MP has something of a broad mandate.

He also argues that having a constituency system could see MPs bring local issues to the fore, pushing for infrastructure development or investment, for example, something which is not the case now.

Constituencies will also bring back a level of responsiveness, Fakir says. He argues that there has always been a focus on the issue of accountability but never responsiveness and a constituency system will go some way to doing that.

Says Fakir: "If you choose the majoritarian approach to the single-member constituency, you will not have strict proportionality, but you will have more-or-less proportional outcome. Why is the outcome more or less proportional? Because every constituency is won by 50%-plus-one. When you aggregate across all 400 constituencies, it will reflect the choices of the majority of voters across the country." He says while it may not be precisely proportional, he believes that it will reflect the broad will of the public, which he believes was the intent of the Constitution. Furthermore, he states that it is a constitutional clause which can be amended, if needs be.

Fakir argues that it is important to give power to the individual voter, saying: "What discretionary power are you giving to the individual voter to make a fundamentally localised choice about who they want to represent them?" He is of the opinion that this proposed system will go some way to doing that and ensuring local issues come to the fore.

In addition, he notes that an MP cannot fix, for example, a town's failing sewage network, but they can make sure it is an issue raised in Parliament. This is more likely to happen if people are elected from geographical constituencies, unlike our current system.

As Fakir says: "MPs can raise service delivery concerns, basic issues about the performance of the state of clinics in the area, schools in the area, home affairs offices in the area. Of course, it's not in their functional areas to support it and to fix it, but no MP does that in any system. They are there to represent, take those views, channel them to the correct institutions, parts of the executive, parts of the administration, whose job it is to solve these problems. And that's why the constituency system has the potential."

He makes an important philosophical point and says that the 2020 Constitutional Court judgement stated that to stand for Parliament individuals did not need to be affiliated to a political party. He says: "It's a fundamental question of, what discretionary power are you giving to the individual voter to make a fundamentally localised choice about who they want to represent them. Why should it have to be channelled through parties? Why can't they choose whether a person is affiliated to the party? The candidate who wants to stand is affiliated to a party or not give the power to the individual voter at the lowest, most decentralised level to be able to make the discretion at the choice and have the agency to choose who they want as their representative without having to channel it through a party. You can take this is the converse of the Constitutional Court's reasoning. The Constitutional Court's reasoning is that every individual should have the right to stand for political office without having to channel their candidature through a party, why should it not apply to an individual voter?"

Fakir says: "We have to design a system to create to cater for the interests of the citizen, not a group of citizens."

He goes on: "What I think we should be concerned about is the fundamental principle of giving the greatest amount of power, leverage and agency to the individual voter at the lowest level, to balance the question of responsible, responsiveness, oversight and accountability. And if you have to package all of that in one system, then the system that we have now may have worked for the parties, but didn't work for the voter."

Nevertheless, Fakir still notes that political parties are important and are needed, for reasons of information aggregation and so on.

He also argues that the size of provincial legislatures should be reduced by between ten and twenty percent to offset some of the costs which would be associated with increasing the number of MPs.

Fakir is sceptical of the idea of multi-member constituencies. He argues that at municipal level in South Africa there already exists a type of multi-member system. This is because councillors are elected from single-member constituencies and there is a parallel PR top-up list of councillors, with these PR councillors often being assigned a ward that they "represent". However, this does not work because, as Fakir notes, this tends to "defer accountability".

He also says that ward representatives too often act like their PR counterparts, and work to rather advance the interests of the party which they represent, rather than their constituencies. Furthermore, ward representatives often do not get the prestige of their PR colleagues. He argues that the way we elect municipal governments in South Africa should also be reviewed. He believes that municipal councils should be elected through either a pure-PR system, or a pure FPTP – Westminster – system.

In addition, Fakir believes because of the way municipal governments are structured it is difficult for municipal councils to play the oversight role over executives that they were envisioned as doing.

He argues that ward representatives do not play the "responsiveness, accountability and oversight role" as was intended when the current system of local government was designed. Fakir also says ward councillors play increasingly "a purely political role". He says that any change at national level, with regard to electoral systems and so on, will also require a change at local level, to ensure that governance works.

On the issue of recall petitions Fakir is opposed to them. He argues that it will introduce electoral fatigue into the system, they are expensive, and cumbersome. In addition, they can often be triggered on spurious grounds.

He is also opposed to the direct election of executive positions. Fakir believes the direct election of executives creates "monarchs". He believes that if the executive is elected through an intermediary institution, such as a Parliament, then there are two layers of accountability – to the public and to the institution. He says this creates multiple layers of accountability, which is desirable.

On thresholds Fakir does not believe there is a need for explicit thresholds but that the implicit one which exists is sufficient, especially in the system which he has proposed. However, he does propose that thought must be given to a "governance threshold". He says that a threshold could be implemented where for a party to be able to participate in government it needs to have a minimum level of support. This would work to keep the micro-parties out of government and would prevent a scenario such as played out in some of the metros, with mayors being elected from parties with very low levels of popular support.

He points to an example from the current GNU where there are parties which have a single parliamentary seat yet have ministerial positions and control large departments and budgets.

# 1.17 Mike Atkins, independent elections analyst

Mike Atkins, an independent elections analyst, is of the opinion that South Africans must be careful about being bullied into something permanent, in terms of electoral reform, which is not adequate. He believes that the country could be better off if electoral reform was delayed for one election cycle to allow for proper and meaningful reform to take place.

He says that a small change that could be made is a technical one, and which is relatively obscure for people other than those who are students of electoral systems, and that would be the use of Hare quota rather than the Droop quota to calculate legislative seats.

The Droop quota calculates seats by adding one to the total number of seats available – for example for the National Assembly the quota is determined by dividing the total number of votes by 401 rather than 400. The Hare quota is similar but does not add one to the total number of seats. Atkins says the use of the Droop quota generally favours larger parties. When a large number of seats are available, such as in the National Assembly, this will not make a large difference but in a smaller legislature, such as a number of the smaller provincial legislatures, which only have 30 seats, this could result in a slightly different allocation of seats.

His ideal electoral system is a mixed-member system, where 240 seats are from directly elected constituencies with 160 balancing seats to ensure proportionality. His view is similar to a number of other respondents that a multi-member constituency system would be harmful for accountability, with MPs passing the buck on the concerns of constituents.

Atkins says having constituencies will also see some transfer of power from national or regional power centres further down, more locally. This will be because constituencies and, by extension, local communities will now have more power, and a real say in who represents them in Parliament.

"It is the good part of power, not the bad part of power," Atkins says.

As others have said, constituencies would also strengthen the link between those who make laws and voters. Atkins says it would be in an MP's interest to be active in televised committee meetings or Parliament. Clips of them speaking or questioning those in authority would be a useful tool to increase their profile amongst their constituents and in re-election campaigns.

He believes that the "incentives" that will arise from MPs elected from single-member constituencies will have a number of positive knock-on effects, with a greater connection to provincial and national government by communities. MPs will also be highly incentivised to raise local issues. In short, a positive feedback loop will have been created through the implementation of single-member constituencies.

In addition, having MPs from constituencies will also allow representatives to have a greater level of freedom. He raises the issue of Makhosi Khoza, who was one of the few ANC MPs to take a stand against Jacob Zuma. In some form of constituency-based system it would have been difficult (in terms of public relations and the optics) for the party to expel an MP for making a stand against corruption and misgovernance (Khoza resigned as an MP before she could be expelled but the general principle holds).

However, he is of the opinion that the PR and constituency ballots should be kept separate, unlike the system we use at municipal level. In this system all votes cast on both the ward ballot and the PR ballot are aggregated in order to determine the overall allocation of seats. This means that parties are incentivised to stand in every ward, even if they have no chance of winning the ward, because any vote cast for the party goes to their overall vote share. However, if this was no longer the case parties would not feel compelled to stand candidates in each ward.

In addition, the type of candidates that parties stand could be of higher quality. Parties will need to appeal to voters who do not normally vote for their particular party, as the number of candidates in ward or constituency will be fewer, without the need to stand a party in candidate in each ward to take advantage of the vote pooling that happens in the current system – effectively there will be large numbers of "unaffiliated" voters. That means it will likely only be the larger parties that stand candidates in every ward, meaning that candidates  cannot simply be party apparatchiks. He estimates that in any ward between 5% and 25% of voters won't have the party they normally support on the ballot, so there is a need for candidates to have some sort of broad appeal. He says: "a true ward election incentivises higher quality candidates".

Atkins says this would have a similar effect to the alternative vote system as it "gives a truer reflection of voter wishes".

Furthermore, Atkins says that this will also allow smaller parties to concentrate resources in wards or constituencies where they may have a realistic shot of winning.

Atkins believes that splitting the PR vote from the ward vote in determining seats will also reduce the administrative load on the IEC, as well as to smaller ballot papers. He believes that this will promote meaningful local contests which will help increase voter turnout. In addition, it will incentivise candidates who have local connections which in turn will improve linkages between representatives and communities and will make representation "much more meaningful".

Unlike most other respondents and against the grain of most thinking around the topic, Atkins is opposed to the issue of thresholds. Atkins is of the opinion that the concept of thresholds is constitutionally unsound for a number of reasons. He says thresholds violate the constitutional rights of freedom of association, the right to vote, the right to make political choices, and the right to fair elections.

