



# The South African 2019 National and Provincial Elections: A Post-Election Review

# Introduction

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South Africa's 2019 national and provincial elections were the climax to a period of relative political volatility. This as the elections came on the back of Jacob Zuma's departure as ANC leader in late 2017, leading to his managed resignation as state president and replacement by Cyril Ramaphosa in early 2018 – more than a year before the election cycle concluded. As such, the 2019 elections presented an opportunity for closure, which, in turn, created a sense of renewed optimism, either around Ramaphosa's promise of a "new dawn" or for a political future where emboldened opposition parties play a greater role in governing the country.

However, political campaigning and rhetoric leading up to the elections were underpinned by South Africa's slow economic growth and revelations of state capture, which fuelled a sense of despondency among many voters. This was in spite of a distinct increase in national and provincial political parties that contested the elections.

Even with such an unprecedented number of options available, voters chose to rather express their despondency with apathy, opting in record numbers to stay away from voting stations. The total number of registered and eligible citizens who did not vote was collectively higher than the total number of votes received by the winning African National Congress. In a country where an entire generation fought and died for universal suffrage, the rapid rise of voter apathy could be seen as an indictment on the state of contemporary South African politics. However, beneath the surface analyses, South Africa's democracy is inevitably maturing. Accordingly, there is a need for closer examination of the country's trajectory of electoral democracy in the wake of the 2019 elections.

This report covers some of the most critical elements of South Africa's 2019 elections and offers an analysis of how these elements shaped or responded to the political and electoral landscape during the most closely contested elections in the country's democratic history. The report is a summary of the excellent work done by EISA's 2019 elections research team, who produced weekly digests for five weeks preceding the elections and two weeks after the elections, which were held on 8 May. These weekly digests are available separately and their production was made possible with the generous support of the Embassy of the Federal Republic of Germany.

The electoral framework and context are key to charting the trajectory of any election and largely determine the possibility of peaceful and credible elections before they start. In the first section of this report, Nancy Hakizimana summarises changes in South Africa's legal framework since the 2014 national and provincial elections, and the 2016 local government elections. Hakizimana also highlights the structure and composition of the Independent Electoral Commission (IEC), the institution responsible for conducting and managing elections in South Africa, and summarises the key recommendations made by external observers from previous elections.

By analysing the various political parties that contested the elections, Sizwe Nene and Thembelani Mazibuko examine the complexities that arose with the increased choice presented to voters. Factional rifts, internal scandals and party splits are also highlighted in this section, along with the proliferation of smaller parties and the challenges to the centre from both ends of the political spectrum.

In a section dealing with the various political parties' election campaigns specifically, Qiqa Nkomo examines how parties went about trying to attract voters. In addition, Nkomo takes a look at the proposed Political Parties Funding Act, which will, once implemented, regulate private donations to political parties.

Sandile Khuboni and Maite Dithebe analyse the outcomes of the 2019 elections by highlighting key trends that emerged from the election results. In this section, the authors pay closer attention to the downward trend of voter participation, the winners and losers, and some of the issues these elections will be remembered for.

*Note: The concluding remarks for the final report have not yet been drafted, as these will emerge from discussions and suggestions from EISA's post-election conference, at which this draft report will be discussed. These remarks will be added after the conference in line with the general discussion and findings of the participants.*

## Section 1: Framing the 2019 national and provincial elections

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South Africa's 2019 national and provincial elections once again highlighted some of the long-standing challenges the country faces when it comes to its electoral process. As part of addressing these challenges, amendments to electoral legislation have been made, which are identified below. Similarly, issues related to how the IEC manages the elections are also discussed, particularly in correcting the kinds of shortfalls seen during the Tlokwe Constitutional Court saga as well as other irregularities that emerged during previous elections. Reports by election observer missions (EOMs) highlight specific challenges, which range from the quality of electoral infrastructure and facilities such as polling stations, ballot boxes and election materials, and the education and training of polling officials, to election-related violence.

### Amendments to electoral legislation during the current electoral cycle

On 6 March 2019, the IEC published the Electoral Laws Amendment Act in the Government Gazette. The Act includes amendments relating to the submission of party candidate lists, voter registration and electoral regulations, as well as corrections to the election timetable.

The following amendments were included (Electoral Laws Amendment Act, 2019):

- The requirement to attach a receipt of registration to a voter's identity document was removed.
- Due to the introduction of ID cards, the stamping of voters' identity documents is no longer required to prove that they have voted.
- The application for special votes could be done through additional electronic and digital channels.

