



How does COVID-19 affect electoral participation? Evidence from the previous municipal by-elections 2021.

The Congress of the People resolve that:

Whereas the coronavirus pandemic (COVID-19) not only threatens the health of the population, and major sections of the economy, it also challenges elections throughout the democratic world. The fear of becoming infected with the virus may cause selective participation, where a non-negligible fraction of voters, particularly those with higher health risks (such as elderly and vulnerable voters), may abstain from voting unless special provisions are made available.

Whereas further selective participation may lead to reduced legitimacy of elected representatives and open the door to controversies, and may eventually trigger social and political polarization and conflicts.

Having considered this new normal developments and the empirical evidence for the consequences of COVID-19 for electoral participation.

Having scrutinize the 2021 local by-elections which were organized and held in South Africa during the coronavirus pandemic. These by-elections, were held throughout the country to fill vacancies occasioned by various reasons including the untimely death of victims of the Covid19 pandemic. South African citizens were invited to cast their ballots on more than three occasions during 2021.

Also having noted in comparison, the turnout rate in the previous elections in 2016 against the 2021 by election turnout. The variation in turnout and participation at this important by election is surprising for two reasons.

First, municipal elections are the second most popular elections at the local level in South Africa, just after the national election. Secondly, councillors, elected in the wake of the municipal by elections, are the most popular elected officials in South Africa (see for instance the social media trends on by election councillors).

Despite the challenges posed by COVID-19, the party decide and maintain the elections must proceed. At the same time, recommend that elderly and vulnerable people (i.e. those who suffer from chronic diseases such as respiratory troubles, or are impaired including the infected) should be considered for special vote registration.

In this paper, we show that during this major pandemic, in-person voting was characterized by substantially improved turnout rates. More importantly, we show that the ongoing COVID-19 sanitary crisis, which in France started in early March 2020, reduced electoral participation in the first round of the municipal elections, particularly in areas close to the main COVID-19 clusters, in municipalities with a higher fraction of people at higher risk to develop severe forms of COVID-19.

Reaffirming the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which establish that **the authority to govern shall be based on the will of the people as expressed in periodic and genuine elections,**

Acknowledging and endorsing the fundamental principles relating **to periodic free and fair elections** that have been recognized by our country constitution founding principles and bill of rights instruments, including the right of everyone to take part in the local government of his or her area directly or indirectly through freely chosen representatives, to vote in such elections by secret ballot, to have an equal opportunity to become a candidate for election, and to put forward his or her political views, individually or in association with others,

Conscious of the fact that South Africa has the sovereign right, in accordance with the will of its people, freely to choose and develop its own political, social, economic and cultural systems without interference by other countries in strict conformity with the United Nations Charter,

Wishing to promote the establishment of democratic, pluralist systems of representative local government throughout the country,

Recognizing that the establishment and strengthening of democratic processes and institutions is the common responsibility of local government, the electorate and organized political parties, that periodic and genuine elections are a necessary and indispensable element of sustained efforts to protect the rights and interests of the governed and that, as a matter of practical experience, the right of everyone to take part in the local government of his or her area is a crucial factor in the effective enjoyment by all of human rights and fundamental freedoms,

Welcoming the expanding role of the Independent Electoral Commission, the Justice Dikgang Moseneke inquiry, National Party liaison Committee and parliamentary assemblies, and international and national non-governmental organizations in providing electoral assistance at the request of IEC to review the upcoming Local Government Election, How may COVID-19 affect electoral participation?

Therefore adopts the following Declaration on Free and fair Elections, and *urges* IEC and Councillors throughout the country to be guided by the principles and standards set out therein:

1. Free and Fair Elections

In South Africa the authority of the local government **can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage.**

2. Voting and Elections Rights

- (1) Every adult citizen has the right to vote in elections, on a non-discriminatory basis.
- (2) Every adult citizen has the right to access to an effective, impartial and non-unfair discriminatory procedure for the registration of voters.
- (3) No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the country's obligations under the constitution and international law.
- (4) Every individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.
- (5) Every voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote.
- (6) Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others.
- (7) The right to vote in secret is absolute and shall not be restricted in any manner whatsoever.

