



SOUTH AFRICA

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Electoral Systems

Scope of the Presentation

- Electoral Systems
- Single-Winner Systems vs Multi-Winner Systems
- Characteristics of Multi-Winner Systems
- Characteristics of Single-Winner Systems
- Common Single-Winner Systems
- Common Multi-Winner Systems
- Proportional vs Winner Takes All
- Different Proportional Systems
- Mixed Systems

Scope of the Presentation

- World Representation of Electoral Systems
- Tabular Presentation
- Constitutional Principles
- Values to underpin an Electoral System

Electoral Systems

- Methods and rules for counting votes to determine the outcome of elections
- A set of rules and procedures for the translation of votes into representation in a representative assembly
- Codified in Constitutions and electoral statute
- Never reach point of perfection
- Political history of countries
- Reflection of democratic evolution

Electoral Systems

- There are two main families of electoral systems in the world: (i) proportional and (ii) pluralist or majoritarian systems
- Other nomenclature: Single-winner systems or multi-winner (multi-member) systems
- All single-winner systems are, by definition, winner-take-all. Multi-winner systems may be proportional or winner-take all
- Between these two broad families of systems: mixed systems have emerged

Single-winner systems vs Multi-winner systems

- Sometimes it makes sense to elect just one person in instances where there is a single position
- However, when electing a legislative body, there is a real decision to make between using single-winner and multi-winner districts
- Choice of electoral system has profound consequences

Characteristics of Multi-winner systems

- Larger and more populous electoral base
- Electoral base contested by multiple parties and candidates
- Legislatures that more proportionately reflect voters' political preferences
- Reinforces multi-party democracy rather than single majority party systems;
- The election of historically disadvantaged groups in society

Characteristics of single-winner Systems

- Smaller electoral bases, with a closer link between elected representative and constituents
- Uncontested districts
- Dominant in two-party systems
- A lack of proportionality between votes cast across the country for a party and seats won by that party
- Governing by single-party majorities
- The election of fewer from historically disadvantaged in legislatures

Common single-winner systems include

- **Plurality:** A system in which the candidate with the most votes wins without necessarily attaining a majority of votes. It is the most common system used in nation-states descended from the British and French Empires, including the United States and Canada.
- **Two Round System:** A system identical to the plurality system except that if no winner attains the majority of votes in the initial election a second "runoff" round of voting takes place between the two candidates who received the most votes in the initial round.

Common single-winner systems include

- **Single-winner Ranked Choice Voting:** A system in which voters rank candidates in order of preference. A candidate who receives over 50% of the first preference votes will be declared the winner; if this does not occur, the ballot count simulates a series of runoff elections. The candidate with the fewest first-place votes is eliminated, and ballots cast for that candidate are "transferred" to second choices as indicated on voters' ballots. This process of transferring votes continues until one of the candidates has a majority.

Common multi-winner systems include

- **Block voting:** A system in which electors have as many votes as there are candidates to be elected. Counting is identical to a plurality system, with the candidates with the most votes winning the seats
- **Single Voting:** A multi-winner system in which electors have one vote. The candidates with the most votes win
- **List Proportional Voting:** *A multi-winner system in which political parties nominate candidates and electors vote for their most preferred party (or candidate nominated by a party). The seats are allocated to each party in proportion to the share received in the national vote*

Proportional vs Winner-take-all

- Another choice, in addition to the one between single and multi-winner districts, is whether to elect legislators proportionally or using something called "winner-take-all".
- In proportional representation, groups of winners are allocated in alignment with the proportion of the vote they receive. For example, in a five-winner district, a political party that received 38% of the vote would elect two candidates and a party that received 62% of the vote would elect three. Naturally, then, multi-winner districts can only be proportional.
- Winner-take-all, by contrast, operates on the principle that the candidate(s) with the most votes win. This means that some voters get representation and others do not. For example, in a five-winner district using winner-take-all, all five seats could be won by one party with just over half of the vote.