- Voters without a physical address are to be prescribed one by the IEC. Alternatively, the IEC will take a conventional address or descriptive address from the voter.
- Before voters deposit their ballot sheets into ballot boxes, they are allowed to request a replacement ballot sheet (in case they have changed their minds or made a mistake on their original ballot paper). However, replacement ballot sheets cannot be issued more than twice.
- Voters can apply for registration and update their address details electronically.
- Parties can submit their nomination documents and pay election deposits electronically.
- With the exception of voting stations, persons or parties are prohibited from using the phrases “electoral commission”, “independent electoral commission” or the abbreviation “IEC” in campaigns, or trade under a name containing those phrases.
- Disputes concerning membership, leadership, constitution or founding instruments of a registered party may be heard and resolved by the Electoral Court.
- The voters’ roll that will be used in the election must be certified by the chief electoral officer.
- Only legal entities may apply to the IEC for accreditation to conduct voter education.

The Electoral Laws Amendment Act also includes a correction to the election timetable for the election of the National Assembly and provincial legislatures. These were published on 28 February 2019 and the dates are as follows:

- 26 March 2019 – deadline for commission to notify political parties of candidates appearing on multiple party lists.
- 28 March 2019 – deadline for parties to submit revised lists of candidates appearing on multiple party lists.
- 2 April 2019 – deadline for objections to a candidate.
- 27 April 2019 – voting day for South Africans registered abroad.
- 6-7 May 2019 – special voting through home visits and at voting stations.

## The IEC’s management of the 2019 elections

The IEC’s mandate is set out in Chapter 9, Section 190 of the Constitution, provisions for which are made in terms of the Electoral Commission Act (1996). As per the Act, the IEC is responsible for strengthening South Africa’s constitutional democracy through the administration of free and fair electoral processes. While the IEC strives to fulfil its mandate and carry out its stipulated functions, it has faced complaints during each election cycle.

After several electoral cycles of broad satisfaction with the IEC’s management of elections, more recent events have raised questions about the IEC’s performance, none more so than the Tlokwe municipality by-elections in North West. From 2013 to 2016, the validity of elected officials to the Tlokwe municipality was shrouded in controversy due to the IEC’s mismanagement of by-elections in the municipality. Independent candidates alleged that voters were bussed into Tlokwe from other municipalities to vote as the IEC did not make the voters’ roll available to candidates. This resulted in a judgment handed down by the Constitutional Court, which ruled that the IEC must record all addresses on the national voters’ roll by

June 2018. Failing to meet this deadline, the IEC applied to the court for an extension, arguing it had made progress but could not get all missing addresses.

The Constitutional Court accepted the IEC's application and extended the deadline to November 2019. When the Constitutional Court handed down its initial ruling in 2016, the voters' roll had contained just 34% of voters with addresses. This figure has increased since then and currently the voters' roll contains 82% of voters with addresses. Although an incomplete voters' roll does not foster a conducive environment for free and fair elections, the improvement on its completion since 2016 indicates that the IEC is taking the matter seriously.

Another aspect of the electoral process that the IEC has taken seriously is the recruitment, training and management of its personnel. During the 2019 election cycle, more than 200 000 election officials had completed training and were placed at more than 28 700 voting stations across South Africa (Palm, 2019). More than 60 million national and provincial ballot sheets were printed (De Villiers, 2019). The IEC also strengthened its voter education efforts by conducting print and digital media awareness campaigns such as the "Xsê" campaign, targeted at youth voters. As a result, 26.1 million South Africans registered to vote out of a total of 35 million who were eligible to vote (IEC, 2019) (StatsSA, 2019).

## Issues previously raised by EOMs

**Polling stations:** EISA's election observer mission noted a 9.5% increase in registered voters for the 2014 election cycle. Therefore, the mission recommended that the IEC increases the number of polling stations to cater for the growing numbers of registered voters each election cycle.

**Ballot boxes:** During the 2014 national and provincial elections, the EISA and Commonwealth missions noted that some voters were unsure of which ballot boxes were for the national vote and which were for the provincial vote as these ballot boxes were not clearly marked. The Commonwealth mission also observed that this confusion extended to the colours of ballot sheets, which, when folded, became difficult to distinguish (Commonwealth, 2014). The EISA mission observed that some voters had to unfold their marked ballots to remember which ballot sheet goes into which box. It was recommended that ballot boxes be clearly marked for voters to distinguish between national and provincial, and that the colours of the ballot boxes and ballot sheets be coordinated.

**Election materials:** In 2014, the EISA mission observed issues with the late delivery of voting materials at some polling stations. They recommended that a more adequate logistical plan be adopted.