3. Candidature, Party and Campaign Rights and Responsibilities

- (1) Everyone has the right to take part in the local government of their area and shall have an equal opportunity to become a candidate for election. The criteria for participation in local government shall be determined in accordance with constitution and law and shall not be inconsistent with the Republic's international obligations.
- (2) Everyone has the right to join, or together with others to establish, a political party or organization for the purpose of competing in an election.
- (3) Everyone individually and together with others has the right:
 - To express political opinions without interference;
 - To seek, receive and impart information and to make an informed choice;
 - **To move freely within the country in order to campaign for election;**
 - To campaign on an equal basis with other political parties, including the parties forming the existing government.
- (4) Every candidate for election and every political party shall have an equal opportunity of access to the media, particularly the mass communications media, in order to put forward their political views.
- (5) The right of candidates to security with respect to their lives and property shall be recognized and protected.
- (6) Every individual and every political party has the right to the protection of the law and to a remedy for violation of political and electoral rights.
- (7) The above rights may only be subject to such restrictions of an exceptional nature which are in accordance with law and reasonably necessary in a democratic society in the interests of national security or public order, the protection of public health or morals or the protection of the rights and freedoms of others and provided they are consistent with South Africa's obligations under international law. Permissible restrictions on candidature, the creation and activity of political parties and campaign rights shall not be applied so as to violate the principle of non-discrimination on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

- (8) Every individual or political party whose candidature, party or campaign rights are denied or restricted shall be entitled to appeal to a jurisdiction competent to review such decisions and to correct errors promptly and effectively.
- (9) Candidature, party and campaign rights carry responsibilities to the community. In particular, no candidate or political party shall engage in violence.
- (10) Every candidate and political party competing in an election shall respect the rights and freedoms of others.
- (11) Every candidate and political party competing in an election shall accept the outcome of a free and fair election.

4. The Rights and Responsibilities of IEC

- (1) IEC should take the necessary legislative steps and other measures, in accordance with constitutional processes, to guarantee the rights and institutional framework for periodic and genuine, free and fair elections, in accordance with its obligations under international law. In particular, IEC should:
 - Establish an effective, impartial and non-discriminatory procedure for the registration of voters;
 - Establish clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such provisions are applied without distinction of any kind;
 - Provide for the formation and free functioning of political parties, possibly regulate the funding of political parties and electoral campaigns, ensure the separation of party and State, and establish the conditions for competition in legislative elections on an equitable basis;
 - Initiate or facilitate national programmes of civic education, to ensure that the population are familiar with election procedures and issues;
- (2) In addition, IEC should take the necessary policy and institutional steps to ensure the progressive achievement and consolidation of democratic goals. In so doing, they should, among other matters:
 - Ensure that those responsible for the various aspects of the election are trained and act impartially, and that coherent voting procedures are established and made known to the voting public;

- Ensure the registration of voters, updating of electoral rolls and balloting procedures, with the assistance of national and international observers as appropriate;
- Encourage parties, candidates and the media to accept and adopt a Code of Conduct to govern the election campaign and the polling period;
- Ensure the integrity of the ballot through appropriate measures to prevent multiple voting or voting by those not entitled thereto;
- Ensure the integrity of the process for counting votes.

(3) IEC must urge Government to respect and ensure the human rights of all individuals within the republic. In time of elections, the government and its organs should therefore ensure:

- **That freedom of movement, assembly, association and expression are respected, particularly in the context of political rallies and meetings;**
- That parties and candidates are free to communicate their views to the electorate, and that they enjoy equality of access to State and public-service media;
- That the necessary steps are taken to guarantee non-partisan coverage in State and public-service media.

(4) In order that elections shall be fair, IEC should take the necessary measures to ensure that parties and candidates enjoy reasonable opportunities to present their electoral platform.

(5) IEC should take all necessary and appropriate measures to ensure that the principle of the secret ballot is respected, and that voters are able to cast their ballots freely, without fear or intimidation.

(6) Furthermore, IEC authorities should ensure that the ballot is conducted so as to avoid fraud or other illegality, that the security and the integrity of the process is maintained, and that ballot counting is undertaken by trained personnel, subject to monitoring and/or impartial verification.

(7) IEC should take all necessary and appropriate measures to ensure the transparency of the entire electoral process including, for example, through the presence of party agents and duly accredited observers.

(8) IEC should take the necessary measures to ensure that parties, candidates and supporters enjoy equal security, and that State authorities take the necessary steps to prevent electoral violence.

- (9) IEC should ensure that violations of human rights and complaints relating to the electoral process are determined promptly within the timeframe of the electoral process and effectively by an independent and impartial authority, such as an electoral court.

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