

2/4/2/1/1/3/1

TC2/25(1)

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

STRUCTURE OF GOVERNMENT

THEME COMMITTEE MEETING

**Monday
7 August 1995
9h00-13h00
M46**

DOCUMENTATION

INCLUDING:

Report on Electoral System

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CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT
THEME COMMITTEE MEETING

Please note that the above meeting has been scheduled as follows:

Date : Monday 7 August 1995
Time : 9h00-13h00
Venue : M46

AGENDA

1. **OPENING AND WELCOME**
 2. **MINUTES OF PREVIOUS MEETINGS**
 3. **REPORT AND PROPOSED DRAFT FORMULATIONS ON THE ELECTORAL SYSTEM**
Documentation: TC2/24(3) tabled at meeting on 2 August
Documentation: Report and Proposed Draft Formulations included in this pack
Decision required:
 - i. Approval for Referral to Constitutional Committee
 4. **ANY OTHER BUSINESS**
 5. **CLOSURE**
-

HASSEN EBRAHIM
EXECUTIVE DIRECTOR
CONSTITUTIONAL ASSEMBLY

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THEME COMMITTEE 2

DRAFT REPORT ON BLOCK 6

THE ELECTORAL SYSTEM

THEME COMMITTEE 2

DRAFT REPORT ON BLOCK 6

THE ELECTORAL SYSTEM

INTRODUCTION

- 1** This draft report deals with aspects of the electoral system relevant to the Constitution. It is clear from an analysis of party political and other submissions, that there is understanding for the notion that the Constitution should contain the principles governing the election of public representatives. Submissions received from political parties on the electoral system were, in general, brief. The same applies to the considerable number of other submissions (cf volumes 7, 8, 18, 23, and 25 of submissions made to Theme Committee 2).
- 2** The aim of the Theme Committee was to identify the core elements of the electoral system that should go into the Constitution, leaving detail to be governed by Act of Parliament. The Committee was guided by Constitutional Principles VIII, XVII and XIV. It was also mindful of Constitutional Principle XXXIII, which provides that there may not be a general election before 30 April 1999, unless Parliament is dissolved earlier as a result of a motion of no-confidence in the Cabinet.
- 3** Constitutional Principle VIII requires representative multi-party democracy, regular elections, universal adult suffrage, a common voters' roll, and, in general, proportional representation. Constitutional Principle XVII deals with democratic representation at all levels of government, while Constitutional Principle XIV requires that provision should be made for participation of minority political parties in the legislative process in a manner consistent with democracy.
- 4** The draft report consists of three parts. The first is a numbered, tabular summary of the conclusions reached by the Theme Committee on each of the matters listed. The positions of political parties are briefly reflected in the "Comments" column of the table. The second part of the report deals with the written submissions received by the Committee. The third part consists of draft provisions to be included in the Constitution.
- 5** In view of the fact that the written submissions of the political parties were brief and in most cases in itemised form, they are included in full in the second part of the report. As far as other submissions are concerned, useful and accurate summaries have been prepared by the CA Administration. These summaries are included in the second part of the report. There would appear to be strong support for some form of constituency element in the electoral system.
- 6** It should also be pointed out that an in-house workshop was held on the

electoral system on 8 May 1995. A summarised version of the proceedings is available. Other documents at the disposal of the Committee were a prefaced collection of papers entitled "Electoral Systems: Research Documentation" (prepared by the Research Department of the CA), and a document "An Overview of the Fundamental Principles of Selected Proportional Electoral Systems" (Department of Constitutional Development, March 1995, as requested by the Administration of the CA).

- 7 Most of the submissions received from political parties dealt with the election of representatives to legislative bodies. The election of the State President, provincial executives and other bodies or officials was not taken into account. It is assumed that the Constitution will contain specific provisions to cover these cases.
- 8 The right to vote (the franchise), which is linked to the electoral system, is dealt with by Theme Committees 1 and 4.
- 9 No party referred in its submission to a monitoring body, like the Independent Electoral Commission, and the question remains whether provision should be made in the final Constitution for the establishment of such a body to oversee certain elections.
- 10 Except for the DP, no party referred to the type of proportional representation that should be applied to the election of representatives. This matter was extensively addressed during the in-house workshop of 8 May 1995 and the other documents referred to in point 6 above.

PART 1

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
VIII; XVII	1 Multi-party democracy	All parties agree		Where a party did not mention this expressly, it was strongly implied: The ACDP refers to "all parties at both national and regional level"; the ANC submission is unambiguous in its reference to a "multi-party state"; the DP, NP and PAC documents assume a multiplicity of parties; the FF submission refers to "a multi-party system based on democratic majority rule".
VIII	2 Regular elections	All parties agree	Period between elections	<p>1 The ANC and FF propose an election at least every five years.</p> <p>2 The DP, from another submission, favours a 4 year term.</p> <p>3 The ACDP, NP and PAC submissions are silent on this issue, but from their support for the term of the National Assembly, it can be assumed that the NP and the PAC are in favour of an election at least every five years.</p>
VIII	3 Universal adult suffrage			<p>1 The ANC refers to universal suffrage only.</p> <p>2 The ACDP and the FF support a minimum voting age of 18 years</p> <p>3 The DP, NP, and PAC did not address this matter in their submissions.</p>
VIII	4 A common voter's roll	All parties agree		1 Some parties refer in so many words to a common voters' roll (ACDP, ANC; FF); others refer to the registration of voters (DP, NP). The PAC is silent on this point.