**Election-related violence:** The Commonwealth mission found one incident of election violence during the 2014 elections in KwaZulu-Natal, where an ANC agent was shot and killed at the party's desk outside a polling station. It was recommended that regulations permitting political parties to establish party desks outside the immediate boundaries of voting stations be reviewed so as to minimise the risk of voter intimidation and violence. It was also recommended that the Electoral Code of Conduct be reviewed so that the IEC could be made aware of intra-party conflicts as they arise (Evans, 2016).

**Training of polling officials:** The EISA mission found that election volunteers did not seem adequately trained on vote-counting procedures ahead of the 2014 elections. As election volunteers were physically tired at counting time due to them working all day, the counting process was slow and took several hours. As such, EISA recommended clearer guidelines and adequate training relating to the counting process and its procedures.

Going into the 2019 elections, the IEC had to consider the issues raised and recommendations made by EOMs. As a result, the IEC made several amendments to legislation and took steps to strengthen its management. However, the IEC must still address some issues that have remained unresolved, most notably the completion of the voters' roll. In theory, this shortfall has the potential to undermine the fairness of the entire voting process. This is discussed further in Section 5 of this report.

## Section 2: Political parties: The voter's choice

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### Factions, infighting and fractures

In the 2014 general elections, the ANC and DA collectively received 84.48% of the vote, up from 82.56% in 2009, which in turn was up from the 82.06% they received in 2004 (IEC, 2019). Because of the majority these two parties represent, any factions, infighting and fractures within them would affect the electoral landscape as a whole. A breakaway party from either the ANC or DA would have a profound effect on South African politics and the choices available to voters. In the run-up to the 2019 elections, the South African media bombarded readers with stories of scandals, party squabbles and splinters, which contributed to a tense and competitive election period.

Although the ANC retained power, for the first time in South Africa's democratic history, election data suggests the party was significantly weaker. This erosion of power was evident in the contestation for the country's economic powerhouse, Gauteng, where the ANC only narrowly secured victory, despite the DA also dealing with its share of internal party issues. The poorly handled water crisis in the Cape, combined with the public fallout with former Cape Town mayor Patricia de Lille, led to speculation that the DA was in danger of losing Western Cape, especially after De Lille started her own political party to compete with the DA (Mokone, 2019).

### The original fault lines: The ANC

The ANC has a long history of splinter groups breaking away and forming new parties. During apartheid, the common enemy was the regime. Any philosophical or ideological differences within the ANC and its alliance partners were superseded by the need to defeat an oppressive system. Nevertheless, there were exceptions, such as when the PAC broke away from the ANC in the 1950s because of ideological differences. The ANC's 2017 elective conference laid bare two main factions within the party: the more market-friendly grouping represented by the likes of Cyril Ramaphosa, Pravin Gordhan and Tito Mboweni;

and those in favour of radical economic transformation, such as Ace Magashule, Mzwandile Masina and Nomvula Mokonyane.

Although the market-friendly faction's narrow victory seems to have momentarily deflated the more radical group, this second camp has not been completely silenced, as seen in statements by Magashule in favour of nationalising the reserve bank, for example. Such statements contradict Ramaphosa and Mboweni's view that nationalising the reserve bank would not be "prudent" (Naki, 2019; Quintal, 2019). These divisions in the top leadership structures of the ANC have emboldened parties that see themselves as champions of radical policies outside of the ANC. Such parties include Black First Land First (BLF) and the Economic Freedom Fighters (EFF), and, to an extent, the African Transformation Movement (ATM) and the African Content Movement (ACM).

These parties could be seen as extensions of factions within the ANC. The Congress of the People (Cope) is often viewed as an extension of the faction aligned with former president Thabo Mbeki, who lost power at the ANC's elective conference in 2007; the EFF can be viewed as an extension of an ANC Youth League that broke away because it became increasingly opposed to former president Jacob Zuma; and the BLF, ATM and ACM can be seen as breakaway factions led by people who speak pointedly on the plight of the poor majority and are therefore sympathetic to policies of radical economic transformation.

In the 2019 elections, no political party maintained the level of success of the EFF. By positioning itself to the left of the ANC, the EFF put itself in a position to win voters frustrated with the slow pace of economic transformation. A core part of this frustrated demographic are young people who bear the brunt of the lack of opportunity that many South Africans still face. The EFF has distinguished itself from the ANC by pushing a more radical economic policy agenda, including the nationalisation of strategic economic assets, the expropriation of land without compensation, and the doubling of social grants (Mvumu, 2019). In the 2009 and 2014 elections, the EFF and Cope showed it was possible to put a dent in the electoral dominance of the ANC. After the 2019 elections, the ANC seems to have finally realised that it is not quite as invincible as it appeared to be a decade ago.