In addition, he believes that it is not a valid limitation of rights, as articulated in Section 36. Atkins says "stability" (which is often cited as a validation for thresholds) is not a constitutional imperative. He also believes that there is no clear evidence that removal of smaller parties will automatically lead to larger parties acting in such a way which leads to instability – "kingmakers would merely be slightly larger". (This is also a point that Terry Tselane made at the Electoral Reform Consultations Panel hearings held at Emperors Palace in April 2025, where he said that small parties were not the reason mayors from small parties were elected to the mayoralty of cities such as Johannesburg and Ekurhuleni but rather because of the behaviour of large parties).

Furthermore, Atkins believes that introducing thresholds would be in direct contradiction of the 2020 Constitutional Court ruling on independents, because this would force members of smaller parties to join larger parties, going against the right to freedom of association.

In addition, Atkins notes that small parties are not always a source of instability but can sometimes act as "honest brokers".

He says thresholds also "conflict logically" with allowing independents to contest national and provincial elections and that they would also limit rights in "jurisdictions where purported benefits are not applicable".

An important point raised by Atkins (and which has also been raised by Professor Sithembile Mbete) is that legislation is possibly needed around how parties manage themselves internally. He believes there needs to be financial disclosures and some level of internal party democracy.

Atkins also says there need to be proper audits of elements such as membership; elective conferences; and candidate selection. Along with the auditing of finances, these elements will show the "integrity of party processes".

Atkins believes that ensuring that parties have robust processes around elections and their finances would be a "non-punitive" means of preventing "frivolous electoral participation".

He says requiring parties to have robust internal structures or processes also means that other ways that have been attempted to ensure that parties are serious – such as deposits or the collection of signatures – will be unnecessary.

He says: "Yes, you would be imposing a cost, yes, you would be setting a higher bar for participation, but you'd be setting up a truly reasonable one."

Atkins also raises an interesting point regarding the initial 2020 Constitutional Court ruling that triggered the current debate and discussion around electoral reform. He says that he believes that an argument could be made that there was no constitutional right to allow individuals (standing as independents) to run for elections, as it could justifiably be limited by Section 36 of the Constitution. However, he notes that the ruling triggered the current debate around electoral reform.

On the issue of both recall petitions and the direct election of executives Atkins is opposed. When someone in an executive position is directly elected they may make the claim that the legislative body which oversees them has no right to do so, as it was the "people" themselves who elected them, not the legislative body which oversees them. To illustrate the point imagine a situation where South Africa had a Presidential system, rather than a parliamentary one. Someone elected as President could claim that Parliament has no right to rein in their actions as it was not Parliament that elected them but rather the "people" meaning that Parliament has no right to restrict their powers or actions.

# Modelling of different electoral systems

This section will examine outcomes of various electoral models.  Only National Assembly elections will be discussed, but similar principles would apply for provincial elections, albeit that the numbers of seats in each are substantially smaller.

This section of the report considers the main electoral systems proposed and examines what the outcomes of these systems might have been had they been applied in the 2019 and the 2024 elections.

Because of the fact that overall proportionality is maintained by the "balancing" PR calculation, the modelled final numbers of seats will not differ in any noticeable way from the actual seat allocations in those elections. Of interest is the numbers of constituency seats that would be awarded to different parties, and whether the numbers of constituency seats being chosen would have an effect.

## 1.18 Electoral Systems Considerations

For national and provincial elections, South Africa has employed a pure proportional representation (PR) system since 1994.

The Electoral Amendment Act of 2023 introduced an extra (Regional) ballot in order to provide for independent candidates to contest national elections without significantly distorting proportionality. This created a nominal multi-member constituency system, where each province was a constituency, with overall proportionality being maintained by the national PR ballot.

### 1.18.1 Mixed-Member Proportional Representation

It is almost certain that any proposed change to our electoral system will involve what is known as a mixed-member proportional representation system. This is where a constituency election of some form is "balanced" by a separate proportional representation ballot that ensures overall proportionality in the outcome, after constituency results are calculated.

It is clear that the larger parties will tend to dominate any constituency elections, which gives rise to the need for the balancing to achieve the constitutional requirement for proportionality.

The most common constituency systems are single-member and multi-member constituencies.

### 1.18.2 Single-Member Constituencies

This is the system employed for local government elections. For the National Assembly elections, the country would be divided up into a number of constituencies, where each will elect a single Member of Parliament (who could be an independent candidate) on the basis of whoever secures the most votes in that district.

If a vacancy arises in that constituency, then a by-election would be held.

---

### 1.18.3 Multi-Member Constituencies

In this system, the country is divided into a smaller number of larger districts, where each district would typically elect a number of MPs in a proportional representation election. Usually, the lowest number of seats per district is three, while the highest number can vary, but a maximum of seven or ten would be considered normal.

Structurally, the system used in the 2024 National Assembly election is a multi-member constituency system, but one where whole provinces are constituencies. This may be meaningful for a sparsely populated area such as the Northern Cape, which elects only five members, but provinces like KwaZulu-Natal and Gauteng elect more than 40 MPs each. There is no sense in which these voters are conscious of having constituency representatives.

An important consideration for multi-member constituencies is that there is inherently no possibility of holding by-elections to fill vacancies that arise. This is not because they are difficult or expensive as some argue, but rather because there is no logical means to replace a single person elected in a proportional election.

### 1.18.4 Overhang

The reason that all seats in a legislature are not filled via constituency elections is that constituency elections do not produce outcomes that are proportional to the total votes cast. For example, in the United Kingdom, parties have tended to win clear majorities in the House of Commons with vote shares in the low 40% range (and even lower in the 2024 general election).

Therefore, as explained above, there are seats to be allocated from parties' PR lists to balance out the seats earned in constituency elections. Clearly, multi-member constituencies produce outcomes that are more proportional than single-member constituencies, and so the number of "balancing", or "proportional" seats can be fewer than with single-member constituencies.

This brings us to the question of overhang. This is the situation where a party may win more constituency seats than the total number of seats due to it in the proportional seat allocation. For proportionality (and fairness) to be maintained, overhang must be contained (mathematically, it is difficult to eliminate entirely, without heavily reducing the number of constituency seats).

In local government elections, ward seats are set at half of the total number of seats available (with one extra ward seat if the total is an odd number). In the 2021 local government election there were five municipalities where overhang occurred – in each case the largest party won one more ward election than the number of seats that they deserved under a proportional calculation. In these cases, the allocation of ward seats takes precedence, and one fewer set is then available for other parties in the PR calculations. This can happen because it is possible to win a constituency (ward) seat with less than 50% of the votes cast. Overhang can occur in one of two basic ways. The first scenario occurs If there are insufficient balancing seats, then the largest party may win several more seats in constituency elections (particularly in single-member constituencies) than their proportional share. This is clearly the scenario to be avoided.

The second scenario arises where a smaller party has concentrated pockets of support in particular regions. With single-member constituencies, the concentration of support would need to be substantially more pronounced to produce overhang than with multi-member constituencies.

### 1.18.5 Constitutionality

As the arguments for and against the various electoral systems or proposals are made, it must be borne in mind that the constitutionality of the resulting system must be carefully weighed.

Sections 46 and 105 of the Constitution require that our electoral system must "result, in general, in proportional representation". This means that the electoral system does not have to be absolutely proportional, but neither can it deviate from this in any substantial manner. The finer implications of this wording have not been tested in the Constitutional Court.

But in addition to the proportionality requirements, we also have sections 18 and 19 of the Constitution, being the right to freedom of association, the right to make political choices, the right to vote, and the right to free and fair elections.

In the *New Nation* judgment in 2020, the court ruled that these rights meant that an individual should be able to contest provincial and national elections without associating with a political party. In relation to the current electoral reform process, these rights are highly relevant.

For example, the right to fair elections is logically a reinforcer of the proportionality requirement, and the right to vote may well become highly relevant in any arrangement that might nullify the effect of particular votes.

# 1.19 Aims of this Investigation

This is an investigation into how the election results, by voting district, in the 2019 and 2024 National Assembly elections would have looked, had one of the mooted electoral systems been in place. A secondary aim is to see what effect varying the numbers of constituencies would have in these scenarios.

# 1.20 Methodology

### 1.20.1 Ballot Selection
The electoral systems being modelled are two-ballot elections for the National Assembly, whereas in 2019, there was only a single National Ballot. In 2024, there was a Regional Ballot that also counted towards the National Assembly election.

For the 2019 election, the provincial ballot is used as a proxy for a hypothetical constituency ballot. For consistency, in the 2024 election, the provincial ballot is used as a proxy, despite the existence of the Regional ballot. (The Regional ballot was tested and produced almost identical results.)

## 1.20.2 Scenarios Considered

The following electoral system scenarios were selected for modelling, for each of the 2019 and 2024 National Assembly elections:

Single-member Constituencies:
- 200 constituencies
- 240 constituencies
- 250 constituencies
- 300 constituencies

Multi-member Constituencies:
- 200 constituency seats
- 250 constituency seats
- 300 constituency seats
- 320 constituency seats

In each scenario, results at the voting station level were tabulated according to the modelled demarcation of constituencies (see below), alongside the overall seat allocations.

## 1.20.3 Seat Allocation Modelling

In each of the scenarios outlined above, the overall seat allocations are calculated by combining the PR (national) ballot with the hypothetical constituency (provincial) ballot to get overall totals.