Different Proportional Systems

- **Cumulative Voting:** A method of election in which voters have a number of votes equal to the number of seats to be elected. Voters can assign as many of their votes to a particular candidate or candidates as they wish. In a three seat district, for example, a voter could give all three of their votes to one candidate, two votes to one candidate and one to another, or one vote to three different candidates.

Different Proportional Systems

- **Ranked Choice Voting in Multi-Winner Districts:** A method of voting in which voters have one vote but are able to rank candidates in order of preference. Initially, every ballot counts as a vote for its highest ranked candidate. Those candidates who have enough votes to win are elected and the weakest performing candidates are eliminated. For instance, in a five-seat district, a candidate is elected if they receive more than $1/6$ of all votes cast, as this threshold ensures that they will be one of the top five finishers. If not enough candidates as number of seats reach the threshold to win, then voters' second choices come into play.

Mixed Systems

- Mixed systems—which combine single-winner and winner-take-all elements with multi-winner proportional elements—are increasingly popular
- Many consider them to be "the best of both worlds" because they maintain the link between constituencies and representatives in single-winner districts, while embracing proportionality

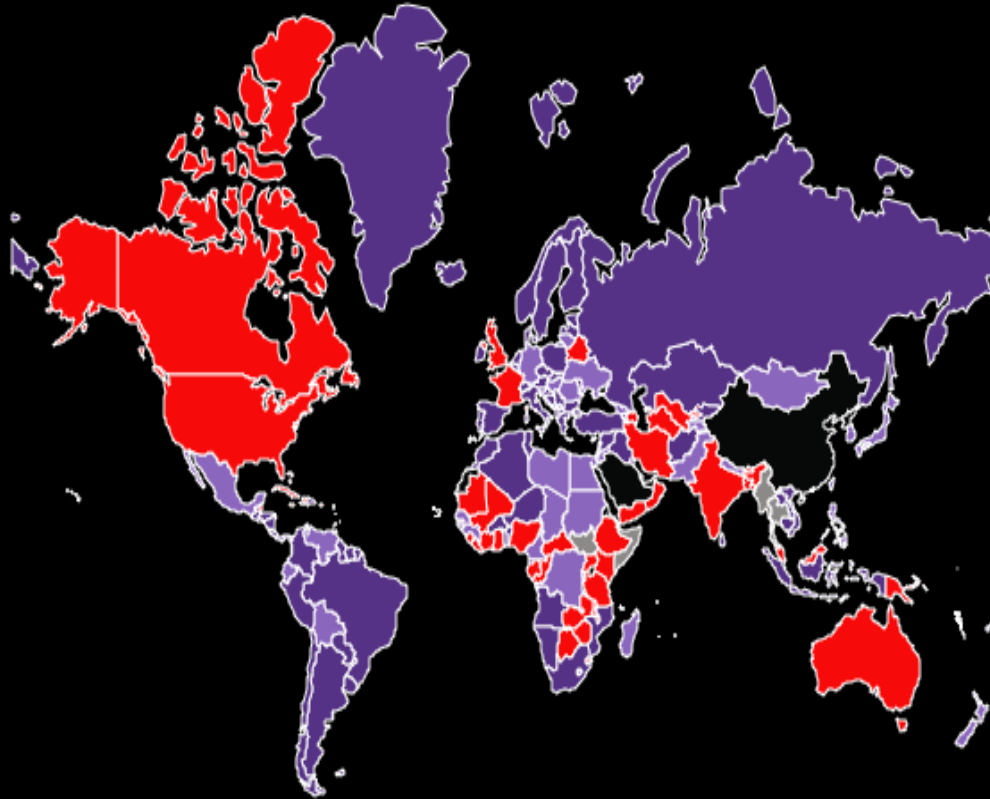
Two main types of mixed systems

- **Mixed Member Proportional:** *An electoral system in which each voter gets two votes: one for a candidate in a constituency and another for party. A fraction of seats are elected using plurality and the remainder from list proportional systems. The list seats are allocated after the plurality seats in such a way as to achieve proportionality with the overall party vote*
- **Parallel Systems:** An electoral system in which each voter gets two votes: one for a candidate in a constituency and another for party. A fraction of seats are elected using plurality and the remainder from list proportional systems. The list seats are allocated proportionality with the party vote, but the legislature itself need not reflect the overall party vote