The erosion of the ANC's dominance, the proliferation of ideologically disparate parties and increased frustrations within the predominantly black electorate have all contributed to the prevalent shift in voting dynamics. The catalyst for these changes can be traced back to the cracks that have emerged in the ANC caused by factionalism and fractures, without which the elections would not have been as competitive as they were.

## More than one camp: The DA

The DA has, up until the 2019 elections, experienced steady, consistent growth. This has been achieved through a combination of mergers with other parties, organic growth, and its deliberate targeting of demographic groups outside of its traditional voter base. But the party's growth – in both numbers and ideological scope – has also resulted in internal tension. The influx of historically disadvantaged, particularly "black African", voters has brought with it new considerations. For the DA to increase its share

of the black African electorate while maintaining its traditional – predominantly white and middle class – support base, the party would need to speak to the unique interests and challenges of these groups. The party has not managed this balancing act effectively. It has failed to articulate clear and unified policy positions on key issues such as land and affirmative action. A case in point was DA leader Mmusi Maimane’s comments on “black poverty” and “white privilege” during a Freedom Day rally, which were later rebuked by DA chief whip John Steenhuisen, deputy chief whip Mike Waters and MP Natasha Mazzone, who felt these comments would alienate white voters (*The Citizen*, 2018; Hans, 2018). Another fault line was exposed when, in North West, a DA youth leader called for the suspension of a white teacher who allegedly separated students based on their race. The party’s response to such incidents have given some the impression that the DA will say anything to gain favour with the black electorate. The perception among some that the DA has abandoned the interests of its traditional white constituency has led to some, particularly white and Afrikaans, voters finding a home in the Freedom Front Plus (FF+), whose uncompromising stance on issues such as affirmative action and land restitution has made it a natural home for these voters (Mazibuko, 2019). Tellingly, the province where the FF+ experienced the largest growth is North West, where many white Afrikaners are also farmers.

A public and poorly managed fight between the DA and De Lille added to the party’s woes. In contrast to the ideological fractures that were evident up to this point, this saga was an example of personality-based factionalism. When De Lille parted ways with the DA to form the Good party, she took with her members such as Shaun August and Brett Heron, whom she brought to the DA from her previous party, the Independent Democrats. Election data shows that six out of seven Good voters are from Western Cape, suggesting that the majority of Good voters are former DA voters (IEC, 2019). As the DA grows and becomes more diverse, it has more personalities to satisfy, which gives rise to internal strife.

## The rise of the small party

The issue of factions, infighting and fractures in bigger parties is directly related to the proliferation of smaller parties. Fractures, in the ANC, DA or, indeed, the Inkhata Freedom Party have resulted in the formation of new parties. Nancy Hakizimana (2019) writes that “despite the sway the ANC holds in South African politics, there is no shortage of healthy democratic competition thanks to the number of smaller parties that take part in national, provincial and municipal elections”. In the 2019 elections, 48 political parties participated, compared to 29 in 2014 (Eloff, 2019). Although there have always been smaller parties in South African politics, the number of political parties in Parliament has doubled from seven in 1994 to 14 in 2019. This suggests that the ANC has suffered from a loss in confidence and support.

In the wake of the 2019 elections, smaller parties have not yet built coalitions. After the 2016 local government elections, the DA, with the help of small parties, succeeded in removing the ANC from power at the local level in some municipalities, including Johannesburg, Nelson Mandela Bay and Tshwane. In the same way, the ANC relied on smaller parties to retain municipal councils such as Ekurhuleni and Umzimkhulu (Cheeseman, 2019). It is therefore conceivable that, in the 2024 elections, a coalition facilitated by smaller parties could govern a province such as Gauteng.

## The centre still holds

Because they need to stand out, smaller parties often stake positions either to the right or left of the political centre, and in doing this often appeal to racial and ethnic identities. This, by default, affects centrist politics. After the 2019 elections, many have wondered whether the centre is still intact. One can argue that the ANC and DA constitute the centre, with some also including the IFP and Cope in it (Gottschalk, 2019).

According to journalist Stephen Grootes (2018), there are a number of trends that threaten the centre. He notes that during the reconciliation era of former president Nelson Mandela, radical statements such as “cut the throat of whiteness” and other race-based “attacks” on government officials would not have been tolerated. Grootes makes the point that the more such statements are uttered, the more they become normalised in the lexicon of South African politics. Another factor he identifies is racialised inequality – corporate South Africa is still dominated by white men – and states that many people in South Africa (both employed and unemployed) are not convinced that the apartheid economic system was dismantled. He writes:

*It is this dynamic that is probably the greatest danger to our democratic project ... there is a large group of people who simply do not believe the state, including the education system, the police and the social contract between South Africans, is legitimate (Grootes, 2018)*

The political centre has been weakened by the recent surge of identity-based rhetoric, particularly from newer smaller parties. But to say that the centre is not holding would be premature. Combined, in 2019, the ANC and DA received 78% of the vote compared to 82% in the previous elections. Therefore, although their share of the vote has decreased, such losses should not be overstated. This is especially true because South Africa’s electoral system allows smaller parties to gain entry into Parliament more easily than other electoral systems.