The constituency results in each case are modelled with the provincial ballot results, but this is limited to the parties that contest the national election.

For single-member constituencies, the winner is simply the party with the largest number of votes in that constituency.

For multi-member constituencies, the results for parties involved are collated, and a proportional representation seat allocation is carried out. This is done using the Droop Quota, which is employed in existing national and provincial elections.

## 1.20.4 Demarcation

Demarcation is a complex and challenging task that takes into account many different factors beyond the mere numbers involved. For the purpose of this exercise, a simplified demarcation was carried out to create constituencies with suitable numbers of registered voters to allow the illustrative numerical models required.

The following processes or conditions were followed:
1. The total number of voters was divided by the number of seats to be allocated for the particular scenario.
2. The average number of voters per seat is calculated.
3. A minimum and maximum number of voters per seat is calculated using a "tolerance" percentage, being the maximum percentage variation from the average allowed.

This variation was set at a relatively high value of 15% for single-member constituencies and 12% for multi-member constituencies, to simplify the demarcation process.

4. For multi-member constituencies, the minimum number of seats in a constituency is three, and the maximum nine.
5. Each province was first divided up into a certain number of constituency pools.
    a. Where possible, a metro municipality or a district council constitutes a constituency pool.
    b. District councils with too few registered voters are combined with other district councils in the same province.
    c. Once the constituency pools are created, the appropriate numbers of seats for each pool are set. This does not guarantee a perfect balance in constituency seats per province.
6. For MMCs, each pool that is not a metro will be a constituency.
7. For MMCs, larger metros are divided into more than one constituency, with a desired target being six seats per constituency.
8. For SMCs, constituency pools are divided into the relevant number of constituencies allocated.
9. Constituencies are made up of whole Wards, but without the requirement that the Wards must be geographically contiguous.
10. In the allocation process, wards are added to a constituency until the desired number of voters is reached.
11. At the end of allocating Wards within a constituency pool, if there are any significant imbalances, constituencies may sway wards to even out the numbers.

## 1.20.5 Constituency Result Calculation

Once a list of constituencies is obtained, and each constituency has an associated list of Wards, the results from the particular election are aggregated by constituency.

In the case of single-member constituencies, the winner of the ward is simply the party with the largest number of votes.

In multi-member constituencies, the normal proportional seat allocation is carried out with the votes per party and the number of seats available.
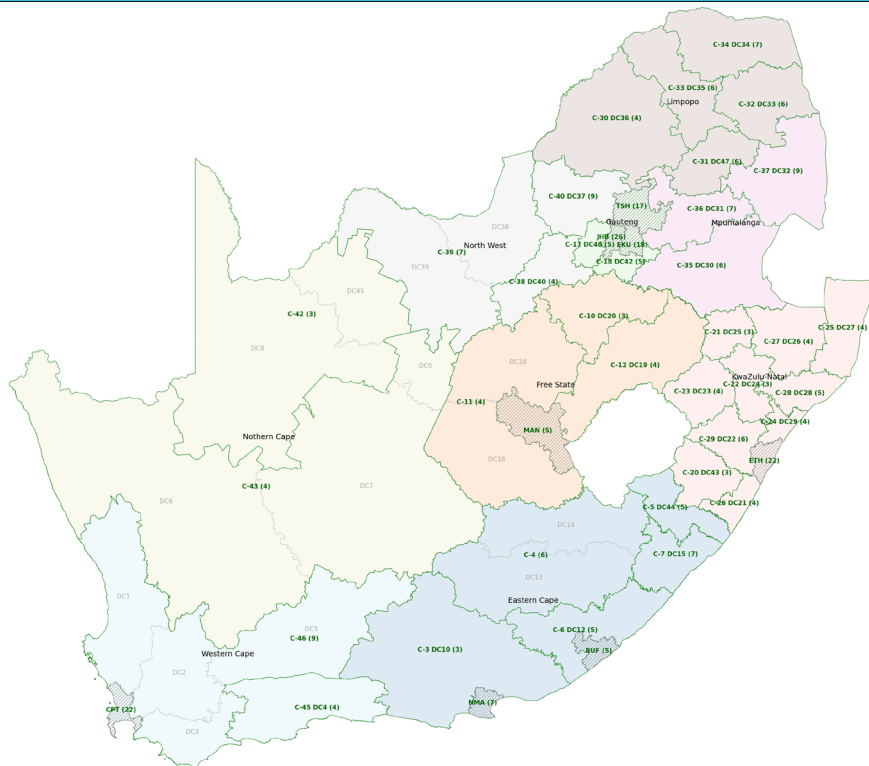
The graphics below show possible divisions of South Africa into multi-member constituencies, with constituency demarcations and the number of representatives in each.

## Divisions of South Africa into multi-member constituencies
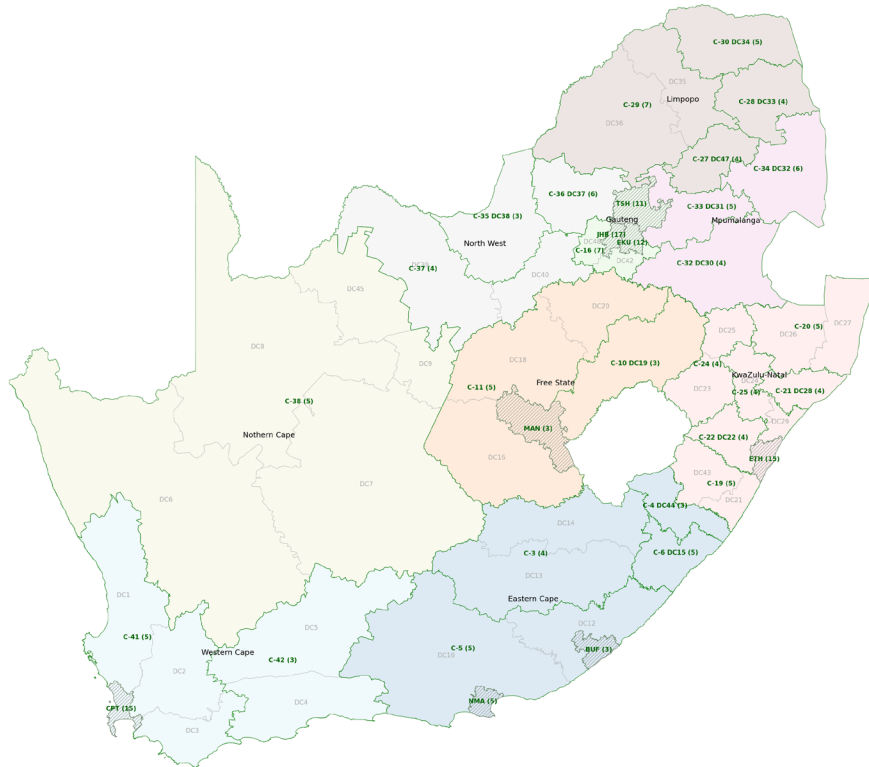


The graphic above shows the country demarcated for 200 seats.

## Divisions of South Africa into multi-member constituencies



The graphic above shows South Africa demarcated for 300 seats.

# 1.21 Outcomes

## 1.21.1 Overall Results

Given that the overall structure of the proposed electoral systems does not differ from our existing system, it is to be expected that the final seat allocations in the National Assembly will be the same. The very minor differences arise from the fact that provincial election results are being used as a proxy for a constituency ballot.