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
VIII	5 A combination of party list(s) and constituencies as an expression of "in general, proportional representation", as required by CP VIII			<p>1 The ACDP refers to party lists only</p> <p>2 The ANC suggests consideration of "both proportional and/or constituency-based representation"</p> <p>3 The DP favours multi-member constituencies and party lists</p> <p>4 The NP supports proportional representation based on lists, with "geographical allocation" of elected members to magisterial districts (in effect, multi-member constituencies); the FF has a similar proposal</p> <p>5 The PAC is in favour of proportional representation ("free list system") and a link between elected members and the voters.</p>
	6 Do the proposals apply to elections for the National Assembly only?			<p>1 The NP submission assumes that the same system would apply to the Senate</p> <p>2 The ANC refers to regular elections for the provincial and national legislatures</p> <p>3 The DP covers only the NA</p> <p>4 The FF proposal relates to the "national level" only</p> <p>5 The ACDP and the PAC do not address this issue.</p>
	7 Independent electoral commission?			
	8 Delimitation of constituencies			The DP proposes that a body like the IEC should be entrusted with this function, and that it should be done every 10 years.

CP/SEC	CONSTITUTIONAL ISSUE	AGREEMENT	CONTENTION	COMMENT
	9 Type of proportional representation to apply			Most of the parties are silent on this matter. The DP has three specific proposals in this regard (see "6. Allocation of seats", at p2 of its submission).

PART 2

SUBMISSIONS

- I** The submissions received from political parties are contained in Addendum "A" to the report, on pp 9 - 23.

- II** A summary of the submissions from individuals and other organisations (vols 7, 8, 18, 23, and 25) is contained in Addendum "B" to the report on pp 24 - 43.

PART 3

Draft provisions for inclusion in the Constitution:

(1) The electoral system of the Republic shall be based on the principles of multi-party democracy, regular elections, universal adult suffrage, a common voters' roll, proportional representation and constituencies, as further provided for by Act of Parliament.

(2) An election for members of any legislature in the Republic shall be conducted under the supervision of an independent electoral commission, to be established in terms of an Act of Parliament.

ADDENDUM A

POLITICAL PARTY SUBMISSIONS

**AFRICAN CHRISTIAN DEMOCRATIC PARTY
PRELIMINARY SUBMISSION
THE CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2**

ELECTORAL SYSTEMS

The ACDP believe that the *practical* implementation of policy based upon interactive politics at local and national level far outweigh the *theoretical* descriptions upon which constitutional framework are designed. Most constitutional proposes are politically motivated, and little progress is made to narrow the gap between theory and practise.

The whole process revolves around increasing power, instead of disseminating it. The traditional African heritage was based on the principle of co-operation and shared political agreements. Respect, and responsibility were strong norms and moves on which traditional African cultures thrived.

These traditions were adversely affected through the process of colonisation and industrial methodology.

The ACDP argue that we will have to rediscover the tradition of co-operation and community, and incorporate it into our political structures.

We have already embarked upon this, when instead of following the route of conflict, we opted for the principle of negotiation. This is one of the first stages we have identified in which the opinion and beliefs of our people can be best represented and understood.

We have also embarked on giving the people greater say in how the constitution should be written.

It is through rediscovering these people-orientated inputs that the ACDP support the idea that an electoral system should be so devised as not to only reflect the ideas of the largest representative group in parliament but also the ideas of those who are furthest removed from the belief of the majority parties.

We wish to avoid the situation where only the interest and views of an elitist group determine the direction of an entire nation.

We also reject any form of demagoguery as this is the most deceptive form of oppression and autocracy.

The ACDP stands on the principle of federalism that is non-racial and non-discriminatory.

The ACDP proposes that the best form of proportional representation is reflected when all regions and communities are equally accounted for.

However, we feel that the proportionality should be designed along a list system that adequately and positively will benefit all parties at both national and regional levels.

We hold to the view that regular elections take place, as well as the principle of *recall* instituted where members are dismissed on unconstitutional grounds.

We also believe that a common voters role with all South African citizens over 18 years of age be entitled to vote.

13 July 1995

[elect.wps]

African National Congress

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OFFICE OF THE SECRETARY GENERAL

Mr H. Ebrahim
Director of the Constitutional Assembly
Constitutional Assembly
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27 June 1995

RE: ANC SUBMISSIONS

Please find attached ANC submissions to Theme Committees.

Please note that these are preliminary submissions and that more substantive submissions will follow.

We hope you find the same in order.

PP *M.C. Ramaphosa*

M.C. Ramaphosa
Secretary General

PRELIMINARY ANC SUBMISSION

THEME COMMITTEE 2- ELECTORAL SYSTEM

21 June 1995

The ANC is aware that criticism has been levelled against the lack of constituency-based representation at national and provincial levels of government. At the same time however, we acknowledge the importance of proportional representation as a method to ensure the broader representation of all sectors of society in government.

