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**CONSTITUTIONAL ASSEMBLY
THEME COMMITTEE 2
STRUCTURE OF GOVERNMENT**

**ELECTORAL SYSTEMS
(BLOCK 6)**

**POLITICAL PARTY SUBMISSIONS
(AS at 13 July 1995)**

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



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

pp 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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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