

# The South African 2014 national and provincial elections

## The integrity of the electoral process

Collette Schulz-Herzenberg

### Recommendations

- 1** The Electoral Commission (IEC) should focus on protecting its credibility by prioritising non-partisan and impartial behaviour.
- 2** The training of IEC election officials must stress non-partisan conduct.
- 3** The IEC should explore further preventative measures to ensure opposition parties are unhindered by interference.
- 4** The IEC needs to revisit its fund distribution to ensure it is more equitable among parties.
- 5** The media must dedicate more election coverage to in-depth policy discussion.
- 6** All political parties must urge members and supporters to refrain from intimidation and implement punitive measures for those who defy the Electoral Codes of Conduct.
- 7** Policymakers need to explore new regulatory mechanisms to manage new forms of manipulation and intimidation, while implementing existing measures governing political parties' use of public funds.

### Summary

On a continent where legitimate elections are rare, the 2014 general elections demonstrated South Africa's continued commitment to regular, free and fair elections. The quality of an election depends on impartial and efficient electoral procedures. Administrative and logistical failures, as well as attempts to fraudulently influence the results, undermine the event and the final outcome. Electoral integrity also presupposes a degree of political competition and a level playing field during the campaign period. Surveys show that it is during this time that many voters make up their minds about which party to support. This policy brief examines those features of the electoral process that influence the ability of South Africa's political parties to contest elections, and voters to make informed choices. It also makes recommendations that can improve electoral integrity and public confidence.

VARIOUS ELEMENTS ARE seen to influence political parties competing during elections and voters considering which party to vote for at the polls. The elements highlighted in this study include election management; political violence, manipulation and intimidation; the improper use of public resources and vote buying; and media coverage of elections.

### Election management

#### Trust in the Electoral Commission

South Africa's electoral body, the Electoral Commission (IEC), was established in 1997

and has overseen the administration and management of four credible general elections. It is widely regarded as an efficient and independent body and remains one of the most trusted national institutions. Afrobarometer 2011 data show that 69% of respondents regarded the IEC as trustworthy compared to 62% for the president, 56% for national Parliament and 49% for the police. Of the 2009 election, 71% of Comparative National Elections Project survey respondents believed the elections to be fair and fair, with only minor problems. An IEC/Human Sciences Research

Council (HSRC) voter participation survey conducted in December 2013 found that the IEC remained one of the country's most trusted institutions, but that trust had fallen from 72% in 2009 to 63%, a likely consequence of a series of scandals that confronted the electoral body in the two years before the 2014 elections (see below).<sup>1</sup>

### Free and fair elections?

Citizen perceptions about the freeness and fairness of their elections are crucial to democratic legitimacy. Based on an IEC assessment of voter evaluations collected on election day, an overwhelming majority of sampled voters thought that the election procedures were free (97%) and fair (96%).<sup>2</sup> The survey also found that 97% of voters expressed satisfaction with the secrecy of their vote, with 74% expressing that they were 'very satisfied'. Equally high proportions of satisfaction were found among the various race groups, age groups and for men and women.

### Logistical issues and irregularities

Generally, the IEC ran an efficient administrative process in 2014. Voting

day. The IEC was quick to respond by pointing to unexpected volumes of voters casting ballots outside their registered voting stations but offered assurance that people in the queues at closing time of 9pm would be permitted to vote. The IEC/HSRC voting day survey found that voters provided an exceptionally favourable evaluation of the IEC's performance and the conduct of officials at voting stations. An overwhelming 97% voiced satisfaction with the quality of services rendered by IEC officials, while 70% reported that they took fewer than 15 minutes to reach their voting stations. On average, voters waited 16 minutes in the queue before voting, and 98% found the voting procedures inside the voting station easy to understand.

Fraud relating to the tabulation of the votes or the tampering of ballots appeared minimal. However, various opposition parties, including the Economic Freedom Fighters (EFF), Agang-SA, the National Freedom Party (NFP), and the Democratic Alliance (DA), were more circumspect, and raised concerns about possible irregularities. On election day in Phillipi, Cape Town, leader of Agang-SA Mamphele

DA party leader Helen Zille voiced concerns over what appeared to be dumped ballot papers in Pretoria on the day after the election. The ballot papers, which showed a majority vote for the DA, had already been counted, but this and other incidents raised concerns about the IEC's ability to adhere to international standards regarding the security and transportation of ballot papers. In another incident two days before the election, an ANC party agent was found to have stored ballot papers for special votes at her home on Johannesburg's East Rand. This led to the dismissal of an IEC official while the ANC replaced its party agent in the ward. Most of the outstanding disputes were resolved through the existing legal channels shortly after the election, and the IEC confirmed that the body would investigate the various irregularities while opposition parties agreed that the incidents were not sufficiently widespread to undermine the integrity of the overall process.

