

Labour Party.  
(Lockie)

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ELECTORAL REPRESENTATION AND SYSTEMSIntroduction

Now that the principle of universal suffrage in a single and undivided state for all South Africans regardless of race or culture is accepted by the major political forces in South Africa the constitutional process of reform and debate is bound to focus on inter alia the nature of the electoral system required for a post-apartheid constitution. The nature of the electoral system will be profoundly important for our future political development and government. The electoral system which a country employs is crucial in determining how the votes cast by electors are transformed into seats in the legislature. There are a myriad of electoral systems,<sup>1</sup> and refinements are constantly being made to operating systems.<sup>2</sup> They can be classified essentially into two broad categories.

(1) The Majoritarian Systems

The United Kingdom provides the prime example of first-past-the-post or majoritarian system, which is also known as or regional representation. The British exemplar, which involves a relative majority and not an absolute majority principle, was followed in the inter alia to some extent in the United States of America and the British colonies of Natal and the Cape of Good Hope.<sup>3</sup> The South African Republic and the Orange Free State had

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1 In 1910 the British Royal Commission appointed to enquire into electoral systems claimed that there were over 300 different systems. See V Bogdanor What is Proportional Representation? (1984) 30.

2 See J Jowell and D Oliver The Changing Constitution (1989) 374 et seq.

3 Today it is used in Britain, New Zealand, Canada and for some elections in the USA. See Project 77 Constitutional Models report of the South African Law Commission, 2 at 927.

similar systems.<sup>4</sup> The Transvaal delegation to the National Convention in 1909, at the instigation of J C Smuts, proposed that a system of proportional representation be introduced.<sup>5</sup> Unfortunately this proposal was rejected and a single-member system of regional representation coupled with the loading and unloading of constituencies,<sup>6</sup> was instituted to favour the rural voter.<sup>7</sup> This system uses single-member districts and the candidate who gets the largest number of votes is declared the winner. An absolute majority of votes is not required, but a plurality is.<sup>8</sup>

Although regional representation has advantages,<sup>9</sup> it has serious disadvantages and retarded constitutional and political reform in South Africa because it favoured conservative parties that had their chief support in the rural areas of South Africa.<sup>10</sup> Furthermore it leads to electoral distortions. The extent of the distortion is apparent from the table below which shows the strength of the National Party between 1938 and 1961.

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- 4 G Carpenter Introduction to South African Constitutional Law (1987) 165.
- 5 See TRH Davenport South Africa A Modern History (1987) 248.
- 6 Davenport South Africa A Modern History 248 and 249.
- 7 Carpenter Introduction to South African Constitutional Law 165.
- 8 K C Wheare Legislature (1963) 49.
- 9 See DA Basson SALJ (1984) 156 'The advantage of the constituency system is, however, that a very stable system of government is normally created, whereas the proportional electoral system tends to lead to instability in government.'
- 10 See GE Devenish Constitutional Change and Reform in South Africa unpublished LLD thesis Unisa 1986 at 546.

<u>Year</u>	<u>Number of Seats</u>	<u>Percent of Seats</u>	<u>Estimated percent of the popular vote</u>
1938	27	18,0	29,6
1943	43	28,7	33,7
1948	79	52,7	40,0
1953	94	60,3	45,5
1958	103	66,0	49,0
1961	105	67,3	53,5

The crucial 1948 election, which changed the course of South African history for the worse, illustrates the extent of the distortion. The NP, which had been sympathetic to the Germans during the second world war and advocated the very controversial and opprobrious policy of apartheid, won the election with only 40% of the popular vote and the United Party lost the election although it secured 60% of the vote! British election results have also been distorted by this method of representation. The results of three major parties in the 1983 election illustrate this.

<u>Party</u>	<u>Seats won</u>	<u>Votes Polled</u>	<u>% vote</u>
Conservative	397	13,012,315	42.4
Labour	209	8,456,934	27.6
Liberal/SPD Alliance	23	7,780,949	25.4

A comparison between the results of the Labour Party and the Liberal/SDP Alliance illustrate the extent of the distortion. Although the latter obtained 25.4% of the vote it won only 23 seats, whereas the former won 209 seats with 27.6% of the vote!

