



Submission to the Independent Electoral Commission Moseneke Task Team

“Ensuring Free and Fair Local Government Elections During COVID-19”.

THE ELECTORAL INSTITUTE FOR SUSTAINABLE DEMOCRACY IN  
AFRICA (EISA)

11 JUNE 2021



## Contents

---

Section 1: Elections and COVID-19 .....	4
Reported COVID-19 infections during the electoral period .....	4
Section 2: Current conditions for South Africa's Local Government Elections.....	12
Recommendations.....	13
Section 3: Potential impact of health restrictions on political activity prior to the Local Government Elections.....	14
Recommendations.....	15
Section 4: Potential impact of health restrictions on the monitoring of the Local Government Elections..	16
Monitoring frameworks.....	16
Monitoring elections during COVID-19 .....	16
Potential adjustments to consider .....	17
Recommendations.....	17
Section 5: Reflections on by-election experiences held since the beginning of the pandemic in March 2020 .....	18
By-elections in other African states during COVID-19.....	18
Recommendations.....	19
Section 6: Conclusion.....	20
References .....	22

Contributions from: Grant Masterson, Noxolo Gwala, Sandile Khuboni, Tokologo Ramodibe, Mmapitsi Raphala, Thembelani Mazibuko and Melanie Meiotti.

EISA wishes to acknowledge the assistance of Dr. Gavin Masterson in compiling the graphics in this report.

EISA, 2021



[www.eisa.org](http://www.eisa.org)



## Section 1: Elections and COVID-19

---

Elections are mass-based, inclusive events that include several activities that the World Health Organisation (WHO) and African Union Centre for Disease Control (AU-CDC) advise constitute high-risk behaviours for the transmission of the COVID-19 virus. Since the outbreak of the pandemic in 2020, elections have been held across the world in more than 130 countries. The experience of individual countries holding elections has varied considerably, based on a wide-ranging number of variables in the conduct of election management bodies (EMBs) stakeholder groups, state institutions and voters. In Africa, 16 elections were held in 2020, and a further 26 African elections are scheduled for 2021 ([www.eisa.org/calendar2021](http://www.eisa.org/calendar2021)). While experiences have varied between countries, the data is broadly encouraging that with sufficient precautions and mitigation measures in place, elections can take place without unduly and negatively impacting on either the health or democratic rights of citizens and stakeholder groups. EISA bases this submission on its research and expert analysis of electoral processes since the start of the pandemic, as well as its field observation in several African states since the beginning of March 2020.

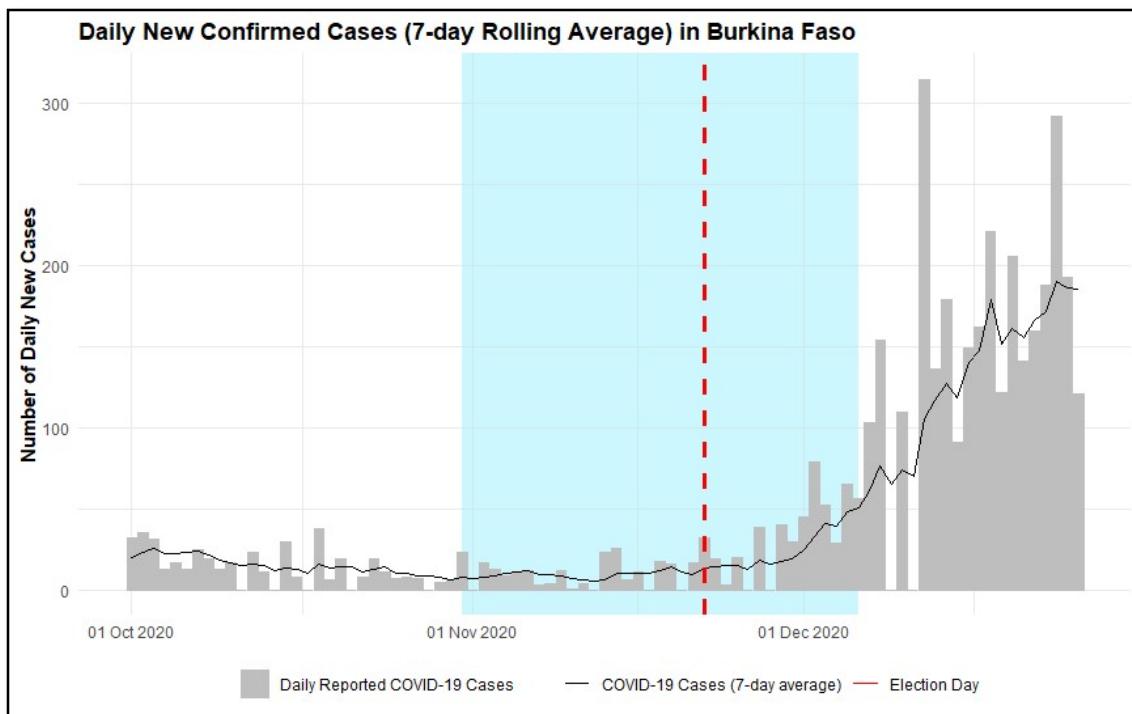
At the outset it should be noted that nearly 100 countries around the world held more than 130 national and local elections in 2020, during the early months of the COVID pandemic when global understanding of the virus was far more limited than is now the case. In Africa, 16 countries held elections in 2020. Globally, at least 30 elections were postponed, cancelled or rescheduled as a result of the pandemic. While EISA is not qualified to pronounce on epidemiological matters, the graphs below indicate the reported infection rates in selected countries from the start of a country's campaign period until 30 days after election results were announced. No coherent picture emerges of any discernible patterns relating to post-campaign or post-election "surges" or spikes in infection rates reported. This does not necessarily mean that elections do not constitute a risk to the rate of infections, as many of the country examples analysed deployed mitigation strategies during campaigning or limited the ordinary activities of campaigning in some form because of COVID-19. What this analysis does indicate is that countries have successfully held elections that allow for democratic participation while still safeguarding the larger population against increased infection rates.

### Reported COVID-19 infections during the electoral period

For the figures below, EISA plotted the pre-election period from the official launch of campaigning in a country until 14 days after the announcement of the results of the election. This period is shaded in blue. The grey bars indicate the number of COVID-19 infections reported on that day, while the black trendline indicates the 7-day rolling average for infections. The exact date of a country's election is delineated by a red line. COVID-19 infection rate data was drawn directly from the website <https://ourworldindata.org/>, and election campaign periods were supplied by EISA.