## 1.21.2 Constituency Results

It is to be expected that the largest party will tend to dominate the constituency contests, and this proved to be the case.
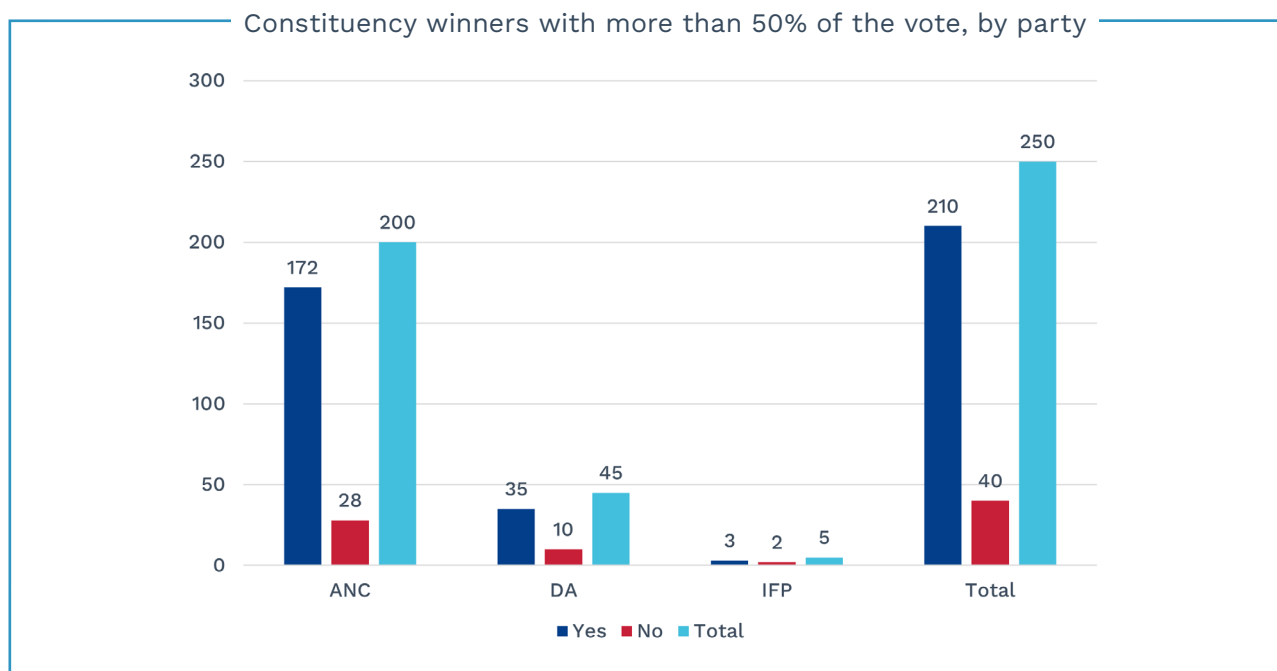
| 2019 - Single-member Constituencies | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 200 seats | | 240 seats | | 250 seats | | 300 seats | |
| Party | Original Seats | Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % |
| ANC | 230 | 57,5% | 162 | 81,0% | 193 | 80,4% | 200 | 80,0% | 236 | 78,7% |
| DA | 84 | 21,0% | 33 | 16,5% | 41 | 17,1% | 45 | 18,0% | 59 | 19,7% |
| EFF | 44 | 11,0% | | | | | | | | |
| IFP | 14 | 3,5% | 5 | 2,5% | 6 | 2,5% | 5 | 2,0% | 5 | 1,7% |
| VF Plus | 10 | 2,5% | | | | | | | | |
| ACDP | 4 | 1,0% | | | | | | | | |
| AIC | 2 | 0,5% | | | | | | | | |
| ATM | 2 | 0,5% | | | | | | | | |
| COPE | 2 | 0,5% | | | | | | | | |
| GOOD | 2 | 0,5% | | | | | | | | |
| NFP | 2 | 0,5% | | | | | | | | |
| UDM | 2 | 0,5% | | | | | | | | |
| ALJAMA | 1 | 0,3% | | | | | | | | |
| PAC | 1 | 0,3% | | | | | | | | |
| | 400 | | 200 | | 240 | | 250 | | 300 | |

In the 2019 election, the ANC's 57% of the vote translates into winning about 80% of the constituency seats. This is consistent across the different numbers of constituency seats modelled. Only three parties obtain constituency seats in this scenario.

The DA wins constituency seats approximately in proportion to their overall support, while the IFP clearly wins some constituency seats by virtue of the regional distribution of their support.

To illustrate this further, the graphic below shows how the winning parties would have fared in a 250 seat scenario, showing the numbers of seats that would be won by each party with an outright majority, and those where the winning party would emerge with the largest plurality.

Constituency winners with more than 50% of the vote, by party
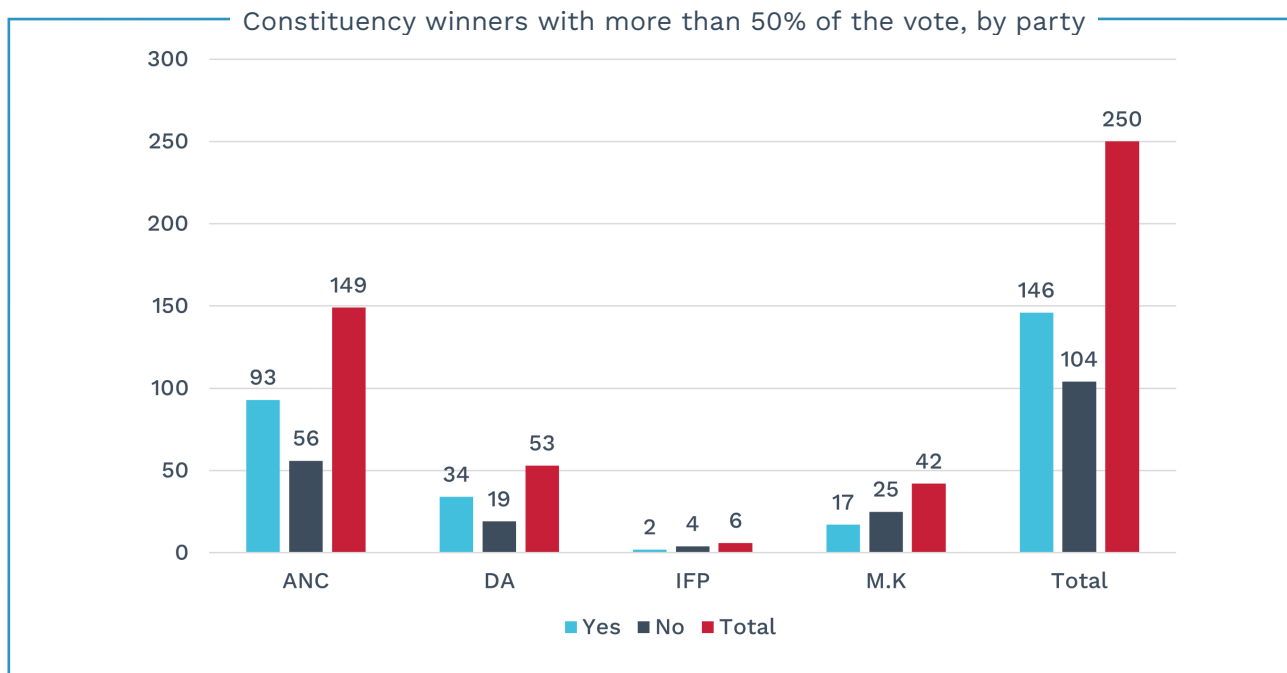
The ANC would have won some 86% of its seats through an outright win. The DA's result was a little lower, at 78%, signifying a relatively greater dependence on concentrations of support where it is not entirely dominant.

| 2024 - Single-member Constituencies | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 200 seats | | 240 seats | | 250 seats | | 300 seats | |
| Party | Original Seats | Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % |
| ANC | 159 | 39,8% | 120 | 60,0% | 148 | 61,7% | 149 | 59,6% | 177 | 59,0% |
| DA | 87 | 21,8% | 40 | 20,0% | 50 | 20,8% | 53 | 21,2% | 66 | 22,0% |
| M.K | 58 | 14,5% | 36 | 18,0% | 37 | 15,4% | 42 | 16,8% | 50 | 16,7% |
| EFF | 39 | 9,8% | | | | | | | | |
| IFP | 17 | 4,3% | 4 | 2,0% | 5 | 2,1% | 6 | 2,4% | 7 | 2,3% |
| PA | 9 | 2,3% | | | | | | | | |
| ACTIONSA | 6 | 1,5% | | | | | | | | |
| VF Plus | 6 | 1,5% | | | | | | | | |
| ACDP | 3 | 0,8% | | | | | | | | |
| UDM | 3 | 0,8% | | | | | | | | |
| ALJAMAH | 2 | 0,5% | | | | | | | | |
| ATM | 2 | 0,5% | | | | | | | | |
| BOSA | 2 | 0,5% | | | | | | | | |
| CCC | 2 | 0,5% | | | | | | | | |
| RISE | 2 | 0,5% | | | | | | | | |
| GOOD | 1 | 0,3% | | | | | | | | |
| PAC | 1 | 0,3% | | | | | | | | |
| UAT | 1 | 0,3% | | | | | | | | |
| | 400 | | 200 | | 240 | | 250 | | 300 | |

In the 2024 election, the picture is very similar, with even the reduced support for the ANC showing a high number of constituency seats won.

The graphic illustrates how this would have worked out in terms of constituency wins with and without 50% of the vote.

**Constituency winners with more than 50% of the vote, by party**

| Party | Yes | No | Total |
|-------|-----|-----|-------|
| ANC | 93 | 56 | 149 |
| DA | 34 | 19 | 53 |
| IFP | 2 | 4 | 6 |
| M.K | 17 | 25 | 42 |
| Total | 146 | 104 | 250 |

In what is clearly a more competitive environment, the ANC would be far more dependent on pluralities as opposed to outright majorities. The DA would bring in a greater number of seats on the basis of winning the most votes with a majority. MK, interestingly would win a clear majority of its constituencies through pluralities. Indeed, only 58% of constituencies would return overall majorities for the winning candidate.