In addition to the distortion of results that the system has

other disadvantages, which are inter alia the following:<sup>11</sup>

- (a) A successful candidate may represent a minority of voters.
- (b) The votes of voters who voted for the losing candidates are wasted in the sense that those voters have no representation.
- (c) Regional representation invariably results in the over-representation of rural areas.
- (d) Political parties can easily manipulate the boundaries to suit themselves. Invariably the boundaries of constituencies were favourable to the National Party in South Africa.

Countries using the relative majority principles are usually characterised by political stability, flowing from a two party system, politically homogeneous cabinets and an executive that dominates the legislature.<sup>12</sup> This is the Westminster paradigm, as it has operated in the United Kingdom and South Africa.<sup>13</sup>

In order to overcome the disadvantages of regional representation and yet retain single-member constituencies, a system involving an absolute majority of votes has been developed. Obviously an absolute majority can be obtained when there are only two candidates. When there are more, a second ballot or a preferential vote has to be used.

The Alternative or preferential vote

Before considering the merit of PR a variant of the majoritarian system, the alternative vote should be considered. This system was at one time strongly advocated in the United Kingdom. It is a device used in the Lower House elections in Australia, and it was endorsed by the British House of Commons in 1918 and 1931.<sup>14</sup>

This system preserves single member constituencies, but the

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- 11 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 927.
  - 12 See LJ Boule South Africa and the Consociational Option (1984) 4-11.
  - 13 See A Lijphart Constitutional Choices 73.
  - 14 The Changing Constitution Jowell 377.

voter is asked to number the candidates in order of preference. Expressed differently voters only have one vote which they cast for candidates in order of preference in one ballot. If the candidate draws 50% + 1 of the first choices the seat is allocated to him. If no-one obtains this, the bottom candidates are eliminated in turn and the votes of their supporters are reallocated to their second preferences until one candidate gets a clear majority.

The merits of the alternative vote are:

- (1) it eliminates the possibility of candidates being elected on split votes; and
- (2) it allows everyone to back his fancy, undeterred by the wasted vote.

However it does have defects as well:

- (1) At the nation-wide level it does nothing to ensure proportionality between seats and votes.
- (2) In certain circumstances it can result in the election of the least unpopular rather than the most popular candidates. Theoretically it can produce extremely anomalous results and does not operate with any consistent degree of fairness.<sup>15</sup> An example<sup>16</sup> of this is found in the 1977 Australian Lower House election results tabulated below:

<u>Party</u>	<u>% Vote</u>	<u>% Seats</u>
Labour	40,0	28,2
Liberals	38,3	53,2
National Country	9,7	14,5
Democratic	9,3	-
Others	2,7	-

The distortion in regard to representation is apparent if the position of the Labour Party is compared with that of the Liberal

15 V Bogdanor What is Proportional Representation? (1984) 36.

16 An ABC of Electoral Systems 18. See Project 77 Constitutional Models Report of the South African Law Commission, 2 at 944.

Party. Although the former obtained 40% of the vote in only secured 28,2 of the seats, whereas the latter with 38,3% of the vote secured 53,2% of the seats! Furthermore the National Country party secured 14,5% of the seats with 9,7% of the vote, whereas the Democratic Party was unable to obtain any seats although it had 9,3% of the vote.

Nevertheless the absolute majority systems are a considerable improvement on the relative majority or plurality systems. Such systems promote moderate political views based on broad support, and not only party political support.<sup>17</sup>

Horowitz in his stimulating and thought provoking book entitled A Democratic South Africa?<sup>18</sup> suggests that a particular system of alternative voting used in Malaysia would provide powerful incentives for a genuine non-racial, non-polarized South African democracy. Horowitz claims that his research indicates that such an electoral system will compel group accommodation. It however necessitates a complicated<sup>19</sup> electoral formula involving multimember constituencies. Thus by way of illustration for a candidate to be successful he would in addition to obtaining 50% of the overall vote would also have to win 20% of the vote in two thirds of the total number of polling districts comprising the constituency. Each voter in addition to his first vote would also have second third and fourth preference votes. Successful candidates will invariably need these alternative votes to win. With a large number of political parties fielding candidates, few will receive 50% of the vote without receiving the second, third or fourth preference votes of those voters whose candidate is eliminated. The electoral system will therefore, he submits, oblige parties and their candidates to reach out beyond the

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17 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 930.

18 Chapter ???

19 T Leon 'Providing new incentives for moderation' The Star 11 December 1991.

limited confines of their traditional support to other voters, thereby constituting the electoral system as a powerful incentive for political moderation and reconciliation.