Tabular Presentation of Electoral Systems

Single-winner	Winner -take-all Plurality Approval Voting Two Round System Borda Count Coombs Method Single-Winner Ranked Choice Voting (Instant Runoff Voting)	Mixed	Proportional	Single-winner
Mixed		Mixed Member Proportional Parallel System		Mixed
Multi-winner	Block voting		Cumulative Voting Limited Voting Single Voting (Single Non Transferable Vote) Multi-Winner Ranked Choice Voting (Single Transferable Vote) List Proportional Voting	Multi-winner
	Winner -take-all	Mixed	Proportional	

World Representation of Electoral Systems



Constitutional Principles

1. The political rights conferred under section 19 must be read together – *“[s]ection 19(3)(b) is part of closely related rights that the Constitution deliberately groups together as “political rights”. They are so interconnected that they have to be read together.”*
2. The proper understanding of the rights conferred under section 19 must start with the appreciation that section 19(1) confers the freedom to make political choices – which includes a choice to join or form a political party or not to do so

Constitutional Principles

3. To appreciate the full extent of the rights conferred by section 19(3)(b), it has to be read together with the right to freedom of association under section 18 - *“[i]t seems to me that in the context of this matter the freedom of association challenge is inextricably linked to what the content of the section 19(3)(b) right really is.”*

Constitutional Principles

4. Section 18 protects both the right to form associations as well as the right not to associate – *“Section 18 of the Constitution provides that “[e]veryone has the right to freedom of association”. In its traditional sense this right is associated more with the positive than the negative element. The positive element is about the right of an individual to be free to form an association with whomsoever she or he wishes for whatever purpose. Of course, the purpose must be one that is worthy of protection under section 18. The negative element is about the freedom not to associate at all, if that be the individual’s choice.”*

Constitutional Principles

5. Reading section 19(3)(b) to limit the exercise of the right to stand for political office to having to do so through a political party would result in the infringement of other rights in the Bill of Rights – *“It is axiomatic then that if the state compels an individual to associate when she or he does not want to, that limits the right to freedom of association. That must mean the reading of section 19(3)(b) contended for by the respondents results in a denial of the right to freedom of association.”*
6. *“Also, this reading creates tension between the section 19(3)(b) right and the section 10 right to dignity.*

Constitutional Principles

7. The Court's interpretation gives primacy to the Bill of Rights in defining the scope and extend of the political rights that are protected.
8. This limits the choices that Parliament can make under sections 46 and 105 to an electoral system that gives effect to the rights conferred under the Bill of Rights.
9. In relation to sections 46(1)(d) and 105(1)(d) the Court held that:
 - i. "The focus of the sections is on the "result": whoever the participants may be, the system must be one that "results, in general, in proportional representation," and that **"proportionality does not equal exclusive party proportional representation."**

Values to underpin an Electoral System

- **Fairness:** Implies that every eligible voter should have the opportunity to vote and that votes should be of equal value. In other words every vote has some relevance in the composition of and membership of the national and provincial legislature (Proportionality in general)
- **Simplicity:** demands that the electoral scheme has to be accessible to practically every voter, easy to understand and easy to participate in
- **Inclusiveness:** Implies that every attempt should be made to allow the widest possible degree of participation by various and diverse political preferences in the representative legislatures

Values to underpin an Electoral System

- **Accountability:** Public discourse has tended to elevate and place primacy on accountability as a key measure of a electoral system. It is accepted that an electoral system may encourage, but cannot ensure accountability to the electorate. Accountability has much to do with political culture.

Thank You