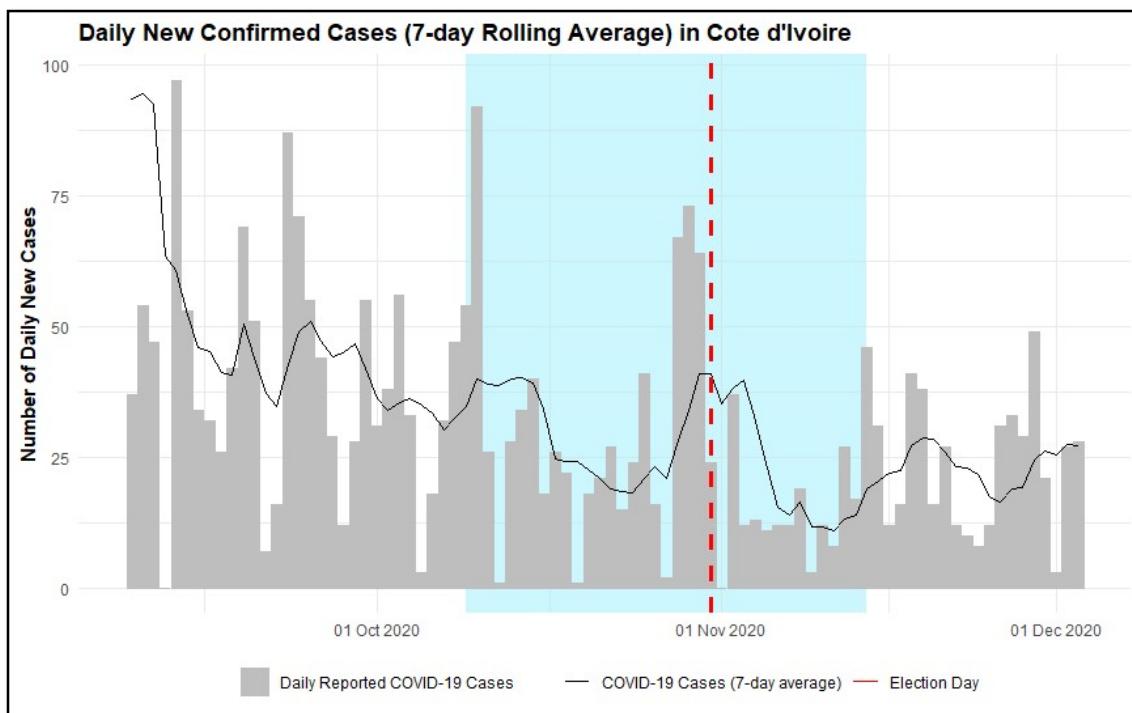
### Burkina Faso

Campaigning began in Burkina Faso on 31 October 2020. The election was held on the 22 November 2020. Final results were announced on the 26 November 2020. During the campaign period, daily infections reached a high of 80 persons. Voter turnout on election day was 2,972,590 (Burkinabe Constitutional Court, 2020). COVID-19 mitigation measures were in place at all stations, including limiting the number of persons casting their ballot at a single time, as well as hand sanitiser and social distancing. COVID-19 challenges were overshadowed during the election by a broader environment of insecurity and human displacement, although the novel coronavirus aggravated these challenges further. Weaknesses during the election can be attributed more directly to the human security issues in the country rather than as a direct result of COVID-19.



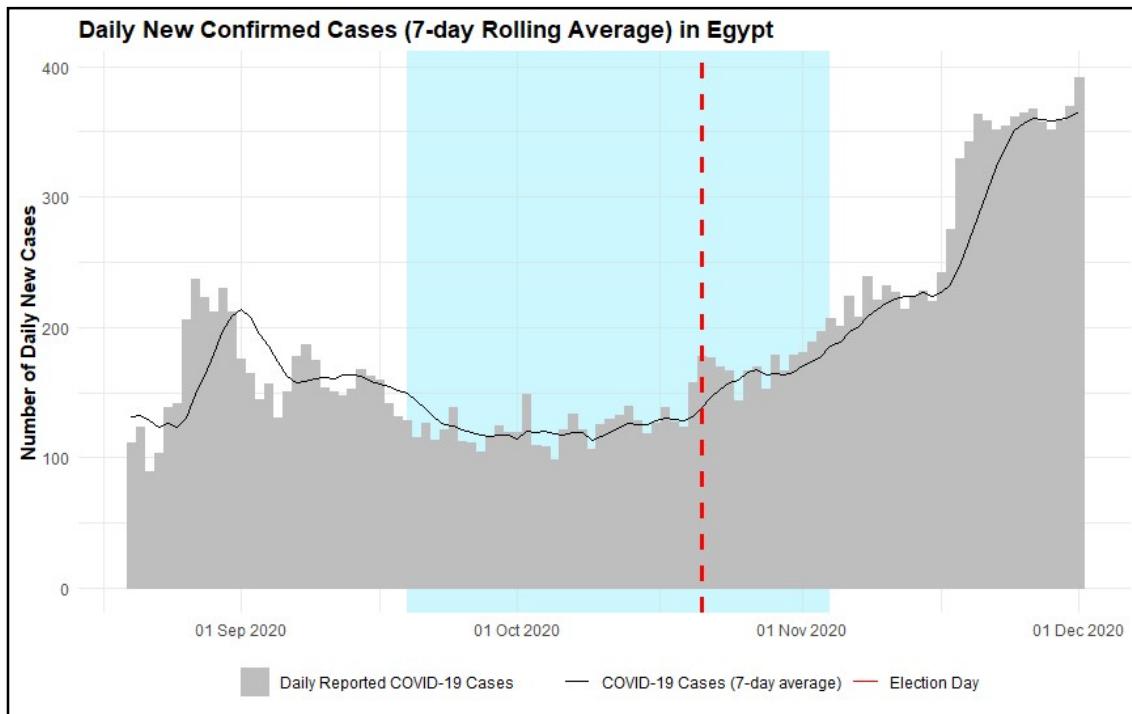
### Côte d'Ivoire

Campaigning in Côte d'Ivoire ahead of its Presidential Elections began on the 9 October 2020. The election took place on 31 October 2020, and results were announced on 3 November 2020. The election was boycotted by many opposition leaders, including the main opposition candidates in protest against what they termed elections marred by many irregularities. Measures taken to reduce the risk of COVID-19 during the electoral period included: the reduction of voters in a voting station from 600 per station to 400 per station; development of an online platform for voters to check their registration details online without need to visit polling stations in person; and the procurement of large quantities of sanitizer and protective equipment for the election day. As a result, the 3,269,813 votes cast was a low turnout of 53.9% (Constitutional Court of Côte d'Ivoire, 2020). In addition to political protests against the incumbent President, Alassane Ouattara, running for a 3<sup>rd</sup> term, Côte d'Ivoire also saw attacks on COVID-19 testing centres in the months preceding the election (BBC, 2020). Côte d'Ivoire's 7-day rolling average remained around 25-30 infections per day prior to, during and after the election period.