Although the left-wing, populist EFF made impressive gains, it still managed to win only 10.79% of the national vote, whereas the right-wing FF+ managed to gain only 2.38%. From this, we can infer that the overwhelming majority of South African voters rejected extreme political options. The majority of white and middle class voters rejected the FF+, as well as parties such as the South African Capitalist Party and the Cape Party, which are even further to the right (IEC, 2019). On the other end of the political spectrum, the new political parties to the left of the ANC, apart from the EFF, did not manage to win even 1% of the national vote. We would do well to remember that, regardless of sometimes inflammatory rhetoric by parties on the left or right, most South Africans hold moderate views and prefer more moderate politics.

## Section 3: Party Campaigns and Issues

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South Africa's 2019 national and provincial elections took place against a backdrop of widespread unemployment, crime, state capture, inequality, and questions around adequate housing and land ownership. These and other issues were central to and challenged the sincerity of political party manifestos, campaigns and general messaging (EISA, 2019). After the rallies, marches, hashtags, posters, finger-pointing and promises, South Africa's 6<sup>th</sup> democratic Parliament returned with an assembly of 14 political parties out of the 48 parties that contested. The number of seats secured by parties fluctuated for all parties in the National Assembly except for the three new parties that entered the fray. This raises the question as to what the parties that made it into Parliament did right (and wrong) in their campaigning, considering only 65% of registered voters turned out at polling stations.

### Campaigning

With its core campaign message "Let's grow South Africa together", the ruling ANC won the election with 57% of the vote. However, this margin of victory was the party's weakest in national and provincial elections yet, resulting in it losing 19 seats in Parliament (BusinessTech, 2019). The party's manifesto was centred on "... transforming the economy to serve all people; improving access to education and health care; stepping up the fight against corruption throughout society; and safeguarding, rebuilding and renewing a capable and developmental state" (Ramaphosa, 2019). As the party's leader Cyril Ramaphosa campaigned, he experienced inefficiencies in the country's public transport system when he travelled with ordinary commuters, expressed shock towards the severity of load-shedding and promised the residents of Alexandra better housing, among other things. Historically, the ANC's strongest campaigning tool has been its ability to carry out large-scale, nationwide door-to-door campaigns. However, during the 2019 election period, the party mainly campaigned through rallies, which did not generate the usual groundswell of support.

"One South Africa for all" was the core message of the DA, as the party focused its campaign discourse on the idea that it had the capacity to deliver services and govern more effectively than the ANC (EISA, 2019). The DA highlighted crime, corruption and unemployment as issues that the ANC has failed to alleviate and those that predominantly contribute to inequality (EISA, 2019). Similar to the ANC, the DA campaigned more intensively through rallies, a relatively new strategy for the party (Du Plessis, 2019), but also canvassed support through YouTube clips that aimed to discredit the ANC, prerecorded phone calls from the party's leader to potential voters, controversial billboards, and multilingual street posters to align with their promise of a unified South Africa (EISA, 2019). Outside of using tragedies such as the Life Healthcare Esidimeni scandal to campaign, the prerecorded phone calls generated much concern among South Africans as to how the party got hold of their personal information. In general, though, the DA once again based its campaigns on the ANC's inadequacies.

Unlike the ANC and the DA, the EFF's campaigning was focused in provinces where it performed the best in the 2014 national elections and the 2016 local elections: Gauteng, North West and Limpopo (EISA,

2019). The EFF also used social media effectively to garner support from young people. The EFF's core campaign message, "Land now, jobs now", was directed at South Africans who are disillusioned by how the ANC has governed the country since 1994 (EISA, 2019). The slogan also implied that the EFF was capable of delivering on the promises that the ANC made in its first term as ruling party (EISA, 2019). In general, the EFF's messaging focused on the emancipation of historically disadvantaged and marginalised people through economic freedom.