CONSTITUTIONAL PRINCIPLES

Constitutional Principle VIII states that:

"There shall be representative government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters' role, and, in general, proportional representation."

ANC PROPOSALS

1. A multi-party state shall exist in South Africa based on the principle of democratic majority rule.
2. Regular elections for the provincial and national legislatures shall be held at least once every five years.
3. There shall be a common voters' roll based on universal suffrage.
4. The implementation of a system of both proportional and/or constituency-based representation needs to be carefully considered. The ANC will make further submissions on this important issue in due course.



PARLEMENT
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**Demokratiese Party
Democratic Party**

**Democratic Party Submission
to Theme Committee 2**

ELECTORAL SYSTEM

1. Introduction

This submission is confined to proposals for constitutional provisions for an electoral system for the National Assembly, although the proposed system would also apply in essence to provincial legislatures as well.

These proposals contain the basic principles and framework for an electoral system: the details would be contained in an electoral act.

In the normal course of events, a fairly complex electoral system would be most appropriate for a plural society such as South Africa's. However, given the high levels of illiteracy amongst the electorate, it has been necessary to strive for simplicity wherever possible.

The proposed electoral system attempts to provide for proportionality at a national level, accountability of most members of the National Assembly to identifiable constituents, and a degree of proportionality at constituency level to ensure that as many voters as possible are able to identify with a particular public representative.

2. Composition of National Assembly

The National Assembly should be composed of members elected from multi-member constituencies and from national party lists, which would be published prior to the election. Members elected by constituencies should constitute 80 per cent of the National Assembly, whilst members from national lists make up the remaining 20 per cent.

3. Constituency Boundaries

- (a) All constituencies will fall wholly within the boundaries of a province.
- (b) The number of members of the National Assembly per province will be determined in proportion to the number of registered voters per province.
- (c) The number of voters per constituency will be based on the principle of votes of equal value so that each elected constituency member will pro rata represent as far as possible the same number of voters.

- (d) The boundaries of constituencies will be drawn by an independent body such as an electoral commission or a specially appointed delimitation commission.
- (e) Besides the number of voters, constituency boundaries should be drawn primarily taking into account the community of interests of the voters, physical/landscape features or barriers, and local government boundaries.
- (f) Constituency boundaries should be reviewed every ten years.

4. Multi-member Constituencies

Each constituency should elect three members of the National Assembly provided that no province shall have fewer than three members, and provided further that if the number of members to be elected from a province is not divisible by three, one or two constituencies could have four or five members.

5. Voting procedures

- (a) Each voter will receive one ballot paper for the constituency, and make one cross next to the name of a political party.
- (b) Below the name of a political party on the ballot paper, the names of the candidate/s of that party for that constituency will be listed in the order in which the party wishes to have them elected.
- (c) Each voter will receive a second ballot paper, for the national list, and make one cross next to the name of a political party.

6. Allocation of seats

- (a) Parties will be allocated constituency seats in proportion to the number of votes received provided that no party will be entitled to all three seats unless it receives more than three quarters of the votes cast.
- (b) The number of votes a party receives by way of the second ballot will determine the final number of seats it receives. These will be allocated in such a way as to ensure that the combined number of members from constituencies and the national lists will result in a party having its correct proportion of members in the National Assembly.
- (c) If the total number of members of the National Assembly has to be increased slightly to achieve the correct proportionality after the votes have been counted, then this would be permissible.

Ken Andrew
14 June 1995



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PRELIMINARY FREEDOM FRONT SUBMISSION: THEME COMMITTEE 2 - THE ELECTORAL SYSTEM

INTRODUCTION

1. The constitutional proposals for an electoral system is influenced by the constitutional proposals for both self-determination and Traditional Authorities. The preliminary proposals by the FF is for an electoral system at national level and further proposals will be made regarding the electoral system at Provincial and Local levels.
2. The FF supports a system of proportional representation. The main criticism against the present electoral system is the lack of constituency based representation and the fact that any electoral system must be based on voters lists drawn up through a process of formal registration of voters. The electoral system decided on should therefor take these two points of criticism into consideration.

CONSTITUTIONAL PRINCIPLES

3. The electoral system decided on must conform to Constitutional Principle VIII which states that:

"There shall be representative government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters' role, and, in general, proportional representation"

FREEDOM FRONT PROPOSALS

4. Proportional Representation. As a system of Proportional Representation accurately reflects the relative support of the various political parties and gives the best representation of interest groups, the FF proposes that the system of proportional representation should be maintained. This provision implies that South Africa will have a multi-party system based on democratic majority rule.

5. Voters' Lists. To avoid election chaos, irregularities and lack of legitimacy, only voters that are registered and reflected in a voters' list, as determined by law, shall be allowed to vote. There must thus be a common voters' roll based on universal suffrage.