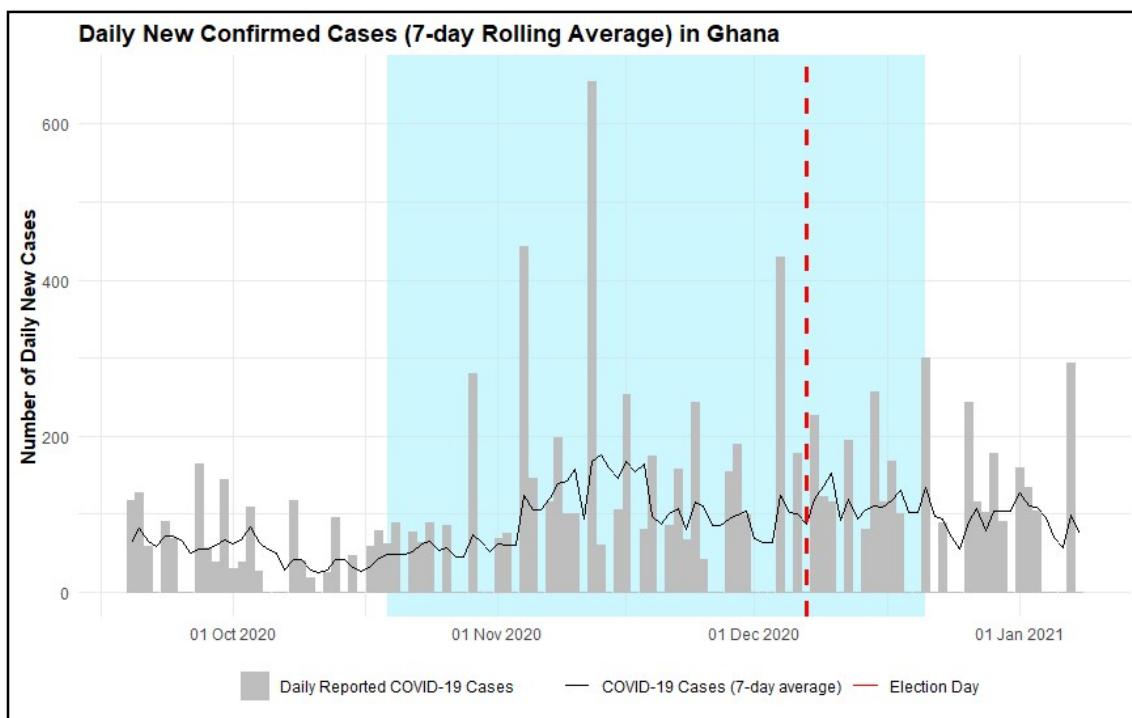
### **Egypt**

Egypt held parliamentary elections on 24-25 October and 7-8 November 2020. Campaigning began on the 19 September 2020. Results for the elections were announced on 1 November and 12 November 2020. Daily reported infections during the period reached a high of 200 per day in mid-November. Precautionary measures against COVID-19 were strictly enforced, including social distancing, alcoholic sanitizer and mask wearing. Compliance was enforced through a strict security presence at all polling stations.



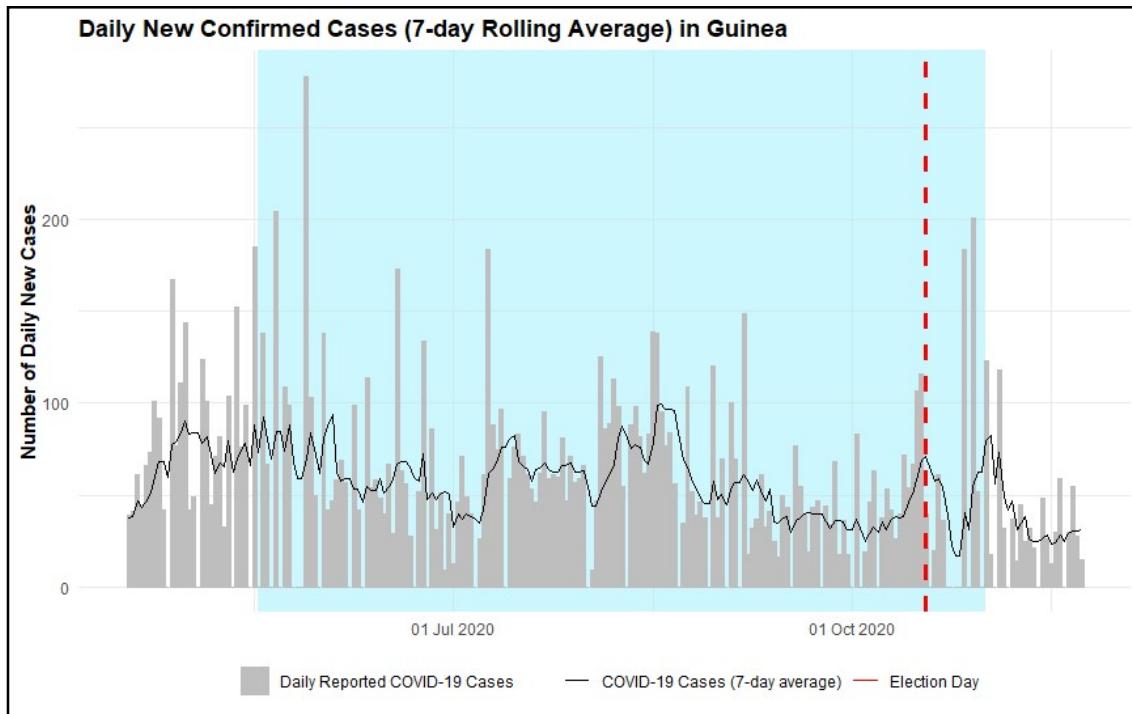
### Ghana

Ghana's official campaign period ahead of its general election began on 19 September 2020. The election took place on 7 December 2020, with the results being announced on the 9 December 2020. During the election period, infections reached a high of 600 reported cases on a single day, although the 7-day rolling average of cases remained and is likely a better indication that there was no meaningful increase in infections during the electoral period. During campaigning, Ghana did not place a limit on the number of people permitted to gather at a venue, but despite this, political parties adapted from large-scale mass events to several smaller 'outdoor events' (Agbele and Saibu, 2021). Prior to the election, special voting accounted for 109,577 votes. In addition to the standard health precautions (sanitizing, mask wearing, social distancing, temperature checks), Ghana deployed 'COVID ambassadors' to monitor and enforce compliance at voting stations on election day. A total of 13,432,857 votes were cast in the election (Ghana Web, 2020).



