



INCLUSIVE SOCIETY INSTITUTE

Op-ed

THE ELECTORAL REFORM CONSULTATION PANEL CALL FOR PUBLIC SUBMISSIONS **The new system must promote inclusivity, accountability and representivity**

By Daryl Swanepoel

The call for electoral reform continues to be heard, loud and clear. The Constitutional Court judgement in 2020 declaring the current Electoral Act unconstitutional focusses on the shortcomings of the Act with regards to independent candidates standing for election and general proportionality of the legislature in terms of party representation. It sparked a much-needed discussion on how to reboot South Africa's outdated electoral system. And the stage has now been set to allow the public to play their part by submitting proposals on the matter.

Waiting in the wings for just such a moment, the Inclusive Society Institute (ISI) has been working on its proposal for some time now. Shortly after the judgement, the Institute appointed an expert panel to embark on a process to design a potential new electoral model for South Africa. One that will meaningfully give effect to the judgement, respect the boundaries set out in the Constitution, retain proportionality as a basis for representation in that it best promotes inclusivity, and which enhances representivity, accountability and transparency.

South Africa currently uses the closed party-list proportional representation system, in which parties are represented in proportion to their electoral support and voters have no influence on the order in which a party's candidates are elected. This system, with 200 seats allocated in the nine provinces and 200 seats used as compensatory seats to reach full proportionality, was probably what was best in 1994, at the system's inception, but the political development since then means it no longer serves as a democracy.

In essence, the ISI's expert panel needed to decide between three broad approaches: a winner takes all, pure constituency approach; a simplistic proportional representation model; and a hybrid model that accommodates constituencies together with a compensatory proportional list allowing for overall proportionality to be established.

The pure constituency approach was rejected out of hand as its design would not make it possible to meet the constitutional prescript of the outcome to reflect, in general, proportionality. It would also not accommodate sufficient diversity within the legislature. The simplistic proportional representation model – a single proportional list at the national level and nine proportional lists at the provincial level would simply perpetuate the current.

After extensive deliberation, the Institute believes that the multi-member seat constituency (MMC) model is best suited to South Africa's current needs. The bare bones of the proposal entail a 400-seat National Assembly, 300 of which are elected via 66 Multi-Member Constituencies (MMCs). There will

be three to seven party and independent candidates elected, by proportional representation (PR), within each constituency. The other 100 seats are elected via a compensatory proportional representation list, to ensure overall proportionality, in general, in terms of the total number of votes cast for parties in the election. There will be no threshold for a party to qualify to take up seats in the legislature. This is because in the MMCs a “natural” threshold is at play (as is also now the case in the election of the 400 members of the National Assembly).

The Institute proposes basing the 66 constituencies on the boundaries of the current municipal districts and metropolitan councils, with a number of MMCs in each metropolitan area based on sub-council/sub-regional lines. The idea is to avoid a completely new delimitation of the country, which in any country is a complicated affair, but which in South Africa would be almost impossible. In a city like Cape Town, for example, where there is a massive population, the sub-regions would be used. In effect, there would be about eight multi-member constituencies in Cape Town. This will ensure that throughout the country, multi-party representation from every constituency is guaranteed. That way, the diversity of racial, cultural and ethnic groups will be properly represented in the National Assembly.

The system being put forward by the panel will also improve the accountability of representatives towards their constituents in that they represent their local communities. And since the voters now know who represents them, they will be able to access a “local MP”. The distance between the voter and MP is shortened.

In effect, changes to the current structure will be minimal. There will still be a maximum of 400 members of Parliament, and general proportionality will be maintained. The voter will still only have one ballot paper at the national level to complete and will still only vote for the party (or independent candidate) of choice. The same system is applied at provincial level. Here too, the voting procedure will remain unchanged.

Basically, there will be no changes for the voter as they enter the ballot box. The only difference will be that when voting, the voter will also be presented with the parties’ list of candidates (or the list of independent candidates) which will represent his or her specific geographical area. So, the voter will, unlike in the current scenario, in future know who his or her local MPs will be.

The proposal presented by the Institute is well worth considering, as it is simple to understand, easy to administer, promotes representativity and, to a certain extent, accountability towards the voter. It creates space for independent candidates, but not really at the expense of the established political parties. The only real change from the current system is that the number of lower-tier constituencies – which are now the nine provinces – will change to 66 smaller multi-member constituencies (MMCs), following already existing administrative borders.

There is an opportunity to engage in a much-needed conversation about matters of the utmost concern for all who want to see South Africa prosper, develop, and eventually become the country we want it to be – the country so many dreamt of during the Struggle, but also after 1994. It would be a shame to waste it.

Daryl Swanepoel is the Chief Executive Officer of the Inclusive Society Institute. This article captures the essence of the Institute’s submission in response to the Electoral Review Panel’s call for proposals.