### The credibility of the IEC

While the IEC has widely been credited with the implementation of free and fair elections, a controversy involving its chief electoral officer, Advocate Pansy Tlakula, raised questions over its ability to conduct impartial and transparent elections. A 2013 Public Protector report and subsequent March 2014 National Treasury report found Tlakula had played a 'grossly irregular role' in a procurement deal to lease Pretoria office premises to accommodate the IEC's head office. The allegations included a conflict of interest between Tlakula and her business partner, member of Parliament Thaba Mufamadi, who owns a 20% stake in Abland, the company that won the bid.<sup>3</sup> As the electoral body strived to maintain a stable front ahead of elections, the incident threatened public trust in the institution and moved smaller opposition parties to call for Tlakula's immediate resignation. In fact, some

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day was successfully concluded without major problems. The IEC reported that the most significant logistical challenges related to unexpectedly high voter turnout in urban areas that led to a shortage of ballots in isolated cases and approximately 22% of polling stations opening late. The shortage of ballot paper stock in some voting stations, large crowds and long waits for voters raised questions about the IEC's administrative preparedness on the

Ramphele lodged a complaint after witnessing what appeared to be open ballot boxes in the polling station and ballot papers being passed through windows. A voting station in Alexandra, Johannesburg, was closed in the early afternoon due to allegations by the EFF of rigging and collusion between officials of the IEC and the African National Congress (ANC), who were suspected of moving voters between stations to cast multiple ballots. In a separate incident,

opposition party leaders went further and warned of the ANC's potential for rigging the elections by using 'rogue elements' within the IEC.<sup>4</sup> To assuage suspicions, the IEC agreed, upon request of opposition parties, to provide access to a list of its service providers involved in the production of ballot papers, their distribution and security, and information technology companies responsible for capturing the votes. In June 2014, following the election, the Electoral Court recommended that Pansy Tlakula be removed from her post. She requested that President Jacob Zuma place her

Court ruled in favour of the disqualified councillors when it postponed six of nine by-elections due to independent candidates being unfairly disqualified. ANC candidates won subsequent by-elections held in December 2013, but independent candidates alleged that these elections were irregular. Tlokwe's independent candidates have levelled allegations of vote rigging against the IEC due to the introduction of false registrations. They filed a court application to have the election results set aside and an independent investigation to be conducted. At the

a renewed challenge to the ANC, particularly in the country's urban areas. The largest opposition party, the DA, expanded its support base, while the newcomer EFF highlighted an emerging class-based politics and effectively dented the ANC's traditional support base in several provinces. Given the increasingly competitive nature of the 2014 elections, concerns mounted in the months leading up to the election of possible clashes between party supporters as political parties ventured their campaigns into areas dominated by competitors. Likely hotspots included areas of rural KwaZulu-Natal that the ANC, Inkatha Freedom Party and the NFP were increasingly contesting and areas in urban Gauteng, Limpopo and Mpumalanga for which the ANC, EFF and DA were all competing.

Several isolated incidents saw the disruption of party meetings and other political events. In one example, an EFF rally venue was damaged with petrol bombs before the event, causing damage to property and delays.<sup>5</sup> Constraints on freedom of movement occurred in some instances. In one incident that suggested a potential for violent confrontation in the Johannesburg central business district in February 2014, ANC supporters armed with stones halted a DA march to Luthuli House, the ANC headquarters. A report published a month before the elections by the Community Agency for Social Enquiry (CASE) identified disruption of rival political party events as one of the major forms of intimidation during the 2014 elections.<sup>6</sup>

The same report also identified at least 12 politically motivated deaths between January 2013 and February 2014, mostly concentrated in KwaZulu-Natal. Generally, however, pre-election partisan conflict was minimal. Most of the violence in the months before the election related less to partisan

## Given the increasingly competitive nature of the 2014 elections, concerns mounted in the months leading up to the election of possible clashes

on leave of absence while she challenged the court's findings. At the time of writing the matter was pending before Parliament.

In the year before the general elections, several incidents raised concerns about the IEC's allegedly favourable disposition towards the ANC. In July 2013 in Tlokwe Municipality (North-West Province), the ANC expelled 14 councillors after a provincial disciplinary committee found them guilty of misconduct for participating in a motion of no confidence in the ANC's then Tlokwe mayor Maphetle Maphetle, who was thereafter replaced by a DA councillor. Eight of the expelled councillors registered independently with the IEC to contest the impending by-elections, but the IEC disqualified six independent candidates (all former ANC councillors) on the grounds that they did not meet the required threshold of nominations. Amid allegations that the IEC and ANC were cooperating to block the independent candidates from participating in the elections, the Electoral

time of writing the matter was pending in the courts.