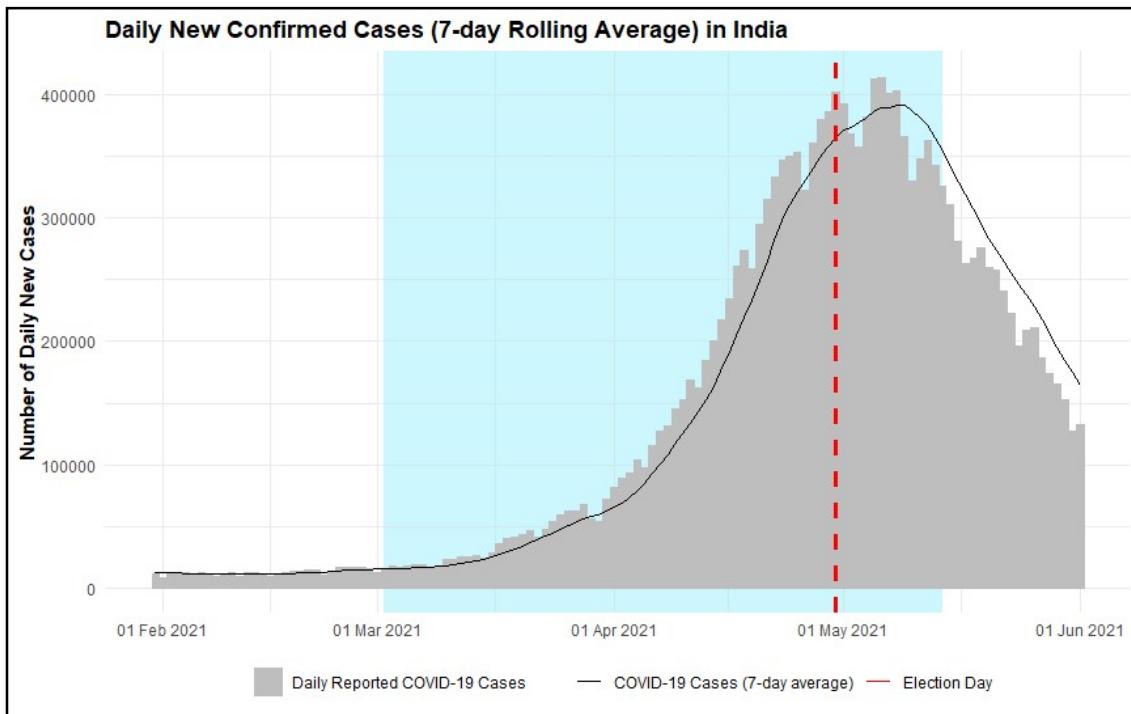
### Guinea

Guinea held legislative elections on 22 March 2020, and Presidential elections on 18 October 2020. The graphic below pertains to the Presidential election only, as the legislative elections took place prior to any meaningful reporting on COVID-19 in the country. Results were announced on 24 October 2020. Although Guinea reported a period-high new cases of 283 in June 2020, the 7-day rolling average did not change meaningfully throughout the election period. A total of 4,267,574 voters cast ballots in the election (CENI Guinea 2020).



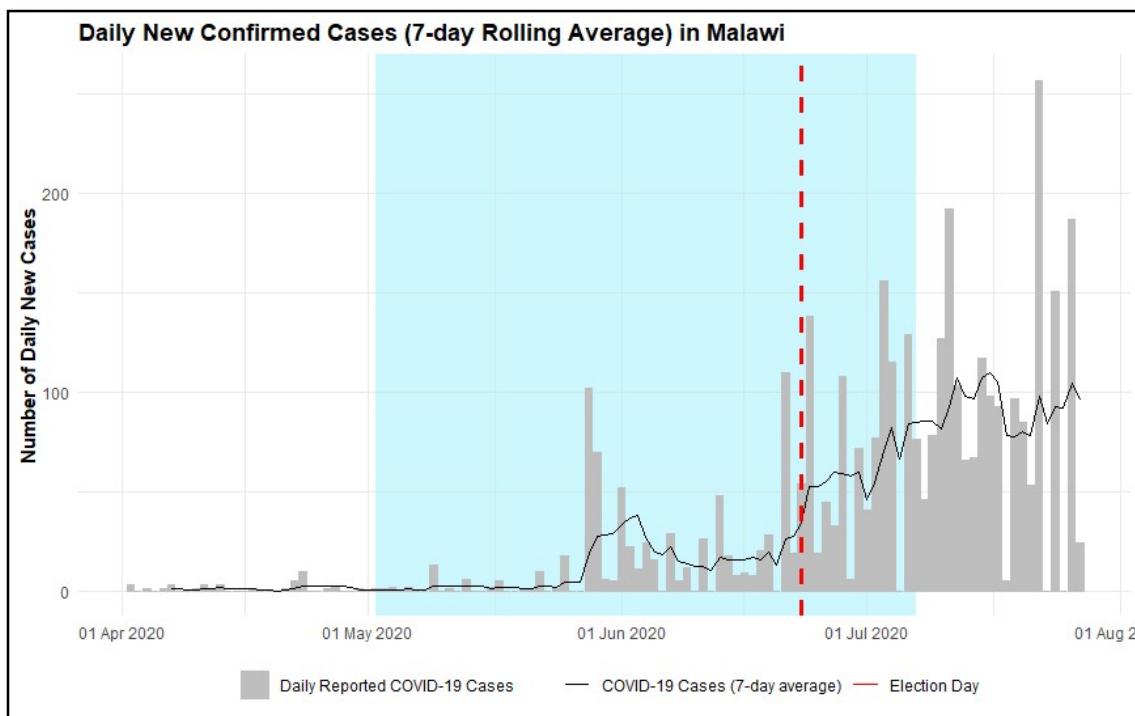
### India

India has been included in this set of graphical representations as an example of case study where the data would suggest *correlation* between the election period and the infection rate. EISA is not able or willing to draw any *causality* inferences between the two variables and is not able to offer any insight into measures taken to mitigate the spread of the novel coronavirus or shortcomings. By comparison, the other graphics represented here suggest minimal if any correlation between election periods and the infection rate.



### **Malawi**

Malawi held a historic re-run of its 2019 elections after the Constitutional Court overturned the 2019 results and ordered the election be re-held. Malawi originally scheduled this election for 19 May 2020, and postponed it first to 2 July 2020, before settling on 23 June 2020 as the election date. The result of the election, which overturned the 2019 announcement in favour of opposition candidate Lazarus Chakwera, was made on 27 June 2020. 4,445,699 voters cast their ballots in the 2020 re-run (Malawi Electoral Commission, 2020). Although international observation was not possible in Malawi during this period, as much of southern Africa had closed international borders or severely limited travel, indications from local groups and media indicated that during the campaign period, very few health precautions were adopted during campaign rallies and gatherings, which often included large crowds standing shoulder to shoulder (Brown & Chinele, 2020). Optional wash basins and soap provided on the perimeter of political rallies were not used, and candidates often failed to encourage safe behaviours among their supporters during their speeches.





## Section 2: Current conditions for South Africa's Local Government Elections

---

Electoral processes are complex and require careful and considerable planning and preparation, particularly on the part of an EMB, in order to deliver on a mandate of inclusive and impartial elections to a country's citizens. Electoral processes can be understood as part of an electoral cycle, with lessons drawn from past elections informing adjustments to future preparations. These preparations often begin more than 36 months ahead of an election, first and foremost by the EMB, but also other state institutions and political stakeholders. Preparations for the 2021 South African Local Government Elections have also had to adapt to comply with various orders from the country's courts, including a landmark judgement by the Electoral Court on Tlokwe By-Elections in 2016. This judgement required the Commission to ensure that all registered voters' physical addresses are captured in the voters roll in order to ensure that a voter is casting their ballot in the correct ward and constituency. The 2021 local government elections represent the first countrywide local government elections where this voter's roll must be fully populated with voter addresses. Due to the introduction of Level 5 lockdown measures by South Africa's National Command Council in March 2020, ordinary operations were almost completely suspended, including operations by the IEC such as by-elections and ongoing voter registration drives, as well as preparations for the 2021 elections.

