



Dear Deputy Chief Justice Moseneke,

We wish to thank you for availing yourself to lead this important inquiry to investigate whether it will be suitable to hold free and fair elections during the Covid-19 pandemic. We support your appointment and confirm our commitment to participating therein, by responding as follows:

*Should the Local Government Elections be held on 27 October 2021?
The ACDP says Yes.*

The ACDP has always supported the idea of the local government elections being held this year and we welcomed the recent announcement made by President Ramaphosa that the election date will be the 27th of October, 2021.

To this extent, the views we have expressed in recent NPLC meetings and that are accurately recorded and availed to you, remain unchanged.

1. The ACDP remains opposed to postponing the local government elections to an indefinite 'later date', because, firstly, this would require a constitutional amendment, and secondly, that one postponement could well lead to further postponement/s. Furthermore, we fear that an indefinite postponement would create confusion and uncertainty for voters, political parties and the IEC.

Certainty of the election date is a fundamental pillar when assessing whether an election is free and fair or not. In this respect, we were disheartened to hear in a recent NPLC meeting, that a postponement can be called at any point after proclamation, even up to the evening before 27 October.

In the case of one or more indefinite postponements, we believe that the electorate's confidence and participation in the key democratic process of voting would be undermined, potentially worsening the already low voter turn-out statistics published by the IEC (73% voter turn-out in 2014 and 66% in 2019. Compared to 57.6% in 2011 and 57.9% in 2016).

In fact, in 2019 the IEC reported that *"The 2019 Voter Participation Survey further shows that, even though South Africans exhibit relatively strong support for democracy and have a resolute attachment to a range of core democratic principles, especially free and fair elections, they tend to do the following:*

- a. *Demonstrate increasing concern about the functioning of democracy.*
- b. *Feel that democratic performance falls short of the ideal in relation to issues such as electoral accountability and citizen engagement.*



- c. Vest relatively low confidence in notable political institutions such as national and local government, Parliament and political parties.
 - d. Be critical of the current political leadership." (Our underlined emphasis added).
2. We are opposed to holding this local government election in 2024 and thereby effectively merging it with the National General Elections, as we fear that the numerous ballots presented to voters would cause confusion among the electorate and would most certainly require sufficient voter education to deal with this change. The entire aim of separating local elections from national general elections, is to keep local elections, local. A merging of the two would only serve to 'nationalise' the local elections far more so than they already have been, where correct questions about whether to vote for local ward candidate A or B in the local election are being superseded by whether to vote for party leader A or B. A local election should remain about local representivity primarily. We fear that voters would either not care to distinguish, or find impossible to distinguish in a merged 'super election' in 2024.
3. The ACDP is aware that the vast majority of our municipalities are failing at the basic level of service delivery, financial management, transparency, accountability and numerous other governance metrics. Residents should not have to wait another three years to remove those elected public representatives who are corrupt and have been stealing or misspending ratepayers hard earned cash. It must be remembered that only 20 of 278 municipalities obtained clean audits in the last financial year. This is not atypical. In fact it is worsening year on year.

Postponing the local government elections would give those involved in maladministration, irregular and wasteful expenditure, and corruption, another three years to plunder. Clearly, if the report of the Auditor-General is anything to go by, the majority of our Municipalities are in dire-straits, with most no longer considered to be financially viable or stable due to years of corruption, fraud, maladministration, irregular and fruitless and wasteful expenditure, etcetera.

4. Recent scientific studies suggest that SARS-CoV-2, the novel coronavirus causing COVID-19, could be more pervasive in colder rather than warmer climes, pointing to an increase in cases during our winter followed by a reduction in



5. cases during our summer.

We quote an article extract from one such study here: *"Our results are consistent with the hypothesis that heat and sunlight reduce the spread of SARS-CoV-2 and the prevalence of COVID-19," according to the authors, from the Heidelberg Institute of Global Health in Germany and the Chinese Academy of Medical Sciences in Beijing. The findings also mean that "the threat of epidemic resurgence may increase during winter," as was seen in many countries in the Northern Hemisphere in December 2020 and January 2021, they said.*

<https://www.livescience.com/climate-covid-19-seasonal-spread.html>

Late October is summer in South Africa, so we believe that fears of yet another significant wave of infections severely disrupting the local government elections on 27 October, are not cognisant of such recent scientific studies, and therefore misplaced.

6. The holding of mass rallies, albeit quite a spectacle in our political campaigning landscape, are not the only or even the primary campaign element for political parties, and so the holding of mass rallies in campaigning, or not, does not solely define whether an entire election is free and fair, or not. As with all other institutions, political parties have had to adjust their campaigning methodologies in the lead up to recent By-Elections and in the early stages of this campaign.

The same approach should continue for the duration of this campaign.

In fact, it can be argued that mass rallies, that are only really held by the big political parties with their massive financial resources, unfairly influence voter perceptions against smaller political parties who cannot afford to pay the exorbitant costs associated with such events. The media perpetuates this perception by comparing mass rallies in size and spectacle, and criticises smaller parties for not following suit, as if we don't want to - forgetting or ignoring that any party with those financial resources can also bus in thousands of 'supporters', pay for their t-shirts and refreshments, the sound, back screens, lighting, cakes and fireworks.

Perhaps the biggest and most positive impact of the current Covid-19 disaster regulations on political party activities, is that it has levelled the playing field, making this campaigning period far more fair than before.



7. The IEC has successfully held numerous By-Elections around South Africa since late 2020. These were simultaneously a test of the IEC's "*Voting in the time of covid-19: Voting procedures to minimise contagion at voting stations*" provisions, a test of the willingness of political parties to register to contest these vacancies and their ability to comply with these provisions, and a test of how voter participation may be impacted.

The results from these By-Elections show that the IEC's provisions were sufficient to not impact political party participation or voter turn-out. They were executed well by the IEC, and easily understood and complied with by IEC staff, voters and political parties alike.

The challenge is for the IEC to replicate these provisions across all voting stations on voting day in October 2021. The IEC has consistently demonstrated its ability to execute elections successfully. The ACDP has confidence that the IEC, with sufficient budget and having indicated its readiness for 27 October 2021, will be able to successfully execute the local government elections on 27 October.

Moreover, participating political parties have adapted their campaigns according to the prevailing disaster regulations and alert levels, and have accepted the results thereof without raising complaints about a lack of freeness or fairness. Few, if any, appear to have used the existence of Covid-19 as a reason for their non-participation in these By-Elections.

8. The ACDP supports in-principle, the introduction of additional special voting days leading up to Wednesday 27 October, to the extent that they will help reduce voter congestion at voting stations on that day. However, the finer details of such a step, specifically relating to the securing of ballot boxes and ballots over these additional days, will have to be convincing before we support this step. Other secure ways of reducing voter congestion on election day need to also be explored.

In conclusion, the ACDP believes that the local government elections should be held on 27 October 2021.

We moderate this position with a strict and clear proviso that only if obviously compelling and potentially disastrous and unprecedented Covid-19 circumstances demand, a once-off postponement to later this coming summer (Feb/March 2022) may be declared, but done so well ahead of time.

Ends/