Multi-member constituencies, by definition, will have a far more even spread of seats.

| 2019 - Multi-member Constituencies | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 200 seats | | 250 seats | | 300 seats | | 320 seats | |
| Party | Original Seats | Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % |
| ANC | 230 | 57,5% | 129 | 64,5% | 163 | 65,2% | 189 | 63,0% | 206 | 64,4% |
| DA | 84 | 21,0% | 48 | 24,0% | 56 | 22,4% | 69 | 23,0% | 69 | 21,6% |
| EFF | 44 | 11,0% | 16 | 8,0% | 20 | 8,0% | 29 | 9,7% | 32 | 10,0% |
| IFP | 14 | 3,5% | 7 | 3,5% | 9 | 3,6% | 11 | 3,7% | 11 | 3,4% |
| VF Plus | 10 | 2,5% | | | | | | | | |
| ACDP | 4 | 1,0% | | | | | | | | |
| AIC | 2 | 0,5% | | | | | | | | |
| ATM | 2 | 0,5% | | | | | | | | |
| COPE | 2 | 0,5% | | | | | | | | |
| GOOD | 2 | 0,5% | | | | | | | | |
| NFP | 2 | 0,5% | | | 1 | 0,4% | 1 | 0,3% | 1 | 0,3% |
| UDM | 2 | 0,5% | | | 1 | 0,4% | 1 | 0,3% | 1 | 0,3% |
| ALJAMA | 1 | 0,3% | | | | | | | | |
| PAC | 1 | 0,3% | | | | | | | | |
| | 400 | | 200 | | 250 | | 300 | | 320 | |

Notwithstanding this, at 200 constituency seats, there are still only four parties winning seats in this breakdown. However, it is clear that the largest party obtains constituency seats mostly in proportion to their overall support. As expected, a party such as the EFF obtains a "fair" number of constituency seats.

| 2024 - Multi-member Constituencies | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 200 seats | | 250 seats | | 300 seats | | 320 seats | |
| Party | Original Seats | Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % | Constit Seats | Constit. Seat % |
| ANC | 159 | 39,8% | 99 | 49,5% | 115 | 46,0% | 143 | 47,7% | 152 | 47,5% |
| DA | 87 | 21,8% | 49 | 24,5% | 58 | 23,2% | 71 | 23,7% | 70 | 21,9% |
| M.K | 58 | 14,5% | 26 | 13,0% | 37 | 14,8% | 44 | 14,7% | 46 | 14,4% |
| EFF | 39 | 9,8% | 18 | 9,0% | 28 | 11,2% | 30 | 10,0% | 38 | 11,9% |
| IFP | 17 | 4,3% | 7 | 3,5% | 9 | 3,6% | 10 | 3,3% | 11 | 3,4% |
| PA | 9 | 2,3% | 1 | 0,5% | 2 | 0,8% | 2 | 0,7% | 2 | 0,6% |
| ACTIONSA | 6 | 1,5% | | | | | | | | |
| VF Plus | 6 | 1,5% | | | | | | | | |
| ACDP | 3 | 0,8% | | | | | | | | |
| UDM | 3 | 0,8% | | | | | | | 1 | 0,3% |
| ALJAMAH | 2 | 0,5% | | | | | | | | |
| ATM | 2 | 0,5% | | | | | | | | |
| BOSA | 2 | 0,5% | | | | | | | | |
| CCC | 2 | 0,5% | | | 1 | 0,4% | | | | |
| RISE | 2 | 0,5% | | | | | | | | |
| GOOD | 1 | 0,3% | | | | | | | | |
| PAC | 1 | 0,3% | | | | | | | | |
| UAT | 1 | 0,3% | | | | | | | | |
| | 400 | | 200 | | 250 | | 300 | | 320 | |

The outcome for 2024 is also as expected, with more smaller parties obtaining seats, particularly as the total constituency seats available rises.

### 1.21.3 Electoral Metrics

The most important measure of the integrity of any of these proposed electoral systems is whether or not they produce properly proportional outcomes. That is, does any party receive more seats than their due. This would arise if overhang (described above) occurs to any significant degree.

What these results show is that only in the case of having 300 single-member constituency seats does overhang arise. It is generally accepted that having only 100 "balancing" seats to offset the discrepancies in 300 individual elections is not adequate.

# 1.22 Other Electoral Considerations

In addition to the primary decision that must be made regarding South Africa's future electoral system, there are some significant secondary decisions to be made about the calculations used in seat allocations.

There are worthy of consideration as the decisions concerning electoral systems are made.

### 1.22.1 Calculate Seats on PR Ballot – Genuine Constituency Elections

In any mixed-member proportional representation system, the constituency outcomes are determined first. Thereafter, the total number of seats for each party is calculated in a proportional manner.

After the total seats are known, the numbers of constituency seats won by each party is subtracted from the total for that party in order to determine the number of seats each party must allocate from its PR list. Naturally, larger parties tend to win a higher proportion of constituency seats, and hence are allocated relatively fewer seats from their PR lists.

The question at hand is what votes are used to calculated the overall proportional seat allocations. In local government elections, the Ward (constituency) ballots are combined with the PR ballots in order to calculate the final seat allocations.

However, in the Option 1 contained in the 2021 Ministerial Advisory Committee (MAC) Report, the proposal is for only the PR ballot to count in the overall seat allocation.

The system currently employed in local government has the effect that parties are forced to contest every ward election, as they would lose proportional votes if they did not. This has the effect of having many parties on the Ward election ballot, where most have no prospect of winning that ward. In terms of voters, there is a natural tendency to vote for the favoured party, rather than for the best individual candidate in the ward.

If only PR ballots counted in the overall seat allocations, then far fewer parties would contest constituency elections, and voters would have a genuine choice for the best candidate in constituency elections, while still having an entirely fair say in the proportional composition of the legislature via the PR ballot.

The status quo leaves constituency votes to be more an extension of party votes, and less of a connection between voters and their elected representatives.

### 1.22.2 Hare vs Droop – The Fairest Quota

For the overall National Assembly and provincial legislature seat allocations, the current system employs the Droop Quota, whereas the Hare Quota could be considered as an alternative. It should be noted that the question of Droop vs Hare in multi-member constituency elections is a separate consideration, with other trade-offs to consider.

In its purest form, proportional representation means that each vote is worth the same as each other vote. Put the other way around, each party is awarded seats in proportion to the number of votes they receive.

This allocation is clearly complicated slightly by the fact that fractional seats cannot be awarded, which means that some seats must be allocated according to the remainder (unallocated) votes, which should be done in the fairest manner.

The Quota is simply the number of votes that represent a single seat. The simplest and most accurate measure is to divide the total votes by the total seats. Typically, fractions are rounded up. This is what is termed the Hare Quota. Being the closest to the actual votes per seat, it is also plainly the fairest seat allocation.

The Droop Quota adds one to the number of seats in the calculation. The effect of this is to reduce the Quota. This has what some will describe as numerical benefits, but the bottom line is that it makes votes cast for the largest parties count more than votes cast for smaller parties (there are other factors affecting the very smallest parties, but this is not under discussion).

Simply put, with no inherent democratic benefit to using the Droop Quota, the Hare Quota remains the fairest. This is employed in local government elections, but not currently in national and provincial elections.

The Droop Quota gives an extra seat (out of proportion) to the largest party in about 50% of all provincial elections.

## 1.23 Conclusion

The primary outcome of the investigation is as expected – it is feasible to implement a mixed-member proportional representation system in South Africa, whether this be comprised of single-member constituencies or of multi-member constituencies.

In each case, having half of the available seats as constituency seats (as happens currently with local government elections), is a perfectly safe and viable choice.

In the design of a new electoral system, if it is held that there is a need for greater "connection" between the National Assembly and the electorate, then it is possible to increase the numbers of constituency seats available. In the case of single-member constituencies, it is "safe" to choose 240 or 250 constituencies, while multi-member constituencies will allow 300 constituency seats (as proposed in the 2003 van Zyl Slabbert Report).

# Recommendations

The electoral system that South Africa needs is one that is proportional, but that is also fair, ensures accountability, and is easily understood by voters.

The current system – as amended prior to the 2024 election – is not fit for purpose. The bolting on of individuals to a party-list system is a logical absurdity. One could also argue that the amended system meets the letter of the Constitutional Court's judgement, but not its spirit.

It will be a travesty for South Africa and its people should the government choose to persist with the current electoral system, which has all the disadvantages of party-list proportional representation without any of the advantages of having constituencies (which the provinces in theory are, in this system).

Concerningly, of the three options being considered by the ERCP, one is the continuation of the current system, with some minor tweaks. This will be a grave mistake and will be a disservice to South African democracy. Continuing with the current system, with only minor reforms, will do nothing to improve accountability, fairness, or responsiveness.

South Africa has a golden opportunity to revise its electoral system and ensure that it meets all the necessary criteria, such as fairness, simplicity, and proportionality. It would be a mistake to let this opportunity pass.

South Africans are increasingly checking out of active politics, with the proportion of South Africans registering to vote, and actually turning up at the ballot box, declining markedly. It is not an exaggeration to say that declining turnout poses an existential threat to South African democracy. If South Africans do not believe that voting is a legitimate way of making their voice heard then they may turn to other ways of ensuring that they are heard, including violent methods.

While implementing constituencies will not be a silver bullet for ensuring greater responsiveness from public representatives, it is a first step towards greater levels of responsiveness and accountability.

 We recommend that a single-member constituency system with a parallel list of members elected from party lists be adopted. There are certainly weaknesses to this system, notably there is a real risk that two "classes" of MP can emerge. This has been a problem in Germany as well as at local level in South Africa, with representatives elected from geographical constituencies being seen as

different from those elected from PR lists. MPs themselves may take this view of their roles; this is not an optimal situation for representation, but this is one of the trade offs that will have to be made.

While constituencies have been shown to work well, their introduction could also change the political incentives which exist currently. MPs elected from single-member constituencies (SMCs) will be incentivised to actually take the concerns of their constituents seriously and to raise local issues nationally. In addition, with MPs that are connected to geographical constituencies there will also likely be greater incentive for people living in those constituencies to take a greater interest in politics and democracy more broadly – it will not just be an exercise of going to the ballot box every five years.