The IEC has stated repeatedly that they are ready to hold the local government elections if they go ahead in October 2021 as scheduled. The IEC has indicated its preparedness to conduct the October polls as planned, so the issue of continuing with the election is therefore not of a technical nature, with the main issue being the weighing of upholding democratic election principles against medical-health practice and guidance available at this time.

In accordance with the Local Government: Municipal Structures Act No. 117 of 1998 'the term of municipal councils is no more than 5 years and elections of all municipal councils 'must be held within 90 days of the date of expiry of the term of municipal councils' (SA Government, 1999: 34). This would mean that November 2021 would be the furthest local elections could be postponed without contravening existing legislation, including the constitution. Thus, from a legal standpoint the elections must go on. Not only because current laws in South Africa requires it, but also because elections form the cornerstone of democracy and their postponement would set a bad precedent (Matlosa, 2021: 2). Any postponement of local elections would 'set a bad, undemocratic and authoritarian precedent' and prolong an illegitimate government (Fakir, 2021).

The Economic Freedom Fighters (EFF) believe proceeding with elections would deny the opposition parties an opportunity to effectively campaign for elections in a free and fair manner and would consequently be undemocratic therefore a postponement until 2024 is required (Brandt, 2021). As a matter of principle, an open campaign environment promotes the rights of voters to make an informed choice at the ballot box. Precautions against the spread of COVID-19 however, will likely place necessary restrictions on the ordinary activities permissible during campaigning, which while regrettable can be justified from a health perspective. As long as any restrictions on campaigning are applied universally to all competing political parties, and are reasonable in their scope and severity, there is enough evidence from other country experiences to justify this limitation without negatively impacting on the fairness of the elections.



Additionally, there exists no mechanism – particularly a constitutional mechanism – that allows for the postponement of an election, meaning that a constitutional amendment would be necessary to create a legal framework for the suspension of local elections (Gerber, 2021). To this end, the Inkatha Freedom Party (IFP) suggest that a shorter postponement – until May 2022 – would ensure a constitutional amendment would not be required but instead parliament can pass a resolution postponing the election (Merten, 2021). Such a proposal could be a ‘workable solution’ according to Ebrahim Fakir (Lepule, 2021). By invoking a doctrine of necessity, the elections could be postponed by six-eight months, provided an agreement between the Independent Electoral Commission (IEC) and parliament can be reached where they set out the ‘rationale, the period for the transitional mechanism, the time limits’ and ‘a potential date for the elections’ (Fakir, 2021). Another option to consider is merging the local elections with the national and provincial elections in 2024. However, this option would also require a constitutional amendment. By merging local elections with national and provincial elections some believe we risk weakening the participatory nature of South Africa’s democracy as the national and provincial level will likely take more importance ahead of issues on a local level, which could render local elections ‘meaningless’ (Grotes, 2020).

While proceeding with elections clearly carries some risks from a health perspective, postponements to elections should wherever possible be avoided. Country experiences where polls were postponed or delayed suggest that once the decision to delay an election is made based on health and safety considerations, it becomes challenging to justify those conditions have improved later to the extent that the elections are now justified. This can and has lead to continuous and protracted delays and further postponements to elections, as has been the case in countries like Ethiopia, where elections have been delayed/postponed on 3 separate occasions (from an original planned May 2020 date to the upcoming 21 June 2021 polls), even after a situational analysis was conducted in November 2020 which indicated that conditions had improved and the election should continue. The impact of protracted delays and unanticipated postponements to electoral processes are often difficult to anticipate, but disruptions to periodic elections can lead to heightened tensions within communities, disaffection with the electoral process (voter turnout), and in severe cases even protests and violence. Ultimately, the decision to delay, postpone or merge elections is in the control of both parliament and the IEC, however, the issue of COVID-19 is something that is out of both organisations’ hands and cannot be controlled (Gilili, 2021). The risk of “wait-and-see” approaches to elections suggest that this is an option that should only be considered under extreme circumstances, and with clear limitations to the waiting period.

## Recommendations

1. The IEC must ensure that any decision taken considers both the political and health rights of voters.
2. The IEC and Parliament should be mindful of the risks associated with postponing or delaying elections at the same time as considerations of health risks posed by the COVID-19 pandemic. Evidence from other countries suggests that a first postponement can more easily lead to subsequent further postponements and elevated levels of uncertainty and constitutional incongruence.



## Section 3: Potential impact of health restrictions on political activity prior to the Local Government Elections

Between the commissioning of this report by Justice Dikgang Moseneke and the gazetted date for the Local Government Elections, there are three key political activities that will take place.

1. Voter registration weekend: 17-18 July 2021;
2. Campaign period for political parties; and
3. Civic and voter education.

Voter Registration for upcoming Local Government Elections will start on 17<sup>th</sup> - 18<sup>th</sup> July 2021 at 23,146 polling stations. New voters will be able to register and existing voters will verify and update their registration details. Also, first time voters and existing voters will be required to provide a full address or detailed description of a place of residence at the polling station ([elections.org.za](http://elections.org.za)). Experiences from other country voter registration campaigns indicates two key challenges, namely: (1) queue control and management at registration centres; and (2) the use of biometric voter information systems which require contact points (eg. Finger print scanners).

### **Recommended COVID-19 mitigation measures:**

- Deployment of 'COVID ambassadors' or officials tasked with monitoring and enforcing compliance with COVID health protocols;
- Temperature checks outside voter registration centres;
- Mandatory mask wearing for voters, PPE kits for EMB staff and officials;
- Use of alcoholic sanitiser hand wash;
- Queue management outside centres, and stipulated maximum numbers permitted inside centres; and
- Clear and transparent communication about procedures via media and on posters around registration centres.

*\*Recommendations are based on COVID\_19 mitigation measures employed during voter registration periods in other countries*

The political party campaign will follow the registration period. The campaign period plays a key communication role in a democracy, as it conveys electioneering messages, policies strategies of political parties to voters. Political parties in South Africa typically employ a mix of strategies for campaigning such as in-person campaigning (using door to door visits, izimbizo, community gatherings, car parades and rallies), as well as virtual and online campaigning including (telephone campaigning/cold calling, television, print and social media campaigning in platforms like Facebook, Twitter, and WhatsApp. In practice, political campaigning in South Africa has historically been predominantly in-person campaigning, particularly community-based gathering that attract a lot of people. Door-to-door campaigning is also a feature of local government campaigning for some political parties. EISA views the conduct and compliance of political parties and their supporters with prescribed health and safety practices as crucial to determining whether South African voters are protected against a rise in infections.