## Smaller parties

Although many of the issues highlighted by the other 11 parties that won seats in Parliament are not new, they may have become more evident to voters in general. The dominant issue in all party manifestos was the need to combat corruption with good governance and strengthened institutional policies. Unemployment was the second most prevalent issue in party manifestos, although many parties did not have plans for how they intended to decrease unemployment. Quality education, specifically early childhood development, was also a focal point for parties. This may be due to the country's low literacy level and high youth unemployment rate. Similar to the top three parties, smaller parties were divided on the issue of land expropriation. The notion of addressing apartheid-era spatial planning was also attached to the land debate as a crucial step in nation-building and equality. The high level of crime in South Africa makes safety and security an obvious issue for political parties. For the first time, the issue of immigration, mainly in terms of migrants from the rest of Africa, entered the election campaigning sphere as a concern for many parties. This implied a transgression from the notion of a "rainbow nation" that embraces multiculturalism (Davis, 2019) (Griffin, 2019). Improving the state of health care services, the public transport system, and the use of sustainable resources to generate energy were also among the issues that some smaller parties touched on.

## Campaign funding

The sources of funding for political parties can significantly influence the issues that a party is willing to focus on, and the amount that is donated also "determines the number of campaign staff a party can employ, the number of vehicles it can use to reach voters in urban and rural areas, and the amount of advertising it can deploy on radio, television and in the press" (Dibeela, 2018). Party funding has been placed in the spotlight through scandals such as "Oil gate", allegations of local government funding for the ANC's 2017 elective conference, and the president's decision in November 2018 to repay funds received from Bosasa. There were also claims that the EFF received funds that allowed it to register the party and contest the general elections for the first time in 2014 from self-confessed cigarette smuggler Adriano Mazzotti (Ndamase, 2019). These examples highlight the ongoing risks posed by unregulated party finances in South Africa (Ndamase, 2019). Hence, the promulgation of the Political Party Funding Act (2018) was vital as it seeks to achieve transparency between potential voters and parties, and promote multiparty democracy by levelling the playing field for all political parties.

In pursuit of multiparty democracy, a multiparty democracy fund was established in terms of the Act, through which parties will receive funding from private donors (Gazette, 2019). However, the statute does

not stipulate whether parties that only contest in provincial elections will benefit from the fund. The most evident concern was that the Act's guiding policy would not have systems in place in time to monitor and regulate how parties are funded in the 2019 elections.

In April 2019, the IEC officially postponed implementing the Act, with the commission's senior strategic operations manager noting that the commission needed more time to process public submissions (verbal and written), which were only concluded in March. These submissions are said to be key to developing a sound regulation policy. Additionally, the IEC is still in the process of appointing a department head to lead the process of monitoring and regulating party funding. Nevertheless, the IEC has begun preparing its online system to allow political parties and donors to make electronic declarations online. Considering the ongoing developments, the IEC is only likely to be prepared to fully implement the Act in the next election.

## Section 4: Voting day, tabulation and results

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### A 'smooth' election process

Election day was declared a public holiday to make it as convenient as possible for South Africans to vote. For some voters, this was the case, but for others, certain events made it difficult for them to cast their ballots. This is an account of proceedings from the vantage point of the Independent Electoral Commission (IEC) personnel and other election observers.

### The IEC's perspective

During the early hours of 8 May 2019, with more than 60 million ballots printed and 98% of voting stations open, the IEC seemed pleased with its preparations (Merten, 2019). Despite a few issues, IEC personnel exuded an air of confidence, reporting throughout the day that, from the commission's standpoint, the elections were running smoothly.

But certain incidents that took place on election day raised questions about whether the commission conducted the elections in the free and fair manner it was mandated to. Above all, stations running out of section 24A forms and ballot papers, as well as the issue of the easily removable ink, created the potential for people to vote multiple times. Some stations opened late, and in some cases, not at all. Seventeen of the 22 924 voting stations across South Africa had not yet opened by the time they were supposed to, 14 of which were in KwaZulu-Natal. By the evening, five stations had still not opened: three in KwaZulu-Natal's Inkosi Langalibalele municipality in uThukela; and two in Eastern Cape – one in Buffalo City and one in Ntabankulu (Merten, 2019).

In Ermelo, Mpumalanga, and Benoni, Gauteng, there were also issues of IEC officials mishandling ballot boxes (Sicetsha, 2019). According to IEC election protocol, ballot boxes should be closed with a tamper-

proof security seal once they are filled with ballot papers and transferred in the specified way in which election officials were extensively trained. However, in these isolated incidents, two officials were caught contravening the policies of handling ballot boxes (Sicetsha, 2019). In both cases, the IEC was quick to act and dismissed the officials.

There were also events that were beyond the control of the IEC that compromised the voting process in some areas. These include floods in KwaZulu-Natal and Eastern Cape, and heavy winds in Port Elizabeth that damaged tents at some voting stations.