6. Voting Age. All South African citizens, 18 years and older, shall be allowed to vote.

7. Constituency Representation. To provide a proper bond between voters and representatives, parties must formally allocate elected members of parliament to magisterial districts in South Africa. These names must be published in the Government Gazette as soon as the election results have been published

8. Regular Elections. Regular election for national, provincial and local government shall be held at least once every five years.

oooOooo



**National Party
Nasionale Party**

**Federal Council
Federale Raad**

12 May 1995

Mr Hassen Ebrahim
Constitutional Assembly
Regis House
Adderley Street
CAPE TOWN

Dear Mr Ebrahim

Enclosed please find the National Party submission to Theme Committee 2 in respect of the Work Programme, Block 6 Item 5, on The Electoral System.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'J A Rabie LP', with a horizontal line extending to the right.

Mr J A Rabie LP

THEME COMMITTEE 2

NATIONAL PARTY SUBMISSION

BLOCK 6 ITEM 5: THE ELECTORAL SYSTEM

A THE PRESENT SYSTEM

In terms of the present party list system of proportional representation, the most elementary form of PR, the voter casts a single vote for the party of his or her choice, which brings about a direct relationship between the percentage of the total votes cast in favour of a party and the number of seats which that party obtains in parliament. The system of proportional representation as applied in South Africa does not provide for the expression of voter preference between candidates as in the preferential system, no special threshold of minimum votes for a seat apart from the quota is required, and the only additional special feature of our system is the provision for national and provincial lists of candidates, which promotes the national distribution of candidates and, thus, representatives.

Our present system is easy to understand and apply and fulfils the most basic requirement of any electoral system:—it accurately reflects the support each party enjoys among the voters. By definition, this gives all interest groups an opportunity to be represented and ensures a legitimate electoral system.

However, the system also carries with it two distinct disadvantages:

(a) The first is a disadvantage often associated with proportional representation, namely the problem of insufficient contact between the electorate and their representatives and, eventually, separation and even alienation of voters and representatives.

(b) In the election of 1994, the system was applied without voters' lists. Elections without the registration of voters are bound to cause disorderliness, electoral malpractices, voting by disqualified persons and, eventually, an increase in voter dissatisfaction and alienation.

B PROPOSALS

In view of the above, the National Party would like to submit the following proposals for a future electoral system:

1 Proportional representation

We believe that in principle the system of proportional representation has proven to be the most suitable electoral system for South Africa and that it should be retained. The system guarantees representation of all significant interest groups in South African society - something which is just not possible in a constituency system. Furthermore, as mentioned above, it accurately reflects the support of the various parties and enhances the legitimacy of the system.

2 Voter registration

It is imperative that future elections be conducted on the basis of proper voters' lists. For the reasons mentioned above, elections without voters' lists will lead to an increase in electoral disorder and, in the long run, seriously undermine voter satisfaction and the legitimacy of elections and the constitution itself. Another significant advantage of voters' lists is that it forces parties and candidates to get down to grassroots level to register voters. This encourages the development of an informal identification of voters with parties and candidates at this early stage in the electoral process, thus countering the separation between voters and representatives caused by proportional representation. Democracy is not served only by an electoral system that ensures an accurate reflection of voter preferences; it is equally served by a system that ensures satisfactory liaison between the electorate and their representatives. It should also be emphasised that voters' lists should be prepared on a *provincial* basis. A voter should be registered in the province where he or she resides.

3 Geographical allocation of representatives

For proper linkage between voters and representatives, it is not enough merely to register voters and to provide for national and provincial lists of candidates. No proper voter/representative identification has ensued under the present system and an additional mechanism is required to link elected members to the voters. We propose as follows:

(a) The constitution should provide formally that after the election, and after the results have been published and Parliament has been constituted, the parties must formally designate their MP's and Senators as representatives of the various magisterial districts in South Africa. The public must be informed of this in various ways, *inter alia* by publication in the *Gazette*. The objective is to link members of Parliament constitutionally to geographical areas of the Republic, providing them with the formal clout and status to act on behalf of the voters in a particular district.

(b) As all parties represented in Parliament must designate their members in this way, it may happen that a particular magisterial district is represented by more than one representative, creating, as it were, multi-member constituencies. This is not necessarily undesirable. As a matter of fact, since we are at present already talking of a ratio of one representative per 80 000 of the population, more than one representative per district is probably called for.

(c) Obviously, larger parties will be able to designate each of their members to fewer districts than smaller parties. For this reason, parties should have a choice when they designate their members. A party should be able either to cover as many districts as possible, which means that every member may be made responsible for quite a number of districts, or may choose to concentrate on particular districts and leaving the others to other parties.

(d) In order to strengthen the link between a district and a member, Senators should be designated only in their respective provinces, whereas parties should, in any case, preferably

designate their members according to their place of ordinary residence. Parties will have to take this factor into account when preparing their candidate lists, which may also contribute to a better nation-wide distribution of candidates.

(e) An important advantage of this proposal over the constituency system is the fact that in the latter system, the elected member only formally represents all the voters in that constituency. In practice, he or she actually represents only the majority who has elected him or her and not the supporters of the other parties. This will be the case especially in constituencies in which the election has been fought with great animosity and bad blood between the parties. In contrast, our proposal enables a party to designate a member for its own supporters in a particular district.

(f) We believe that the adoption of this proposal will to a large extent eliminate the disadvantage in respect of voter/representative linkage caused by the present electoral system, without at all affecting the proportional principle central to that system.