Fake news and misinformation have become a feature of the election period, with the use and abuse of social media in particular a fertile ground for sharing of false content. Usually, the campaign period has high proliferation of fake news and misinformation and combining this with the miss information around the existence of Covid-19 virus which may endanger citizens' trust in not only the electoral process but potentially in other national processes such as South Africa's vaccination roll out. EISA notes that there has also been extensive conversation both nationally and internationally regarding the sharing of "false facts" on COVID-19 which has prompted the South African government to introduce laws to curb this phenomenon. EISA believes that all stakeholders should be mindful of the fertile ground that both the pandemic and election periods represent for peddlers of misinformation and fake news and take the necessary precautions. These should include:

- Coordination of information put into the public domain between the IEC, National Command Council, the Department of Health, GCIS and other institutions which may communicate with the public about the election and COVID-19;
- Where possible, establish clear, consistent and transparent channels through which information can be shared with the media and the public, as well as refute false information being erroneously or maliciously peddled as fact;
- Engage the support of fact-checking organisations to support the work of the commission in debunking fake news and misinformation about the elections, COVID-19 and the voter.

## Recommendations

- The IEC and political parties should be mindful of the necessary balance between informing voters of their choices as well as protecting the health and livelihoods of all those who live in South Africa.
- The Political Party Code of Conduct should explicitly spell out the safety protocols required for all political parties during campaigning, and the IEC should give effect to both monitoring of compliance and mechanisms for censure for those parties that fail to comply as soon as possible.
- The IEC's voter education should focus on giving citizens accurate facts and information about the elections and should also encourage coordination between government department especially the department of health for effective and accurate information about COVID-19 pandemic.



## Section 4: Potential impact of health restrictions on the monitoring of the Local Government Elections

### Monitoring frameworks

The conduct of elections in South Africa has historically enjoyed the confidence of the electorate, political parties, and international community, with respect to the country's record of holding free and fair elections on a regular basis. South Africa has also been very open in terms of providing access for those interested in monitoring its electoral processes over the years. EISA based on its experience in monitoring and supporting electoral processes across Africa has gathered numerous best practices in creating a conducive environment for effective election monitoring.

- Accreditation requirements should be flexible to accommodate as many interest groups as possible. This is especially important in the context of municipal elections where there is a link between citizens and representatives is stronger and there is more emphasis on service delivery.
- Access to key electoral stakeholders and electoral activities has a huge bearing on the quality of election assessments that election monitors produce. Election monitors should be able to regularly consult with stakeholders and receive updates on electoral preparations, procedures and any other issues throughout the pre, election and post-election phases.
- Election monitors should also be free to deploy monitors across the country. Usually due to resource constraints it is best practice for observers to be allowed to move freely to different polling stations for maximum coverage.

In South Africa, local elections are primarily observed by local observers as opposed to international observers. In COVID-19 times, the norm is unlikely to change and will most likely be exacerbated by the fact that SA is currently facing its third wave of COVID-19, and most countries are advising against travel to South Africa. Therefore, the focus should be on putting in place measures that will allow local civil society groups to monitor the local elections easily, as these are the most likely groups to deploy monitors during the election period.

### Monitoring elections during COVID-19

During times of COVID-19, elections have proceeded on schedule in the interest of upholding democratic rights and obligations. Specifically in Africa, most countries except for Somalia and Ethiopia stuck to their electoral calendars as planned. Benin, Togo, Malawi, Benin, Egypt, Cote d'Ivoire, Seychelles, Tanzania and Uganda all held their respective elections in 2020. In each of these elections there were considerable limits in terms of obtaining accreditation and freedom of movement for election monitors due to the risk of COVID-19. Malawi stands out as a country that held elections that were considered a success despite the absence of international election observers. Tanzania and Uganda on the other hand were criticised due to similar administration approaches that made effective election monitoring difficult, for instance both countries imposed internet shutdowns on top of limits to public gatherings that had an impact on key activities such as campaigning and voter registration and voter education. In Uganda, donors that work closely in supporting civil society noted the challenge of international travel restrictions and also the added strain of imposed internet shutdown which impacted the flow of information during the election and immediate post-election period.



## Potential adjustments to consider

If South Africa does proceed with municipal elections as planned, the presence and findings of observer groups and monitors will provide both useful perspective on how well the electoral process was managed, as well as how effectively COVID-19 mitigation measures are implemented. The IEC should therefore encourage the deployment of observers, while at the same time providing clear and structured rules and guidelines for these groups to ensure that they comply with necessary health and safety protocols.

Municipal elections require voters to vote in the areas in which they reside and due to socio-economic conditions in the country people travel considerably in between their places of work and residence and there may be an increase in interprovincial travel for voters returning to dwelling outside of urban areas to cast their ballot.

EISA recommends that:

## Recommendations

- The IEC should investigate the viability of making rapid antigen covid testing available at polling stations for electoral staff, party agents, election monitors and IEC staff on voting day especially in wards that are known COVID-19 hotspots.
- There should also be dedicated “COVID-19 ambassadors” in each of the voting stations to enforce COVID-19 protocols (as was the case in Ghana). The IEC should also capitalise on special voting to reduce turnout at polling stations. This can be done by targeting the electorate either by age, priority, over 60s, pregnant women and persons living with disabilities to allow these voters to cast their votes prior to election day.
- The IEC should develop clear and practical protocols on how to deal with voters who present at a polling station on election day with a high temperature. The main principle is to ensure that voters are not turned away from a station entirely and are refused the option of casting a ballot due to a temperature reading, as this will undermine confidence in the inclusiveness of the process. Rather, practical measures to record and submit a voter’s ballot for counting need to be developed and communicated prior to the election day.
- Digital sensitisation campaigns should be launched early to ensure that people are aware of provisions that the IEC has introduced. In its 2016 EOM report, EISA reported that a lack of information about special voting application process and requirements was observable. The IEC may need to consider limiting the movement of election monitors to a limited number of stations to reduce the risk of infection and to make contact tracing easier in the post-election period.



## Section 5: Reflections on by-election experiences held since the beginning of the pandemic in March 2020

While it is necessary to consider the health risks holding an election might pose given the circumstances of the COVID-19 pandemic, it is also important to note the political ramifications pandemic containment measures may have on the electoral process. Experiences elsewhere on the African continent demonstrate that COVID-19 has created conditions that have worsened the state of insecurity in that country and sometimes the region at large.

Although there were postponements of by-elections in South Africa in 2020, necessitated by the nationwide lockdown announced by President Ramaphosa on 23 March 2020, the electoral commission has since held several by-elections. In total, the IEC has conducted four by-elections for 175 municipal wards since the announcement of a lockdown to mitigate the spread of COVID-19 in March 2020. In all instances, the IEC ensured that the necessary health protocols were observed, and caution was exercised in protecting IEC staff and voters.