Horowitz has makes out a convincing argument for AV. Nevertheless such a system has been subject to perceptive criticism. Mr Meadowcroft, Chairman of British Electoral reform Society of London, maintains<sup>20</sup> that Horowitz's analysis is incomplete and that the 'system has virtually all the faults of single member constituencies and few of the advantages of STV'.<sup>21</sup>

The Second Ballot

Various schemes have been put forward to make electoral systems more accurate. One of these is the Second Ballot. If no candidate receives an absolute majority at the first election, a second is held, say a week later. This method can involve only the two candidates who obtained the greatest number of votes in the first ballot or three or more of the top candidate or there is no restriction.<sup>22</sup> Alternatively another method in this regard is to eliminate all candidates who do not obtain a set threshold for example 15% of the total votes cast. This method eliminates all candidates with limited or even moderate support.<sup>23</sup> When only two ballots are held this promotes the casting of a tactical vote. It is used in elections to the French National Assembly.

The two-ballot system would have the advantage over the alternative vote that voters would be able to perceive what the 'tactical situation was after the first ballot; they would not have to guess what it might be, as under the alternative vote.'<sup>24</sup>

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20 See Project 77 Constitutional Models Report of the South African Law Commission, 2 at 930.

21 Ibid.

22 Wheare 50.

23 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 929.

24 Bogdanor What is Proportional Perrepresentation? 38.

Both the alternative vote and the two-ballot system share the common aim of ensuring that no candidate can win a seat with a minority of the vote. They also eliminate the artificial limitation of the number of candidates which arises in the system of regional representation through a fear of splitting the vote.<sup>25</sup> Thus under both the alternative vote and the two ballot system voters have a greater choice than is available under regional representation.

Despite the above advantages both the systems do not accurately reflect the number of votes cast for each party. Neither system helps therefore to secure a more accurate degree of representation than is offered by regional representation, which is based essentially on geography and not on proportionality.<sup>26</sup> The two ballot system thus very rarely produces proportionality between a party's votes and its final share of seats. This is clear from an examination of the 1978 French General Election in which the winning Government Alliance fared better in terms of seats to votes than the losing Left alliance. In the second ballot the former obtained 50,7% of the votes which secured 59,5% of the seats, whereas the latter with 49,3% of the vote could only obtain 40,5% of the seats.<sup>27</sup> To secure greater accuracy of results it is necessary to take geography out of elections either partially or completely. Neither the alternative vote nor the two ballot system do this.

Electoral systems can involve multimember constituencies without proportional representation. Such models include the block vote, the limited vote, the single non-transferable vote, the second ballot, the alternative vote and the cumulative

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25 Bogdanor What is Proportional Representation? 39.

26 Bogdanor What is Proportional Representation? 45.

27 An ABC of Electoral Systems 18 et seq.

vote.<sup>28</sup> These models are of academic relevance and are seldom actually employed for political elections.

(2) Proportional Representation (PR)

PR is found in a host of systems, which are used by all the European democracies, except Britain and France. Some of the most important will be discussed in this article. Bearing in mind South Africa's political history and problems it is interesting to note that the earliest moves towards proportional representation came in the most heterogeneous European countries, such as Denmark, Switzerland, Belgium, Moravia, and Finland.<sup>29</sup> Proportional representation resulted in increased minority representation, which was considered essential as a strategy of territorial consolidation.<sup>30</sup> PR increases the accuracy of representation, although none of the operative systems in practice yields exact proportionality.<sup>31</sup> Proportional representation does not refer to a specific electoral system but to an ideal or paradigm to which different systems endeavour to conform.<sup>32</sup> The West German system is proportional except that any party which fails to secure 5% of the vote or at least three constituency seats is not given representation in the Bundestag.<sup>33</sup> In the Netherlands, Israel and Italy greater proportionality prevails than in Germany and Sweden.<sup>34</sup>

PR does however, not appeal to persons who value single

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28 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 931-934.