Such irregularities with the electoral process, whether intentional or unintentional, can have far-reaching implications for democracy in South Africa. In response, on the day after the elections, 35 independent political parties insisted the elections were not free and fair, calling for a proper and independent investigation (*The Citizen*, 2019). Despite the IEC maintaining that the elections were “smooth”, these irregularities point to several electoral blind spots that the IEC will have to be aware of in future elections.

## Findings from the EISA election observer mission

EISA election observers began visiting 295 voting stations throughout South Africa from the beginning of May to observe the elections. The mission found that the elections were mostly peaceful, with only one voting station – at Holpan, Northern Cape – affected by protests (EISA 2019: 9).

The mission found that election operations were generally well handled and ran smoothly. Most voting stations opened more or less on time, and those that did not were either poorly prepared or received their election materials late. There was a satisfactory amount of election material at most stations, with the exception of a few stations in Port Elizabeth that ran out of section 24A forms. At closing time, voters who were still in queues were able to vote (EISA 2019: 9).

The mission observed that the counting of votes was carried out well, with only a few discrepancies. Counting took longer than expected because of an increase in the number of voters at some stations and the merging of some substations. At a voting station in Dihlabeng, Free State, the mission observed “a lack of compliance with the counting procedures” as “there was no reconciliation of ballots, essential election materials were not sealed and packed properly, and the presiding officer had to be reminded by party agents to count the special votes” (EISA 2019: 10). However, for the most part, in cases where there were objections, votes were recounted.

Overall, the mission found that the elections followed protocol and “were conducted within a strong legal and institutional framework” (EISA 2019: 11). There was gender equity, both among voters and IEC staff. Party agents were also well represented, contributing to an effective and transparent electoral process.

## Election-related violence

Although violent incidents were recorded during the first democratic elections in 1994, and more recently during the 2011 and 2016 local government elections, this has been the exception in South Africa rather than the norm. The country's elections have generally been peaceful, and the ones in 2019 were no different, although some political skirmishes and killings that are suspected to have been politically motivated were recorded.

KwaZulu-Natal has been renowned for election violence since 1994. Before the local government elections in 2011, hostility again reared its head when Zanele kaMagwaza-Msibi left the Inkatha Freedom Party (IFP) to form the National Freedom Party (NFP). Similarly, many incidents of political violence have occurred within the ANC in the province because of friction between internal party factions. In the run-up to the local government elections in 2016, there were about 20 politically linked killings, and various other attempted murders reported in Msinga, Harry Gwala, Pietermaritzburg, Newcastle, Ladysmith and Ntshanga (DeHass, 2016).

In the run-up to the 2019 elections, three ANC supporters in KwaZulu-Natal were murdered. The motivation for these murders is believed to be political (Hans, 2019). As a response, the IEC identified hotspots in which political violence is known to occur and made provisions for increased police presence in these areas, as well as throughout the province (Hans, 2019). This proved effective, because, with the exception of the murder of an IFP member in KwaZulu-Natal, election day was generally peaceful.

## Section 5: Results and trends emerging from the 2019 elections

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The 2019 national and provincial elections have been described as the most competitive in South Africa's democratic history. In total, 76 political parties contested the elections, of which 48 contested nationally while 38 parties vied for provincial votes (EISA, 2019). However, in spite of the unprecedented amount of parties contesting, these elections saw a significant decrease in voter turnout, which arguably escalated the stakes.

### Voter turnout: A downward trend

Of the 36 million South Africans who were eligible to vote, 9.2 million did not register; and of those who did register (26.7 million), only 17.6 million turned out at polling stations on 8 May, representing a 7.5% decrease compared to the 2014 elections (Morias, 2019). The diminished number of registered voters, coupled with the low voter turnout, meant that 18.5 million eligible South Africans did not vote.

Several factors have been linked to these trends, for instance, increased service-delivery protests in metropolitan areas and townships before and during the elections; and student protests across the

country since 2015. Scandals involving alleged corruption, maladministration and mismanagement of public funds at state-owned enterprises and government departments contributed to a sense of disillusionment among South Africans and, in turn, created apathy (Morias, 2019).

Leading up to the 2019 elections, a large number of the voting population chose to express their frustrations outside of the formal electoral process. Disillusionment and demoralisation, most notably among the large proportion of marginalised youth, and frustration with government corruption and failure to deliver state services, set the tone of the elections (Morias, 2019).

## The losers

Perhaps the biggest losers in the election were the many smaller parties that did not obtain seats in the National Assembly or provincial legislatures. In addition, smaller parties combined only obtained about 300 000 votes, arguably as recipients of “protests votes” from those who have grown disillusioned by established parties (Booyesen, 2019). Nevertheless, this number had little impact on the overall outcome and failed to give these parties representation.