The suggestion of IEC officials' partial conduct drew attention to the institution at a time when its integrity was already under scrutiny as it prepared for the forthcoming general elections. The controversies threatened public trust in the institution and called its independence into question. In particular, the Tlakula matter had raised the thorny issue of the ability of senior IEC officials to remain politically neutral while involved in business and other relationships with members of political parties. Nevertheless, in a show of maturity, key political actors, including political parties, separated the internal processes and issues facing the IEC's from its overall ability to fairly manage the electoral process.

### Political violence

As the political landscape shifts in South Africa, elections have become more competitive. The rise of fewer, stronger opposition contenders present

competition and more to the sharp increase in community protests about service delivery as communities sought to draw the government's attention to local grievances. A series of protests in Bekkersdal, a community to the west of Johannesburg, characterise the type of protest that emerged in the 12 months before the election. The community's objections related to the non-delivery of basic services and allegations of corruption among officials, but election-related actors were inevitably caught up in the unrest when the IEC was targeted during a registration weekend in

ANC. The EFF claimed the ruling party was ferrying voters between stations to cast multiple ballots. The day after the elections protesters held IEC officials hostage, and the local IEC centre was burnt down.

Nevertheless, as the polls closed on election day, the IEC announced that the number of incidents during the 2014 elections was significantly lower than in previous elections and that the 2014 election was in fact the most peaceful on record. Voters tended to agree. The IEC/HSRC election day survey found

around polling stations. However, more subtle forms of influence can occur in the months and weeks before an election takes place. The CASE report found intimidation to be more widespread than is generally acknowledged and that the ANC was the main perpetrator of this intimidation. Of the numerous forms of intimidation and coercion that had evolved, one of the most prevalent was 'economic coercion', or the spread of misinformation and threats by ANC party campaigners among poorer voters (who often depend on the state for grants and employment via public works programmes) that a vote for an opposition party would result in the loss of grants and the denial of jobs, contracts, services and development opportunities.<sup>8</sup> Media accounts corroborate the report with anecdotal accounts of government officials warning poorer voters during the campaigning period that they would not receive grants if they didn't vote 'the right way'. However, a study (by the Centre for Social Development in Africa at the University of Johannesburg) just before the election found that such attempts to secure support probably had little effect on the voting decision – 95% of poor people interviewed knew they were entitled to grants, regardless of whom they voted for.

The IEC/HSRC election day survey also found little evidence of perception of political coercion among voters, with 95% reporting that no one tried to force them to vote for a certain political party. Of the few who did mention some form of coercion, only 31% said that this actually changed their voting decision. The most common source of coercion was political parties and family members.

Scholars have warned that the demise of dominant parties in increasingly competitive environments is often associated with a rise in intimidation as dominant party supporters attempt

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February 2014. Such attempts to disrupt the registration process produced a further form of intimidation but took place in isolated cases.<sup>7</sup>

On election day voting proceeded peacefully across the country, including in most of the potential hotspots that had warranted police and army deployment as a cautionary measure, such as Sterkspruit in the Eastern Cape; Malumelele in Limpopo; Wembezi and KwaMashu Hostel in Durban, KwaZulu-Natal; Bekkersdal in Gauteng; and Marikana, Madibeng and Rustenburg in North-West. At least 20 000 law-enforcement officers were deployed across the country with the South African National Defence Force on stand-by. Several violent but isolated incidents marred the post election period, among which a protest that erupted in Alexandra, Johannesburg.

On election day, a voting station was closed in the early afternoon amid allegations by the EFF of vote rigging and collusion between IEC officials and the

that 55% of voters expressed the view that political parties were 'very tolerant' of each other during the 2014 election campaigns, with 24% reporting that parties were 'somewhat tolerant' of each other, while only 14% perceived intolerance among political parties.

The ordinariness of the day is noteworthy. There has been a general decline in political violence since the 1994 election with further decreases in 2009 and 2014. Given South Africa's often-violent political history, this signifies a gradual shift away from conflictual to ballot-based politics and a general maturing of electoral politics.

### Political manipulation and intimidation

The integrity of the electoral process depends on the ability of voters to exercise their right to vote without exposure to manipulation or intimidation. Generally, political party members adhere to the strict rules that prohibit party campaigning or distributing materials

to ward off the threat of losing political power. South Africa may prove to be no different. As competition increases among political parties, particularly in governing party strongholds, so too will the likelihood of different forms of political intimidation.