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YOUR REF:

19 JUNE 1995

Preliminary submission on

ELECTORAL SYSTEM

The PAC would want to strike a balance between the constituency and proportional electoral systems (the question of the different mathematical formulae to allocate seats to parties would still need to be debated). This is in an attempt to utilise the advantages of both systems.

The PAC supports the system of proportional representation with some form of free list system. The most fundamental issue is that of the link between the MPs and their electors which forms the basis of the constituency electoral system. The PAC would submit that this link and relationship (that is between the MPs and the electors) should be strengthened and adopted into the proportional representation system.

The PAC is also of the view that mechanisms should be found that would incorporate aspects of accountability and representivity in the electoral system that is finally agreed to by all parties.

Mr A.G. Ebrahim (MP) PAC

ADDENDUM B

**INDIVIDUAL &
ORGANISATIONAL SUBMISSIONS**

CONSTITUTIONAL ASSEMBLY

**THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT**

***ELECTORAL SYSTEMS
(BLOCK 6)***

**SUMMARY OF SUBMISSIONS RECEIVED
(AS AT 20 MARCH 1995)**

VOLUME 7

NO	NAME	SUMMARY
147	ANONYMOUS	<ul style="list-style-type: none"> - Constitutional principle XXXIV should remain; - Provision be made for voters' roll; - Proportionality should be combined with geographical (constituent) representation; - More powers for provinces.
148	BOWKER M K	<ul style="list-style-type: none"> - Ballots should provide space for those who wish to "abstain"; - Voting system be transparent as much as possible
149	CLERKIN D M I	<ul style="list-style-type: none"> - A small transferable vote in a multi seat constituency be adopted
150	DE KOCK K	<ul style="list-style-type: none"> - Franchise age should be brought down; - Proportional representation should remain.
151	FERREIRA G	<ul style="list-style-type: none"> - Secret balloting must be adhered to; - Electronic voting system must be used; - Present open voting system restricts democracy.
152	GOODALL A	<ul style="list-style-type: none"> - The taxing power of the government should be limited for uses enumerated in the constitution; - Property and inheritance taxes must be abolished; - Children must also be taught practical skills at schools; - The constitution should uphold the right to life; - Fundamental freedoms should remain in the new constitution; - Police and militia must be under civilian government control; - Army leadership must be separate from executive branch of government.
153	HOFFENBERG A	<ul style="list-style-type: none"> - The constitution must ensure sovereignty of the people; - Sovereignty will ensure that people have a right to initiative.
154	JONES C C	<ul style="list-style-type: none"> - The death penalty should remain; - Abortion should be illegal; - Election should be frequent to ensure accountability; - There must be separation of powers of government departments

155	KASCHULA R O	<ul style="list-style-type: none"> - Electoral system must make room for non-partisan individuals to be elected; - A person should be disqualified if he/she has been convicted of any crime during preceding five years
156	LANGENHOVEN C M	<ul style="list-style-type: none"> - One man one vote system must be replaced with a system of qualified voting; - This system will ensure productivity.
157	MACLEAN S	<ul style="list-style-type: none"> - Proportional representation should be retained; - Capital punishment should be retained; - The bill of rights must ensure access to justice; - An independent judiciary be established; - Code of conduct for politicians to ensure clean government; - The office of the President should be detached from any political party; - Electorate should vote separately for the President's office; - Abortion should be legalised
158	MORRISON C G F	<ul style="list-style-type: none"> - Election should be held every five years; - The government must be unitary; - Capital punishment should be abolished.
159	REYNOLDS A	<ul style="list-style-type: none"> - Proportional representation should remain; - Plurality system is not conducive in South Africa.
160	SINANGWE M C S	<ul style="list-style-type: none"> - Elections should be held once in five years
161	STARFIELD L	<ul style="list-style-type: none"> - Proportional representation should remain; - Coalitions must also be accepted if necessary.
162	VAN BREDA D C	<ul style="list-style-type: none"> - The five year period of elections is too short; - One man, one vote system should remain; - Each district should from selected members, select one or two members to represent district at regional level; - The same process should be followed at central government; - The system will ensure inexpensive elections

CONSTITUTIONAL ASSEMBLY

**THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT**

**ELECTORAL SYSTEMS
(BLOCK 6)**

**SUMMARY OF SUBMISSIONS RECEIVED
(AS AT 25 MARCH 1995)**

VOLUME 8

INDIVIDUAL		
NO.	NAME	SUMMARY
163	DAVIES C R L	<ul style="list-style-type: none"> - Concept of one man one vote unsuited for a diverse cross section of people as South Africans; - A system of qualified franchise must be included in new Constitution; - This proposal is not meant to disenfranchise the disadvantaged.
164	DUVENAGE A	<ul style="list-style-type: none"> - Only those with tax clearance number should be eligible to vote in national elections; - For local government elections, voters should also have clearance number
165	DE VILLIERS M	<ul style="list-style-type: none"> - Ordinal ballot system must be used; - Voters place candidates in order of preference; - Potential information is lost in standard ballot system; - The system is easy to understand.
166	DU TOIT D M	<ul style="list-style-type: none"> - The constitution should entrench control of the electorate over politicians; - The electorate should be free to initiate laws, recall laws and have a final say in delimitation of boundaries; - Right to referenda must apply to all levels of government; - The right should be combined with a constituency based electoral system.
167	KLOPPER M	<ul style="list-style-type: none"> - Different ballots must be used for national, provincial and local government elections; - Language rights should be entrenched; - Fundamental freedoms must be fully entrenched.
168	MAATHLO P	<ul style="list-style-type: none"> - All voters must be registered; - Traditional leaders are a stumbling block to voter registration.