Since the start of the Covid-19 pandemic, the IEC conducted by-elections in:

- 96 wards in November 2020;
- 24 wards in December 2020;
- 15 wards in April 2021; and
- 40 wards in May 2020.

As such, 175 municipal wards by-elections have taken place under a minimum of Alert Level 1 of the Disaster Management Act.

No issues were reported regarding COVID-19 during by-elections. The IEC have taken necessary precautionary measures to ensure that the elections do not become super spreader events. The commission upheld the necessary health protocols to curb the virus. These protocols included, strict social distancing practices both outside and inside voting stations, the mandatory wearing of masks over nose and mouth of all persons within the boundaries of the voting station, the application of hand sanitizers to all persons entering and exiting the voting station and the replacement of the traditional indelible ink marker pens with an indelible ink liquid, which was applied from a bottle to the thumb of voters using cotton buds, which were disposed after each use. These protocols were also provided for conducting home visits for those voters who are physically disabled or infirm.

### By-elections in other African states during COVID-19

Zimbabwe indefinitely postponed by-elections due to COVID-19 in October 2020. Even though, there has been the easing of the lockdown regulations, by-elections have not taken place since the initial announcement of postponement. Opposition parties have accused the 2<sup>nd</sup> Vice-President and Health Minister, Constantino Chiwenga, of using the pandemic as an excuse to leave parliamentary and municipal council seats vacant. This accusation is relevant as many of the currently vacant seats to be filled in by-elections were previously held by MDC-Alliance or other opposition candidates. As such, the deadlock between the government and civil society organizations over the holding of by-elections in Zimbabwe remains unresolved and is playing out in the courts. In response, several protests in urban areas by



opposition party supporters have highlighted the contradiction of postponing elections to prevent public gatherings fuelling other public gatherings.

In contrast to Zimbabwe's approach, Kenya suspended by-elections in April 2020, but resumed by-elections in for the county assembly and national assembly in December 2020. Containment measures were put in place such as wearing of masks, observation of social distance, washing of hands and fumigation of the polling centres. Special clerks were also deployed to ensure that no voter violates the safety measures at the polling stations. The IEBC issued a general caution to all candidates ahead of campaigning for the by-elections to adhere to Ministry of Health protocols. A curfew on campaigning – 7am to 6pm was implemented for the by-elections and enforced by the police. The IEBC acknowledged that such a curfew would likely have an impact on the performance and turnout at the by-elections, but still opted proceed.

At the start of the pandemic, considerable discussions went around in Ghana regarding the constitutional possibility of postponing the elections. However, neither the political parties nor the Electoral Commission (EC) felt there was a pressing need to do so, unlike in South Africa where political parties are divided on the postponement issue. Necessary precautionary actions were taken by EC in the form of; introduction of 5357 new polling stations with a maximum of 700 voters on the station register. In a case where the number exceeded 700, polling station was split into two. COVID-19 ambassadors were trained and deployed in polling stations to ensure the enforcement of social distancing, temperature reading, sanitization and wearing of masks.

## Recommendations

- The IEC should review the number of voters at polling stations to reduce the possibility of congestion and crowding in and around the station during elections.
- The IEC should, where possible, hire staff who have received vaccinations for COVID-19, and register those who have not as frontline workers to expedite their access to vaccinations, as these workers will be exposed to the highest risk of infection given their interactions with hundreds of voters. PPE should also be a part of voting station kits for all polling station staff.



## Section 6: Conclusion

---

EISA appreciates the opportunity to contribute to the important work of Justice Mosenke and his research team into the feasibility of conducting elections as planned in October 2021, as well as the importance of the work of the team. The competing rights of South Africans to both health and credible electoral processes need to be weighed with careful consideration and the team has a challenging task ahead of it.

Based on EISA's experience and observations of elections conducted during COVID-19 since March 2020, the Institute believes that while the IEC continues to express confidence in its ability to conduct the elections at a technical level, and all stakeholders demonstrate reasonable levels of caution and care during political activities in relation to the elections, the 2021 Local Government Elections can and should proceed as planned. There is already a large body of evidence to suggest that national elections can and have been conducted under all manner of conditions without unduly harming either the health or the political rights of a country's populace. This should not, however, be used as an excuse for stakeholders to become careless in their preparations and response to holding elections during the pandemic. Ultimately, the success or lack thereof in holding elections under COVID-19 conditions will be determined by stakeholder behaviours and compliance with safety guidelines.

EISA further cautions against a decision to postpone elections in the hope that conditions relating the COVID-19 virus will improve at a later stage. Experience from the African continent indicates that postponements to a planned election have often lead to further postponements and heightened uncertainty in the political space, which introduces its own set of risks. There is also no valid method for accurately predicting future conditions of the COVID-19 pandemic, and this makes any decision to postpone in hope of an improvement in conditions even less credible. It is also important to recognize that the current constitutional framework in South Africa does not describe the conditions under which a postponement is made, and that any decision to postpone elections therefore would require Parliamentary processes to normalize the matter. As different political parties have expressed opinions both for and against a postponement, it is also possible that any decision to postpone would trigger legal proceedings. Such scenarios have the potential to increase acrimony, misinformation, voter apathy, and in extreme cases even lead to protests and violence. The decision to postpone elections should therefore only be taken under conditions where all other reasonable alternatives have been exhausted first.

In the context of COVID-19 it is reasonable to focus on the potential risks posed by a mass event like a local government election campaign, however, EISA also wants to highlight some of the important benefits going ahead with elections provide. The IEC has been preparing for the 2021 local government elections on a timetable that anticipated elections within a specific window period. To this end, the IEC has undertaken electoral reforms and incorporate innovations into its planning for local government that would be to the benefit of all South Africans were the elections to go ahead. While postponement or delays would not necessarily harm these preparations, timing and planning are important when executing on new processes and the introduction of new voter ID devices. The efficacy of the IEC's updated voter register to include addresses also needs to be tested, and proceeding with the 2021 elections is the appropriate moment to do so.

Furthermore, additional benefits may accrue should the 2021 Local Government Elections proceed as planned. By valuing the importance of local government as a part of the state's mechanisms to deliver services to its citizens, proceeding with the 2021 polls emphasizes the importance of this form of



government. To reduce the importance of local government to a process that can be postponed, under any circumstances, implies that local government structures are somehow less important in South Africa than national and provincial structures. This perception is often reinforced by international observers, who tend to prioritize national elections over local government polls. For many South Africans, however, local government is ground zero for the types of services that most directly impact their lives, such as electrification, sanitation, and transport. Postponing elections deprives citizens of the opportunity to hold their local representatives accountable at a time of heightened concern about individual livelihoods, jobs and access to services. Elections provide an outlet for frustrations and an opportunity to renew or refresh mandates, while the alternate is to encourage various forms of protests – a form of political activity that poses as many health risks to protestors as elections, with additional potential risks included. Finally, holding successful and peaceful elections is always a morale boosting experience for a country and contributes meaningfully to a sense of nation building and common purpose. Well managed elections reaffirm nationhood, common purpose and collective achievement in a country's citizens and can strengthen efforts at other national tasks such as tackling COVID-19 or national vaccination rollouts. The task of balancing these positive elements of electoral processes alongside the risks of COVID-19 to South Africans is a precarious balancing act, and EISA reaffirms its support to the IEC and this task team in the important work they are doing to find that balance.