In addition, political parties will be incentivised to ensure they recruit candidates of high quality. For the ANC in particular, Parliament has in some ways become a dumping ground for politicians who have failed elsewhere. With MPs elected from SMCs, parties will have to make sure that the candidates they put forward are dynamic and hard-working, and truly take the concerns of their constituents into account.

This will likely be South Africa's last opportunity in the medium term to implement an electoral system that truly works for its people. The country dare not let this opportunity slip. Failing to make use of it could have dire consequences for the quality and sustainability of South African democracy.

No system is perfect and in every system there will be trade-offs. However, we argue that the trade-offs made under the mixed system proposed here would result in a more responsive and accountable political sphere than we have at present.

A multi-member system, where more than one person represents a single constituency, offer some benefits, such as there likely being more of a diversity in representatives. But many of the problems that exist in our current system would simply be replicated in such a multi-member system. Without an open list, problems around the inclusion of independents (such as wasted votes for them) and by-elections would still exist. These would not occur in a system with SMCs.

One might argue that the most proportional system which also allows for independents is the STV system. However, this is a fairly complicated system. While it works well in countries with fairly small populations, like the Republic of Ireland, it would be too complicated and unwieldy for South Africa. It is also a multi-member system, which means it has some of the same problems that multi-member constituencies have. For example, it raises questions over what happens when a representative dies: what is the mechanism to replace them?

We do not recommend directly electing executive positions, such as Presidents, premiers, or mayors. While this is attractive for a number of reasons, the winner-takes-all nature of a direct election for an executive position, means it is not suitable for a country such as South Africa. Most scholars of comparative democracy argue that parliamentary systems work better than those with a directly elected executive, and South Africa should not look to change how our executives are elected, although the attractions are obvious.

Some of the perceived advantages are that it will create more accountability from leaders towards voters – it is clear that this is a perception that exists (that directly elected leaders will be more accountable) but the evidence for this from around the world is generally weak. Polling shows that large proportions of voters would like to directly elect the executive but this will certainly not be a silver bullet.

Allowing for directly elected leaders will in all probability create difficulties. Politics could personalise politics even more than it is already. In addition, having directly elected leaders could see minority issues or concerns (with minority in this context not necessarily being linked to race, but also class or regional minorities, amongst others) being sidelined.

Directly elected leaders can also seek to push through policies which may only be marginally popular, but because they can claim to have a "mandate" from "the people" it is more difficult to keep this in check. A good example of this is how President Donald Trump has implemented various tariffs and policy interventions in the first few months of his second term – he won the vote of less than 50% of Americans but as he is directly elected, rather than being elected by a legislature who he is answerable to, he has been able to make wide- and far-reaching policy interventions when he has the support of barely 50% of Americans. This can also heighten polarisation as the need for compromise in such a system is less than in a parliamentary system, as South Africa has.

In addition, other interventions, such as recall petitions, are also not recommended. There is too much potential for these to be used by nefarious actors to destabilise democracy.

However, as Professor Sitembile Mbete has pointed out, any reform will be stillborn without reform within political parties. This is similar to sentiments expressed by the minister of home affairs, Dr Leon Schreiber. Speaking at the ERCP consultations in April, Schreiber said: "Anyone who promises us that the introduction of independent candidates, or constituencies, or changes to proportional representation – or any other proposal that the panel may make – will magically resolve all your problems, is deceiving us'."[120]

Schreiber adds that it is up to voters to do the heavy lifting[121], saying: "It is ultimately up to voters to use the improved system that will emerge from this work, to participate in democracy, punish failed and corrupt leaders, and reward progress."[122]

A new electoral system can only take us so far – the power of real change is in the hands of South Africans.

# Endnotes

1. 'The South African Electoral System,' Helen Suzman Foundation Brief, 20 March 2014, https://hsf.org.za/publications/hsf-briefs/thesouth-african-electoral-system

2. The South African Electoral System,' Wim Louw, Helen Suzman Foundation Brief, 20 March 2014, https://hsf.org.za/publications/ hsf-briefs/the-south-african-electoral-system

3. Constitution of the Republic of South Africa, Chapter 4, Section 46 (1) (d)

4. Submission to the Electoral reform Consultation Panel, Institute of Race Relations, 30 September 2024 https://irr.org.za/reports/submissions-on-proposed-legislation/submis-sion-to-the-electoral-reform-consultation-panel-irr.pdf

5. 'Motlanthe's panel calls for electoral reform,' Andisiwe Makinana, City Press, 3 December 2017, https://www.news24.com/news24/ southafrica/news/motlanthes-panel-calls-for-elec-toral-reform-20171203-2

6. 'Court bid to allow independent candidates in 2019 fails,' Polity, 18 April 2019, https://www.polity.org.za/article/court-bid-to-allowindependent-candidates-in-2019-elec-tions-fails-2019-04-18

7. 'Constitutional court judgment opens door for independent candidates to stand for election,' Ernest Mabuza, The Times, 11 June 2020, https://www.timeslive.co.za/politics/2020-06-11-concourt-ruling-opens-door-for-independent-candidates-to-stand-for-election-in-sa/

8. 'President Ramaphosa assents to the Electoral Amendment Bill,' The Presidency, 17 April 2023, https://www.thepresidency.gov.za/president-ramaphosa-assents-electoral-amend-ment-bill

9. Any changes to the electoral system would likely not need to result in a change in how the NCOP seats are calculated. Currently NCOP delegates are determined from results in pro-vincial legislatures – any change in electoral systems for provincial legislatures will generally result in seat counts broadly similar to what currently occurs, meaning no change would happen with regard to how seats are calculated for the NCOP.

10. Mcleay, E, and J Vowles, 2007, 'Redefining Constituency Representation: the Roles of New Zealand MPs under MMP,' in Regional and Federal Studies

11. Ibid

12. 'MMP at 25: The chaotic transition into a new political world almost killed Labour,' Henry Cooke, Stuff, 14 October 2021, https://www.stuff.co.nz/national/politics/300426126/mmp-at-25-the-chaotic-transition-into-a-new-political-world-almost-killed-off-labour

13. Stier, S, 2022, 'Who Represents the Constituency? Online Political Communication by Mem-bers of Parliament in the German Mixed-Member Electoral System,' in Legislative Studies Quarterly, https://www.ssoar.info/ssoar/bitstream/handle/document/88573/ssoar-lsq-2022-1-schurmann_et_al-Who_Represents_the_Constituency_Online.pdf?sequence=1&isAllowed=y

14. New Zealand legislators were members of the country's national parliament, while Scottish and Welsh representatives represented two devolved legislative bodies, the Welsh Assembly and the Scottish parliament, both subordinate to the British House of Commons.

15. 'Electoral Reform: The Time Has Come,' Institute of Race Relations, @Liberty, September 2020, https://irr.org.za/reports/atLiberty/files/01a-2014-liberty-2013-issue-47-2013-election-reform-29-09-2020.pdf

16. 'Report of the Electoral Task Team,' Van Zyl Slabbert Report, 2003, , http://pmg-assets.s3-website-eu-west-1.amazonaws. com/docs/Van-Zyl-Slabbert-Commission-on-Electoral-Re-form-Report-2003.pdf

17. The Path to Direct Elections in South Africa,' One South Africa Movement, 13 July 2020, https://osa.org.za/wp-content/uploads/2020/08/Policy-Paper.pdf

18. Democratic Alliance, The Electoral Amendment Bill, 2013, https://docs.google.com/file/d/0B-slGu8-FTxVGlhN2RCa1JYVVU/edit

19. 'MMP at 25: How an academic dream from West Germany changed New Zealand forever,' Henry Cooke, 11 October 2025, Stuff, https://www.stuff.co.nz/national/politics/300426115/mmp-at-25-how-an-academic-dream-from-west-germany-changed-new-zealand-forever

20. 'MMP at 25: MMP has changed Parliament for good. But has it stopped Parliament changing New Zealand?' Henry Cooke, 15 October 2021, Stuff, https://www.stuff.co.nz/national/politics/300426130/mmp-at-25-mmp-has-changed-parliament-for-good-but-has-it-stopped-parliament-changing-new-zealand

21. 'Does First Past the Post stop extremists getting into parliaments?' Dylan Difford, 15 December 2021, Electoral Reform Society, https://www.electoral-reform.org.uk/does-first-past-the-post-stop-extremists-getting-into-parliaments/

22. 'Multiparty democracy is in trouble – collapsing coalitions are a sure sign,' Susan Booysen, 27 October 2022, The Conversation, https://theconversation.com/multiparty-democracy-is-in-trouble-in-south-africa-collapsing-coalitions-are-a-sure-sign-192966

23. 'Proposed new laws to "stabilise" coalitions in South Africa,' Seth Thorne, 15 April 2024, Businesstech, https://businesstech.co.za/news/government/767676/proposed-new-laws-to-stabilise-coalitions-in-south-africa/

24. 'What could happen in local councils with a 1% representation threshold?' Paul Berkowitz, 17 August 2023, Third Republic, https://t3r.org.za/2023/08/17/the-effects-of-a-1-party-vote-threshold-a-flourish-visualisation/

25. Ibid

26. Ibid

27. 'The Joint List,' Israel Policy Forum, https://israelpolicyforum.org/joint-list/