29 S Rokkan 'Elections' International Encyclopaedia of the Social Sciences 5, 12.

30 S Rokkan 'Elections' International Encyclopaedia of the Social Sciences 5, 12.

31 Bogdanor What is Proportional Representation? 6.

32 Bogdanor What is Proportional Representation? 46.

33 Bogdanor What is Proportional Representation? 11.

34 A Lijphart Constitutional Choices 73.

member constituencies on account of their smaller size and the direct link between the elected member and his electors.<sup>35</sup> Also with proportional representation by-elections are problematic, if not impossible. In most countries where proportional representation exists, vacancies are usually filled from either substitutes elected for this purpose at the time of the general election, or by the unsuccessful candidate next on the party list or in some other way.<sup>36</sup> However in countries like South Africa and the United Kingdom by-elections have become an important political barometer of political sentiment. The West German system is a hybrid one that preserves the virtues of the constituency structure found in regional representation. PR manifests itself in a variety of forms:

(a) The Party-list systems:

In this system a voter casts his vote for the candidate he likes best among his party's nominees: all the votes cast for the party list are added up and seats are distributed proportionally to each party. The rank-order of votes for individual candidates on each list determines which of them becomes elected to the legislature. The list system puts a great deal of power in the hands of the central or provincial party organisations who have the responsibility of compiling the lists.<sup>37</sup> The party-list system requires the calculation of the quota. The earliest type of quota was obtained simply by dividing the total number of votes by the total number of seats.<sup>38</sup> This became known as the

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35 Wheare Legislatures 55.

36 Wheare Legislatures 56.

37 Wheare Legislatures 55.

38 Namibia has adopted such a system. See Schedule 4 of its constitution which reads: 'For the purpose of filling the seventy-two (72) seats in the National Assembly pursuant to the provisions of Article 46(1) (a) hereof, the total number of votes cast in a general election for these seats shall be divided by (72) and the result shall constitute the quota of votes per seat.'

'Hare' quota, which was used in conjunction with the single transferable vote which he devised.<sup>39</sup> On the continent it was referred to as the simple or natural quota. However experience showed that for some purposes and under certain circumstances this quota proved unsatisfactory. The problem was solved by an English barrister, Henry Droop, who devised another quota, which was obtained by dividing the total number of seats plus one, and either rounding to the next higher number or adding one. Thus if there were four seats and 48 votes, it is necessary to divide 48 by 5 (4+1) = 9,6 and then to round, giving 10. Any candidate who obtained 10 votes was bound to be elected. In the UK this is known as the Droop quota after its inventor.<sup>40</sup> On the Continent it is called after Eduard Hagenbach-Bischoff, who was its chief exponent.<sup>41</sup> Further development took place with application of the system devised by Professor Victor d'Hondt known as the 'largest average'.<sup>42</sup> The d'Hondt method<sup>43</sup> uses the following formula:

$$T = \frac{V - 1}{M + P - 1}$$

Where V is the total number of votes cast, M is the total number of mandates or candidates, P the total number of parties, and T is the threshold required for representation. The operation of the system provides an average which is needed to win one seat

39 McLaren Carstairs A Short History of Electoral Systems in Western Europe (1980) 15.

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41 McLaren Carstairs A Short History of Electoral Systems in Western Europe (1980) 16.

42 S Rokkan 'Elections' International Encyclopaedia of the Social Sciences 5, 13.

43 This method is used in Belgium, France, Luxembourg and Israel. See Project 77 Constitutional Models report of the South African Law Commission, 2 at 936. Beside the D'Hondt there the Laque formula which is used in Sweden, Norway and Denmark.

which will apply to all parties.

Dr W H Olivier explains<sup>44</sup> the operation of the system with the aid of a numerical example, where there are 4 contesting parties and 5 seats.

<u>Number of votes</u>	<u>Party A</u>	<u>Party B</u>	<u>Party C</u>	<u>Party D</u>
obtained	151 000	83 000	34 000	32 000
Divide by 2	75 500	41 500	17 000	16 000
Divide by 3	50 333	20 750	8 500	8 000
Divide by 4	37 750	10 375	4 250	4 000

The figures produced by the four columns must then be numbered according to magnitude using only 5 digits 1,2,3,4 and 5 representing the number of seats. The lowest number (41 500) then forms the D'Hondt quota according to which seats are allocated. In the example above party A receives 3 seats and party B 2 seats.

This method tends to favour the largest party.