169	NGIRANE G	<ul style="list-style-type: none"> - The Constitution should promote multi-party democracy; - There should be a federal system with strong central government; - Proportional representation should be retained but modified as follows: <ul style="list-style-type: none"> * Candidates should be attached to some constituency to represent in parliament; * Percentages obtained by each party should be used proportionally to acquire more candidates (33%); - Voting age should be lowered
170	STEMMET A	<ul style="list-style-type: none"> - The government has a duty to protect life; - The Constitutional should uphold fundamental freedoms; - There should be separation of powers; - Abortion should be made illegal; - The death penalty should be retained.
171	STEMMET J	<ul style="list-style-type: none"> - Elections should be held frequently; - Capital punishment should be retained; - The taxing power of the government should be restricted in the constitution; - There must be separation of powers of government branches e.g legislative, executive and judiciary; - Promotions and appointments must occur on merit; - Voters must be registered on the voters' roll.
172	STEENKAMP T	<ul style="list-style-type: none"> - A proper voters' roll must be made; - The death penalty must be retained; - Promotions and appointments must be based on merit.
173	STEINER A	<ul style="list-style-type: none"> - The people must have a right to initiate referenda; - Representatives must agree to step down if 15% of voters in that area so wish; - The right of information should be entrenched.

174	STOCKS R K	<ul style="list-style-type: none"> - Seats should be allocated on the basis of ratings of different groups; - A formula which gives major importance to the group's NET contribution to state coffers; - Representatives should qualify for second vote; - There should be minimum qualification for the second vote e.g education standard.
175	STUART S G	<ul style="list-style-type: none"> - The new constitution should reject power sharing; - A simple majority should be adopted
176	WILLERS P SALTERS D	<ul style="list-style-type: none"> - The new constitution should embody the following: <ul style="list-style-type: none"> * fundamental freedoms, including the rights of children; * women's right to choose on abortion - Citizens must have a right to call a referenda; - Elected representatives may be recalled by electorate by "x" number of signatures
177	VAN WYK E	<ul style="list-style-type: none"> - Representatives must be elected on proportional representation; - Electorate is free to elect amongst candidates from the same party; - Representatives will be responsible for a specific geographical area; - Voters' roll is not necessary for this system to apply
ORGANISATION		
	INSTITUTE FOR ADVANCEMENT OF HUMAN RIGHTS, DEMOCRACY, INDIVIDUAL RIGHT TO MOTHER TONGUE	<ul style="list-style-type: none"> - Elections should be held on constituency basis; - The constitution must make provision for advancement of cultures; - No idea of truth commission; - Creation of Volkstaat; - Strict control of illegal immigrants; - Affirmative action to be done away with

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

STRUCTURE OF GOVERNMENT

**ELECTORAL SYSTEMS
(BLOCK 6)**

**SUMMARY OF SUBMISSIONS
RECEIVED**

(As at 14 June 1995)

VOLUME 18

NAME	SUMMARY
Allan J	<ul style="list-style-type: none"> - The present electoral system should not be embodied in the new constitution; - Voters' roll is necessary; - Objections have been voiced to the so-called Westminster system of elections by constituency; - An individual voter must have access to the legislature by means of contact with MP.
Anonymous	<p>The following must be included in the final constitution:</p> <ul style="list-style-type: none"> - Single Central government or Federalism; - Government by one majority party or Government of National Unity; - Volkstaat - determined by whites only referendum.
Bentum A.P	<ul style="list-style-type: none"> - The present system does not afford direct contact with MPs; - Proportional representation should be maintained; - There should be a mixed system, one half elected on a seat basis; - The same voting procedure should apply to provinces as well.
Bevis-Challinor K	<ul style="list-style-type: none"> - The constitutional model of America is preferable; - There should be no majority rule; - The GNU must be maintained; - General elections every three years not five years.
Coetzee D	<ul style="list-style-type: none"> - Each voter should be free to choose who to vote for; - Elections should be held every five years; - Elections for central, provincial and local governments should take place within one week; - Suffrage for anyone over 18, who is not incapacitated.