28. 'Sa'ar slides, Gantz surprises, Ben Gvir celebrates: Exit poll winners and losers,' 24 March 2021, The Times of Israel, https://www.timesofisrael.com/saar-crashes-gantz-surprises-losers-and-winners-of-the-election-exit-polls/

29. 'SA needs two major parties to go head to head,' Jonny Steinberg, 10 November 2023, BusinessLive, https://www.businesslive.co.za/bd/opinion/columnists/2023-11-10-jonny-steinberg-sa-needs-two-major-parties-to-go-head-to-head/

30. Ibid

31. 'SA's electoral system enables the crazies to bloom,' Jonny Steinberg, 8 March 2024, BusinessLive, https://www.businesslive.co.za/bd/opinion/columnists/2024-03-08-jonny-steinberg-sas-electoral-system-enables-the-crazies-to-bloom/

32. 'Constituency voting could spawn even uglier politics,' Jonny Steinberg, 3 June 2021, BusinessLive, https://www.businesslive.co.za/bd/opinion/columnists/2021-06-03-jonny-steinberg-constituency-voting-could-spawn-even-uglier-politics/

33. 'Does First Past the Post stop extremists getting into parliaments?' Dylan Difford, 15 December 2021, Electoral Reform Society, https://www.electoral-reform.org.uk/does-first-past-the-post-stop-extremists-getting-into-parliaments/

34. 'Smaller parties reject 1% elections threshold proposed by the ANC, DA,' Siyabonga Mkhwanazi, 5 August 2023, IOL, https://www.iol.co.za/news/politics/smaller-parties-reject-1-elections-threshold-proposed-by-the-anc-da-3ca9a093-df3a-47c9-bf01-d9f138ecd01a

35. Southall, R, 2004, 'Post-election South Africa: The Continuing Case for Electoral Reform' in Journal of African elections, https://www.researchgate.net/profile/Roger-Southall/publication/314193873_Post-election_South_Africa_The_Continuing_Case_for_Electoral_Reform/links/58fb2acfaca2723d79d807d8/Post-election-South-Africa-The-Continuing-Case-for-Electoral-Reform.pdf?origin=publication_detail&_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uRG93bmxvYWQiLCJwcmV2aW91c1BhZ2UiOiJwdWJsaWNhdGlvbiJ9fQ&__cf_chl_tk=78F2YmgQ0lXSaF67QZ7FJiat7Re4DOgkGq-ydqBatD90-1739359881-1.0.1.1-ECJWcEAvUj.xi_HizVRBFuaRunT_6G.BdLDOKMvfECU

36. 'Do electoral systems affect how citizens hold their government accountable? Evidence from Africa,' Sarah J Lockwood and Matthias Kronke, 2018, Afrobarometer Working Paper, No 181, https://www.afrobarometer.org/wp-content/uploads/2022/02/afropaperno181_electoral_systems_and_democratic_accountability.pdf

37. Ibid

38. 'Constituency system not a panacea to PR limitations,' Mosotho Moepya, 2015, My Vote Counts

39. "'Single-member constituencies provide a direct form of accountability,' Council for the Advancement of the South African Constitution, undated, New Agenda

40. Molefe, L, and Prof N Overton-de Klerk, 2019, 'Community Perceptions of Ward Councillors' Communication in Service Delivery Protest Areas: Desirability of a Strategic Communication Approach,' https://ujcontent.uj.ac.za/esploro/outputs/journalArticle/Community-perceptions-of-ward-councillors-communication/9913010507691

41. Mbandiwa, Z, and S Mishi, 2019, 'Ward councillors' leadership characteristics and their impact on service delivery: Case of eThekwini Metropolitan Municipality, South Africa in 2018' in Journal of Local Government Research and Innovation, file:///C:/IRR/OneDrive%20-%20SAIRR/Downloads/5-71-2-PB.pdf

42. 'Summary of Results: Afrobarometer Round 9 survey in South Africa, 2022,'2024, Institute of Justice and Reconciliation and Afrobarometer,, https://www.afrobarometer.org/wp-content/uploads/2024/03/Summary-of-results-South-Africa-Afrobarometer-Round-9-7mar24.pdf

43. AD74: South Africans' trust in institutions and representatives reaches new low,' Mikhail Moosa and jan Hofmeyr, 24 August 2021, Afrobarometer, https://www.afrobarometer.org/publication/ad474-south-africans-trust-institutions-and-representatives-reaches-new-low/

44. 'Recall Elections,' Richard Kelly and Neil Johnston, 8 May 2025, House of Commons Library, https://commonslibrary.parliament.uk/research-briefings/sn05089/

45. Ibid

46. 'How effective is Parliament in controlling UK government and representing citizens?' A Photiadou and P Dunleavy, 29 December 2017, London School of Economics, https://blogs.lse.ac.uk/politicsandpolicy/how-effective-is-parliament-in-controlling-uk-government-and-representing-citizens/

47. 'Do MPs' votes in Parliament represent personal or constituency preferences?' Christopher D Raymond, 27 July 2017, London School of Economics, https://blogs.lse.ac.uk/politicsandpolicy/mps-voting-personal-or-constituency-preferences/

48. Ibid

49. Trumm, S, and A Barclay, 2021, 'Parliamentary Representation: Should MPs Prioritise Their Own Views or Those of Their Voters?' in Political Studies, https://journals.sagepub.com/doi/full/10.1177/00323217211061512

50. Ibid

51. South Africa's Jacob Zuma survives no-confidence vote,' 8 August 2017, BBC, https://www.bbc.com/news/world-africa-40869269

52. 'Lessons for South Africa: parliamentary conscience and the courage to rebel,' Roger Southall, 9 August 2017, The Conversation, https://theconversation.com/lessons-from-south-africa-parliamentary-conscience-and-the-courage-to-rebel-82280

53. Ibid

54. 'Results Summary: All Ballots,' Electoral Commission, https://results.elections.org.za/home/LGEPublicReports/1091/Detailed%20Results/National.pdf and '2021 Municipal Elections Leaderboard,' Electoral Commission, https://results.elections.org.za/dashboards/lge/leaderboard.aspx

55. Ibid

56. 'When Wedding Bells Ring: Coalitions With(out) Concord: Analysis of South Africa's 2021 local government elections and coalitions,' Mapungubwe Institute for Strategic Reflection, https://southafrica.fes.de/fileadmin/user_upload/FINAL_WHEN_WEDDING_BELLS_RING_COALITIONS_WITH_OUT__CONCORD_V6.pdf

57. Ibid

58. Ibid

59. 'Why do we need political parties,' Chris Parr and Jennifer Dresden, 19 April 2024, Protect Democracy, https://protectdemocracy.org/work/why-do-we-need-political-parties/

60. 'The Role of Political Parties in Making Democracy Work,' Allen Hicken, V-Dem Institute, https://v-dem.net/media/publications/brief3.pdf

61. 'Why do we need political parties,' Chris Parr and Jennifer Dresden, 19 April 2024, Protect Democracy, https://protectdemocracy.org/work/why-do-we-need-political-parties/

62. Ibid

63. 'The Role of Political Parties in Making Democracy Work,' Allen Hicken, V-Dem Institute, https://v-dem.net/media/publications/brief3.pdf

64. Ibid

65. 'Intra-party Democracy: An intervention to deepen democracy and accountability in South African politics,' My Vote Counts, https://myvotecounts.org.za/wp-content/uploads/2022/08/Intra-Party-Democracy-Research-Report-1.pdf

66. Maier, B, 'The Legal Regulation of Internal Party Democracy – A Study of South Africa and Germany,' University of Cape Town Masters Thesis, https://open.uct.ac.za/server/api/core/bitstreams/2f2ea8e7-bd79-451c-92b5-b1819007d654/content

67. 'Intra-party Democracy: An intervention to deepen democracy and accountability in South African politics,' My Vote Counts, https://myvotecounts.org.za/wp-content/uploads/2022/08/Intra-Party-Democracy-Research-Report-1.pdf

68. 68 Maier, B, 'The Legal Regulation of Internal Party Democracy – A Study of South Africa and Germany,' University of Cape Town Masters Thesis, https://open.uct.ac.za/server/api/core/bitstreams/2f2ea8e7-bd79-451c-92b5-b1819007d654/content

69. 69 Intra-party Democracy: An intervention to deepen democracy and accountability in South African politics,' My Vote Counts, https://myvotecounts.org.za/wp-content/uploads/2022/08/Intra-Party-Democracy-Research-Report-1.pdf

70. Ibid

71. Ibid

72. Lotshwao, K, 2009, 'The Lack of Internal Party Democracy in the African National Congress: A Threat to the Consolidation of Democracy in South Africa' in Journal of South African Studies, https://www.jstor.org/stable/40600036

73. 'Gwede Mantashe admits he knew of vote buying to influence ANC national elective conference,' 22 December 2022, IOL, https://iol.co.za/pretoria-news/news/2022-12-22-gwede-mantashe-admits-he-knew-of-vote-buying-to-influence-anc-national-elective-conference/#google_vignette

74. 'Democracy in the Democratic Alliance: An analysis of the party's internal-party democracy and its 2023 Federal Congress,' My Vote Counts, http://www.myvotecounts.org.za/wp-content/uploads/2023/06/Democracy-in-the-Democratic-Alliance.pdf