(b) Single Transferable Vote

This is the oldest version of genuine proportional representation to be advocated in the United Kingdom. Jowell<sup>45</sup> points out its first sponsors were Thomas Hare and J S Mill in the 1850's. It was adopted for the government of Ireland and for the Australian Senate. The United Kingdom imposed it for the Northern Ireland Assemblies of 1973, 1975, and 1982, and for the choice of Northern Ireland members of the European Parliament in 1979.<sup>46</sup> STV is a personal system of election in that votes are cast for individual persons and counted for individuals only, as distinct from party list systems, in which votes are counted for

44 W H Olivier Politieke Alternatiewe vir Suider-Afrika 348. Quoted in Project 77 Constitutional Models Report of the South African Law Commission, 2 at 935.

45 The Changing Constitution 379.

46 Besides Ireland, it is also used in the Australian Senate, Malta and the Tasmanian lower house. See Project 77 Constitutional Models report of the South African Law Commission, 2 at 942.

parties.<sup>47</sup>

Under STV the country is demarcated into multi-member constituencies and voters are asked to number the candidates in order of preference. They can focus their votes on one favoured party or select individuals they like without reference to parties. Voting is simple but the counting of them is complicated. An electoral quota is determined by dividing the total vote by one more than the number of members, and rounding upwards or adding one.<sup>48</sup> Any candidate who has received more than the quota of first preferences is declared elected and any surplus votes over the the quota are allocated to the second preference marked by their supporters. If there still should be places to be filled, the candidates with the fewest votes are eliminated in turn and the second or subsequent preferences of their supporters reallocated until five candidates have reached the quota.

It has been proved that STV voting results in an allocation of seats far more in proportion to votes than under majoritarian arrangements. STV requires larger constituencies than has been the position in South Africa up to now. Citizens would not have a single MP to represent them but a choice of four or five. Such a system encourages parties to put up moderate candidates, representing significant minority groups as well as both sexes. It also requires a different approach to the selection of candidates and the conduct of campaigns compared to first past the post elections. STV, unlike regional representation, ensures that the most important political parties are represented in every part of the country.<sup>49</sup> STV it is claimed improves the quality of representation. The system requires that MPs to be

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47 A McLaren Carstairs A Short History of Electoral Systems in Western Europe (1980) 39.

48 McLaren Carstairs A Short History of Electoral Systems in Western Europe 36.

49 Bogdanor What is Proportional Representation? 101 and 102.

good constituency members. The system also facilitates the formation of coalition arrangements,<sup>50</sup> which are more cohesive than those formed in a system of regional representation.<sup>51</sup>

However STV is not a totally proportional system and it can under certain circumstances lead to anomalous results such as would not occur in the German system, where the 5% threshold requirement is the only deviation from pure proportionality.<sup>52</sup> The chances of an anomalous result occurring are remote, but it must be borne in mind.<sup>53</sup> To mitigate the lack of proportionality an STV election could be supplemented by the use of the additional member system, which would then achieve more accurately the proportional representation of parties.<sup>54</sup>

(c) The Additional Member System

This system, or an adaptation of it, should be seriously considered for adoption in South Africa. It has been practised successfully in the German Federal Republic since 1949 and has been advocated for the United Kingdom by the Hansard Society. In this system each voter has two votes. He casts one for the candidate to represent him in his own constituency. The other is cast for a party list and cumulated locally or nationally. Seats are allocated according to party lists in such a manner that, together with the MP's elected from the single-member constituencies, each party will have the number of representatives proportional to the vote for its list, subject to a threshold qualification, which in Germany is 5%. Such a system increases representation at the centre. This qualification was introduced to ensure that the system remains workable and that it

50 Bogdanor What is Proportional Representation? 93.

51 Bogdanor What is Proportional Representation? 94.

52 Bogdanor What is Proportional Representation? 99.

53 Bogdanor What is Proportional Representation? 100.

54 McLaren Carstairs A Short History of Electoral Systems in Western Europe (1980) 42.

was not undermined by small, extremist parties, which it was claimed could paralyse the business of government as apparently occurred with the ill-fated Weimar Republic.

There are no by-elections under the German electoral system. Seats rendered vacant are filled by inviting the next available candidate on the relevant list to take the place of a member who has died or who has resigned.

Mr Meadowcroft, has levelled the following criticism<sup>55</sup> against the German system:

(1) [I]t combines the disadvantages of first-past-post and party list system and cannot provide for proportional representation of matters which cut across party lines, such as ethnic or religious factors.

(2) It also produces two classes of Members of Parliament, which is in itself unhelpful in a new parliament endeavouring to develop a sense of unity.