## Improper use of public resources and vote buying

The improper use of public resources provides a method for political parties, particularly incumbents, to tilt the electoral playing field in their favour. Generally, incumbent parties enjoy certain advantages by virtue of being in government at the time of an election. The ANC was always likely to benefit through its foothold in national and most provincial governments. However, extensive targeting of state resources, including public infrastructure, budgets and state goods for campaigning purposes creates an undue advantage over opposition parties.

In the weeks leading to the election there was a reported increase in the abuse of state resources. The DA alleged an effort by government departments to support the ANC's election campaign by staging large state events to celebrate government and circulate party materials to voters. The DA concluded that in many instances 'government events have been hijacked by ANC leaders and turned into nothing more than election rallies'.<sup>9</sup> Political analyst Susan Booysen also noted that the elections were preceded by a 'rapid succession ... of official openings of dams, schools, houses, bridges and power stations' to aid the ANC's election campaign.<sup>10</sup> Leading newspapers and opposition parties noted the manipulation of people's economic situations through the Department of Social Development's distribution of food parcels and blankets at various ANC election campaign events, a clear contravention of the use

of public resources to boost electoral support. Yet, the same Centre for Social Development in Africa study cited above found that 70% of interviewees rejected food parcels as an attempt to buy votes. Opposition parties also called attention to the increase in and extensive use of government advertising in the months prior to the election, while the week before the election saw the traffic police issue a warning to its officials to not use state resources to assist political parties after journalists witnessed officers transporting ANC T-shirts to a campaign event in Ekurhuleni.<sup>11</sup> As Booysen wrote:

'Citizens were immersed in "unpaid for" advertising. Government department adverts spread the ANC's message of 20 years of delivery that built the good story. It came in the form of building wraps and billboards, often in ANC colours. No opposition party could compete.'

The DA requested Public Protector, Advocate Thuli Madonsela, to investigate

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several alleged instances of the ANC's misuse of public resources for political purposes. The investigation was pending at the time of writing.

## Media coverage of the elections

The media play an essential communication function in any democracy and particularly during an election period. Generally, the more political information people receive, the better their connection to candidate and party positions and promises. Independent and critical media should present high quality dialogue on party choices and policy issues, allowing voters to make informed choices and

to hold governing and opposition parties accountable. While there is no comparable data for the 2014 elections, in the 2009 elections 54% of respondents stated that they received their political news about the campaign from television once a week or more frequently, 31% from newspapers and 39% from radio usage. This section assesses bias or favouritism in media content, equitable coverage for parties, the quality of coverage, and equitable access to political advertising.

## Exposure to partisan bias

Media messages that contain a partisan bias are most likely to exert an influence on electoral decisions. Media Monitoring Africa (MMA) found that since 1994 the majority of South African media bodies – including the public broadcaster, the South African Broadcasting Corporation (SABC) – have an exceptionally positive record in reporting elections in a fair manner.

In the 2014 election this positive trend continued. The MMA awarded the media with an overall fairness score of 85%, finding only 15% of all coverage to be biased, which they deemed 'a significant achievement'.<sup>12</sup>

Likewise, the South African public do not perceive media coverage at elections as favouring one or other political party. When the CNEP surveys asked respondents following the 2004 and 2009 elections about their perceptions of partisan bias of TV news, newspapers and radio coverage during election campaigns no more than 9% (2004) and 6% (2009) believed their media sources favoured a particular political party. The media is highly

unlikely to sway voters with biased coverage.

### Equitable coverage for political parties

Equitable coverage, or the spread of coverage across parties, remains a challenge. The media's 2014 campaign coverage of the larger political parties was generally proportional to their levels of national support, although the largest opposition parties, the DA and the EFF, benefitted disproportionately compared to the ANC. As journalism professor Jane Duncan stated,

'Opposition parties' share of media space was larger than their share of the vote, while the ANC's share of the media space was smaller than its share of the vote, suggesting that the media coverage did not mirror voters' opinions entirely, but slightly advantaged the opposition at the expense of the ruling party.<sup>13</sup>

However, coverage of the top five parties constituted 85% of total party coverage, while the other 24 parties contesting the national election received the remaining 15% of coverage. MMA argued that the media ought to cover a greater spread of political parties, so that voters can make more informed decisions on voting day.<sup>14</sup>