The ANC recorded its worst performance in elections since 1994, seeing decreases of its share of voters in all provinces. Nationally, the party’s representation in Parliament decreased from 249 to 230 seats (Morias, 2019). The ruling party secured an outright majority in eight provinces, though only barely retaining its majority in Gauteng, with 50.19% of the vote (Citizen reporter, 2019) (ANA reporter, 2019). The DA also did not do as well as it had hoped, winning less than 21% of the national vote and thus losing five seats in Parliament. The formation of GOOD under the leadership of former DA member Patricia de Lille following a messy split from the DA, resulted in a decrease in particularly coloured voters for the DA. The party lost many of its white voters to Freedom Front Plus (FF+) as a result of having broadened its policy scope and failing to convince this constituency of its voter base that it would continue to serve their interests (Zille, 2019) (Du Toit, 2019). Moreover, the political context of the elections created new threats for the party in terms of nationalism on the left and right (ANA Reporter, 2019).

## The winners

Of the three largest parties, the EFF was the only party that recorded growth in every province it contested. By winning 10% of the national vote, it increased its voter share by 4% since the 2014 elections. The party’s growth nationally and provincially is impressive for a relatively young party, as it has now become the official opposition in three provinces – Mpumalanga, Limpopo and North West (Head, 2019). The EFF’s growth in KwaZulu-Natal (from 1.9% in 2014 to 9.71% in 2019) is significant given that the province has historically been socially conservative and difficult for new or smaller parties to penetrate.

The IFP and the FF+ also recorded significant gains in 2019. The IFP is now the fourth largest party in the National Assembly, having received 3.38% of the national vote, replacing the DA as the official opposition in KwaZulu-Natal with a total of 16.34% of support in that province. The FF+ also made substantial gains

in 2019, having received 2.38% of the national vote (Chabalala, 2019). Much of the party's success has been attributed to the DA's losses, particularly in the northern interior provinces (Chabalala, 2019).

New, smaller parties shared some spoils in the national election, for example, GOOD, African Transformation Movement (ATM) and Al Jama-ah, who secured their first seats in Parliament. ATM and GOOD relied on the strong personalities of Mzwanele Manyi and De Lille, respectively, and arguably capitalised from some of the factional battles in the larger parties to secure enough of the voter share to win seats in Parliament (Moosa, 2019) (Hunter, 2019).

## The protesters

Following the tabulation of the national and provincial votes, a coalition of parties protested against the IEC and disputed the election results. Among these were the African Continent Movement, COPE, UDM, Black First Land First, Socialist Revolutionary Workers Party, African People's Convention, NFD; Forum 4 Service Delivery, Women Forward, Christian Political Movement, and Land Party (Mkentangane, 2019).

## Democratic trends: What the 2019 elections mean for democratic governance

The 2019 elections had lowest voter turnout in the history of South African democratic elections. The decrease in the number of citizens participating in the formal democratic process is worrying for the future of democracy in South Africa. The participation of young voters was particularly low and of great concern. These voter trends, however, do seem to match global democratic trends (Lowman, 2019).

Prior to the elections, there was a worrying upsurge of racial and ethnic politics, including incidents of hate speech (EISA, 2019). Many of the new and smaller parties tended to campaign around "niche" issues such as land, which in certain cases fanned the flames of identity politics. Ultimately, there were limited incidents of political violence around the election (EISA, 2019).

Big political personalities were a feature of the 2019 elections. President Cyril Ramapho's was found to be more popular than his party, with a personal approval rating consistently higher than that of his political party the ANC in the run-up to the elections. The EFF's support has been buoyed by its charismatic "Commander-In-Chief" Julius Malema. The GOOD party, formed mere months ahead of the 2019 elections can attribute the bulk of its electoral support to the appeal of its leader, Patricia de Lille (Davis, 2019) (Mvu Mvu, 2019). Other examples of leaders seen as synonymous with their parties include the United Democratic Movement (UDM) and the Inkatha Freedom Party (IFP). These are political parties whose identities are heavily underpinned by those of their respective leaders, often overshadowing other competent party members and sometimes even their party messaging and manifestos.

The IEC, which has earned a good reputation in the management of previous elections, received more criticism than usual. Issues surrounding the use of Section 24A forms and the use of "offline" zip-zap machines were linked to occurrences of double voting. The escalation of these issues on social media,

rightly or wrongly, contributed to people questioning the credibility of the results, particularly from small opposition parties who threatened the IEC with legal action (Booyesen, 2019).

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