## References

---

- Agbele, F. and Saibu, G. 2021. *Managing Elections under COVID-19 Pandemic Conditions: The Case of Ghana*. International IDEA. <https://www.idea.int/sites/default/files/managing-elections-under-covid-19-pandemic-conditions-the-case-of-ghana.pdf>
- Brandt, K. 2021. EFF still wants local government elections postponed until 2024. <https://ewn.co.za/2021/03/30/eff-still-wants-local-government-elections-postponed-until-2024> Accessed: 6/6/2021
- British Broadcasting Corporation. 2020. "Coronavirus: Ivory Coast Protestors target testing centre". <https://www.bbc.com/news/world-africa-52189144>
- Brown, L. and Chinele, J. 2020. "Protect the vote, or the voter? In African elections, no choice is easy". Christian Science Monitor. <https://www.csmonitor.com/World/Africa/2020/0623/Protect-the-vote-or-the-voter-In-African-elections-no-easy-choice>
- Beja, P. & Mwakio, P. 2020. Why Msambweni by-election is acid test for the Big Three. <https://www.standardmedia.co.ke/politics/article/2001397320/why-msambweni-by-election-is-acid-test-for-the-big-three.html>
- Constitutional Court of Cote d'Ivoire. 2020. *Proclamation of Results of the Presidential Elections of 22 November 2020*. [https://www.conseil-constitutionnel.gov.bf/fileadmin/user\\_upload/decision\\_n\\_2020-011\\_cc\\_epf\\_portant\\_proclamation\\_des\\_resultats\\_definitifs\\_de\\_l\\_election\\_du\\_president\\_du\\_faso.pdf](https://www.conseil-constitutionnel.gov.bf/fileadmin/user_upload/decision_n_2020-011_cc_epf_portant_proclamation_des_resultats_definitifs_de_l_election_du_president_du_faso.pdf)
- Dube, G. 2020. Zimbabwe Suspends Party, Council By-Elections Citing COVID-19 Fears. <https://www.voazimbabwe.com/a/zimbabwe-suspends-byelections-covid-19-fears/5606969.html>
- Electoral Commission of South Africa. 2021. Electoral Commission announces dates for national voter registration weekend. <https://www.elections.org.za/pw/News-And-Media/News-List/News-Article/Electoral-Commission-announces-dates-for-national-voter-registrationweekend?a=AISDGvpz75ps1usOfX7oinDa04emVvdFy59AqnUIIE=> Accessed: 6/6/2021
- Electoral Commission of South Africa. (n.d.). Registering and Voting Safely During the COVID-19 Pandemic. <https://www.elections.org.za/ieconline/Documents/Registering%20and%20Voting%20Safely%20During%20the%20Covid-19%20Pandemic%20Factsheet.pdf> Accessed: 6/6/2021
- Fakir, E. 2021. 2021 Local Government Elections: to be or not to be? <https://www.polity.org.za/article/2021-local-government-elections-to-be-or-not-to-be-2021-03-30> Accessed: 5/6/2021
- Gerber, J. 2021. Constitution doesn't allow for postponement of elections – IEC tells Parliament. <https://www.news24.com/news24/SouthAfrica/News/constitution-doesnt-allow-for-postponement-of-elections-iec-tells-parliament-20210407> Accessed: 6/6/2021
- Ghana Web. 2020. "Electoral Commission revises disparities in presidential election results". <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/EC-revises-disparities-in-presidential-election-results-1130120>



Ghana Web. 2020. Election 2020: Over 3.5 million Ghanaians failed to vote. <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Election-2020-Over-3-5-million-Ghanaians-failed-to-vote-1130276> Accessed: 8/6/2021

Gilili, C. 2021. IEC says it is ready for election, but cautions it has no control over COVID-19 spikes. <https://mg.co.za/politics/2021-05-13-iec-says-it-is-ready-for-election-but-cautions-it-has-not-control-over-covid-19-spikes/> Accessed: 7/6/2021

Grootes, S. 2020. Merging elections would hurt South Africa's democracy – here's why. <https://www.dailymaverick.co.za/article/2020-06-08-merging-elections-would-hurt-south-africas-democracy-heres-why/> Accessed: 7/6/2021

Independent Electoral Commission (IEC) Dashboard. <https://www.elections.org.za/ByElectionsDashboard/>

Lepule, T. 2021. Debate on whether to host municipal elections heats up. <https://www.iol.co.za/weekend-argus/news/debate-on-whether-to-host-municipal-elections-heats-up-a523fc7c-ed80-4faf-90a1-e728951bd992> Accessed: 7/6/2021

Malawi Electoral Commission. 2020. *National Results*. <https://www.mec.org.mw/elections2020/>

Mathe, T. 2020. *IEC all set for 'super Wednesday' by-elections*. <https://mg.co.za/politics/2020-11-09-iec-all-set-for-super-wednesday-by-elections/>

Matlosa, K. 2021. Elections in Africa During Covid-19: The Tenuous Balance Between Democracy and Human Security. *Politikon*. Vol. 48:2

McCain, N. 2021. *Lockdown: 10 more by-elections postponed by Electoral Court due to Level 3 restrictions*. <https://www.news24.com/news24/SouthAfrica/News/lockdown-10-more-by-elections-postponed-by-electoral-court-due-to-level-3-restrictions-20210209>

Merten, M. 2021. IFP calls for resolution to delay 2021 municipal poll while, recess or not, Parliament remains on the go. <https://www.dailymaverick.co.za/article/2021-04-08-ifp-calls-for-resolution-to-delay-2021-municipal-poll-while-recess-or-not-parliament-remains-on-the-go/> Accessed: 5/6/2021

Mushonga, M. 2021. *Zimbabwe: No End in Sight to Zimbabwe Elections Standoff*. <https://allafrica.com/stories/202105260634.html>

Nugent, P. Asiamah, G. Molony T. & Selormey T. 2021. *COVID-19 and Ghana's 2020 Elections*. <https://aecp.sps.ed.ac.uk/wp-content/uploads/2021/03/COVID-19-and-Ghanas-2020-Elections.pdf>

SA Government. 1999. Local Government: Municipal Structures Act [No. 117 of 1998]. [https://www.gov.za/sites/default/files/gcis\\_document/201409/a117-980.pdf](https://www.gov.za/sites/default/files/gcis_document/201409/a117-980.pdf) Accessed 6/6/2021

SA News. 2020. *All system go for by-elections*. <https://www.sanews.gov.za/south-africa/all-system-go-elections>