### Content of election coverage

Assessments of media coverage for the 2009 and 2014 elections show a disjuncture between issues voters cared most about and those that the media promoted. The public agenda in the months prior to the 2014 election was firmly on matters of personal and fiscal security. In 2012, when asked by Afrobarometer, 70% of respondents listed unemployment as a key concern; followed by crime (30%); housing (29%); corruption (26%); poverty (21%); levels of infrastructure/roads, education and water supply (14% each); and health and electricity (12% each).<sup>15</sup>

Yet the media's focus was firmly on political developments. Coverage of personalities and party politics overshadowed substantive policy discussions on any of these areas listed above. MMA found that of all media monitored at the eve of the election, 29% of coverage was dedicated to 'party campaigning', 23% to 'party politics', 9% to 'corruption' (but with a focus on the alleged misuse of public funds on President Jacob Zuma's private Nkandla homestead) and 9% to 'election logistics'. Only 3% of all coverage focused on party manifestos and, hence, policy. The most pressing issues facing citizens were effectively 'marginalised' by the media. As Duncan

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argued, 'Individualised, personality-driven coverage still crowded out policy discussions.' Moreover, the media failed to reflect the political and ideological diversity of what different parties stood for. As such, voters were largely unable to use the media to draw conclusions about how political parties might tackle the policy issues that mattered most to them, as well as understand any major ideological differences between political parties.

### Political party adverts

In the 2009 elections the use of limited free campaign advertising on television was introduced. This gave South African electoral contenders, particularly ill-funded opposition parties, new opportunities to reach beyond traditional constituencies. Political advertisements, mainly through electronic media adverts, exposed millions more voters to a richer diversity of political coverage and information than ever before. In 2014

the larger political parties made use of advertisements, but the high costs of advertising production severely limited the ability of most of the smaller parties from using this opportunity to reach the electorate. Academics argue that if election campaigns are to become more meaningful vehicles for national discussion, political parties need to become far better skilled at the production of television advertising.<sup>16</sup> In addition, if elections are to be contests of ideas and policies, larger proportions of funding need to be made available to all political parties on an equal basis, and smaller amounts should be distributed on a proportional basis. The IEC needs to revisit its method and formula of distributing funds.<sup>17</sup>

The SABC's controversial banning of two opposition party adverts in the weeks before the 2014 elections invited public outrage and accusations that the public broadcaster was biased in favour of the ANC. The SABC refused to flight DA and EFF advertisements on the grounds that they incited public violence, were contrary to advertising standards, or were insulting of the president. The EFF advertisement called for the unpopular e-tolling system in Gauteng to be 'physically removed', while the DA advert showed footage of police violence against a citizen. The Independent Communications Authority of South Africa (ICASA) upheld these decisions, although the SABC subsequently aired a different version of the DA advertisement.

Nevertheless, the SABC decisions can be argued to have hindered the EFF's and DA's ability to reach a national audience in the crucial weeks before the election. Duncan argues that these decisions

exposed the problematic nature of the ICASA's electoral regulations, which state that party election broadcasts and party advertisements must not contain any material 'that is calculated [...] to provoke or incite any unlawful, illegal or criminal acts, or that may be perceived as condoning or lending support to any such act'.<sup>18</sup> She argues that the 'censorious nature of ICASA's regulations suggests that they were not designed to facilitate electoral competition, which requires minimal restrictions on freedom of expression to ensure a thorough airing of political differences'.<sup>19</sup>

## Conclusion

A combined assessment of the available evidence suggests that specific conditions threaten electoral integrity, yet but none of these conditions is sufficiently extensive to call into question the overall quality of South African elections. Overall pre-election political conditions have generally been acceptable, but it is during this period that most of the concerns have arisen. Several behaviours that violate the international standards of a proper pre-election environment have included the improper use of public funds and unfair use of government resources; restrictions to freedom of association and political expression, in particular disruption and obstruction of party meetings; and various forms of intimidation and manipulation, especially of poorer voters.

These forms of intimidation have often gone unreported, and are anecdotal in nature. This makes it difficult to quantify the extent of the problem.

However, if electoral competition increases, these issues are likely to become more prevalent in future elections. Of concern is the extent to which increasing pressures on the individual's right to freedom of political association and expression will shape voter behaviour.

Explicit cheating and fraud on election day and during the counting process appears to have been minimal, but the IEC's administrative capacities on the day are of concern. Logistical failures and voting difficulties led to large crowds and long queues and probably acted as a deterrent to voter participation.

The news media was generally fair in its treatment of political parties at elections in terms of the volume of coverage they receive, although the larger parties drowned out the smallest parties. However, little attention was given to policy discussion. Parties have also faced significant financial constraints in terms of reaching voters beyond their traditional constituencies at elections through media advertisements.

## Notes

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### About the ISS

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