75. 'Freedom Front Plus wants to be a coalition of minorities,' Lindsay Dentlinger, 2 March 2025, EWN, https://www.ewn.co.za/2025/03/02/freedom-front-plus-wants-to-be-a-coalition-of-minorities

76. 'Ndlozi's EFF resignation – joining another party could bolster mercenary trend in SA politics,' Stephen Grootes, 10 February 2025, Daily Maverick, https://www.dailymaverick.co.za/article/2025-02-10-ndlozis-eff-resignation-joining-another-party-could-bolster-mercenary-trend-in-sa-politics/

77. 'EFF faces internal turmoil ahead of key conference,' Siyabonga Sithole and Ntombi Nkosi, 18 November 2024, IOL, https://www.iol.co.za/the-star/news/eff-faces-internal-turmoil-ahead-of-key-conference-93685457-3542-42b0-b6d3-e558a60498e4#google_vignette

78. 'Malema-style democracy is "autocratic,"' Verashni Pillay, 20 November 2014, Mail & Guardian, https://mg.co.za/article/2014-11-20-malema-style-democracy-is-autocratic/

79. 'Malema blasted,' 28 May 2011, News24, https://www.news24.com/news24/malema-blasted-20150429

80. 'Zuma's MK Party unveils constitution that permits dual membership in "strategic cases,"' Nonkululeko Njilo, 11 October 2024, Daily Maverick, https://www.dailymaverick.co.za/article/2024-10-11-zumas-mk-party-unveils-constitution-that-permits-dual-membership-in-strategic-cases/

81. Ibid

82. South Africa's Political State of Play – February 2025,' Social Research Foundation, https://srfreports.co.za/reports/south-africas-political-state-of-play-february-2025

83. Brawl at UDM conference,' Lulamile Feni, 27 November 2010, Daily Dispatch, https://www.timeslive.co.za/news/south-africa/2010-11-22-brawl-at-udm--conference/

84. Southall, R, 2004, 'Post-election South Africa: The Continuing Case for Electoral Reform' in Journal of African elections, https://www.researchgate.net/profile/Roger-Southall/publication/314193873_Post-election_South_Africa_The_Continuing_Case_for_Electoral_Reform/links/58fb2acfaca2723d79d807d8/Post-election-South-Africa-The-Continuing-Case-for-Electoral-Reform.pdf?origin=publication_detail&_tp=eyJjb250ZXh0Ijp7ImZpcnN0UGFnZSI6InB1YmxpY2F0aW9uIiwicGFnZSI6InB1YmxpY2F0aW9uRG93bmxvYWQiLCJwcmV2aW91c1BhZ2UiOiJwdWJsaWNhdGlvbiJ9fQ&__cf_chl_tk=78F2YmgQ0lXSaF67QZ7FJiat7Re4DOgkGqyd-qBatD90-1739359881-1.0.1.1-ECJWcEAvUj.xi_HizVRBFuaRunT_6G.BdLDOKMvfECU

85. Southall, R and R Mattes, 2002, 'Popular Attitudes towards the South African Electoral System,' Centre for Soicla Science research, University of Cape Town, https://humanities.uct.ac.za/sites/default/files/content_migration/humanities_uct_ac_za/1380/files/wp16.pdf

86. Mattes, R, and R Southall, 2010, 'Popular Attitudes toward the South African electoral system' in Democratization

87. Ibid

88. Ibid

89. 'Findings from the Afrobarometer South Africa pre-election telephone survey,' Jan Hof-meyr, 22 May 2024, Afrobarometerchrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/ https://www.afrobarometer.org/wp-content/uploads/2024/05/SA-pre-election-survey-ex-cel-23May24.pdf

90. 'Reclaiming People's Power through Electoral Reforms,' Tessa Dooms, December 2024, South African Institute of International Affairs, https://saiia.org.za/wp-content/up-loads/2024/12/PI-158-CNRP-Dooms-FINAL.pdf

91. The Presidency, Development Indicators 2012, 20 August 2013, IEC, www.elections.org.za, accessed 11 June 2024; Stats SA, Interactive data, www.interactive.statssa.gov.za, ac-cessed 25 August 2016, p63; IEC, www.elections.org.za, accessed 11 June 2024

92. Schulz-Herzenberg, C, 2024, The People, Parties and the Polls: Retreat from the Ballot Box. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

93. 'The big no-vote: over 11 million registered voters did not cast ballots in 2024 poll,' Victoria O'Regan, 7 June 2024, Daily Maverick, https://www.dailymaverick.co.za/article/2024-06-07-the-big-no-vote-over-11-million-registered-voters-did-not-cast-ballots-in-2024-polls/

94. Schulz-Herzenberg, C, 2024, The People, Parties and the Polls: Retreat from the Ballot Box. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

95. Schulz-Herzenberg, C, 2024, The People, Parties and the Polls: Retreat from the Ballot Box. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

96. Schulz-Herzenberg, C, 2024, The People, Parties and the Polls: Retreat from the Ballot Box. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

97. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.afrobarometer.org/ wp-content/uploads/2023/06/News_release-South-Africans-support-elections-but-dis-trust-Electoral-Commission-Afrobarometer-13jun23-1.pdf

98. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.afrobarometer.org/ wp-content/uploads/2023/06/News_release-South-Africans-support-elections-but-dis-trust-Electoral-Commission-Afrobarometer-13jun23-1.pdf

99. 'South Africans support elections but doubt their efficacy, express little trust in electoral commission,' 13 June 2023, Afrobarometer,  https://www.afrobarometer.org/wp-content/ uploads/2023/06/News_release-South-Africans-support-elections-but-distrust-Elec-toral-Commission-Afrobarometer-13jun23-1.pdf

100. Electoral reform no silver bullet, up to voters to do the "heavy lifting" – Schreiber,' Jan Ger-ber, 8 April 2025, News24, https://www.news24.com/news24/politics/electoral-reform-no-sil-ver-bullet-up-to-voters-to-do-the-heavy-lifting-schreiber-20250409

101. 'The discreet campaign to defend Brazil's election,; Michael Stott, Michael Pooler, and Bryan Harris, 21 June 2023, Financial Times, https://www.ft.com/content/07533564-2231-47a6-a7b8-2c7ae330efc5

102. 'Exploring the Implementation of Electronic Voting in South Africa, 2025,' Policy Discus-sion Document, Electoral Commission, /https://www.elections.org.za/eVoting2025/assets/ Downloads/Electronic%20Voting%20Policy%20Discussion%20Document%202025_Elector-al%20Commission%20of%20South%20Africa_WebSpreads.pdf

103. Ibid f

104. Ibid f

105. Ibid

106. Ibid

107. Ibid

108. 'Scrap e-voting from the electoral bill – IRR,' Hermann Pretorius, 21 November 2020, Politicsweb, https://www.politicsweb.co.za/politics/scrap-evoting-from-the-electoral-bill--irr

109. Ibid

110. 'E-voting in SA rife with risk,' Anthea Jeffery, 3 November 2020, BusinessLive, https://irr.org.za/media/letter-e-voting-in-sa-rife-with-risk-businesslive

111. 'IRR welcomes removal of e-voting clauses from the Electoral Laws Amendment Bill,' 6 December 2020, SABC News, https://www.sabcnews.com/sabcnews/irr-welcomes-removal-of-e-voting-clauses-from-the-electoral-laws-amendment-bill/

112. 'Could failure of voter management devices jeopardise introduction of e-voting in SA?' Maxwell Maseko, 8 June 2024, News24, https://www.news24.com/opinions/analysis/analysis-could-failure-of-voter-management-devices-jeopardise-introduction-of-e-voting-in-sa-20240608

113. Maseko, M, 2024, 'Voter Management Devices in South Africa's Elections, 2021 – 2024' in Journal of African Elections, https://0-journals-co-za.innopac.wits.ac.za/doi/epdf/10.20940/JAE/2024/v23i1a3

114. Maseko, M, 2024, 'Voter Management Devices in South Africa's Elections, 2021 – 2024' in Journal of African Elections, https://0-journals-co-za.innopac.wits.ac.za/doi/epdf/10.20940/JAE/2024/v23i1a3

115. Maseko, M, 2024, 'Voter Management Devices in South Africa's Elections, 2021 – 2024' in Journal of African Elections, https://0-journals-co-za.innopac.wits.ac.za/doi/epdf/10.20940/JAE/2024/v23i1a3

116. 'Proposed Electoral Model for South Africa,' 24 February 2021, Inclusive Society Institute, https://www.inclusivesociety.org.za/post/proposed-electoral-model-for-south-africa

117. Glaser, D, 2024, Independent Candidates: Their Performance and Significance. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

118. Glaser, D, 2024, Independent Candidates: Their Performance and Significance. In C Schulz-Herzenberg and R Southall (eds.), Election 2024 South Africa: Countdown to Coalition, Auckland Park, Jacana

119. 'Population, total – South Africa, United Kingdom,' Ward Bak Data Bank, https://data.worldbank.org/indicator/SP.POP.TOTL?locations=ZA-GB

120. 'Electoral reform no silver bullet, up to voters to do the "heavy lifting" – Schreiber,' Jan Gerber, 8 April 2025, News24, https://www.news24.com/news24/politics/electoral-reform-no-silver-bullet-up-to-voters-to-do-the-heavy-lifting-schreiber-20250409

121. Ibid

122. Ibid

# South African Institute of Race Relations