NAME	SUMMARY
De Lange O	<ul style="list-style-type: none"> - The opposition party should automatically be entrusted with the portfolio of Ministry of Internal Affairs after elections; - The same should also appoint deputy ministers of justice; defence; and police; - The aim is to maintain GNU.
Du Toit D M	<ul style="list-style-type: none"> - Entrench control of electorate over politicians; - The electorate must be allowed to call referenda to initiate new laws or bylaws; - At least 10% of eligible voters should be required; - There should be a constituency based electoral system to ensure accountability.
Du Toit P N	<ul style="list-style-type: none"> - Elections should be held every four years.
Findlay Y M	<ul style="list-style-type: none"> - The final constitution should include proportional representation nationally and provincially; - Parliament should be reduced to 150 - 200 members.
Gaum A H	<ul style="list-style-type: none"> - The seats of parties in National Assembly must constitute the cabinet; - A party with at least 10 seats must have 1 cabinet minister; - If more than 50 seats it must have 5 cabinet ministers; - If more than 100 seats, it gets 7 cabinet ministers and a further cabinet minister only for 50 seats which it has more than 100 seats.
Gruning A H	<ul style="list-style-type: none"> - A network of computers must be used to register and count votes; - Each voter must be issued with a card magnetically encoded with all relevant information; - Each voter can thus make his/her voice heard conveniently and easily; - The system ensures greater secrecy; - Results are easily available.

NAME	SUMMARY
Hammig H U	<ul style="list-style-type: none"> - A party with the most votes must form the government; - Any party with 15% of votes should be accommodated; - Such a party should announce its participation in the government.
Hiddleston B S	<ul style="list-style-type: none"> - Power sharing should be strengthened; - Proportional representation should be retained' it ensures minority protection; - Members of parliament who resign from their party should not be obliged to vacate seats in parliament.
Hill M J A	<ul style="list-style-type: none"> - The country should be divided into 10 -15 large geographical constituencies; - Each constituency elects a number of representatives of about 250 (based on population size); - Voters vote in order of preference (follow the single transferable vote system); - Proportional representation should be retained; - The legislative assembly votes in the executive for the ensuing four years, using the same process; - The electoral executive must award posts which will reflect the choice of the electorate.
Jones D	<ul style="list-style-type: none"> - Elections should be frequent to ensure strict accountability; - Portions of the legislative and executive branches both regionally and nationally should be up for elections on different years.
Kleynhans W	<ul style="list-style-type: none"> - Proportional representation leads to deterioration of the direct link between voters and their elected representatives; - It leads to fragmentation of the electorate into a large number of small parties; - It leads to deterioration of the parties' election manifestos; - To make political contact, give political education to ordinary voters; - Reduce parliament to 250 members; - Abolish the senate or give it meaningful powers.

NAME	SUMMARY
Meyer V	NOTE!! This submission is seemingly irrelevant to the issue of electoral systems!
Mc Donald A	<ul style="list-style-type: none"> - The constitution should remain in its present form; - Retain power sharing; - A special vote of 75% is required for any amendment.
Mc Intosh	<ul style="list-style-type: none"> - MPs should be elected on constituency basis to ensure accountability; - The current system is a joke as there is no commitment to help form MPs.
Morrison C G F	<ul style="list-style-type: none"> - Elections should be held every 5 years.
Munro M E	<ul style="list-style-type: none"> - A system whereby your vote counts for a certain number of votes depending on your income; - There should be more voting powers to small families.
Muthivhi E	<ul style="list-style-type: none"> - The state should be unitary; - Elections should be constituency based to ensure accountability; - The President should be elected by people not parliament; - There should be presidential elections; - The same should apply to election of premiers.
Naidoo S	<ul style="list-style-type: none"> - There a 50 members of parliament in a committee; Three members need to be chosen; - Each of the 5 political parties nominate a member; - An election is needed to select 3 members from 5 candidates; - To count ballots, each of the members has one vote, or three votes fro each member.
Phakedi M	<ul style="list-style-type: none"> - MPs should be elected on delimited constituency basis; - A party that loses elections but having met the set percentage should be accommodated in the government.

NAME	SUMMARY
Williams J	<ul style="list-style-type: none">- Ordinary members of the public should have limited access to parliament;- Home owners should be able to determine when local governments should be elected.

CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT

ELECTORAL SYSTEMS
(BLOCK 6)

SUMMARY OF SUBMISSIONS RECEIVED

VOLUME 23

NO	NAME	SUMMARY
377	Anonymous	<ul style="list-style-type: none"> -MPs should be elected according to their constituencies, not by party list. -They should represent their political parties. -There should be presidential and election for MPs.
378	Bodenstein J.	<ul style="list-style-type: none"> -Proportional and constituency-based systems are both flawed. -Representatives are far removed from the electorate. -Better a system of proportional representation(PR) with lists being constituency based and elected by each party at branch level.
379	Clark L.	<ul style="list-style-type: none"> -Voters' roll is a prerequisite for establishment of constituencies.
380	Cressey K.	<ul style="list-style-type: none"> -Elections should be held frequently to ensure accountability.
381	Dingley C.	<ul style="list-style-type: none"> -Propose a mixed system where party-list seats are allocated to various parties in such a way that the total number of MPs for each party is proportional to total votes cast for that party.
38	Dingley C.	<ul style="list-style-type: none"> -Propose a mixed system of PR and constituency-based MP.
383	Hayne C.A.S.	<ul style="list-style-type: none"> -Secret ballot of registered voters is essential. -PR should be retained.
384	Holderness V.F.	<ul style="list-style-type: none"> -Voters' roll should be made. -A system whereby a party's overall percentage at national level is translated into seats is preferable. -The only disadvantage would be the indeterminate number of additional seats for the final "topping-up".
385	Keto T.C.	<ul style="list-style-type: none"> A system of PR is preferable.
386	Lees T.C.	<ul style="list-style-type: none"> -The government of national unity should stay. -Winner-takes-all will result in a spiral of violence.