Neither of these criticisms is on analysis convincing. The German system is intended to eliminate the disadvantages of the two system and to retain their advantages. This is indeed what does occur in the operation of the system in Germany. The proof of the proverbial pudding is in the eating! There is no reason why two classes of MPs should be a disadvantage. The system or at least an adaptation of it needs to be seriously evaluated and considered as far as South Africa is concerned.<sup>56</sup>

#### Conclusion

It is a fallacy that PR always produces unstable governments. Evidence from the experiences of countries that have used proportional representation does not support the theory that political instability invariably results.<sup>57</sup> Professor Lijphart

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55 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 962.

56 D A Basson 'Representation in South African Law' (1984) SALJ 143 at 156.

57 Wheare Legislatures 57.

explains that proportionality was initiated and designed to represent minorities and thereby promote unity and political stability.<sup>58</sup>

In regard to the system that would be most beneficial for South Africa Horowitz observes that '[i]n evaluating alternative voting, it is not an important fault that it produces less perfect proportionality than does the list-system PR, if, unlike the list-system PR, it produces interethnic vote pooling.'<sup>59</sup> However the lack of accurate proportionality of AV appears to be the most serious draw back of the scheme proposed by Horowitz. Also the fact that it has been successful in Malaysia is no guarantee that it will have the desired results in South Africa.

Professor Horowitz favours an alternative vote system for South Africa because it can be used to effect a preferential vote.<sup>60</sup> He does however concede that preferential voting also occurs with the single transferable vote.<sup>61</sup> Since the latter can operate in a context of proportional representation and the former not, the latter is preferable. As indicated above the hybrid German paradigm should also be seriously considered.

Both STV and AV give weight to second and third choices and open up the possibility that parties will 'bid across ethnic lines for the second preferences of voters whose first choice stands no real chance of election.'<sup>62</sup> AV at a national level can give rise to a distortion in regard to representation. Such distortion has in the past been exploited by the National Party, giving it artificial and enhanced majorities to implement its opprobrious policy of apartheid. It is therefore extremely likely that all parties are going to insist on accurate representation,

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58 A Lijphart Constitutional Choices 75??

59 A Democratic South Africa? (1991) 201.

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62 Horowitz A democratic South Africa 189.

which only proportional representation can provide.

However PR, which is much more complicated than than regional representation, is foreign to the political and constitutional history of South Africa. Both the political leadership and the electorate of South Africa will have to undergo a learning experience in order to make informed choices in this regard. A process of education,<sup>63</sup> both of politicians and the electorate at large, and comparative research is essential in order to devise and operate a suitable electoral system for South Africa.

Electoral systems cannot be devised in a politically acontextual way. A politically effective electoral system must function in a cultural and political context and must have legitimacy. In South Africa it must contribute to the process of national integration and political reconciliation in a diverse heterogeneous society. The S A Law Commission advocates<sup>64</sup> a system of PR and indicates further that if multimember constituencies are used, the choice appears to be between:

- (a) the single transferable vote; and
- (b) the list system.

Of the two systems set above the Commission ultimately comes to the conclusion that 'the single transferable vote system appears to be the better one'<sup>65</sup> in regard to central, regional and municipal government. It does however concede that '[t]here may

63 The British Electoral Reform Society of London prepared a working paper which it submitted to the South African Law Commission in which it commented 'The Economist recently estimated that 70% of all South Africans are literate and therefore, presumably able to cope with [an STV] system, even though some groups cope better than others.' See Project 77 Constitutional Models report of the South African Law Commission, 2 at 963.

64 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 965.

65 See Project 77 Constitutional Models report of the South African Law Commission, 2 at 966.

be a need at municipal level for maintaining a direct identification between voters of a ward and their representatives'. It is submitted that the hybrid West German system has considerable merit and should be seriously researched and evaluated. The Commission's report concedes this in the following statement:

The winner-takes-all system could even play a useful role at national level to maintain such identification, but also for another purpose, namely to respect regional or group interests...(and) the West German system may serve as an example...

There is no magic formula that will solve all problems. The electoral system accepted will have to be the product of both political compromise and careful comparative research and evaluation. Being a product of political compromise it should have legitimacy, but from a technical point of view will not be perfect in every respect. The system will have to be suitable for the entire population of South Africa, bearing in mind that South Africa has a large number of illiterate people.