

My Vote Counts

Submission to the Inquiry into Ensuring Free and Fair Local Government Elections during Covid-19 18 June 2021

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Introduction

My Vote Counts NPC (MVC) is a non-profit company founded in 2012 to improve the accountability, transparency and inclusiveness of elections and politics in the Republic of South Africa. We work to ensure that the political and electoral systems are open, fair and accountable to the public and that they remain relevant in the changing South African socio-political context.

MVC aims to achieve its objectives through systemic and structural change by campaigning for the amendment or introduction of legislation and other regulatory measures; creating platforms which unite citizens and organisations in finding democratic solutions to the challenges of our time, with a particular focus on civic, legal and political education; and serve as an information sharing platform to allow for the public to make political choices from a more informed position.

Covid-19 has changed the electoral landscape insofar as the scheduling of elections is concerned. This has led to concerns around the holding of safe elections during the pandemic. This proposal provides points to be considered by the Inquiry. MVC is grateful for the opportunity to make a submission to the Inquiry.

Background

The outbreak of the Covid-19 pandemic has fundamentally changed the way elections have and will be conducted worldwide, and South Africa is no exception. In response to the pandemic and the implementation of lockdown to prevent the spread, the Electoral Commission (IEC) approached the Electoral Court. The Electoral Court ruled that the by-elections be postponed to a later date despite the infringement to the 90 days legislated period for the filling of councillor vacancies. The Electoral Court did so by granting the IEC an extension beyond the window-period for by-elections that were affected by Covid-19. All the scheduled by-elections and associated activities including voter registration were postponed.

These events led to debates around the postponement of local government elections and even the synchronisation of elections. As municipal by-elections got postponed due to Covid-19, some political parties called for the postponement of the local government elections citing that going ahead with the election during a pandemic could interfere with the electoral process —

including the way political parties develop their election campaigns and the demarcation of wards.

When our understanding of the virus improved and lockdown conditions allowed for political parties to campaign, voter registration and by-elections resumed with preventative measures such as bringing your own pens and being marked with fresh ink. And most recently, the President announced the date for the 2021 local government elections although the date has not been proclaimed.

Local Government Election Trends

Elections are a key feature of democracy and local government is the focal point of service delivery and the closest sphere of government to the people. Historically, local government elections have been characterised by protests triggered by service delivery, dysfunctional municipalities and lack of accountability of elected representatives. Most recently, issues of corruption, healthcare, poverty and unemployment have become prominent marks of local government elections.

Local elections are in some ways more logistically challenging than other elections. In the general elections, there are two types of elections, namely national and provincial. In municipal elections, there are ward elections, metropolitan council elections, local council elections and district council elections.

Municipal elections generally experience lower levels of voter participation than other elections. With the Covid-19 pandemic and safety regulations thereof, the biggest concern is how will the pandemic affect voter turnout, the demand for special voting as well as the ability for political campaigning. These and other related factors can make the delivery of free and fair elections in the context of Covid-19 challenging.

The Electoral landscape during Covid-19

Protective measures were employed for elections that were held during the pandemic in Benin, Cameroon, Guinea, Mali, Burundi and Malawi. These measures included deep cleaning of voting stations before, during and after voting; mandatory use of masks and gloves for election officials; temperature checks at voting stations; provision of handwashing facilities and sanitizers for voters at polling stations; social distancing; and restrictions on number of persons present per booth during voting, and voting was done in centralised locations.

Elections took place in Burkina Faso, Côte d'Ivoire, Egypt, Guinea (presidential), Liberia, Niger, Seychelles and Tanzania, Chad, Central African Republic (CAR), Gabon, Somaliland.

In Nigeria, Tunisia, Zimbabwe, Gambia, and Kenya several local elections were postponed as well as national elections in Ethiopia. However, elections in Kenya, Ethiopia and Somalia have now been rescheduled.

Elections during a pandemic present a plethora of challenges. Elections become opportunities for the spread of the virus. Even though protective measures were employed in elections held during the pandemic in Benin, Cameroon, Guinea, Mali, Burundi and Malawi, there were reports of further contagion during the election period in Guinea, Cameroon and Mali. In each of the aforementioned countries, the cases of coronavirus started to grow rapidly in the weeks after the elections ([Worldmeter](#)).

Voter turnout for the Guinea and Mali elections were low in comparison to past elections. In Guinea, voter turnout was lower than in the 2015 election. In Mali, voter turnout for the first round election dropped in the second round of elections. Cases in each country increased after the elections.

Can we hold safe elections?

It is difficult to determine, given the number of factors involved, whether holding elections have increased coronavirus cases. A few countries experienced an increased number of Covid-19 cases in the weeks after their elections, though other actions, such as broader reopenings and easing of restrictions, could have been responsible.

Nonetheless, [experts](#) say holding elections so far have shown that the risk of transmission in voting decreases if officials enforce social distancing, require mask wearing, increase ventilation, and sanitize surfaces, among other measures.

A number of countries have demonstrated that safe voting during Covid-19 is possible. Germany and USA introduced postal voting for sub-national elections to allow for elections to take place during the pandemic.

While South Africa's infrastructure may not support postal and mail voting, other special voting alternatives could be considered. The IEC already has special voting for the elderly, disabled or pregnant, or registered voters that cannot vote at their voting station on election day. Special voting can be used as a safety measure that provides voters with alternative and possibly safer ways to vote. Moreover, special voting can mitigate the impact the spread of the virus may have on voter participation and the availability of election officials essential to managing voting stations. Such could be modified to reduce human contact between officials and voters in the safest possible way, whilst adhering to social distancing and good hygiene practices.

The election could be spread across a few days instead of one. This will minimize the number of people who vote at the same time and risk coronavirus transmission. Some countries increased the number of voting stations, recommended early voting and extended voting hours on election day.

What are the biggest concerns?

One of the biggest concerns is that holding elections during a pandemic could result in lower voter turnout. If relevant stakeholders do not communicate Covid-19-related restrictions and linked electoral changes to the general public, many might skip voting out of fear they will contract the virus or out of confusion about where and how to vote. South Africa is particularly vulnerable to the pandemic. With an already stressed healthcare system, high incidence rates of HIV and tuberculosis, people may consider a cost-benefit analysis of whether participating in the electoral process is worth risking their health.

Another concern is that the cancellation of in-person voter registration and associated activities could mean that some communities, particularly those without internet access, are not registered. Introduction of electoral changes without building consensus with stakeholders can have a negative impact on democracy. The inability of political parties and independent candidates to campaign means that people are not exposed to different views and this could likely benefit bigger parties because they are well resourced to reach more voters in different ways.

Conclusion

Elections during a pandemic present a plethora of challenges to the electoral process. In order to ensure that elections are free and fair, officials need to balance the tension between public health, constitutional considerations, social considerations and limitations on the ability of political parties and independent candidates to campaign.. Inadequate service delivery and the dysfunctionality of many municipalities makes Local Government Elections particularly important as it gives people some power to to hold elected representatives to account..

As such, any postponement of elections can trigger a myriad of reactions from voters including the potential for protest, undermining of faith and trust in government, and voter apathy. There is already a growing voter apathy and a postponement will worsen the situation, thus impacting the credibility of elections and possibly South Africa's democratic process, especially since there is no legislative framework to guide the conditions under which a postponement is made. A large number of countries have gone ahead with elections and South African can learn from some of those experiences including our own recent by-elections. Based on empirical evidence on the feasibility of elections during a pandemic and the importance of exercising this fundamental element of democracy, there is still a likelihood of holding elections that can be free and fair.