387	MacGregor A.A.	-MPs must be reduced.
388	McIntosh K.	-MPs should be elected on constituency basis not PR. -The people of this country must take part and nobody else.
389	Moosa A.Y.	-The electoral system should ensure accountability. -Elections should be held every four years.
390	Motihala N.	The present system does not ensure accountability. -A constituency system ensures accountability. -The people know exactly who they have voted for and who to vote for next time.
391	Nakin T.	-60% of MPs must come from the constituencies and 40% from PR.
392	Northover T.	-PR is preferable. -Winner-takes-all is not a good system.
393	Oinkebogile E.	-The Senate must be composed of two Senators. -The President cannot be elected twice.
394	Pendleybury M.	-PR is desirable in a plural society.
395	Ryan H.L.	-Voting age should be 18. -A voter must be an S.A. citizen.
396	Smith J.D.	-An electoral system should ensure accountability.
397	Smith M.M.	-MPs must be elected proportionally. -Executive authority must also be elected proportionally. -Voters' roll should be made.
398	Smith C.M.	-MPs must be elected on a constituency basis and not PR.
399	Sowter K.M.	-MPs must be elected from lists created by central parties. -MPs elected on geographical basis would be accountable.

CONSTITUTIONAL ASSEMBLY

THEME COMMITTEE 2

STRUCTURE OF GOVERNMENT

**ELECTORAL SYSTEMS
(BLOCK 6)**

SUMMARY OF SUBMISSIONS RECEIVED

VOLUME 25

NO.	NAME	SUMMARY
INDIVIDUALS		
415	Blatchford M F	<ul style="list-style-type: none"> - MPs should be elected; thus 50% on proportional basis, from lists supplied by the respective parties, and 50 % on a constituency basis; - All persons over the age of 18 must vote; - Elections must take place every 5 years; - Amendments must be effected by 2/3 majority.
416	Blunden M A	<ul style="list-style-type: none"> - There must be a proportional system
417	Clark J	<ul style="list-style-type: none"> - The government must consist of two houses, a human rights house and an economic house; - The "one-man-one-vote" must be calculated on a linear formula.
418	Cloete J	<i>This submission is illegible</i>
419	Cressey K	<ul style="list-style-type: none"> - Elections should beheld frequently to ensure accountability
420	Dickenson K	<ul style="list-style-type: none"> - Elections should be held frequently; - Frequent elections ensure accountability of representatives.
421	Dreyer M	<ul style="list-style-type: none"> - All voters must be registered across the country in groups, each allocated one seat in parliament; - In a democracy, the individual decides who to delegate to parliament, therefore he should bear the cost; - An electoral system must ensure that parliament is answerable to all
422	Findlay U Y M	<ul style="list-style-type: none"> - There must be proportional representation (PR) for elections, nationally and provincially
423	Glennie J	<ul style="list-style-type: none"> - The elected person must remain responsible to the electorate; - Electoral systems must ensure the above purpose

NO.	NAME	SUMMARY
424	Griffith K	<ul style="list-style-type: none"> - There must be a division of parliament among constituency MPs and MPs from party lists; - The parliament should therefore have 400 members, 200 elected from national party list on PR
425	Grüning A H	<ul style="list-style-type: none"> - Each voter must be issued with a magnetically encoded card with PIN number; - This method will ensure a secret vote and there is no need for setting up polling booths.
426	Hoffenberg A	<ul style="list-style-type: none"> - The present system has no direct election of representatives; - Proportional representation (PR) ensures that the elected members are accountable.
427	Lyons S R	
428	Matthews D L L	<ul style="list-style-type: none"> - The majority party should form the central government
429	Nkwamba D H	<ul style="list-style-type: none"> - The President must be elected by the people of South Africa; - There must also be a Prime Minister
430	Nqçayiya W	<i>This submission relates to Traditional Leaders</i>
431	Pienaar R	<ul style="list-style-type: none"> - Elections should be held every 4 years; - All persons over 22 years should be able to vote.
432	Ryan H F	<ul style="list-style-type: none"> - Every person over 18 years must be able to vote; - A person must be a South African citizen.
433	Steyn B	<ul style="list-style-type: none"> - One-man-one-vote system must ensure majority rule; - This system is not fair when it comes to election of an economics government.
434	Webb I	<ul style="list-style-type: none"> - Elections must be done by proportional representation with simple majority rule.

NO.	NAME	SUMMARY
435	Wynn G	<ul style="list-style-type: none"> - An electoral system must ensure accountability; - A recall must be entrenched in the constitution
ORGANISATIONS		
436	COSATU	COSATU supports the right of citizens to participate in referenda to overturn legislation. The constitution must entrench a minimum threshold of support required to call a referendum.
437	Salvation Army	The Salvation Army proposes that there must be a non-executive president appointed by a joint sitting of parliament whose powers shall include signature of all legislation and appointment of ministers. A 2/3 majority is required in the appointment of the President and also amendment of the Constitution.